SENATE—*Thursday, February 10, 1994*

(Legislative day of Tuesday, January 25, 1994)

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

PRAYER

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

Let us pray:

In a moment of silence, let us pray for Official Reporter Frank Smonskey, who is in serious condition in the hospital.

For my thoughts are not your thoughts, neither are your ways my ways, saith the Lord. For as the heavens are higher than the earth, so are my ways higher than your ways, and my thoughts than your thoughts.—Isaiah 55:8, 9.

God of Abraham, Isaac and Israel, the prophet Isaiah reminds us how upside down we can be in terms of Your wisdom and ways. We transpose values, making absolutes relative and relatives absolute; we call evil good and good evil. Each becomes a final authority when it comes to morality. Then we wonder, Why cultural decay? Why social disorder?

Patient Father, awaken us to the need for absolute truth—to the Divine Standards given on Mount Sinai. Give us grace to measure our lives against Your thoughts, Your ways. Turn our hearts and our minds to Thee, and visit our Nation with a mighty spiritual and moral awakening.

We pray in His name who died that we might live. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 10, 1994.

To the Senate:

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

ROBERT C. BYRD,
President pro tempore.

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for not to extend beyond the hour of 10 a.m., with Senators permitted to speak therein for not to exceed 5 minutes each.

SCHEDULE

The ACTING PRESIDENT pro tempore. Under the previous order, the time between 9 and 9:30 a.m. shall be under the control of the Republican leader or his designee. Under the previous order, the time between 9:30 and 10 a.m. shall be under the control of the majority leader or his designee.

COLUMBIA RIVER FEDERAL HYDROPOWER SYSTEM

Mr. GORTON. Mr. President, late yesterday afternoon, the National Marine Fisheries Service [NMFS] briefed Congress on the outcome of its consultations with other agencies regarding the operation of the Columbia River Federal Hydropower System. These consultations are required under section 7 of the Endangered Species Act, and result in a biological opinion that determines whether the operation of Federal dams will jeopardize the continued existence of endangered salmon and other species.

This announcement has been much anticipated in the Northwest, as the biological opinion could govern Columbia River operations for the next 5 years. The stakes for individual ratepayers, energy-intensive industries, farmers, boaters, and fishermen are enormous.

Two weeks ago, Senator CRAIG and I took to the Senate floor to bring this issue to the attention of my colleagues, and to issue a strong warning to NMFS that real jobs and real people would be affected by its decisions. At that time there were indications that radical flow proposals were being advocated by NMFS—proposals that could cost Northwest ratepayers hundreds of millions of dollars per year and leave area reservoirs virtually dry.

The opinion that NMFS released yesterday is not as drastic as originally feared, but it will still result in additional costs to Northwest families and businesses. It also raises serious questions about how the Endangered Species Act works—or better yet, does not work.

Though it is a complex document, the crux of the opinion is that the agencies that operate the Columbia River hydro system and market its energy—the Corps of Engineers, the Bureau of Reclamation and the Bonneville Power Administration—will have to devote some 11.5 million acre feet of water to salmon enhancement. This represents a significant increase in flows over the 8.5 million acre feet called for in both the Northwest Power Planning Council's Strategy for Salmon and the recovery plan drafted by a NMFS-appointed recovery team.

For a variety of reasons, this persistent ratcheting-up of flow requirements is becoming difficult to justify.

First, there is very little science on the relationship between flows and salmon survival. No one doubts that a pristine, undammed river would produce more fish, but we do not have a pristine, undammed river. On the other hand, there is serious doubt as to whether additional water releases in the existing river system will have any measurable benefit for fish. Studies are currently being performed to explore this relationship, but these studies are incomplete.

Second, the biological opinion mandates flows well beyond those recommended in the recovery team's plan. The recovery team was itself picked by NMFS, and is comprised of fish biologists and other experts with extensive knowledge of the Columbia River system. Though the recovery team plan is not yet in final form, it is unlikely that its flow recommendations will be as high as those included in the biological opinion released yesterday. This disparity becomes even more glaring when one considers that the standard which the recovery team is trying to meet—recovery of the species—is by definition more exacting than the "no jeopardy" standard which NMFS must meet in its biological opinion. As Congressman DEFAZIO, of Oregon, noted the other day, "this is a very political biological opinion."

Finally, there is the issue of cost; the effect on people that is so often ignored in these matters. By the most conservative estimates, the opinion will increase the cost of Bonneville power by $40 million per year. This figure does not include the costs to other utilities with projects on the Columbia. These costs themselves come on top of the hundreds of millions of dollars per year in higher power costs which the people of the Northwest are already paying for fish and wildlife.

The opinion may also be the incremental cost that triggers the 10 per-

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

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cent interim rate adjustment clause included in Bonneville's last rate case. Such an increase would adversely impact all ratepayers, but would hit struggling, energy-intensive industries such as aluminum and pulp and paper especially hard. Irrigators in the Upper Snake River Basin will be affected by the opinion, and those who enjoy boating, fishing, and recreation on Federal reservoirs in Montana, Idaho, and Washington will also pay.

Mr. President, this means working families will feel the impacts of this decision the most—and for what? NMFS cannot identify the benefit to salmon. Bonneville certainly cannot. Rather, this decision seems designed to meet some undefined political agenda.

My agenda is clear, Mr. President—keep people working and do everything that is reasonable to restore wild salmon runs. The plan announced today does not follow this agenda, as it will hurt people, cost jobs, and do little, if anything, to help salmon. How is that progress?

The costs associated with the NMFS plan also represent resources that could be devoted to other salmon recovery measures with proven and identifiable benefits. Apparently, however, such programs are not such a high priority for NMFS when the agency must pay the costs itself. Just 2 days ago we got our first look at the President's budget. Most people in the Northwest were surprised to learn that funding for Lower Columbia hatcheries, Columbia River irrigation diversion screening, and a Columbia River salmon smolt program had all been cut. These are all programs with proven, identifiable benefits for fish, and small price tags in comparison to the flow measures contained in the biological opinion.

Mr. President, I have the greatest respect for the two individuals who were instrumental in developing this opinion. Randy Hardy has proven to be an extremely able Administrator of the Bonneville Power Administration, and Rollie Schmitten has certainly earned his recent promotion from NMFS Regional Director to Assistant Administrator of NOAA for fisheries. I have no doubt Mr. Hardy, Mr. Schmitten, and the other officials involved did the best they could to produce an opinion that can withstand the inevitable flood of lawsuits.

The problem instead lies with the statute under which these lawsuits will be filed. The Endangered Species Act provides little room for balance between the interests of humans and listed species. Listed species always get the benefit of any doubt. The act provides no means of rationally allocating limited resources for species protection, nor does it give those who will be affected by its enforcement any say in the section 7 consultation process.

Legislation I have introduced with Senator SHELBY would allow for greater balance between the needs of humans and other species. The bill would also change the section 7 process to allow customers of Federal agencies to participate in consultations. Each Federal agency would also be required to consider its obligations and responsibilities under other statutes, treaties, interstate compacts, and contractual agreements during consultations.

Unfortunately, it appears that neither the leadership in Congress nor the administration wish to take up the reauthorization of the Endangered Species Act this year. The administration is saying "we can make it work, give us a chance." To be honest, I don't think it can be done. The act is too inflexible, and places an extravagant premium on genetic diversity that we cannot afford.

But if the administration is serious about working within the existing act, it has one more opportunity to demonstrate that families and communities do matter. The National Marine Fisheries Service will soon begin work on its own official salmon recovery plan as required by the act. This plan ideally will build on the work of the recovery team, and when complete will replace the section 7 consultation process as the primary governor of river operations.

If NMFS does not stray far from the recovery team's plan—and for that matter the regional council's plan—it stands a chance of retaining some semblance of regional consensus on salmon recovery. I also think it will stand a better chance of surviving the lawsuits to which the agency will be subjected.

If NMFS instead uses the recovery plan to demand yet more sacrifice by the people of the Northwest without very firm evidence that the salmon will benefit, it had better be prepared for a very angry response—not only from this Senator, but from the people of the Northwest.

Mr. HATCH addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

DRUG CONTROL AND RURAL CRIME IN AMERICA

Mr. HATCH. Mr. President, it is time for President Clinton to fight for what he says he believes.

I call upon President Clinton to urge the Congress to support the tough anticrime provisions contained in the Senate bill. Several weeks ago, I wrote a letter to President Clinton urging him to call on the Congress to pass certain key provisions that are currently a part of the Senate crime bill. We cannot afford to have this crime bill follow the pattern of the last crime bill conference where, over the objection of several conferees, a majority of conferees adopted the softest, most liberal provisions passed by either body on a range of issues.

I am concerned that, without President Clinton's strong, specific support and leadership, several worthy provisions will be jettisoned in conference or significantly weakened.

Two examples of measures that need to be preserved are the Hatch-Biden rural crime amendment and the Kempthorne-Hatch rural community policing amendment. These measures increase the amount and effectiveness of law enforcement resources in rural States. Respectively, they establish drug and crime task forces in rural States and ensure that rural States will get their fair share of the crime bill's $8.9 billion in community policing resources.

According to the Federal Bureau of Investigation, while murder rates in the District of Columbia and New York decreased in 1992, murder rates jumped in Utah and other rural States. In Utah, the violent crime rate per 100,000 persons, one of the best indicators of the severity of the crime problem, increased 1.3 percent.

Utah has a growing gang problem. There are over 240 gangs in the Salt Lake City area with over 1,900 members.

While crime overall in the Northeast actually declined by 5.9 percent in 1992, the situation in the rural West is much graver. In the intermountain West, the region which includes my State of Utah, the FBI reports that in 1992, the rate of violent crime increased by 2.7 percent.

These figures translate into a growing problem of violence and drug related crime in Utah and other more rural States. A recent survey of Utah residents found that Utahns rank crime as society's most severe problem.

We simply have to get more law enforcement personnel into rural States and communities, Washington, DC, with a population of 589,000 has 5,213 police officers. My State of Utah, with a population more than three times that of Washington DC—1.8 million versus 500,000—actually has fewer police officers—we only have 2,979—than the District of Columbia. Utah has only 16 officers per 10,000 population. In contrast, the District of Columbia has 89 officers per 10,000—nearly 3 times as many as almost every other jurisdiction. We need to get more officers to rural areas where the violent crime problem is increasing at a greater rate.

The Senate-passed crime bill provides $8.9 billion over 5 years to hire additional police officers. Right off the top, however, the Attorney General takes 15 percent to distribute for discretionary programs. The remaining $7.6 billion is divided among the States. Thanks to an amendment I offered with Senator KEMPTHORNE, the Senate bill protects rural States by ensuring that each State will get at least 0.6 percent of the money. Unfortunately, the House version of the community

policing program only guarantees States 0.25 percent. I am concerned that without the strong support of the President, the crime bill conference will weaken the Senate bill's protection for rural States.

In addition to an inadequate police presence, rural States have unique problems that make criminal investigations more difficult. For example, clandestine labs, especially methamphetamine—"ice"—labs, present a big problem for rural authorities. According to DEA officials, a major center for these labs is Utah. In an 11-month period, DEA busted 15 such labs. As I mentioned earlier, gangs are taking hold in rural areas. Unfortunately, there is a smaller Federal presence in rural States and there is little coordination of resources.

In order to respond to this aspect of the problem, the Senate crime bill contains a Hatch-Biden amendment that provides a special Federal focus on crime in rural areas. For example, the legislation amends current State and local law enforcement grants program to authorize an additional $250 million in grants for rural States over 5 years. The Hatch-Biden amendment also authorizes an additional $100 million over 5 years to hire additional DEA agents for drug investigations in rural and urban areas. The measure also improves the coordination of Federal agencies by directing the Attorney General to establish rural crime and drug enforcement task forces in every Federal judicial district that includes significant rural areas. Headed by the local U.S. attorneys, the task forces would include personnel from DEA, FBI, Customs, U.S. Park Police, U.S. Marshals, and State and local law enforcement. Our proposal also establishes a specialized training program at the Federal Law Enforcement Training Center in Glynco, GA, to teach police officers and sheriffs from rural agencies the most effective methods of conducting drug trafficking investigations.

Mr. President, drugs, crime, and violence are national problems facing both urban and rural America. Unfortunately, the crime problems faced in rural America have been overlooked by Federal agencies in Washington. They have focused on the crime in more urban areas. Yet, the problems of rural States need greater Federal attention as well. The number of Federal prosecutors and law enforcement agents has been inadequate to handle the growing crime. Crime is like a cancer that must be treated wherever it invades our society.

The protection of citizens is the first duty of government. If there is a place where additional Federal expenditures is warranted, it is to fight crime and violence in rural States. I urge President Clinton to announce his support for the Senate crime bill's protections for rural States. His endorsement of these measures will go a long way toward helping to put an end to the growth of crime and violence in rural America.

Mr. DOLE addressed the Chair.

The ACTING PRESIDENT pro tempore. The Chair would note the time between now and 9:30 is controlled by the Republican leader.

Mr. DOLE. Was leader time reserved?

The ACTING PRESIDENT pro tempore. It has been reserved.

Mr. DOLE. I ask unanimous consent that I may use my leader time and it not be charged against the Republicans' time.

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

(The remarks of Mr. DOLE and Mr. ROTH pertaining to the introduction of S. 1843 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

BOSNIA

Mr. DOLE. Mr. President, I will just say very briefly, with reference to the President's decision on Bosnia, the ultimatum issued to the Bosnian Serb forces that has been issued by NATO, as the New York Times points out this morning: It is a risky step because you cannot just continue to cry wolf, as I have said before, and not do anything. The same message is in the Washington Post lead editorial.

I ask unanimous consent both these editorials be printed in the RECORD following my statement.

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

(See exhibit 1.)

Mr. DOLE. "Having issued the ultimatum—" the New York Times said:

> —NATO should not step back. But it is up to the Clinton Administration to make clear that this is a humanitarian action that does not commit the United States to deeper involvement in European diplomatic maneuvers or ground peacekeeping operations. That will limit some of the risks now undertaken.

I just quote from the Washington Post:

> At least we hope this is what the American government is doing. At this point in the dying of Bosnia, more talk policy is an obscenity. If the government isn't conducting a serious policy, it should just shut up.

They talk about talk policy. We have had talk policy for over 22 months, while over 200,000 innocent people have been slaughtered in Bosnia. I just suggest this: We should not be leaning on Bosnia, trying to force them into a bad peace settlement that is part of the plan suggested by President Clinton. However, I think that NATO's threat has to be followed through. I will support the President on whatever he does.

There is one thing he should do right now—and not wait 10 days—that is, lift the U.S. arms embargo. Why wait the 10 days? We can do that on our own. NATO's decision is welcome even though in reality it amounts to a small step for Bosnia and a small step toward regaining NATO's credibility. NATO does not have a lot of credibility, and this may be an opportunity to regain a little of it if it carries out its decision.

We need to make certain NATO follows through. As for the cease-fire, we have seen them broken many times before. The Washington Post again says in the editorial, when the Serbs say something it does not mean anything, " . . . their word is worthless." Let us not forget that Sarajevo is not the only city under siege. There are five others that the United Nations has declared safe areas that are not safe.

And there is the bigger issue of the Bosnian Government being denied the right to self-defense. The United Nations and some of our allies have treated Bosnia as a colony. It is an independent nation with rights under the U.N. Charter: Article 51 guarantees the right to self-defense. Why do we not lift the arms embargo? Bosnia, the victim, has been under constant pressure to sign an agreement that leaves it with only one-third of its territory. The negotiators want to impose a settlement and leave a third of it to Bosnia. What would we do in our country if we were left with a third of it, and an aggressor took two-thirds of it for themselves? That is going to be hard sell. It will be difficult to convince the American people we need to keep our forces there to keep that kind of peace imposed on this very small country.

It seems to me we are responding now, finally. But lifting the arms embargo would give the Bosnians tremendous leverage at the negotiating table. We need to keep in mind also the talks in Geneva are not just about more land for the Bosnian Government, but also to ensure that what remains of Bosnia is survivable—economically, politically, and militarily.

So, Mr. President, it seems to me we have taken a little step. We are going to have to follow through. The President can take another step today. He can lift the U.S. arms embargo. He does not need any U.N. approval. We can make certain we do not endanger the lives of any troops, whether they are British or Canadian. They can be removed.

But it seems to me we have to get with it now. We have waited long enough. If something does not happen in 10 days, we better be prepared, NATO better be prepared, or they might as well close up shop and bring all the American troops over there home.

I yield the floor.

EXHIBIT 1

[From the New York Times, Feb. 10, 1994]

NATO'S RISKY STEP

Bosnian Serb forces are taking the latest NATO bombing ultimatum seriously, and Americans should too.

The Clinton Administration needs to assert more effective U.S. leadership within NATO than it has until now on the Bosnian issue; otherwise this emotionally satisfying riposte to last Saturday afternoon's carnage in Sarajevo could lead to costly and frustrating NATO ground involvement. It could also perversely encourage coercion of the Bosnian Government to accept an unjust European peace formula.

In a momentous step, the Western military alliance, which has never before taken any combat action, yesterday declared that Bosnian Serb forces must withdraw their heavy guns to a line 12½ miles outside Sarajevo by Feb. 20 or risk aerial attack by NATO jets. Formally, it will be up to U.N. Secretary General Boutros Boutros-Ghali to order the first strike.

Even before the alliance voted in Brussels, Serbian forces agreed to a cease-fire and offered to put their siege artillery under U.N. control. It the Serbs keep their word this time, the ultimatum will be judged a great success. But, as President Clinton himself recognizes, NATO cannot afford to make any more empty threats.

If the Serbs do not comply with the terms of the ultimatum, NATO will be under tremendous pressure to carry out its bombing threat. Bombing Serbian artillery positions is likely to poison Western relations with Moscow, which favors the Serbs, and provoke anti-NATO sentiment in pro-Serbian Greece, an alliance member. It is also unlikely it would end or even slow the Bosnian war.

The Bosnian Government's much smaller number of heavy guns must also be turned over to U.N. monitors under the ultimatum. If its forces try to exploit the neutralizing of the Serbs' artillery advantage to push back the front lines around Sarajevo, European governments would feel obliged to find a way to restrain the Bosnians.

Europe is already anxious about Bosnia's improving ability to defend itself, and wants to enlist U.S. diplomatic pressure on Bosnia to accept the partition maps drawn up by Lord Owen and his U.N. counterpart, Thorvald Stoltenberg. Washington has until now sympathized with Bosnian Government claims that those maps deny it the territorial integrity and transit corridors it needs to survive.

Meanwhile the Serbs, if thwarted in Sarajevo, can be expected to shift their efforts to another front, or to vent their fury against the 13,000 U.N. peacekeepers stationed in Bosnia. That would raise new cries for air strikes, and even ground relief operations, to vindicate NATO's credibility.

Having issued the ultimatum, NATO should not now step back. But it is up to the Clinton Administration to make clear that this is a humanitarian action that does not commit the United States to deeper involvement in European diplomatic maneuvers or ground peacekeeping operations. That will limit some of the risks now undertaken.

The surest way out for the long term is to assign the job of defending Bosnian civilians where it belongs, to the Bosnian Government. That will require an energetic U.S. diplomatic campaign to lift the U.N. arms embargo that has given the Serbs their present advantage in heavy weaponry. Bosnia is not a ward of NATO or the U.N. but a violated sovereign state. The best thing the world can do for it is to get out of the way and let it defend itself.

[From the Washington Post, Feb. 10, 1994]

TALK POLICY

There is talk radio and there is, especially in respect to Bosnia, talk policy: an interminable ventilation of alarms and alibis, contingencies and conditions, threats and delays, pledges and backdowns, all of which end up with new heaps of Bosnian deal and deep sighs by the United States, its friends in the United Nations and is allies in NATO. This has become the predictable pattern of the 22-month Bosnian war. The instant question is whether the shock generated by the most recent Serb atrocity in Sarajevo will break this ignoble mold.

True, there is a new spate of diplomatic heavy breathing. In the latest episode of a ping-pong game that began in 1992, President Clinton has endorsed a United Nations call on NATO to "prepare" (whatever that means) for bombing Serb heavy weapons around Sarajevo. Yesterday NATO, which last August had pledged to strike if the Serbs didn't end their strangulation of the city, set a 10-day deadline for the Serbs to comply or face strikes. Also yesterday the Serbs agreed to pull back their siege guns from Sarajevo and to park them, with the Bosnian government's guns, under U.N. watch. The Serbs didn't sign anything, but that is of small consequence since their word is worthless.

It is American credibility that concerns us most. How disappointing to observe that William Perry, who has been secretary of defense only a few days, is already picking up the Clinton administration's dilatory Bosnia style. The press's emphasis on air strikes, he told reporters, was "entirely inappropriate," volunteering a primer on the downside of such a tactic. How can it be that the Pentagon needs to be reminded that there is an upside as well as a downside and that its task is to find the best way to support the president, who—repeating his wariness of empty threats—insists he now truly means to act.

Smart policy requires, of course, not a mindless NATO whack, as emotionally satisfying as that might briefly be. It requires political thinking to link military acts to a negotiated peace. Conceivably, the United States is finally getting into this part of the act. It is not just hanging back and saying no to the Europeans' idea of an imposed peace that would leave the Muslims with an unviable enclave, it is coming forward to promote its own idea to give them something a face-saving bit bigger, better and more voluntary.

At least we hope this is what the American government is doing. At this point in the dying of Bosnia, more talk policy is an obscenity. If the government isn't conducting a serious policy, it should just shut up.

The ACTING PRESIDENT pro tempore. Under the previous order, the time of 9:30 having arrived, the time between 9:30 and 10 o'clock a.m. is under the control of the majority leader, or his designee.

Mr. DOLE addressed the Chair.

The ACTING PRESIDENT pro tempore. The minority leader.

Mr. DOLE. Mr. President, I wonder, since I used my leader's time, if we can add an additional 10 minutes to our side after the distinguished Senator from Colorado speaks.

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

The Senator from Colorado is recognized.

COMPREHENSIVE FETAL ALCOHOL SYNDROME PREVENTION ACT

Mr. CAMPBELL. Mr. President, I rise today to announce my support and cosponsorship of the Comprehensive Fetal Alcohol Syndrome Prevention Act.

Fetal alcohol syndrome, known as FAS, is a devastating, incurable condition that affects the children of mothers who drink alcohol during pregnancy. These children have a wide range of problems from low birth weight, hyperactivity and mental retardation to organ dysfunction and life threatening seizures.

Fetal alcohol effect, [FAE], is a related disorder with similar but less severe problems than individuals with FAS.

The Center for Disease Control estimates that more than 8,000 alcohol-damaged babies are born each year. These numbers make FAS the leading cause of mental retardation at birth in this country. The effects of FAS and FAE never go away. There is no treatment or cure for this birth defect. Some studies, in fact, indicate 1 out of 50,000 babies in the United States are born with either FAS or FAE.

In Indian country, incidence of FAS and FAE is much higher. Approximately 1 in 99 American Indians are born with FAS. This means 1 in 99 Indian children will be denied the opportunity to learn and grow as they should. They will be denied the opportunity to live their lives with healthy bodies and independent spirits, and this Nation will be denied their contributions to society. Often they must be institutionalized for life, costing taxpayers over $1½ million per child during its life.

I am sorry to report that the devastating effects of fetal alcohol syndrome is more pervasive in some communities than others.

On the Pine Ridge Reservation in South Dakota, as an example, one in four children is born to a woman who consumed alcohol during her pregnancy. These innocent children will never have the opportunities of a healthy mind and body that most of us take for granted.

The interesting part of this is this condition is 100 percent preventable. It does not have to happen at all. Mothers who abstain from alcohol during pregnancy will not have a child with FAS or FAE. Therefore, the message is simple: If you are pregnant, protect your baby and do not drink alcohol.

Of mothers who bear one alcohol-afflicted child, at least a quarter of those children will produce other FAS or FAE children. And a majority of these children end up in foster care, because their mother dies, is incapacitated or incapable of caring for her family.

This cycle of family deterioration can and must be stopped, but only through serious education and prevention efforts. As some of my friends know, I came from a family devastated by alcoholism. If my mother had been the alcoholic rather than my father, I would suffer from FAS.

A 1985 study found that nearly half of the U.S. population under the age of 45 had never heard of FAS. How can a mother who doesn't know the consequences of drinking alcohol take steps to protect her child?

The National Council on Alcoholism and Drug Abuse estimated the cost of treatment for individuals with FAS in 1980 to be nearly $1.56 million, as I mentioned. No doubt the figure is higher today. But we can eliminate fetal alcohol syndrome and effects, and the financial and social costs that go with it.

The Comprehensive Fetal Alcohol Syndrome Prevention Act would establish a comprehensive program to prevent further incidence of FAS and FAE. It would coordinate and support national public awareness, prevention and education programs on FAS and FAE.

It would coordinate and support FAS/FAE research; distribute FAS and FAE diagnostic information to health care and social service providers.

And it would foster coordination among all Federal agencies that conduct or support FAS and FAE research.

I applaud the efforts of my colleagues Senator TOM DASCHLE, Senator JEFF BINGAMAN, Congressman BILL RICHARDSON and Congressman JOE KENNEDY, and many others in their efforts to educate the public about the perils of drinking alcohol during pregnancy.

Passage of this legislation will put us one step closer to eliminating this dread disease. I urge each of my colleagues to join us in supporting this legislation.

The ACTING PRESIDENT pro tempore. The Chair notes, under an amended order, the Republican side has 10 additional minutes before we come back to the Democratic side. The Senator from Washington is recognized.

A PROMISE TO THE PACIFIC NORTHWEST

Mr. GORTON. Mr. President, candidate Bill Clinton made a promise to working families in the Pacific Northwest. He promised to bring balance to the longstanding timber, spotted owl, old growth debate. He promised a balance that would preserve jobs in timber communities and protect forests. Not just one promise, but two. As President he repeated these promises a year ago in Portland at a widely publicized timber conference.

In July he announced his plan, declaring that his administration had met the goals established at the Portland Conference. He claimed his plan would bring relief to the forests and the people of the Northwest. He said his plan would sustain communities by "setting predictable and sustainable levels of timber sales".

What was promised these workers and their families? First, he promised that timber would be sold in 1993 to put people back to work in Northwest timber communities devastated by spotted owl restrictions. Specifically, he promised that his plan would sell 2 billion board feet throughout our region in its first year. This is important to timber dependent communities because according to studies each billion board feet of timber supports 18,000 jobs. And finally, he promised to ask Judge Dwyer to lift his injunction because his plan was environmentally sound.

Have these promises been kept? The answer is no. Here is what happened. The administration did not ask Judge Dwyer to lift the injunction based on the preliminary plan. President Clinton backed off that pledge because it was never going to work. Clearly, Judge Dwyer would never lift his injunction based on an as yet to be finished environmental impact statement. In fact, these timber workers and their communities are still waiting for the submission of the final plan which is supposed to bring them some relief.

Next, the administration entered negotiations with national environmental organizations in a vain effort to free up some of the timber. In the end, the administration succeeded in freeing only 83 million board feet of timber of the 400 million it was after.

Finally, the administration failed to get the people of the region affected by spotted owls back to work by promoting and fighting for a sustainable harvest level. The fact is that virtually no new sales of timber have proceeded in the spotted owl region except for limited thinning and salvage sales amounting to less than 100 million board feet of timber.

The administration responds that it has cleared some 1.25 billion board feet of timber for harvesting. The problem is that virtually none of this timber is from new timber sales, but is just the clearing of old sales. By October 1994, the administration hopes, and I repeat hopes, to have a total of 1.8 to 2 billion board feet available, virtually all from old sales. The administration is not on course to keep its promise to free up 2 billion board feet of new timber sales.

The death knell is ringing for the communities dependent on the Federal timber sale program, in the Pacific Northwest. It is a death that the President promised to avoid. Why has he failed? Because the time between timber sale, preparation for harvest, harvest and delivery to the mills is often grater than a year. Because the administration has failed to provide more than a pittance of new timber, the pipeline between sale and mill will very soon run dry.

Recently, a timber group announced that it would push for harvest levels higher than those promised by President Clinton. Members of the Washington and Oregon delegations accurately responded by stating that any such attempt would be futile. The administration adamantly insists that it will go no higher than the harvest levels promised by President Clinton and Congress will certainly not overrule the President. But is it not reasonable for families and communities in the Northwest to expect the Clinton administration to keep the promises that it made itself?

It is not unreasonable. I have made my position clear that I think the President has set his harvest levels too low. I recognize the reality that he will not change his mind and that Congress will not approve levels higher, but it is not unreasonable for timber communities to ask the President to keep his promise.

But timber dependent communities are still waiting for the President to deliver on his promises. These workers and their communities still wait for an end to the deadlock in the Northwest's forests and a return even to a modest and sustainable timber harvest.

I am convinced that the President needs congressional protection to implement the plan he announced last July. Approval of the President's plan by Judge Dwyer will do nothing to protect future timber sales from legal challenges. Without congressional protection, I do believe that his plans will never result in certain and sustainable timber harvest levels.

On the other hand, the President seems to think that he can accomplish the same level of certitude without congressional protection. If so, I would be pleased to hear of these plans but in either case he needs to act now to deliver on the promise he made. I stand ready to assist President Clinton in delivering the harvests he promised to the timber communities whatever the method he chooses.

The people of timber country can wait no longer. The time is now for this administration and this Congress to respond to their needs. Not next week, or next month, or next fall but now.

Mr. BOND addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Missouri is recognized. The Chair will note that the Republican leader has 6 minutes and 8 seconds remaining.

Mr. BOND. Mr. President, I thank the Chair and I thank my colleagues for their indulgence.

HEALTH CARE REFORM

Mr. BOND. I rise this morning to address once again the subject of health care. I am very encouraged when I read

in the morning paper that President Clinton is quoted as saying that the time has come to move forward on compromise, to move toward achieving what all Americans, or at least a very significant number of Americans want, and that is significant reform in our health care.

When I got to work today, I was distressed to find that the Democratic National Committee has gone on the air with attack ads, attacking not the substance of the argument but attacking Republicans. I would offer for the RECORD the tag line of this commercial. First, the ad takes out of context quotes from several Republican leaders and then their conclusion is:

The Republicans, first they said there was no recession. Now they say there is no health care crisis. They just don't get it.

Now, Mr. President, that is demeaning and debasing the debate. I have talked to and worked with my colleagues on the Democratic side of the aisle who know that we have to come together if we are going to get meaningful health care reform.

I have traveled around the country with Senator ROCKEFELLER. I have gone to Massachusetts with Senator KENNEDY. We know we have some strong differences over particular methods of getting to the goal we seek. We ought to have the decency not to call each other names when we disagree with particular policy prescriptions.

I believe that there can be widespread bipartisan agreement, that we need to do some things about the health care system in this country. I am a strong believer. I have worked hard to see that we get there.

Perhaps the President is concerned because the CBO figures that have just come out show his health care plan would significantly increase the deficit. In 1993, he claimed that the deficit would come down to just above $120 billion with his health care reforms. We know that the deficit, without reform, would go above $220 billion by the year 2000 without any reform. CBO now said that the deficit will go even higher, almost to $240 billion.

Clearly, there is some panic because the process of the programs outlined in the Clinton plan do not work. Let us work together to fix them. Half of the Republicans in this body have signed on to a plan that will, in my opinion, achieve the goals the President has set forth. It is time to work together cooperatively, on a bipartisan basis, which is the only way we are going to get meaningful health care reform and stop calling each other names.

Mr. President, I suggest that we have heard enough talk about the need for compromise. I am from Missouri: Show me. If the President is serious about reforming health care and not making a partisan political issue of it, I call upon him to direct the Democratic National Committee to withdraw the ads. Let us get back to talking about how we can make the program work and stop calling each other names.

ORDER OF PROCEDURE

The ACTING PRESIDENT pro tempore. The Senator from Idaho has 2 minutes and 20 seconds.

Mr. CRAIG. Mr. President, I ask unanimous consent that I be allowed to speak for a total of 5 minutes.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

(The remarks of Mr. CRAIG pertaining to the introduction of S. 1843 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. WOFFORD addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania.

FACES OF THE HEALTH CARE CRISIS "LIFE CARE ACT"

Mr. WOFFORD. Mr. President, I have been listening to the reaction here in Washington to the very forthright and helpful report on health care reform from the Congressional Budget Office. And it is hard to believe—or to excuse—what I am hearing.

Because so many of the people I hear doing the talking about the CBO report do not seem to have done much listening to Dr. Reischauer's testimony. If they had, then they would know that the Congressional Budget Office has found that the Health Security Act, in its current form, would save our economy $337 billion dollars in health care spending over the next decade, while providing guaranteed coverage for every American.

And CBO found that if we do nothing, our Nation will have to spend $150 billion a year more 10 years from now and millions of people will still be without health insurance.

The CBO did find that the Health Security Act would, in short term, add to the Federal deficit. And we should work together—as the Senator from Missouri proposed—to change that in the months ahead. And we can do that. The differences are not very large. The gap is not too large to close. But at the same time, Dr. Reischauer made it clear that the savings in private health spending—the savings for business and individuals and families and the savings for State and local government would begin immediately and would grow to reaching $650 billion a year within a decade.

That is our whole national health care spending, and that would happen to it. But the most important thing Dr. Reischauer said was not about numbers. It was about us.

He said that he hoped the CBO analysis would be used only for its intended purpose: To help us achieve comprehensive health care reform. Not to provide ammunition for those who only want to torpedo reform.

Dr. Reischauer urged us to put aside partisanship and come together in a spirit of cooperation, as we did when we passed the Medicare Act in the 1960's.

He said: "An even more profound opportunity lies before the Congress today. I wonder whether any of [you] someday will be able to tour a Presidential archive and say to a grandchild [you] might have in tow: 'That is my signature on the legislation that helped make America's health care system more equitable, more efficient, and less costly.' I hope so."

I hope so, too.

But I am not sure the Washington insiders were listening. When are the pundits going to figure out that this is not the winter Olympics? That is not about gold, silver, and bronze medals for people in the White House or Congress. It is about what happens to millions of Americans where they live and work. It is about whether people in Washington can come around a table and work together to find solutions to the problems facing our families and communities.

Since 1991, I have made the point that health care reform is the critical issue of our time not because of an election, or because of any politician's rhetoric, but because of the reality of people's everyday lives.

And I hope my colleagues will keep that in mind when they start wielding numbers like swords, when they are meant to be plowshares. Because the goal is not to slash and burn but to plant a seed.

Because our job here is not finally to win debating points, but to take action. And the CBO report gives us an excellent starting point for action that will achieve guaranteed, affordable, private health insurance through nongovernmental, nonprofit, consumer-run cooperatives that offer a choice of health plans to every American.

Those who say we cannot or should not try to reach that goal must already have health insurance themselves. Maybe there is no health care crisis for TV commentators, newspaper columnists, and Members of Congress; they are already covered. But try telling the Pennsylvanians I have met and heard from over the past 3 years that there is no real crisis and no need for serious action.

Tell it to the millions of older Americans who have worked hard their whole lives to earn a secure retirement, but whose families are being bankrupted by the staggering cost of long-term care.

Tell it to the Winiarski family of Pittsburgh. When Stanley Winiarski retired from the steel mills at age 65, he and his wife Esther sold their home and moved to Florida. Eight years

later, when Stanley began having health problems, they came back to Pittsburgh and moved in with their son's family.

Four years later, Esther suffered a stroke. After being released from the hospital, she spent some time in a nursing home. But when Esther had another stroke about a year later, she went back to the nursing home and has been there ever since. She is confined to a wheelchair and struggles to speak.

Like so many older Americans, the Winiarskis have had to find a way to pay for long-term nursing home care. Medicare does not cover it. And Stanley's Blue Cross/Blue Shield policy from his former employer, like most private insurance plans, does not cover it, either.

Every month, all but $50 of Esther's Social Security check goes to pay for her nursing home. The Winiarskis have had to spend most of their life savings on Esther's care before they could get any help. Some of the money went to pay in advance for Esther's funeral. That is absurd; that is unfair.

The wealthiest Americans can afford private insurance plans which cover nursing home care. And the very poor get help from Medicaid.

But the Winiarskis, like so many others, have been caught in a middle-class squeeze—not wealthy enough to live well after pay expensive bills, but not poor enough to qualify for aid. This is until the system forced them to spend down their savings, so they could finally get some help.

For years, the Winiarskis worked hard and played by the rules, so they could enjoy their retirement. But our health care system—which, according to some, is not a crisis—has robbed the Winiarskis of the security they have earned. It has made their retirement one of trauma and anxiety rather than peace and comfort.

As the Winiarskis' daughter-in-law, Mary Jean, said in her letter to me, the strain on her family has been emotional as well as financial. She describes her husband's parents as proud, independent people, who feel demanded by being forced to give up what they worked so hard for.

The story is the same at the other end of Pennsylvania. Aldona Zenker of Scranton is 90 years old. She was very active until just a few years ago when she lost her sight to glaucoma. Her son Jack says that the family could no longer give her the treatment she needed. So in October 1991, they admitted her to the Lackawanna County Health Center, where Jack works.

Aldona did not have any private health insurance. And Medicare did not cover her nursing home costs. She did have some money saved. She and her husband had owned a small grocery store. But the nursing home cost $115 a day, and in less than 6 months, all of Aldona's savings, except for $1,000 were gone. Only then, only after spending herself down to $1,000 in assets, was she able to get assistance.

Jack Zenker says that he is grateful for the high quality of care that his mother has been able to receive at the nursing home. But it is unfair that his mother had to exhaust almost her whole life savings before being able to get any kind of nursing home coverage.

Others who have written to me feel the same way. One man wrote:

"Forced impoverishment to qualify for welfare as a solution strips the responsible citizen of dignity. When that is added to the wallop of ill health to that person, life becomes a bottomless pit of depression."

A few months ago, my colleague TOM DASCHLE and I compiled a health care reform consumer checklist. We rated the various reform proposals on the table to see if they included the provisions that we felt must be a part of any serious comprehensive reform package.

When it came to long-term care, there were not very many high marks. The Gramm, Chafee, and Cooper plans do not even begin to deal with the issue of long-term care, though I am encouraged that Congressman COOPER now says he wants to add a long-term care provision to his plan.

Even the Health Security Act, which I have cosponsored, does not go far enough. As Hilary Clinton and I explained last Friday at the Chandler Hall Adult Center in Bucks County, our plan is the only one that offers support for home and community-based care, the kind of care that is more humane—and often more cost-efficient—than placing an older relative in a nursing home. It is the kind of care that Pennsylvania helps provide today through its Family Caregiver Program.

But even the Health Security Act does not fully address the cruel way we now pay for long-term nursing home care, which forced the Winiarskis and Aldona Zenker to spend themselves onto welfare.

That is why this week I introduced the Life Care Act with Senator KENNEDY. The bill would give middle-class families like these access to affordable long-term nursing home care. It would establish a voluntary, nonprofit, public insurance program. Families would have the opportunity to purchase a nursing home coverage plan—at an affordable premium—at one of three benefit levels—$30,000, $60,000, or $90,000.

Each of these benefit levels would be combined with an equal level of asset protection.

What that means is that if you take the $30,000 option, and you use up the $30,000 in coverage, you can retain $30,000 in assets and still qualify for Medicaid.

Under our bill, families like the Winiarskis and Zenkers would have a choice of nursing home plans which would protect them from going bankrupt from the cost of care.

The bill would be self-financing. It would require no new spending and would not add to the deficit.

Here in Washington, we often get caught up in the political game of who is up and who is down? Which health care reform plan is in and which one is out?

And when we are not following the horserace, we are buried in reams of statistics and complicated jargon.

Maybe that is why some have decided that there is no health care crisis. Because they have forgotten the far more important bottom line, they have forgotten what is behind the polls and the committee reports: the real faces of this very real health care crisis.

Those who have lost coverage they thought was secure. Who are overwhelmed by staggering costs. Who are forced to cope with bureaucracy, paperwork, and redtape. Who are forced to spend their life savings on long-term care.

It is easy to whip up fear about potential change, as the Health Insurance Association and its allies are doing. But I do not think families like the Winiarskis and the Zenkers will buy the argument that the status quo is not so bad.

To those who say there is no crisis, that we cannot afford to change, the Winiarskis, the Zenkers, and the other faces of the health care crisis answer that we cannot afford not to.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER (Mrs. BOXER). The Senator from Minnesota.

Mr. WELLSTONE. Madam President, I guess I ought to check with the manager of the bill. I wonder whether I might have 5 minutes to proceed. If not, I can come back later on.

Mr. INOUYE. Madam President, the managers would be most pleased to accommodate the Senator.

Mr. WELLSTONE. Madam President, I ask to speak for 5 minutes.

The PRESIDING OFFICER. The Senator is recognized for 5 minutes.

HEALTH CARE

Mr. WELLSTONE. Madam President, I will be very informal and just build on the remarks of my colleague from Pennsylvania, Senator WOFFORD, who I think has shown a tremendous commitment to health care reform. I will just try to build on a couple of points that the Senator made.

My first point is that I do believe it is an ostrichlike approach to health care to argue that we really do not have the problems, or for any of us, Democrats and Republicans alike, to believe people in our country are not calling for us to pass a major health care reform that would really make a difference in their lives and the lives of their children and grandchildren.

My second point. I would like to reference a wonderful piece that I think

the Senator may have seen, and the Chair may have seen, by E.J. Dionne last week in the Washington Post in which he argued that this labeling and political attack on what is in the center and what is ahead—and these are my words—is a silly way to cover this health care debate. Ten years from now when people look back at what we do, they are not going to be thinking in terms of labels; they are going to thinking in terms of whether or not this reform really worked for them.

My third point—that is why I came to the floor and I asked for time to respond to some of what I heard on this floor from a number of my Republican colleagues—I think that Dr. Reischauer did us all a real service. I think he opened up real space for an intellectually honest discussion about health care policy.

Some people talk taxes, some people talk premiums, and some people talk individual mandates; but people in the country know that one way or another you pay for health care. The issue is, who pays? Do we finance it fairly? What kind of health care reform are we talking about, by way of delivering humane, compassionate, affordable, dignified care to people?

I will make three final points. First of all, I want to argue on the floor of the Senate, because I think this will be very much a part of the debate, that the interesting thing is that so far the one health care reform bill that was scored so highly by the Congressional Budget Office is the American Health Security Act, the single-payer act that Congressman MCDERMOTT introduced in the House and I introduced in the Senate. The CBO points out that we cover everyone, that it is a very comprehensive package of benefits geared toward family doctors and primary care, health care in the community, consumer choice; and between 1997 and 2003, the potential is to save up to $700 billion, as opposed to the status quo protected to 2003.

I will talk more about single payer as we get into the heart of the debate at markup and on the floor. But what I want to say today is I want to give credit to what President Clinton and Mrs. Clinton have done, because they have made health care a central issue in this country, and therefore they have connected with the lives of people.

When I talk to people in cafes in Minnesota—I will bet it is the same in California—people do not use any of this technical language. They want to know whether they and their loved ones are going to be covered; whether it is going to be a good package of benefits; whether they will have a choice of doctors.

I will tell you something, Madam President; when the Congressional Budget Office looked at—this is my plea to the media and everyone involved in the debate—the Cooper plan and other plans—it is going to be interesting for the people in the country who are not even in the loop—CBO said this about the Cooper plan: In 5 years, 22 million people will still be without any insurance, and the Nation will be spending $200 billion more than the status quo projected 5 years from now.

So I think we are just at the beginning of this debate. I think we should have, just like Earth Day, a health care day all around this country, and have all the delegations called back to their home States, each congressional district, both Senators at the same time, where people in our States get in the loop and come to these meetings, and we are all under scrutiny. It is the heart of accountability, and people can tell us what they want us to do, and they can hold us accountable. I cannot wait to where we move beyond the insurance industry, the pharmaceutical industry, beyond all of the big money in politics and get this debate out to the people we represent.

The final deals, Madam President, will not be the deals struck here, but the deals each and every one of us make with our constituents. I am convinced that will be universal coverage, a good package of benefits, humane and dignified care for people, with a way we can control costs and do well for people in our country.

I yield the floor.

IN TRIBUTE TO DR. BRIGID LEVENTHAL

Ms. MIKULSKI. Mr. President, I rise today to pay tribute to Dr. Brigid Leventhal, a dedicated pediatrician and professor of oncology at the Johns Hopkins School of Medicine. Dr. Leventhal died on February 6, 1994, at her home in Columbia, MD, after a heroic battle with cancer.

Dr. Leventhal devoted her career to improving the lives of children, tirelessly pursuing new and better ways to treat childhood cancers. While heading the pediatric oncology division at the Johns Hopkins Oncology Center, she established the outpatient clinic and the inpatient unit. At the time of her death, she was working with the U.S. Food and Drug Administration on a study of agents approved for treatment of children and of cancer's long-term side effects. Dr. Leventhal displayed a deep concern for the long-term effects of cancer on children, and will be remembered for her outstanding contributions to children and the field of oncology.

I had the opportunity to meet Dr. Leventhal when she came to visit her son, George, in my office. She showed a caring for those in need in our home State, and for the needy children of the future. I can tell you that Dr. Leventhal shared that caring with those around her, and has passed it on to her family and community. Her son George now serves as my legislative director, and his passion for improving the lives of Marylanders is testimony to her commitment and service to helping others. I know she will be sorely missed by her family and the medical community.

Dr. Leventhal was coauthor of "Research Methods in Clinical Oncology" and received several distinguished awards, including the Outstanding Career Woman Award from the National Council of Women, and the Outstanding Professional Achievement Award from the UCLA Alumni Association. She was former president of Women in Cancer Research and a founding member of the Pediatric Oncology Group.

Dr. Leventhal came to my home State of Maryland in 1964, after graduating from UCLA and Harvard University Medical School. She spent 9 years at the National Cancer Institute in Bethesda, before moving to Johns Hopkins in Baltimore. She has left my State with an enormous gift of service, and her contributions to the field of oncology are lasting and well-remembered. I am honored to have known Dr. Leventhal.

FLEET BANK'S INCITY PROGRAM

Mr. PELL. Mr. President, I wish to note an event which occurred earlier today here in the Capitol; namely, the unveiling of a comprehensive and precedent setting new lending program by Fleet Bank, an institution which is headquartered in my home State of Rhode Island. This program, called Fleet INCITY, will provide over $8 billion in loans and credit assistance to low- to moderate-income homeowners and small businesses located in distressed inner cities of the northeast.

This extraordinary commitment of money and resources to these underserved communities will mean that those who are too often left out, chiefly minorities and the economically disadvantaged, will be able to secure the credit and opportunity necessary to establish an independent and viable existence for themselves. It means that Fleet Bank is committing itself to the futures of revitalizing the inner cities of communities in Providence and Pawtucket. It means that homeowners in Central Falls, Woonsocket, Westerly, and Newport that had been locked out of the home mortgage market will now have access to it. And with this community development and individual self-improvement will come the economic growth and rising self-esteem which is sorely needed as we try to find the answer to reversing the trend of decay and despair in our inner cities.

Mr. President, I am pleased that Fleet Bank is taking the initiative in this matter and alerting the private sector banking community of its responsibilities as well as its opportuni-

ties in the area of minority and low-income lending. I hope that this program will become a model for other banks and that there will be a blossoming of new private initiatives addressing this area. Indeed, the more that can be done at the private level, the less that we will have to do in the public sector. Again, I commend Fleet Bank, and in particular its chairman and chief executive officer Terry Murray, for undertaking this effort and expect that when fully implemented, its success will equal its promise.

Mr. President, I wish to submit for the RECORD the remarks of Fleet Bank chairman and CEO Terry Murray given at this morning's announcement of this program and also a chart detailing the components of the INCITY program.

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

REMARKS BY TERRENCE MURRAY ON THE FLEET INCITY PROGRAM

II. ANNOUNCEMENT OF PROGRAM

I am extremely pleased and genuinely excited to be here this morning. For more than a year, many of us at Fleet have closely examined the important banking industry issues of community investment and small business lending. As a result, we have determined that it was appropriate to develop the program I have the pleasure of announcing today.

It is an unprecedented commitment; it is broad in scope; and we believe its potential impact is enormous.

We are calling the program Fleet INCITY. It's a company-wide commitment, created by Fleet, to make it easier for low- and moderate-income people, and for minority- and women-owned small businesses, to access Fleet's products and services, especially loans.

I am looking forward to meeting later today with Treasury Secretary Lloyd Bentsen to brief him personally on Fleet INCITY. As well as discuss a number of other banking issues.

Over the next three years. Fleet will commit more than $8 billion to affordable housing and other initiatives, including $800 million in wholly new projects. The program is designed to:

Improve access to credit for those segments of the community that traditionally have had the hardest time getting credit.

Be the most comprehensive community lending commitment ever made by a U.S. bank.

Amount to more than $2.6 billion a year over three years.

Why are we making such a major commitment?

Fleet intends to be nothing less than a force for positive change in our society. We believe such programs as Fleet INCITY have obvious benefits for the economy as a whole.

We believe Fleet INCITY responds to the challenges that the Clinton administration has posed to America's banks to find ways to better meet the credit needs of Americans at every income level.

We believe Fleet INCITY, by making credit available to families who have had the toughest time getting credit, will do more for those families than anything else we could offer them.

Finally, we believe that a program such as Fleet INCITY is good business. America is becoming more culturally diverse. Such programs as this—programs that reach out and embrace that diversity—are as essential to our future as to the future of this country.

We recognize that this program will not solve all problems faced by the disadvantaged overnight. However, we do believe it will be a force for positive change throughout our markets.

Unfortunately, many borrowers today who have the ability to repay their loans can't qualify for even simple mortgages because the guidelines are too rigid. Our program is designed to cut through some of this red tape.

We believe Fleet INCITY also captures the true spirit of the Community Reinvestment Act—to ensure credit access for all qualified borrowers.

IV. SUMMARY

We believe that all banks need to think seriously about community investment and develop programs similar to Fleet INCITY. We see our program as a model for our industry. We believe it responds appropriately to the wishes of the Clinton administration, that it is good business, and that it will provide valuable benefits to society.

[Attachment to Fleet INCITY News Release]

FLEET INCITY COMPONENTS

I. FLEET RECOMMITMENT TO AFFORDABLE HOUSING AND NEW COMMITMENTS TO PRODUCTS AND SERVICES FOR LOW-MODERATE INCOME CUSTOMERS ($7.685 BILLION)

Fleet will more aggressively market its products—mortgages, consumer loans and other products—and will make available more flexible underwriting requirements to meet the needs of low- and moderate-income families and individuals. Over three years, the government-sponsored affordable housing component, which includes FHA mortgages and other government-sponsored affordable housing initiatives, is projected to total more than $7 billion, consistent with Fleet's current volume ($2.9 billion in 1993).

The Fleet Affordable Housing Program and Fleet/UNAC Mortgage Program will total $315 million and $140 million, respectively, over three years, while the Fleet Consumer Loan component is expected to reach $225 million over the same period.

Fleet's residential mortgages (Fleet Affordable Housing Program) will be offered with guidelines that provide greater home ownership opportunities to low-moderate income borrowers who are not eligible for traditional mortgage products or those offered by federal, state or local government agencies. The guidelines are modeled after the Federal National Mortgage Association's highly successful Community Homebuyers Program, with additional flexibility based on recommendations solicited from state housing agencies and community groups.

The Fleet Consumer Loan component is an outreach effort intended to meet the credit needs of consumers in New England and New York, and it includes a "closer look" program on home equity and instalment loans.

Consumers who are interested in any of Fleet's products may access them by visiting or calling any Fleet banking office, or by calling 1-800-CALL-FLEET (1-800-225-5353).

The Fleet/UNAC Mortgage Program will total up to $140 million over three to five years. Mortgages originated under this program will be to low-moderate income borrowers, as well as borrowers locating in low-moderate income communities. Loans will be secured by first mortgages on owner-occupied one- to four-family residences, condominiums or co-ops. Loans will be made for home purchases, as well as purchases that include rehabilitation, or to refinance or consolidate existing debt on qualified real estate.

UNAC will administer the program from its Boston office and satellite offices in the several metropolitan areas included in the program. UNAC also will provide such client services as community outreach to churches, unions and other community-based organizations; homebuyer workshops; prequalification of borrowers; housing search assistance; counseling throughout the mortgage process; rehab and closing assistance; post-ownership assistance, and several other services.

Consumers who would like to access the Fleet/UNAC Mortgage Program may do so by contacting UNAC in Boston at 1-800-967-4275.

II. ECONOMIC REVITALIZATION, SMALL AND MINORITY-OWNED BUSINESS LENDING ($315 MILLION)

Fleet is filing an application with the Federal Reserve Board to establish, and will fund, a new, $15-million Fleet Community Development Corp. (CDC) to address the needs of small businesses and economic development projects, both urban and rural, with equity investments and low-moderate income loans. It represents one of the largest initial capital investments ever made to a CDC by a bank holding company. A wholly owned, nationally operated subsidiary of Fleet Financial Group, it will operate primarily in the six states in which Fleet has banking operations (New York, Connecticut, Massachusetts, Rhode Island, Maine and New Hampshire). The process of applying for and establishing the Fleet CDC is expected to take from three to six months.

Among other activities, the new Fleet CDC will provide support to small business enterprises by offering financial assistance in the form of low-interest loans, interest-free loans and equity investments to those businesses that often encounter the most difficulty in securing credit from banking institutions by traditional means. After it is approved and established, announcements in local media will inform prospective applicants how to apply to the Fleet CDC for grants and loans, and that further information will be available from local community development officers at Fleet's banks.

An additional $545,000, over three years, will be earmarked for a new small business initiative through which Fleet will create and operate the Fleet Community Development Advisory Board. The board will serve as a collaborative "brain trust" effort between Fleet bankers and community leaders to address significant community development issues, such as exploring and developing creative methods to make credit and other financial services available and more readily accessible. Prominent national and regional leaders with expertise in small business and economic development currently are being considered for advisory board membership. Fleet expects to announce the composition of the advisory board on or about May 1, 1994.

In addition, Fleet will continue to enhance its current $210 million Community Loan Program by an additional $90 million over the next three years to further develop its small business microloan program. The microloan program will make loans for $10,000 to $500,000 to small businesses, concentrating on minority- and women-owned businesses, and to businesses located in low-moderate income areas.

Fleet's existing Community Loan Program is designed to help stabilize and revitalize

low- to moderate-income and/or distressed communities. It offers Fleet's broad range of business loans: loans to nonprofits involved in community development activities; agricultural loans; government guaranteed and government participation loan; loans to community nonprofit health care organizations, religious organizations and nonprofit educational institutions; and loans to finance projects designed primarily to promote community welfare, such as economic rehabilitation and development of low-income areas by providing housing, services and jobs for residents.

Small business owners interested in obtaining information about or applying for Fleet community loans or the Fleet microloan program, may do so by visiting or calling their local Fleet small business or community bank lender, or by calling 1-800-CALL-FLEET (1-800-225-5353).

III. COMMUNITY INITIATIVES

Fleet will continue to support programs dedicated to the long-term growth and stability of the communities it serves, including education and diversity initiatives.

Fleet also will continue to support and expand its consumer credit education efforts, with emphasis on home ownership and personal finance. Furthermore, Fleet will continue to focus charitable giving, through an existing program known as the Fleet Economic Initiative, to assist nonprofit organizations throughout the Northeast with long-term community development. This effort, which is funded through the Fleet Charitable Trust, will give major consideration to nationally known nonprofit community development organizations.

In addition to charitable giving and its diversity program (described earlier), Fleet will expand corporatewide its existing college scholarship program for financially eligible minority students, Fleet scholars, which also is funded by the Fleet Charitable Trust. Operating successfully at Fleet's Rhode Island bank since 1971, Fleet Scholars has awarded more than $50,000 in college scholarship funding to minority students. The program also provides the students with summer internships at the bank.

Guidance counselors at the high school level who are interested in further information about the Fleet Scholars program may obtain it by contacting the charitable giving coordinator at the local Fleet subsidiary.

COLUMBIA-SNAKE RIVER BIOLOGICAL OPINION

Mrs. MURRAY. Mr. President, yesterday afternoon a team of five Federal agencies announced agreement on an interim plan to protect endangered Columbia and Snake River salmon. This plan was formulated pursuant to the Endangered Species Act, and takes the form of a biological opinion on the effects of Columbia/Snake River operations on listed salmon population.

My region, the Pacific Northwest, has been plagued by uncertainty and anxiety over the fate of both salmon and people who depend on the river system for economic vitality. The region is in the midst of its third straight drought year. Quite rightly, there has been fear on all sides that salmon stocks are so diminished that strict, draconian measures will be necessary to bring them back. Such measures can only bring economic dislocation.

Mr. President, the plan announced yesterday is not extraordinary. It does not contain bold new science, nor radical protective measures, nor extreme, unanticipated costs. It is a creative compromise that seeks to balance the needs of fish with the ability of the region to pay for them. What is extraordinary about the plan is the way it was drafted.

Perhaps for the first time ever, five Federal agencies came together in a spirit of cooperation to agree on the best course of action to protect regional interests. They have a 5-year framework that allows flexibility to respond to water conditions annually. This will provide certain stability that business, farmers, and consumers haven't had in the past 2 years.

The National Marine Fisheries Service, the Bonneville Power Administration, the U.S. Fish & Wildlife Service, the Army Corps of Engineers, and the Bureau of Reclamation—instead of working against each other—combined their collective resources and got the job done. The process was more open than most consultations under section 7 of the Endangered Species Act. The Governors of Washington, Oregon, Montana and Idaho were all given a chance to participate. In fact, this plan has been submitted to the Governors for comment before becoming final.

This represents better than any other statement or action that general consensus can be reached in the Northwest on tough natural resource issues. Division and conflict are not going to solve our problems. We've seen in the past what happens when public policy must be decided in a court room: no one wins.

I commend the agencies and the Governors for their hard work and diligence. It remains to be seen whether this plan will deliver. In fact, it's success depends a great deal on better rainfall. But it is a good step forward, and hopefully it clears the way for merging existing salmon strategies and developing regional consensus on a long-term recovery plan.

SPEAKER TIP O'NEILL—A GIANT OF THE HOUSE

Mr. KENNEDY. Mr. President, the death of our friend Speaker Tip O'Neill last month has deprived the Nation of one of its most beloved leaders. Tip was a giant in every way—a giant of a man, a giant of a Speaker, a giant of a friend. He never lost the common touch. Massachusetts has lost one of the greatest public servants it ever had, and all of us whose lives he touched have lost a wonderful friend.

By his side, through all those great years, was another great O'Neill, the woman who means so much to all of us and who meant the world to Tip, the woman he always called the biggest contributor to all his campaigns—Millie O'Neill. They had five extraordinary children who share so many of the finest qualities of their parents—Tommy and Kip and Michael and Susan and Rosemary.

I think Tip finally got tired of waiting for the Red Sox to win the pennant.

Tip liked to call his friends "old pal"—or call us "beautiful." But in truth he was the best old pal and the most beautiful one of all.

What extraordinary memories he leaves, especially the laughter from his endless supply of stories, and the sheer joy we had in listening as he told them.

There was the time, shortly after the Supreme Court's decision in Roe versus Wade in 1973, when Cardinal Medeiros called Tip and asked to see him on a matter of great urgency. With some trepidation about the purpose of the visit, Tip agreed to see him right away.

As it turned out, Cardinal Medeiros was extremely concerned about a powerful hurricane that had just devastated the Cape Verde Islands. He had a specific request for Tip—to see if $8 million in emergency relief could be included in the foreign aid appropriations bill. Tip, with that irrepressible twinkle in his eye, replied, "Your Eminence, I'll put $16 million in, if you won't mention Roe versus Wade."

One of Tip's most famous stories concerned the gift by Henry Ford of $5,000 toward a new hospital in Ireland. Unfortunately, the local newspaper the next day reported that the gift was $50,000. The editor apologized profusely for the mistake, and said he'd run a correction right away, explaining that the gift was only $5,000. It took Henry Ford about 10 seconds to realize what was happening, and he said, "No, don't do that. I'll give you the $50,000, but on one condition—that you put a plaque over the entrance to the hospital with this inscription—"I came unto you, and you took me in."

There's also the story he said he told at a hundred bankers' conventions, and they loved it every time. An Irishman was applying for a loan, and the banker said, "You can have it on one condition. I have a glass eye and a real eye, and if you can tell them apart, you've got the loan."

The Irishman studies each of the banker's eyes, and finally said, "The glass eye is the left eye."

"Correct," said the banker. "But how could you tell?"

"It was easy," said the Irishman. "The left eye has the warmth in it."

And of course, all of us in Congress quickly learned to host fundraisers the way Tip O'Neill did it—a thousand dollars if you came, and two thousand dollars if you didn't.

Tip was scrupulously neutral in the 1980 Democratic primaries between President Carter and myself. But he told me that every night, before he went to sleep, he was secretly getting down on his knees and praying that we

would have another Irish President of the United States. The prayer was a little ambiguous—but Tip's friend Ronald Reagan was very grateful.

There was never any secret about the genius of Tip O'Neill. In his years as Speaker of the House, the entire Nation came to know him and love him as we did in Massachusetts. He was a Speaker who was never afraid to speak out for the average man and woman—the worker trying to keep a job, the child going hungry in the night, the family struggling to make ends meet, the senior citizen trying to live in dignity in retirement.

All of those Americans are better off today because of Tip O'Neill. When his political opponents tried to make him a symbol of the past, they succeeded only in turning him into an even greater national hero than before. He was the glue that held the Democratic Party together in the Reagan years, and no one could have done it better.

He was also the only man we knew in Washington who was bigger than the budget deficit. One thing for sure about Tip O'Neill—when you saw him, no one ever said, "Where's the beef." And no one ever said that about his bedrock beliefs either.

We loved to compare our diets and joke about them. People often tell me that I have to lose more weight if I want to stay in public life. It seems that they don't care about my vision of the country, as long as I can see my toes. I told that to Tip once, and he said "What are toes?"

And of course, when Tip told the story, my toes were in the punch line.

He was also Irish to the core, with the map of Ireland on his face, and the warmest Irish heart and personality I have ever met—overflowing with compassion and concern for all those who need our help the most.

In the days after his death, in looking through some of his speeches, I came across the remarks he made to the Massachusetts State Democratic Convention in 1981, and they captured his philosophy of public life. He said:

For over 50 years with brief exceptions, the Democratic Party has been the first choice of the American people to be the principal governing party of this Nation. When in the past we have lost, it was not because our supporters joined the opposition. It was because our supporters believed we had lost touch with their concerns. The reason we were the first choice of the American people in the national elections for the past 50 years was that FDR made the Federal Government responsible for guaranteeing a decent standard of living for every American—not only enough to live by, but something to live for.

Those words were his enduring ideal—the essence of Tip O'Neill. He never mortgaged his beliefs to the passing fashions of the time. He walked with Presidents and Kings, but his favorite stroll was always down the street in Cambridge to Barry's Corner. He became one of the most powerful men in the world—but he never forgot the worker in Somerville, the senior citizens in East Boston, the barker in North Cambridge, the young family starting out whose grandparents he knew. His Irish smile could light up a living room, the whole chamber of the House of Representatives, and the entire State of Massachusetts.

The congressional district he served had also been President Kennedy's district when my brother was in the House—and my grandfather Honey Fitz' before that.

President Kennedy thought the world of Tip. There were few whose company he would rather share. They had started out on opposite sides in the famous primary of 1946, Jack's first race for the House. Tip backed his friend Mike Neville. One afternoon late in the campaign, Tip called Neville and said, "I'm taking a cold shower, and you better take one too." "Why?" said Neville. "Well," said Tip, "I've been going door to door for two days, and all I hear is Kennedy, Kennedy, Kennedy, Kennedy." Tip and Jack were never on opposite sides again.

After my brother's reelection to the Senate in 1958, he called Tip and asked him about the results in Cambridge. Tip said that my brother had done well. To test him, Jack asked, "How'd I do in Ward 1, Precinct 1? And Tip said, you won by 1003 votes to 12. I won by 999 to 16." Jack asked, "What happened, Tip?" And Tip said, "It was the Lefebvre family—they're off on me for some reason."

Well, at the Inauguration in 1961, Jack saw Tip and they talked about the 1960 results in Cambridge. Tip said, "A thousand more people voted this time. You won by 2003 to 12, and I won by 1999 to 16." And Jack said, "Well I see the Lefbvres are still off on you, Tip." Tip could tell that whole story from memory—and the numbers always added up.

There was no better way to spend an evening than to hear my brother swapping Irish stories with Tip. Jack loved him, and so did all the Kennedys. I'm sure that in heaven now, Tip is leading them all in a glorious round of "I'll Be With You in Apple Blosson Time." It may be apple blossom time up there, but here on earth, a beautiful blossom is gone.

Still, the Speaker will always be with us in our mind's eye, in the hearts of thousands of his friends, and the tens of millions more who never met him, but whose lives are better today and whose hopes are brighter because he was a Speaker who spoke so powerfully for them.

In an era so much pretension and superficiality and polldriven decisions in public life, Tip O'Neill was the real thing, and we were fortunate to have him as our leader.

Near the end of the Pilgrim's Progress, there is a passage that tells of the death of Valiant:

Then, he said, I am going to my Father's. And though with great difficulty I am got hither, yet now I do not regret me of all the trouble I have been at to arrive where I am. My sword I give to him that shall succeed me in my pilgrimage, and my courage and skill to him that can get it. My marks and scars I carry with me, to be a witness for me, that I have fought his battle who now will be my rewarder.

When the day that he must go hence was come, many accompanied him to the riverside, into which, as he went, he said, "Death, where is thy sting?" And as he went down deeper, he said, "Grave, where is thy victory?" So he passed over, and all the trumpets sounded for him on the other side.

We loved you Tip, and we always will.

Mr. President, I ask unanimous consent that an article from Yankee Magazine in July 1978 may be printed in the RECORD. Its title is "Thomas P. O'Neill, Jr.: The Man from Barry's Corner." I can hear Tip speaking now.

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

[From the Yankee Magazine, July 1978]

THOMAS P. O'NEILL, JR.: THE MAN FROM BARRY'S CORNER

(By Richard Meryman)

Thomas P. O'Neill, Jr., the Speaker of the House of Representatives, is six feet, three inches tall, admits to 260 pounds—"I've lost hundreds of pounds in my lifetime"—and describes himself as a man with "a bulbous nose, cauliflower ears, and a shock of white hair." This memorable figure moves through the neoclassic corridors of Congress like a particularly large, affectionate teddy bear. Figuratively—and often physically—he puts his arm around stranger and colleague alike. When Hubert Humphrey, dying of cancer, returned to the Capitol, Tip O'Neill kissed him, enfolding Humphrey in such a bear hug that onlookers feared he would snap the frail figure in two.

This same man is considered by many to be, after Jimmy Carter, the second most powerful man in Washington. It is a remarkable achievement because, to say the least, O'Neill's is a House divided. No longer does a coterie of shrewd, senior congressmen dominate the House of Representatives, treating freshman congressmen like so many Rosencranzes and Guildensterns. Rule changes have given myriad congressmen a piece of the power. And a multitude of independence power blocks exert their special pressures. There is a new-members caucus, a steel caucus, a black caucus, a rural caucus, a suburban caucus, a blue-collar caucus, a women's caucus—and so on. Tip O'Neill has been amazingly successful at assembling this babel behind Party and Presidential policies. He is also one of the big changes in the House. Unlike his predecessors—Sam Rayburn, John McCormack, Carl Albert—Tip O'Neill is accessible and approachable. Said one congressman recently, "Tip makes it easy for you to complain to him."

O'Neill's knack is making men feel valuable—while exciting their sympathy and loyalty. His arm-around-the-shoulder quality, an attribute enlarged into a spontaneous art, was bred into Tip O'Neill during his youth in North Cambridge, Massachusetts. To an extraordinary degree, the man is an extension of the boy.

He was indelibly influenced by his father, an admired local politician, and by the in-

tense sense of community in Irish North Cambridge, symbolized by a street corner—Barry's Corner—the center of his orbit. As the Speaker of the House answered Yankee's questions, it became clear that he has managed to transplant the comradeship of Barry's Corner to the United States Congress.

My father, Thomas O'Neill, taught me, number one, loyalty; number two, to live a good, ethical, honest life; number three, that I truly am my brother's keeper; number four, always remember from whence you come. When he was a kid he had it tough; the day I was born, while my mother was delivering me, he was a union bricklayer carrying a strike sign against Harvard University which was using non-union bricklayers.

I am from the working class. Those are the people who sent me to Congress. I've never tried to leave them. I truly believe in what I call a family-saving wage—that every American is entitled to a vacation with his family, working hours that permit him to be with his wife and family, enough money for education and medical needs. Now there are those that come down here to Washington—I've seen it happen many times—and they get away from their people. They get affluent; move into the country club style of life, and they don't think the way they used to. They get more conservative. I don't think I've changed.

My grandfather and his three brothers were brought over from Ireland around 1845 by the New England Brick Company. I have a deed for a plot in the Cambridge cemetery dated 1845; people had seen so much death in Ireland during the potato famine that the first thing they did here when they had a few dollars was buy a plot to be buried in—just in case. My father was born in 1874 in North Cambridge, the section they called Old Dublin. When I was a kid there Gaelic was still a language spoken fluently in many homes. Everybody earned his livelihood working for the brick company or Hugh's Pottery. My father worked in the brickyard—rough, tough work digging with a pick and an ax down in those clay pits, loading the clay on the tram, with a horse pulling it up the slope from the pit. Nothing mechanized. They were tough workers and they worked from sunrise practically until sunset—a six-day week.

The Irish didn't want their kids in the clay pits, and in 1900 or so the French Canadians migrated to North Cambridge, by 1920 it was the Italians working in the pits—each generation moving their own out, getting them educated—clergymen, lawyers, doctors. The fields of insurance and banking were not open to them. The old aristocracy—the Brahmins, the Yanks—held that for themselves.

It's interesting that the Irish who immigrated to Charleston, South Carolina, about 1797, after one of many Irish revolutions, became the cream of society. They moved into an area where somebody had lived, and built the whole establishment themselves. They collected $25,000 to help bring over the Irish Catholic people who arrived in Nova Scotia, New Brunswick, Boston, New York, and Philadelphia. When the Irish came to Boston, the British had been here since 1620. A lot of poor English saw the Irish as an economic challenge—like the Negro today. The Irish had to fight for their rights and that drove them into politics. A politician was valuable to them.

My father became a successful bricklayer—he had a small contracting firm in the neighborhood. In 1900 he was elected a city councillor in North Cambridge, and became superintendent of sewers. With an elementary school education he passed the Civil Service exam in competition with fellows from M.I.T. In the winter, when men couldn't work on the streets and sewers because of the frost, he could put a fellow to work shoveling snow. He could help his people.

Even in my days when I was Speaker of the Massachusetts Legislature. I remember meeting a fellow coming out of a bank and he said, "You know, I didn't get the job because I was a Catholic." I said, "I don't believe that. I'm going in and see the president of the bank." I told the president, "I want you to know that $33,000 of our St. Vincent DePaul money is in this bank. Ever since I was a kid the school children in our parochial schools have put money in your banks. I'd say that 85 percent of your funding is out of the area in which we live, which is Catholic, Irish, French Canadian. I'll tell you something, I could walk from here to Fresh Pond Parkway, telling them you're a bigoted son of a B and you won't hire Catholics. I could have a run on your bank in 24 hours." Within a week they three Catholics working there.

My mother died of tuberculosis when I was nine months old. One of the nuns came and took care of me so my father could go to the funeral. In the early part of my life, going to school, they knew I didn't have a mother and they watched over me. Some of those nuns—Sister Agatha; Sister Cloretta—still play a part in my life.

You know there's a terrible feeling among people, truly, that Irish politicians aren't of the cleanest of honesty. That isn't true of the ones that I have been with, the Eddie Bolands, the Jimmy Burkes. We had parochial school educations, the teaching of nuns. We are church people. We live our lives in an open bowl. We're human; we err on occasion. But we do not have any elasticity of conscience.

When I grew up, life was in the community, the local organizations and the affairs they ran—the North Cambridge Knights of Columbus, the baseball team, the annual dances and picnics, field days, parish parties, the weekly dance at the high school.

I used to be able to walk from the high school to my house, which was half a mile, and I knew every person in every house—start at Barry's Corner and go down the line: Eddie Jones, Wee Wee Burns, Skinny McDonald, Fat McDonald, the Moose, Big Red. I was, in a sense, brought up on a street corner—Barry's Corner—and my father when he was a boy, he hung on Barry's Corner. Every baseball team emanated from Barry's Corner and the ice hockey team, the basketball team. Before you went on a date, you went to Barry's Corner; there was a clubhouse there. And what respect we had for the law! And what respect for womanhood! Those fellows . . . there was never any loose talk about women or anything like that. Not that we were prudish but we just . . . we had tremendous respect.

There was real comradeship in the Barry's Corner crowd. Loyalty—that was inherent. It stemmed from the persecution of the Irish in the old country. Even when they moved to this country, woe be to the informer. I've had loyalty ingrained in me all my life in politics.

Jack Barry was a sportswriter for the *Boston Globe* and one of his jobs was compiling all the averages of the baseball players. There wasn't a kid on the corner who wouldn't sit in the back room with Jack dividing the times at bat into how many hits. Everybody was a walking encyclopedia of statistics, especially for the North Cambridge baseball team, which in the early 1920s was New England champion. If they played in Gardner, Massachusetts, the whole town would go to see them play. There was loyalty.

It was amazing that all those great ballplayers would be born in the same locale—Jay O'Connor, Gaspipe Sullivan. They could have been big leaguers, but they made more money playing semi-pro ball on Sundays. The big leagues didn't play them because you weren't allowed to charge admission to a game on Sunday. What the semi-pros did was—at one o'clock there would be a band concert and it cost 50¢ to get in. There were 12,000 seats there, and the game started at two o'clock. If you didn't pay to hear the concert, you didn't get a seat at the ball game.

My father established the North Cambridge team. In the community he was the sort . . . well, he was ever mindful of the needs of others. I'll tell you, in our house, we never threw anything away. There was always a family in the neighborhood far needier than ours. He made $35 a week, good money in those days. When I got into public office, we had an O'Neill Club, and in those days you had Christmas baskets and Thanksgiving and Easter baskets for the needy. You really didn't do them for political purposes. You went in the dark of night and left them at the person's home because of the pride of the person. They didn't want to accept welfare; you were sending them a gift.

When a snowstorm came . . . like my father before me, I would have maybe 50 snow buttons from the city of Cambridge, 50 from the Boston Elevated Railway, 50 from the Massachusetts Bay Transit Authority, for men who wanted a job shoveling snow. The men wanted to work for the city because it paid $4 a day, and everybody else paid $3. Those were the days of the WPA and you put an awful lot of people to work. There was a time when a postal employee in our district couldn't get a Christmas job unless he applied through his congressional office. I delighted in public service. There wouldn't be a night when my wife Milly and I were first married that I wouldn't have a dozen people come to my home. That stayed with me through the years. I prided myself on the fact that a call to the people's congressman was only ten cents when they called the house on a Sunday afternoon.

But to be perfectly truthful . . . well, I married Mildred Miller thinking I'd like to be mayor of Cambridge and be a businessman and a home person and all that. She's a very strong woman—German and French aristocracy that goes back to the revolutionary days—and she brought up the family while I spent my life down here in Washington and commuted and spent a great deal of my time at home with the people of the district, campaigning, going to affairs, and being in my office—doing the duties of a political person and for a long time an unknown political person. I didn't grow up with my family.

I tell the young fellows who come down here now, "Bring your wife down immediately and bring your family down because you don't appreciate the things that you miss." You're down here evenings, and most of my life was spent with men down here—playing cards, going to restaurants, being over at the Democratic Club. There's a tremendous sense of loneliness when you go back to an apartment at night, and the colleague that you're living with may be there or may not be there. There's nothing like going home to a family. A fellow misses that through the years. There's a lot of heart-

break and sorrow that goes with being in public life.

You get seasoned to the attacks in the press. But it hurts your family, and because it hurts your family it hurts you, especially when you feel you've led an honorable, ethical life and you've devoted yourself to the good of the community and the good of the nation. You have to take into consideration that since Watergate there's been a change in the press of America. I think that ever since Bernstein and Woodward, there are thousands of reporters around the country who want to emulate them. They're highly imaginative; they take out of perspective the things that happen, and they sensationalize them.

But if I didn't love it here, I'd get our. I love the political life. I love the art of campaigning. I'm gregarious and open. I love to be with people. I love the crowds, the atmosphere, being active in the local community.

When I started politics I never had a thought that I would be in it for a lifetime. My father was a leader in our area; his support meant something and the mayor of the City of Cambridge—Edward Quinn, respected, affable, a fine orator—was often in our house. The people in the Irish neighborhoods, they looked at him with awe. So I had that ambition that someday I'd like to be mayor.

I loved politics, the local loyalty, the comradeship. Get the most votes out for one of the boys from our part of town. I worked for Charlie Cavanaugh, a state representative who lived in the neighborhood, when I was 15 years old. I just loved organization; I loved it when Red Fitzgerald and I in precinct 2 in the Orchard Street block were getting out the vote in the Al Smith campaign. We were about 14 years old. There was an automobile and we'd ring Mrs. Murphy's doorbell, and Mrs. Sweeney's, and have them out in the street so the car could pick them up to vote, and by the time it came back, we'd have the next person out in the street. We harassed them, but we got them out—every person in the precinct except four and they were out of town. The leading precinct in the city. It was a challenge. Everybody said, "Remarkable, remarkable. A couple of young kids. Boys, this is your line, all right!"

Today anybody who doesn't run a campaign with a professional is foolish. The basis is still the same—people like to be asked for their vote. I've never forgotten that. But now they use computers—how many medical men, how many senior citizens in the district. Everything is packaged. Use the media. When I was a kid, campaigning was getting a permit and having a rally at the corner of Dudley Street with red lights and automobile parades. It was a form of entertainment and people would follow the rallies from street corner to street corner. They loved the oratory; they loved the show of the whole thing, the debating, the hecklers. And you would be hoping that Curley would be a speaker because he would draw 4000 to 5000 people.

I'll tell you a story about Curley. One evening when I was Speaker of the House in Massachusetts I had to go to a banquet and speak for a leader in another area, a man I'd never met. I had to get up and gild the lily for him. I was exhausted after a long legislative day; I had no enthusiasm. I sat down and Curley said to me, "You were awful. I want you to come over to my house Friday morning." So I went over and he said, "I'm going to give you a little lesson in the art of speaking so you'll never be stuck that way again. I want you to memorize ten poems." Each one was for a particular occasion, like a group of old friends:

"Around the corner I have a friend. In this great city that has no end. The days go by and the weeks go on. And before you know it a year is gone." And so on. Curley said, "You can weave into that." He gave me "If" by Kipling, and Polonius' advice to Laertes—"Never a borrower or a lender be"—Brutus' farewell address—"I met no man, but he's been true to me." There was one for labor—"The Deserted Village"—"The bold worker, his county's pride, if once destroyed can never be revived." That was a good lesson.

When I ran for the state legislature right out of high school, I was one of the first ones who ever went from house to house, knocking at the door in the morning. "Mrs. Murphy, I'm Tom O'Neill. I'm a candidate for the state legislature."

"Are you the Governor's son?" they'd ask—that was my father's nickname. "Oh, my God, I've known your father for so many years. He helped me with this; he helped my son with that." He was a great asset to me.

People came to my father with their problems, and I think I grew up the same way. I was captain of the North Cambridge football team. I was captain of the basketball team. I wasn't a good athlete. But the other kids were coming to me with problems—should the team play there? What should we do? I had some kind of leadership abilities that . . . well, my life has been one of leadership in the legislature all the way along the line.

I truly believe that one of the reasons I became leadership material in the Congress was that for years when I was a member of the Rules Committee—all important legislation goes to the Rules Committee—I would have members of the House calling me. They would say, "Tip, that bill is going to be up on Wednesday. How badly would it affect me at home if I were to miss the vote?" I could make a judgment and say, "There's nothing that affects the economy of your area." Or I would say, "That bill is going to be extremely controversial. There's a couple of quirks along the line, and when it comes to the floor, it's going to be very, very argumentative and some amendments will be offered to try to knock that out. You'd better be there. There will surely be roll calls on it." How do you acquire knowledge of how legislation is going to go? Is that inherent? I don't know. To me two of the best readers on legislation in the House are Tom Foley, he's an Irishman, and the other is Danny Rostenkowski and he's Polish. He was part of the Chicago operation, where they play the same hard politics they play in the Boston area. If you're going to move, if you're going to be a leader, you've got to know the rules of the ball game.

To be successful in political life you've got to be a strong fellow. You can't equivocate and you can't waver. You've got to do your homework. I may be talking in my office with the largest industrialist in America who may have the greatest and keenest mind in America. But I know when he sits here in this room with me, that we are not equal. Because he's come in to talk to me about government and politics, and the Congress of the United States. And nobody knows more about it than I do. They're talking in my field. They're talking to a man who sets the schedule, who knows where the legislation is, who knows the policy we're going to follow, where the priorities are, what the Congress will do.

In Congress I love the maneuverability. I love the basic Democratic Party philosophy. I enjoy the whip organization, the policy committee, the caucuses better than I enjoy the actual legislation on the floor itself. It's being able to set priorities and find a way out of a dilemma.

You do have a lot of power in the House. You appoint ad hoc and special committees. When two men stand on the floor, you have the right to recognize the one you choose. That's a tremendous power—but I try to be honorable and make my decisions fairly. In the Democratic caucus, the leadership meetings, the steering and policy committee, the whip organization—I'm considered to be the leader of the party.

But you know . . . well, what is power? Power is when people assume you have power. That's when you have it. I've never looked for power. We've got the trappings here, the big office; no question I can get the President on the telephone within a matter of minutes, or any corporation big wheel or a governor of any state. Is that power? I don't know. If I make a telephone call to an agency, I'll get more attention than a freshman member of the congress. But I've never looked for power. I've never tried to pull rank. That's not my style.

For years on the wall of my office I had a sign that said, "It is better to be nice than important." You have to remember that whoever comes into this office, comes in because that's the most important thing in his life at that particular time. To you it may be trivial; to him it's crucial. I've talked with the mighty of the world, and I've talked with the poor, indigent person who has come to my house on a Sunday, seeking some assistance that I can give him. I try to treat them exactly the same way.

I suppose my heritage is Ireland. But what is actually my heritage? When I was a kid I used to go up to a little cottage near Jaffrey. New Hampshire, with no running water. I can still reflect back on waiting for the dairy man or one of the farmers to come by so I could go up to Jaffrey town. I remember going out blueberrying; I remember the muskrats, the deer. Millie and I bought the house later and fixed it up. The delights I got climbing Mt. Monadnock. I tell people all over the world, "There's nothing like New England in October; the blending of the foliage. I love Cape Cod, the dunes, the quietness of it all; the blending of the people."

And the house I live in now on the corner of Orchard Street—a skirmish happened in the orchard with the British who were retreating from Lexington. As a kid, where some played cops and robbers or cowboys and Indians, we played colonists against the British. We knew the maps of where they came from and where at the corner of Beach Street three people had been killed. I love the Old North Church, the Old South Meeting House, Paul Revere's home, the State House. I love it all. My father loved it exactly the same way.

The biggest kick I get out of anything—I don't know what it proves—but over in Copley Square a statue of an abolitionist sits so majestically there. And the inscription says "Born in Boston, lived in Boston, and died in Boston." I always look at that sign and I think, "Boy, you can't get any more parochial than that." Then I think "Now that's good enough for me." My life is politics and all politics is local.

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, anyone even remotely familiar with the U.S.

Constitution knows that no President can spend a dime of Federal tax money that has not first been authorized and appropriated by Congress—both the House of Representatives and the U.S. Senate.

So when you hear a politician or an editor or a commentator declare that "Reagan ran up the Federal debt" or that "Bush ran it up," bear in mind that it was, and is, the constitutional duty of Congress to control Federal spending. Congress has failed miserably in that task for about 50 years.

The fiscal irresponsibility of Congress has created a Federal debt which stood at $4,518,431,105,010.62 as of the close of business yesterday, Wednesday, February 9. Averaged out, every man, woman, and child in America owes a share of this massive debt, and that per capita share is $17,331.19.

TRIBUTE TO DANIEL S. FRAWLEY

Mr. BIDEN. Mr. President, I do not do this very often, but today, I would like to address the Senate about a friend of mine, a neighbor from Wilmington, DE. Dan Frawley was not a native of Delaware; he was born and raised in upstate New York. But from the day he adopted the city of Wilmington as his home, Dan Frawley became one of its most devoted citizens and most enthusiastic cheerleaders.

Dan came to Delaware in 1972, having just added an MBA from the Wharton School to his law degree; he was poised, it must have seemed to those who welcomed him, for a long, lucrative private-sector career in the legal division of the Du Pont Co.

In 1973, by the luck—and it was truly Wilmington's luck—by the luck of a random drawing, Dan Frawley became the first urban homesteader in the United States. For $1, he was given a run-down house in the west-center of a city that had been rocked by riots just 5 years before, a city that had been abandoned as a home by too many of its residents, and abandoned as a lost cause by too many of its neighbors.

Dan Frawley lived in that same $1 house for a decade, and turned it into a national showplace, and the centerpiece of the renewed and revitalized urban neighborhood that grew around it.

Dan never moved out of the city.

In the difficult early years of the debate on school desegregation, Dan Frawley served on the Wilmington Board of Education. He was also appointed to serve on the Wilmington Design Review Commission, a position from which he resigned to run for—and win—a seat on the city council.

Just 4 years later, in what was accurately described as an upset, and less accurately recalled by Dan as an overwhelming mandate, he won the 1984 democratic primary for mayor by a little more than 200 votes, and went on to win the general election, and to serve as Wilmington's mayor until 1993. Dan Frawley had sacrificed his private-sector career for full-time public service, at probably half the salary.

As mayor, Dan Frawley guided and helped stabilize the city through treacherous economic times. He started the Wilmington Partnership, raising millions of dollars in private funds to help build homes in poorer neighborhoods; he expanded business and jobs at the port of Wilmington, often traveling himself—as truly the city's best salesman—to promote Wilmington with potential port customers; he brought America's premier professional bicycle race, now the Tour Du Pont, to Wilmington; he led the revitalization of a long-neglected downtown area, known as the Christina Gateway, and he was instrumental in bringing a minor-league baseball team back to the city, by committing his efforts—when others said he was crazy to risk it—to make sure the team would have a beautiful new stadium to play in.

Those are some facts about Dan Frawley's career, and they are impressive and important, but the facts could never capture the essence of Dan's life and spirit. And it is the essence of his life that we in my State have been trying to give voice to since the night of Wednesday, February 2.

Dan was playing basketball that night, as he often did, for a Wilmington recreational league team.

With 30 seconds left in the game, he collapsed, the victim of an apparent heart attack. He never woke up. Daniel S. Frawley was dead at the age of 50. He is survived by his wife, Bonita, and their three children—all still at home—Marcus, Matthew, and Marjorie.

As I have shared memories of Dan Frawley with others who knew him, it has been obvious that, as impressive and as important as the tangible accomplishments of his life were, the most defining and characteristic feature of anything Dan did was how he did it. At about 6 feet 4 inches, usually well more than 200 pounds, with a bone crunching handshake, a broad smile, and a voice that, as they say, carried, Dan Frawley was a big presence wherever he went.

He was all Irish—worked hard, played hard, thought it was better to sing off-key and loud than on-key and soft, fought with everything he had for what he believed, and competed like it counted all his life—and not just in the rough sports of politics.

During the tour DuPont bike race, Dan would ride on the back of one of the motorcycles that followed the racers, in a great big helmet, a bright green blazer, smiling and waving as he whipped around tight curves and bumped over rough roads.

Dan was a cofounder of the Wilmington Rugby Club, and it was not entirely unknown for him to use an elbow—followed quickly by a smile—while playing basketball indoors and out, probably on every court in Wilmington. He even competed at losing weight, entering a contest with some other bigger-than-average public officials in 1992. Dan won on the number of pounds dropped, but lost on body-weight percentage. He never was a percentage player; he went for home runs.

In his private life, Dan Frawley was devoted to his family; he believed in family, actively cherished it, in a way that some would think old-fashioned, and maybe even out of character for someone who took such joy in being a "public man." But there was no joy greater in Dan's life than his family—his wife, for whom he had such tremendous personal respect, as well as true love; his children, who, I am convinced, were the source of his belief that dreams could come true, that anything was possible.

As much as Dan towered above most company, in stature and in manner, with his family, it was different; with Bonita and the children, Dan was a perfect fit; together, they made a complete and beautiful picture.

And just as Dan Frawley's belief in family seemed so natural, he also had an innate belief in the importance of community. He was very intelligent and more sensitive than many people realized, and he felt an obligation toward all the children he encountered. Dan would leave a men's league basketball game to go watch the kids play on the other court—sometimes in the city's toughest neighborhoods.

He would coach them on skills, lecture them on rules and about getting along with each other, and inspire them with the simple, basic truth that he cared about them. It was not pretense; nothing Dan Frawley ever did was pretense. He did not work so hard, so joyfully, and devote so much energy to the city of Wilmington because he thought it looked good.

He did it because he cared, because he loved the city—loved it—with every fiber in his being, and you could not be around him for more than five minutes without realizing how sincere that devotion was. The same can be said about Dan's genuine, deep love for the people he served—for people generally, as someone said, he even loved the people he did not like.

That love Dan felt for Wilmington and its people, and the energy with which he expressed it, will never be duplicated and will always be deeply missed. The city has truly lost one of its best friends, and that, above all, is how Dan Frawley will be most truly remembered—not as one of Wilmington's accomplished former mayors, one of its greatest all-time salesmen, or the guy who helped get the money to build the baseball stadium, not as a courageous public risktaker and community activist, or a guy who sacrificed a lot to de-

vote himself to public service, or a pioneer in urban revitalization.

Dan Frawley was all that and more, but what everything he did adds up to, what Dan was at the core—was a man who, like a true friend, gave you all he had, gave it not only willingly but enthusiastically.

At Dan's memorial service, the most striking thing was that it was, truly, a gathering of friends—not colleagues or cronies, not allies or adversaries—but friends. A man who cares so genuinely, and who gives so much of his heart and spirit, inspires a very personal response. In the days since Dan's death, the talk in Wilmington has not been about his policies or programs, about his achievements or public contributions.

The remembrances have been about a friend, about a man who died too young and yet lived a full life. In retrospect, it was as if Dan had known all along that time was short, and in the end, too, it seems, whatever stories we tell and hear about Dan Frawley, that he himself had chosen his own best epitaph.

It is a quote from George Bernard Shaw, which Dan had hung in his office just a week before his death, and it is a very eloquent summary of how Dan lived, and a very fitting tribute to a friend we will long remember:

"This is the true joy of life:

Being used for a purpose recognized by yourself as a mighty one; being the force of nature instead of a feverish little selfish clod of ailments and grievances complaining that the world will not devote itself to making you happy.

I am of the opinion that my life belongs to the whole community, and as long as I live, it is my privilege to do for it whatever I can.

I want to be thoroughly used up when I die—for the harder I work, the more I live.

I rejoice in life for its own sake.

Life is no brief candle to me.

It is a sort of splendid torch which I've got ahold of for the moment, and I want to make it burn as brightly as possible before handing it on to future generations.

Dan Frawley's torch burned bright, and burns still through his enduring spirit, and in the hearts on his family and of his many devoted, and grateful, friends.

TRIBUTE TO MAJ. JOHN L. LANIER, JR.

Mr. HEFLIN. Mr. President, Maj. John L. Lanier, Jr., recently retired from the District of Columbia National Guard after 26 years of dedicated service. He was honored in a retirement ceremony on November 7, 1993.

While serving with the 163d military police battalion early in his career, the unit was called to active duty to support local and Federal authorities. This included several antiwar marches on Washington, Presidential inaugurals, and the callup of 1968 after the assassination of Dr. Martin Luther King, Jr. Major Lanier was released to the Inactive Reserves in 1970 where he finished his initial enlistment in 1971.

Major Lanier reenlisted in the D.C. Air National Guard in 1974 and was assigned to the 113th weapons systems security flight. He later was commissioned as a second lieutenant and appointed unit commander. During his service, the unit moved into expanded facilities, and was deployed to Great Britain and Iceland. It was the first D.C. National Guard tactical unit deployed to help maintain order during President Reagan's first inaugural. The unit won the Talbot Trophy and received an excellent rating.

In 1986, Major Lanier was assigned to the 113th mission support squadron as the chief of base operations and training. By 1991, he had become commander of the 113th morale, welfare, recreation, and services flight. The unit received excellent ratings in each of its last two inspections.

Major Lanier holds a bachelor of science degree in oceanography from George Washington University and a master of science from American University. He also attended the squadron officer school and the Naval War College. He is married to the former Betty Jean Streeter, a long-time member of my Washington staff, and they have two children, Patreece and John III. He is a physical science administrator at the Defense Mapping Agency's Hydrographic/Topographic Center.

I am proud to commend Major Lanier on his many years of outstanding service to his country as a member of the D.C. National Guard, and to congratulate him on his retirement.

TRIBUTE TO THOMAS A. BOBO

Mr. HEFLIN. Mr. President, In October, former Montgomery, AL, school superintendent, Thomas A. Bobo was honored here in Washington for his work as a congressional advocate for the National Association of Federally Impacted Schools [NAFIS]. NAFIS is a coalition of school systems that serve students whose families have ties to the Federal Government as employees, contractors, or residents of federally owned housing projects. Through a program known as impact aid, the Government provides additional funding to the schools serving these students.

Tom Bobo, who has served as State chairman, regional chairman, vice president, and national president of the organization, received its Founders Award at the annual conference last fall. The Founders Award is a way to honor those like Tom who have done so much on behalf of the impact aid program.

Tom's qualifications and experience as a leader and advocate of education are impeccable, and he is considered a moving force behind the impact aid program. In addition to serving as NAFIS president, he has testified on numerous occasions before the House and Senate appropriations subcommittees dealing with education funding.

Tom's career in education began 33 years ago with the Montgomery public school system as a classroom teacher. He served as Federal projects director, assistant superintendent, associate superintendent, and ultimately superintendent beginning in 1986. In 1991, he was named Superintendent of the Year by the Alabama Parent Teacher Association. He retired last summer after serving for 7 years.

During his tenure as superintendent, Tom was known among faculty members, parents, and community leaders for supporting the PTA; for being an effective advocate for children; and for actively seeking parental involvement in their children's education. He made a significant contribution in areas such as curriculum development and instruction; school system management; student activities programs; transportation and other support services; and school physical plant grounds. He remains a fixture in the spiritual and civic life of his community.

I am proud to comment and congratulate Thomas Bobo for his many dedicated years as an advocate for impact aid and public education in general. Even in retirement, he will remain an inspiration in the quest for Federal education programs.

TRIBUTE TO JOE A. MACON, JR.

Mr. HEFLIN. Mr. President, on November 17, 1993, Wetumpka, AL, lost one of its favorite sons when attorney Joe A. Macon, Jr. died of complications associated with bone marrow transplant surgery. A Wetumpka native and lifelong resident, Joe was a former chairman of the Elmore County Democratic Executive Committee. He was a 1974 graduate of the University of Alabama School of Law.

Joe was a friendly and outgoing person who was very active in community and civic affairs. He was a former Elmore County memorial chairman for the American Cancer Society and a member of the First United Methodist Church, the Lions Club, the board of directors of AmSouth Bank's Elmore County branch, and the Alabama Alumni Association. He was a past president of the Elmore County Bar Association and a member of the Alabama and American Bar Associations.

Joe came from a family devoted to improving the quality of life for all people in Alabama. His father, Judge Joe A. Macon, Sr., was one of the State's finest circuit judges. Joe Jr. had a wealth of friends who respected him in every way. I visited him several times while he was in the hospital and I know of no one who ever fought harder to beat an illness than Joe did.

I extend my deepest condolences to Joe's wife, Jo Puryear Macon, their

sons, Joe and John, and his parents, Joe Macon, Sr. and Helen N. Macon in the wake of their tremendous loss. Joe's legacy was one of truly serving others, and that is what his many friends and colleagues will always remember him for.

TRIBUTE TO THE UNIVERSITY OF NORTH ALABAMA: 1993 NCAA DIVISION II NATIONAL FOOTBALL CHAMPIONS

Mr. HEFLIN. Mr. President, it was a glorious December day in Alabama, where enthusiasm crackled in the air and you could almost hear the sound of college football records being broken. I'm talking about the 1993 NCAA Division II National Football Championship game, played at Braly Municipal Stadium in Florence before a national television audience and a vocal home-team crowd of almost 16,000 fans.

This year I had the distinct pleasure of attending this match-up between the University of North Alabama Lions and the Indiana University of Pennsylvania Indians. It was indeed a title bout, described by the media as a heavyweight match, with a heart-stopping fourth quarter victory that will be the talk of NCAA Division II football for years to come.

The UNA Lions took a 14–3 lead early on, but from there on the game was a tooth-and-nail battle. With 45 seconds remaining, the score was tied at 34. In a phenomenal 69-yard, six play drive, sophomore quarterback Cody Gross took in the winning touchdown, giving UNA the victory at 41 to 34.

This, Mr. President, was a classic example of what a championship game should be. The UNA Lions showed America the incredible quality and competitiveness of Division II football. This is the first national football championship in the 45-year history of the Lion program, with the team smashing more than 70 school and conference records in the process.

In this incredible 1993 season, UNA Coach Bobby Wallace has led his team to the following honors and awards: NCAA Division II National Champions; Gulf South Conference Champions; the Asa Bushnell Bowl from the National Football Foundation and College Hall of Fame, Inc.; the Sears National Championship Trophy from the American Football Coaches Association; NCAA Division II Statistical Champion in Rushing Offense; and the NCAA Division II Statistical Champion in Net Punting.

UNA's Lions also have the Nation's longest current winning streaks. This, Mr. President, bears repeating. UNA's 14–0 season is the longest current winning streak in NCAA football on all levels. This is a longer winning streak than our State's undefeated Division I team, Auburn, who finished their season at 11–0. UNA is the first school in the Gulf South Conference's 22-year history to post a perfect record.

This is a tremendous credit to Coach Bobby Wallace, who joined the Lions in 1987. His stellar career has included coaching positions at Auburn University, Mississippi State University and the University of Illinois. Coach Wallace is building a tradition of excellence. While at UNA, he has produced nine All-Americans, 25 first-team All-Gulf South Conference selections and more than a dozen Academic All-Gulf South Conference picks. Following the victory over Indiana University of Pennsylvania, Coach Wallace told reporters that the whole season had been like a dream come true. But no dream translates into reality without tremendous effort, hard work and vision. And for this Coach Wallace and his determined players deserve tremendous credit.

And what of those determined players? These dedicated young men are living up to the regal purple and gold school colors, matching the kingly qualities of their lion mascot and building a royal football dynasty. Quarterback Cody Gross is only a sophomore. So is Isreal Raybon, the defensive end who's breathtaking blocked punt in the fourth quarter turned the game around. Also part of the sophomore line-up are Demetrea Shelton, the split end who contributed 2 touchdowns, All-American linebacker Ronald McKinnon and All-Gulf South Conference linebacker Keith Humphrey, among others. Five out of the six offensive linemen are underclassmen. All-Conference place kicker Jamie Stoddard is a freshman. With this incredible talent returning to play next season, I hope to cheer them on to a second national championship next December.

Over the years, my beloved State of Alabama has given rise to many athletic champions. In fact, this is not the first time UNA has grabbed the national spotlight. In addition to this season's football championship, UNA has two previous national titles in basketball. Such excellence is fostered in part through community involvement and interest in our young people. Communities throughout Alabama gather every fall Friday night to cheer the local high school team. These same fans follow players as they graduate from high school and continue to play in college. The sense of community pride grows to State pride when one team distinguishes itself as the best in the Nation. And it is indeed with this great pride that I rise to congratulate the University of North Alabama and join in the resounding cheer, "Go Lions."

THE FDR COMMEMORATIVE COIN AND MEMORIAL

Mr. HEFLIN. Mr. President, I was proud to be added as a cosponsor last fall of legislation authorizing the minting and sale of a commemorative coin honoring one of our best-loved Presidents and one of the most important historical figures of the 20th century—Franklin Delano Roosevelt. Next year will mark the 50th anniversary of FDR's death.

President Kennedy once remarked before his own tragic death that all Americans old enough to remember could recall where they were when they heard of the death of Franklin Roosevelt. Even those with only a faint remembrance of him, or none at all, are nonetheless, touched by his legacy. Ideological and political views notwithstanding, no one can say that the Roosevelt Presidency did not leave a permanent impression on our Nation.

His 12 years in office—longer than any other Chief Executive—defined what we have come to know as the modern presidency. He is ranked today among our greatest Presidents, and a fair number of historians, academics, and citizens-at-large call him the best we've ever had.

In 1955, Congress established the FDR Memorial Commission and authorized it to plan, design, and construct a national memorial honoring the late President's life and legacy to the Nation. In 1978, the memorial design by Lawrence Halprin was approved. Groundbreaking took place in 1991 and the projected completion date is 1996.

The memorial will encompass 7½ acres in West Potomac Park on the Tidal Basin. In a park-like setting, it will consist of a series of four outdoor galleries, each one depicting one of his terms in office. Water, in various states of activity, flows its way continuously the length of the memorial.

Five American sculptors are creating vivid images of President Roosevelt, showcasing major events during his administration, and including a statute of Eleanor Roosevelt. This will mark the first time in history that a First Lady has been included in a Presidential memorial.

In 1992, Congress mandated the FDR Memorial Commission to raise $10 million in private funds for construction of the $50 million memorial. Proceeds from the sale of this commemorative coin will likely raise half the amount to be raised from the privator sector. All its profits will go for construction of the memorial; there is no cost to the taxpayer for the enactment of this legislation.

I urge my colleagues on both sides of the aisle to support the passage of this bill to enable the FDR Memorial Commission to raise a portion of the funds to complete the memorial by 1996.

THE MIDEAST

Mr. SPECTER. Mr. President, I ask unanimous consent three articles be printed in the RECORD. They summa-

rize travel of congressional delegations during the recent recess, and they articulate and summarize a number of the findings which this Senator made. They are an article from the Wall Street Journal captioned "Capitalism's March in Asia," dated January 28, 1994; an article in the Jewish Chronicle of Pittsburgh, dated January 27, 1994, concerning the Mideast; and an article in the New York Post, dated January 11, 1994, concerning Syrian Jews.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Wall Street Journal, Jan. 28, 1994]

CAPITALISM'S MARCH IN ASIA

(By Arlen Specter)

The Senate vote this week to lift the embargo on Vietnam recognizes the tremendous potential for trade with our former enemy and the entire region. Americans are just beginning to awaken to the fact that two-way trade with the Asian-Pacific Rim already exceeds our commerce with the European Union, or a combination of our North and South American neighbors.

This potential for increased trade and more U.S. jobs springs from the fact that capitalism is on the march in Asia. If Adam Smith and Karl Marx could visit Beijing and Hanoi today, they would be shocked to see countries like China and Communist Vietnam sprinting toward capitalism.

Officially they call it a "socialist market economy," an oxymoron that may be the practical answer for countries not wanting to admit their wish to abandon the disadvantages of a planned economy for the rewards of individual initiative.

On the same day in early January when our delegation of seven U.S. senators heard China's Premier Li Peng in Beijing extol the theoretical virtues of socialism, the vice chairman of the National People's Congress announced plans to copy economic legislation from capitalist countries.

Our delegation heard a similar message on our visit to Hanoi. A young official from the Vietnam Ministry of Trade was succinct in stating that the private sector was more effective than state ownership because "people work harder for their own pockets." Looking to Western political ideology, Vietnam's most powerful political figure, Secretary General Moy of the Communist Party, claimed that his country sought to follow Abraham Lincoln's model of a government of the people, by the people and for the people.

Statistics show China's gross national product growing at about 10% a year. Li Peng boasted of a trillion-dollar Chinese market in urging our delegation to renew most-favored-nation status for China. Similarly in Thailand, Indonesia and Vietnam, we heard of multibillion-dollar U.S. opportunities in hydropower, telecommunications, air and rail transport, automobiles and environmental projects.

In all these countries, U.S. businessmen urged our delegation to delink trade interests from human rights and even the MIA issue. Frank Hawke, representing Citibank's global finance operation in Asia, noted that about half of his company's $2 billion annual profits came from developing countries. Members of the American Chamber of Commerce in Beijing chided our policy of lecturing China on human rights when 23,000 people were murdered annually in the U.S. and our cities were virtual war zones.

When we objected to China's missile sales, Li Peng chastised us for being the world's number one "big brother" in arms sales. Indonesian officials expressed concern about the continuation of their trade privileges when our delegation raised the issue of human rights in East Timor and labor conditions generally.

Those protests suggest that our conditions for trade preferences are having an effect. Access to our markets at reduced tariff rates is vital to Beijing's and Jakarta's trade, so we should continue our leverage on human rights and arms sales without breaking the lever. It is obviously a judgment call as to how hard to press; but there is much room for improvement and we are having significant success, as evidenced by China's recent concession to allow greater inspection of manufacturing in their prisons.

Regrettably, a tough trade policy and sanctions also seem necessary to enforce U.S. property rights. China has flooded our markets with illegal textile trans-shipments. After cutting their import quotas, we have finally extracted commitments from China to stop the illegal trans-shipments of textiles, but that will have to be monitored closely to ensure compliance.

Responding to longstanding U.S. complaints, Thailand is finally enacting tough legislation and establishing a special court for enforcing intellectual property rights. Similarly, Indonesia needs continuing pressure and monitoring to fulfill existing promises to respect U.S. copyrights.

Notwithstanding the problems, the big picture suggests enormous U.S. opportunities in the Pacific Rim. China's Deputy Power Bureau Director Yu Fomin was outspoken in his preference for U.S. products over those of France and other competitors. Within the next decade, Indonesia will provide a market or infra-structure development in excess of $100 billion.

The potential for U.S. business development in Indonesia is illustrated by a multibillion-dollar copper-gold mine being developed by Freeport-McMoRan Inc. in Timika in east Indonesia. In the past five years, that talented and ambitious U.S. company has developed the world's third largest copper mine, creating thousands of new jobs there and in the U.S.

The problems of balancing competing interests in economic development were kept in perspective when we talked to Thailand's King Phumiphon, who told us that his favorite hydro-dam project was deferred because of community protests. We understood constituent pressures on U.S. senators, but we asked why that would affect a monarch. The king responded: "They'd demonstrate."

[From the New York Post, Jan. 11, 1994]

SENATOR REPORTS ASSAD IS ALLOWING EXIT OF JEWS

(By Arlen Specter)

Outlet diplomacy seems to have worked for Syrian Jews, who have been permitted to leave Damascus and Aleppo in large numbers in the last 18 months as a result of a change in Syria's policy in April 1992..

When I first urged Syrian Foreign Minister Shara almost a decade ago to allow Syrian Jewish women to immigrate to the U.S. because there were such limited opportunities for marriage in Syria, he responded that they were content and should remain.

In a meeting with President Assad more than six years ago, he repeated that statement, adding that Sryia was in a state of war with Israel· it would be unwise, he argued to allow immigration which might strengthen the enemy.

Over the years, the U.S. ambassador in Damascus and congressional visitors, with then Rep. Steve Solarz (D-N.Y.) at the forefront, continued to press Syria officials to let the Jews go. President Bush is reported to have pressed the issue in his meeting with Assad in Geneva in 1990.

In a meeting with Assad the same year, I again insisted that Jewish women in Syria were being deprived of a fair opportunity to marry because of the limited number of Jewish men there. Assad responded with a romantic offer that he would allow any Jewish woman to leave when a suitor came to Syria and took her to the U.S. to marry. That offer was relayed to the active Syrian Jewish community in Brooklyn and elsewhere.

Referring to that offer last month in a meeting with a visiting congressional delegation in Damascus, Assad chided me that not one man took him up on his offer. I replied that, being married myself. I had done all I could by publicizing his offer.

At the meeting, Assad said Syria had changed its policy in April 1992, allowing Jews to emigrate—as long as it was not to Israel—once external pressures had ceased.

According to statistics verified in December by the Syrian Jewish community, almost 2,600 of Syria's 3,800 Jews had been permitted visas. But concern was expressed for the more than 800 who had not been granted visas.

When Secretary of State Warren Christopher was in Damascus on Dec. 5, he announced that Syrian officials would grant visas to the balance of Syria's Jewish residents by the end of 1993. Members of the Damascus Jewish community asked our congressional delegation to obtain such confirmation in our meetings with Assad and Shara.

Assad and Shara did confirm, in Dec. 15 and 16 meetings that the visas would be issued, but there remained some ambiguity as to whether all the visas would be issued on schedule.

Assad insisted that many Jews did not wish to leave Syria and some who had departed wished to return—referring to a letter he had recently received. He also stated that the issued and unused visas showed there were Syrian Jews who really wanted to stay, but had obtained the travel permits because of external pressure.

Whether all visas will be issued on schedule or whether some Syrian Jews may wish to remain, the important fact is Syria's change of policy is in permitting Jewish immigration. This significant policy change may be due to Syria's interest in closer ties with the U.S., and the timely issuance of the new visas may be related to Assad's meeting Sunday with President Clinton in Geneva.

On my first visit to Damascus in 1984, I received a very cool reception. When I returned in 1988, after Assad had been told by Mikhail Gorbachev the previous spring in Moscow that the U.S.S.R. would no longer finance Syria, President Assad met with me for more than 4½ hours—evidencing real interest in U.S.-Syrian relations.

At that time Syria was totally uninterested in peace negotiations with Israel; that situation has also changed. In our December visit, Assad insisted his country was ready for a comprehensive peace treaty with Israel.

This change in Syrian policy certainly may benefit the entire region. It is a very good sign of the times that Syria has been willing to "let our people go."

[From the Jewish Chronicle of Pittsburgh, Jan. 27, 1994]

SPECTER SEES SEA-CHANGE IN MID-EAST

(By Arlen Specter)

Our Congressional delegation's plane landed in Cairo last month—simultaneously with

the arrivals of Israel's Prime Minister Rabin and PLO Chairman Arafat, so we had the unique opportunity to hear their views on the impasse concerning Israel's withdrawal from Jericho and Gaza. We heard about the region's fast-moving developments from Egypt's President Mubarak, Syrian President Assad, Crown Prince Hassan of Jordan and the Palestian negotiators.

Among the swirling impressions, these stand out:

1. The past immutable positions of the Mid-East adversaries have changed dramatically;

2. The uniform desire for comprehensive peace overshadows the parties' bitter disagreements;

3. The U.S. has not yet become accustomed to its greater power and prestige resulting from the disintegration of the Soviet Union. We are the only game in town—the only superpower in the world.

Arafat arrived at Egypt's presidential office when our delegation was talking to Mubarak, so a meeting was hastily arranged for us to meet with him.

A year ago, Israelis dealt with Arafat at the risk of a criminal prosecution. Now their top officials travel extensively to negotiate with him. So, U.S. Senators are interested in talking to Arafat because his views count.

The bottom line: he's effusive; he's elusive, he insists he wants to work it out. It's worth trying in light of Rabin's optimism that the borders can be made secure and the size of the Jericho province can be negotiated.

Three days later in Damascus, we heard Syria's President Assad exhort Israel to expedite discussions for a comprehensive peace settlement. A few years earlier he had summarily dismissed such negotiations. When I first traveled to Damascus almost a decade ago, the Syrian antagonism to the U.S. was fierce.

By 1988, after being told by Gorbachev in Moscow the previous spring that the U.S.S.R. would no longer finance the Syrian military, President Assad was at least willing to meet with a U.S. Senator. But, at that time, he totally rejected any dealings with Israel because he said it sought total control of the region "from the Nile to the Euphrates."

In last month's meeting, Assad had totally changed his attitude, and in his January meeting with President Clinton, he expressed his willingness to "normalize" relations with Israel.

Where and how do we go from here?

First, we must comprehend the vast differences between Israeli and Arab views of the facts. It goes far beyond perceptions. It is a truism that everyone is entitled to his own opinion, but not his own facts. In the Mid-East, there is a curious reversal of that dicturm.

They share the same opinion that a comprehensive peace must be found, but they disagree on historical and currently-operative facts.

While it is dangerous to cut anyone short on venting feelings or perceptions about the past or even the present facts, perhaps the best approach is to focus on objectives and what the parties can agree on what the facts should be for the future.

Second, while virtually impossible for politicians, the parties should lower expectations and avoid the inflammatory generalizations that border on, if not pass, the line of misrepresentation.

Rabin emphasized that the current agreement deals only with the interim and leaves permanent arrangements to future negotiations.

Saeb Erekai, vice chairman of the Palestinian negotiating team, conceded that a Palestinian state is not mandated by the Declaration of Principles although it is his hope.

Third, the U.S. must stay intensively and extensively engaged while meticulously leaving the ultimate decisions to the parties themselves. Perhaps U.S. observers should be silently present during the negotiations.

Since the U.S. presses each side for debriefings after each session, why not be present? Such a presence could have a salutary effect on the parties and promote realistic positions and even compromises.

From our meetings with the region's leaders, Israeli citizens and Palestinians in Gaza and Jericho, there is no doubt that U.S. suggestions or persuasion could tip the delicately balanced Mid-East scales. For different reasons, each party looks to some future largesse or favor from the U.S.

Without costly commitments, the U.S. can use its stature to promote peace for the Mid-East's benefit.

It is a totally different region from a decade ago or even a year ago. The momentum favors peace.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR FISCAL YEAR 1994

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 3759, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3759) making emergency supplemental appropriations for the fiscal year ending September 30, 1994, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

(1) Brown Amendment No. 1444, to delete funds for the costs of electronic communications records management activities of the Executive Office of the President.

(2) Murkowski Amendment No. 1445, to express the sense of the Senate that Federal spending priorities need to be reevaluated in light of the recent earthquake in California and other frequently occurring natural disasters and that the Presidential Election Campaign Fund checkoff should be replaced with a checkoff for Federal disaster relief assistance.

(3) Kerry Amendment No. 1452, to reduce the deficit for fiscal years 1994 through 1998.

(4) Feingold Amendment No. 1453, to strike provisions relating to appropriations for international peacekeeping.

(5) Durenberger Amendment No. 1454, to establish a national disaster relief trust fund in the Treasury.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 1452

Mr. INOUYE. Madam President, if I may, I would like to say a few words about amendment No. 1452, an amendment submitted by the distinguished Senator from Massachusetts [Mr. KERRY].

The amendment offered by Senator KERRY would reduce the 1994 appropriations for national defense by about $4 billion. I believe the Members of this body should recall that Congress has already reduced DOD's budget in 1994 by more than $18 billion. Moreover, in each and every year of the past 10 years, Congress has cut the funds provided for defense. We have already cut defense spending drastically.

To graphically demonstrate what I am saying, Madam President, 3 years ago the Army had 18 divisions; 2 years from now we will have 10. Three years ago the Navy had nearly 600 ships; 2 years from now we will have 350 ships.

This applies to all services. We are now in the process of the drawdown. As a result, this committee, ever since I have been chairman of this subcommittee, has always come forth with an appropriated recommendation which is vastly less than that requested by the administration. So, as far as cuts are concerned, we have done that. In fact, the bill before the Senate already rescinds more than $900 million from DOD. That is further reductions, beyond that of fiscal year 1994, reductions that will tax the ability of the Department to meet the base closure requirements. Cutting another $4 billion is simply insupportable.

The amendment addresses specific programs which I would like to consider individually. First, on the Trident missiles, section 1204 of this amendment prohibits the use of any funds for the continued procurement of Trident D–5 missiles or for the backfitting of older submarines carrying the C–4 missiles to the D–5 configuration.

The Senate has already addressed this issue. We did so 3 months ago. It voted against an amendment by Senator BUMPERS to terminate the D–5 missile program in the fiscal year 1994 appropriations bill. In the fiscal year 1994 defense appropriations bill, the Congress required the President to review this program. The President has completed this review and the President and the Joint Chiefs of Staff strongly support continuing the Trident D–5 missile program. The President has, accordingly, requested funding to procure an additional 18 Trident D–5 missiles in fiscal year 1995.

Next, the Titan 4 missile launch system. The Kerry amendment would also rescind $350 million from the fiscal year 1994 Titan 4 missile program. Contrary to the intent of this amendment, the money proposed for rescission was requested and appropriated for launch support costs of missiles already built and long lead for future missiles. The rescission of $350 million will not stop the production of Titan 4 missiles but

will prevent the launch of national payloads.

The Titan 4 missile is our Nation's only heavy-lift missile in the inventory. With a current maximum payload of 31,400 pounds, the Titan 4 is the only system that can launch, for example, MILSTAR satellites, defense support program satellites, and certain classified payloads. The production requirements of this missile are based upon the need to launch these payloads into orbit. So, when the Department builds a payload, it builds a missile to launch this payload.

So I think it would be shortsighted and wasteful to build a payload, a satellite, and not the system because of this limitation. It takes up to 3 years to build this missile and, if the missile production is limited and there is a national strategic requirement to launch this satellite, the Department may be unable to do this launch because of the lack of the missile available for the launch.

So here we have a two-pronged program: one, to build a payload, which in this case would be a satellite, and then to build a missile to carry this satellite into the atmosphere. This amendment would say, cut out the launch but not the payload. It just does not make sense.

Now if I may comment on another section that reduces funding for intelligence programs, and this amendment would reduce such funding by about $1 billion. Madam President, the intelligence budget has already been cut by almost 18 percent over the past 2 years. An additional reduction of $1 billion would severely hamper the intelligence community's ability to provide decisionmakers and policymakers with information on matters of vital concern to this country.

These issues include nuclear proliferation by North Korea—this has been on the front pages for the past 3 or 4 months—peacekeeping efforts in Bosnia and Somalia, as well as terrorist threats against American citizens and property.

Congress has worked in close partnership with the intelligence community to refine the intelligence budget without detrimentally affecting this country's national security. This reduction, as proposed in this amendment, would result in a termination of programs and activities that are essential to the security of this Nation.

Next is the Ballistic Missile Defense Program. The Kerry amendment proposes a rescission of $900 million. This, Madam President, will throw the U.S. effort to develop missile defenses into chaos. Hearing this, I suppose some of my colleagues would say, "Why do we need missile defenses?" I am not talking about missile defenses against intercontinental ballistic missiles. We are not talking about a defense system to protect this Nation from missile launches from the old Soviet Union.

The original Ballistic Missile Defense Organization in the fiscal year 1994 budget was $3.637 billion. This organization has just now completed a restructuring to accommodate the $1 billion reduction that we imposed. This organization plans to spend over $1.6 billion to develop theater missile defense systems to protect our deployed troops.

What are theater missile defense systems? During Desert Storm, we heard much about the Scud missile. This is the missile system that can knock down the Scud. The Patriot system is part of this Ballistic Missile Defense Organization. We are not talking about the Minuteman missile. We are talking about these smaller systems to protect our deployed troops. If this rescission action is carried out, there will be no funds for the management of these programs, for research and technologists to make our theater missile defenses more effective. It will just put it out of business. It was not too long ago when Members of this body spent much time singing the praises of the Patriot, concerning ourselves with the damaging potential of the Scud. This was our answer to it, and now this amendment would cut it out.

Next, I would like to say a few words on the Follow-on Early Warning System. Madam President, the amendment proposes to rescind funds from this system, which we call FEWS. FEWS was planned to increase our capability to provide early warning of missile launches to protect our troops, protect our Nation, replacing the current Defense Support Program Satellite Network.

The FEWS program continued during the early months of fiscal year 1994 while the Department reconsidered its plans for an upgrade of our Early Warning Satellite Network.

Most of these funds are already obligated and over $70 million have been spent. Any remaining funds will be required to transfer the FEWS development to the Pentagon's restructured Early Warning Program, and for other legitimate close-out costs. The Air Force has stated that the FEWS program termination will exceed $20 million. Put simply, Madam President, these funds have already been spent. So there is nothing to rescind.

The next item is on Department of Defense recruiting. The Kerry amendment proposes to reduce funds for DOD recruiting programs by about $33 million. The amendment also calls for consolidating the military services recruiting program. Based upon data and testimony that the committee received from the Department during last year's budget review, the Congress added about $60 million for recruiting.

Madam President, you may be wondering why is recruiting important? I think we should remind ourselves that our military is made up of volunteers. We are not drafting our young men and women. They are volunteers. Less than 1 percent of the people of the United States volunteer to serve in our behalf and stand in harm's way to protect our interests.

In recruiting, obviously because of the demands upon our intellect—after all, we are a high-technology military organization—we try to recruit at least high school graduates and, if possible, a college graduate. There are not too many of them. We try our best not to go below that.

We have several categories, as I pointed out yesterday. Category 1 you very seldom recruit. This is the Albert Einstein of our Nation. Category 2's are college graduates. A few would volunteer. But if we ask ourselves would we urge our sons and daughters who are college graduates to put on the uniform, I think the answer would be no. We have plans for them and the plans do not include military service.

Category 3's are high school graduates. This makes up the bulk of our military. We have tried to keep the recruiting of category 4's—these are men and women with IQ's of less than 100—to a minimum, less than 1 percent; if at all possible, none at all. But we found it necessary because of recruiting shortages to dip into category 4's. A year ago, it was less than 1 percent. This year because of the drawdown, because of the cut in expenditures, our recruiting of category 4's has gone up to 11 percent.

I am concerned, Madam President. In the 1970's—and many of us look back to that period with some horror when we found this Nation with hollow military forces. By hollow forces, I will just give one example which I provided yesterday.

Very few Americans recall that during that period, about one-third of our naval vessels were not ready for combat. These were not old, decrepit ships; these were brand new ships. But we did not have the personnel to man these vessels because over one-third of our recruits, about 35 percent of our recruits, were category 4. College graduates were not volunteering; high school graduates were not volunteering. So we had to depend upon category 4's to fill the slots in our ranks. Now we are up to 11 percent, Madam President.

We also have an ongoing survey to determine the propensity to recruit, the propensity to enlist of the young men and women of the United States.

In 1 year's time, this propensity has dropped 40 percent. We have been doing the survey in high schools throughout this land.

We all agree that a military is necessary. If it is necessary and we cannot get manpower through the voluntary system, then I suppose we will have to revive our Selective Service System, drafting young men and women.

I hope that the Members of this body consider this very seriously—drafting.

Today, we still have the finest military that we have had since the founding of this Nation. This little amendment may be the beginning of a real downgrade of our military.

The next amendment, if I may touch on it, is Navy antisubmarine warfare P-3 aircraft squadrons. This amendment proposes to reduce the numbers of P-3 aircraft squadrons by limiting expenditures. It says that funding cannot be expended to support more than 31 squadrons after fiscal year 1995, 26 after fiscal year 1996, 23 after fiscal year 1997, and 18 after fiscal year 1998. It also says that the President would have authority to waive this limitation if he feels that national security interests would so dictate.

We have been speaking of micromanaging the Defense Department. This is clearly micromanaging the Defense Department without any input from our military commanders.

Changes in the numbers of P-3 squadrons should be examined in the context of defense force structure requirements, not in a rescission bill. I hope that we will keep this in mind when we consider the Kerry amendment.

Finally, the Uniformed Services University of Health Sciences. Madam President, as you are well aware, I already addressed this issue at length yesterday, and I stand by that statement. It would wipe out this medical school.

Just a reminder. As I indicated just a few minutes ago, recruiting and retaining qualified personnel is one of our biggest problems. The area that is most severely impacted by recruiting and retaining would be in the area of professionals—physicians. We should ask ourselves how many physicians are we aware of who are willing to place his or her life in a military career and serve this Nation when he or she see their brothers and sisters out in the public sector making 5, 10 times the income that they are making, driving a lovely Mercedes Benz, living in palatial homes. There are not too many.

We set up this medical school to recruit and retain men and women who wish to make military medicine a career, and we have been fortunate. Sixty percent of the physicians who served in Desert Storm were graduates of this medical school. And when one speaks of retention, these statistics are amazing. In the class of 1981, over 90 percent of the graduates are still in uniform, whereas, of Air Force Academy graduates, about 52 percent are in uniform; West Point graduates, about 50 percent are in uniform; and Navy graduates, about the same number. We are fortunate to have 50 percent of the class of 1981 from the service academies still in uniform. But just think, military physicians, over 90 percent. These are the men and women who pleaded to go out to Desert Storm. We had difficulty convincing those physicians in the Reserve units to go out there: What will happen to my patients? What will happen to my practice?

This amendment will wipe out this school. Talk about cost-effectiveness.

This is a very important amendment. I hope that when we consider the Kerry amendment, we will keep in mind the following: I am certain, whether we like it or not, we will have to consider the events that are now unfolding in Bosnia. I think it would be wise to anticipate that we may be soon considering air strikes, air strikes by our United States Air Force and Navy attack aircraft against Serbian artillery positions.

At a time like this, is it prudent to reduce funds for the very intelligence programs which we need to identify these targets? This amendment would do that. It would blind our pilots. Is this the time to cut the satellite programs that give our forces warning of attacks? I hope that we will keep this in mind. It is on the front pages of every paper. Are we or are we not going to participate in the bombing of Bosnia? If we do and this amendment passes, then we are putting blindfolds over our pilots' eyes.

Madam President, if we expect the 1 percent of our Nation to risk their lives and stand in harm's way, the least we can do is to provide them with all of the resources necessary so that they can carry out their mission and get home to their loved ones. We cannot do any less. This amendment would take away their protection, and I am not prepared to do that.

I urge all Members to vote against this amendment.

It is not a problem then for consideration at this time. I hope the time will come, Madam President, when we can slash the Defense Department to almost nothing, when peace will come upon this planet. But much as we dream about that moment, that has not arrived yet. As long as we are confronted with madmen, terrorists, and countries with strained agendas, I think it would be prudent on the part of the United States to maintain a ready force of men and women who are willing to stand in harm's way.

Madam President, I am ready to yield the floor. I gather the Senator from Maine has an amendment.

Mr. COHEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine.

The PRESIDING OFFICER. Without objection, the pending amendment will be set aside.

AMENDMENT NO. 1455

(Purpose: To amend titles II and XVI of the Social Security Act to provide that any proceeds from certain criminal activities demonstrate an ability to engage in substantial gainful activity)

Mr. COHEN. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Maine [Mr. COHEN], for himself, Mr. DOLE, Mrs. KASSEBAUM, Mr. GORTON, Mr. THURMOND, and Mr. D'AMATO, proposes an amendment numbered 1455.

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

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

The amendment is as follows:

At the appropriate place insert the following:

(a) Section 223(d)(4) of the Social Security Act (42 U.S.C. 423(d)(4)) is amended by inserting the following after the first sentence: "If an individual engages in a criminal activity to support substance abuse, any proceeds derived from such activity shall demonstrate such individual's ability to engage in substantial gainful activity.".

(b) Section 1614(a)(3)(D) of the Social Security Act (42 U.S.C. 1382(a)(3)(D)) is amended by inserting the following after the first sentence: "If an individual engages in a criminal activity to support substance abuse, any proceeds derived from such activity shall demonstrate such individual's ability to engage in substantial gainful activity.".

(c) The amendments made by this section shall apply to disability determinations conducted on or after the date of the enactment of this Act.

Mr. COHEN. Madam President, I offer this amendment on behalf of myself, Senators DOLE, KASSEBAUM, D'AMATO, THURMOND, and GORTON.

From time to time, astounding examples of absurd Federal spending policies come to light and stop us in our tracks. The amendment that I am offering today to the emergency supplemental appropriations bill addresses a situation that would certainly make anyone's top 20 list of how to waste tax dollars and, at the same time, undermine our efforts in the war against crime and illegal drugs.

I offer it today in a very limited form from the statement I made just a few days ago. I took the floor 2 days ago to point out that the President had announced a $1.5 trillion budget proposal, and that his national drug strategy would shift the emphasis from drug-control efforts and interdiction toward treatment and rehabilitation.

I wish to point out to my colleagues that we now have a program in place through the Social Security Administration that keeps money flowing to alcoholics and drug addicts.

Earlier this week I released the results of a year-long investigation conducted by my staff on the Special Committee on Aging which revealed that last year, the Federal Government paid over $1.4 billion in benefits under the Social Security Disability Insurance Program [DI] and the Supplemental Security Income Program [SSI] to drug addicts and alcoholics.

Amazingly, fewer than one-third of the drug addicts and alcoholics receiving SSI and DI payments are under any

requirements for rehabilitation or monitoring by the SSA on how they use the cash provided by the Federal Government—leaving no controls in place on the $1.1 billion in payments being made to drug addicts and alcoholics who are on the SSI and disability insurance rolls.

The results of our investigation probably come to no surprise to anyone with common sense: When we give cash to drug addicts, they will use it to buy more drugs. But that, Mr. President, is the essence of the disability policy that we have in effect today.

When Congress allowed drug and other substance abusers to receive disability benefits under the SSI and disability insurance programs, it placed two conditions on these benefits. First, that the drug addict or alcoholic receive treatment; and second, that a third party, such as a friend or relative, or even an institution, receive the benefits on behalf of the addict or alcoholic, in order to prevent the money from simply being used to fuel a drug habit.

As we reported earlier this week, however, our instigation found that the system has failed to keep money out of the hands of addicts and alcoholics, and few of these addicts are receiving any treatment. Instead, the money keeps flowing, and the addicts keep drinking, snorting, or shooting our federal dollars away.

Today I will be announcing comprehensive legislation to address the many problems uncovered in our investigation. But this amendment is really quite limited in nature. It takes the first step toward reform by prohibiting the Social Security Administration from providing cash benefits to drug dealers and other criminals who are using Social Security funds to feed their habits.

Under the current SSI and disability insurance programs, a claimant is ineligible for benefits if he or she is found to be able to engage in substantial gainful activity.

Given the street value of drugs these days, it seems like simple common sense to conclude that any income from dealing drugs should be gainful activity. But, as we have learned from our investigation, common sense does not apply when it comes to how we spend the taxpayers' dollars, especially in the Social Security disability programs.

Last month, the Ninth Circuit Court of Appeals ruled that illegal drug dealing under some circumstances does not constitute substantial gainful activity under the Social Security Act, thereby allowing some drug dealers continued access to disability benefits.

The discussion by the Ninth Circuit Court of Appeals in Raymond Corrao versus Donna E. Shalala is enough to make a taxpayer's blood boil.

Even though the SSI claimant in the case admitted that he obtains up to $600 worth of heroin daily for up to three people and receives approximately 1½ grams of heroin per day, worth about $150, the court found that he was not engaged in substantial activity—and therefore he was eligible for disability benefits.

While the court conceded that it is possible under current law to disqualify a claimant for benefits when he or she earns money by engaging in illegal activity, the tortured application of SSA rules is almost comical—but for the fact that it wastes hard-earned taxpayers' dollars.

The court found that since the claimant's drug dealing "took only 25 to 45 minutes," it did not constitute substantial activity.

The court also found that the drug dealing by the claimant did "not require any significant mental or physical exertion * * * [he] did no planning prior to these purchases but instead was contacted by purchasers when they desired some drugs."

In short, because of the relatively light work the claimant had to do to deal drugs, the court determined that he was not engaged in "substantial gainful activity" and was therefore eligible for benefits.

Here is an individual who is sitting at home waiting for calls to come in from his friends, putting them in connection with heroin dealers, acquiring the heroin, and getting a slice for himself of $150 a day. But according to the court, he is entitled to continue to receive unlimited benefits under the disability program, without getting treatment, without getting rehabilitation, and without having any supervision of his use of the funds. It simply is revenue sharing for drug addicts.

Madam President, I think this case illustrates how twisted our system has become. The message our current law sends to drug dealers is:

First, if you are a drug addict, the Federal Government will pay you cash to buy more drugs and it is very likely that we will never check up on you to see how you are using the money.

Second, if you stop using drugs and get better, we will stop paying you.

And, third, even if we know you are dealing drugs or making money from other crimes, we will still pay you tax dollars.

Madam President, this just does not make sense, and today we can take action to stop this shameful waste of taxpayers' dollars.

The amendment we are offering today states that any proceeds derived from criminal activity to support substance abuse—no matter how small, or how long they take to make—constitute substantial gainful activity regardless of the circumstances, thereby making drug dealers ineligible for disability benefits.

Last month, the Social Security Administration issued a ruling establishing that this is the policy that should be followed, and other courts have adopted this position. Because the Ninth Circuit ruling illustrates that courts can find drug dealing not to be substantial gainful activity, it is crucial that we act now to clarify the law, so that all proceeds from criminal activity constitute substantial gainful activity.

The amendment we are offering today takes the first step by addressing one of the most obvious flaws in the disability program—allowing drug dealers to use Federal funds to keep their illegal activities going.

I hope my colleagues will support it. I ask unanimous consent the "Investigative Staff Report" and a letter from Citizens Against Government Waste be printed in the RECORD.

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

TAX DOLLARS AIDING AND ABETTING ADDICTION: SOCIAL SECURITY DISABILITY AND SSI CASH BENEFITS TO DRUG ADDICTS AND ALCOHOLICS

(By Senator William S. Cohen)

EXECUTIVE SUMMARY

In early 1993, the Minority staff of the Senate Special Committee on Aging initiated an investigation of abuses in the payment of Social Security Disability Insurance (DI) and supplemental security income (SSI) benefits to drug addicts and alcoholics. This investigation was begun in response to disturbing reports from many close to the disability and SSI process that there is widespread abuse of these programs by addicts and alcoholics, and that in many cases these benefits are being used directly to fuel drug and alcohol abuse.

Major findings

Based on extensive investigation by the Minority Committee staff and the General Accounting Office (GAO), we conclude that major problems exist in the current practice of paying cash DI and SSI benefits to drug addicts and alcoholics, and that far too few protections are in place to protect taxpayers' dollars from going directly to perpetuate—rather than treat—addiction. Our investigation has found that the "word on the street" is that SSI benefits are an easy source of cash for drugs and alcohol, and that the current laxity in the program allows widespread manipulation of this system by addicts and alcoholics.

Our investigation concludes that hundreds of millions of taxpayer dollars are being paid to substance abusers without any controls in place to ensure that they receive treatment or do not use these dollars to fuel their addiction.

Specifically, according to the GAO, an estimated 250,000 drug addicts and alcoholics (including those who are receiving benefits solely due to substance abuse and also those eligible for benefits due to another disability) are now receiving roughly $1.4 billion in cash benefits from these two Social Security programs. Our investigation revealed that only about 78,000 of these recipients—or less than one-third—are required to receive treatment for their addictions or required to have someone else collect their checks on their behalf.

Thus approximately 172,000 substance abusers receive about $1.1 billion in SSI and dis-

ability benefits without any requirements that they receive treatment or have other persons handle their benefits for them. Our investigation found that these funds, which are paid directly to the substance abusers, are extremely vulnerable to abuse. No one is checking to ensure that these Social Security monies are not used to buy more drugs or alcohol, and evidence suggests that in many cases this is precisely what is happening.

Further, our investigation found that few of the 78,000 recipients who are now required to receive treatment are not doing so, and that the $320 million in benefits paid to these recipients are very poorly monitored by the SSA.

For example, as this report discusses, our investigation found that until last month, the SSA had established programs to monitor treatment requirements for substance abuse recipients in only 18 states, and fewer than half of the substance abuse recipients in these states actually were being monitored to determine if they were in treatment.

Further, we found that some lump sum benefits—in some cases over $20,000—to SSI and disability recipients, are being spent on drugs or alcohol, resulting in dangerous harm, or even death, to the claimants, and that those appointed to handle the benefits for the substance abusers are at times themselves addicts or alcoholics who misuse the disability payments.

The bottom line is that taxpayer dollars are being used directly to subsidize and perpetuate drug and alcohol abuse, and that many addicts are actually seeking out the disability and SSI programs to help support their addictions. Once on the rolls, few of these substance abusers are ever reviewed to determine if they have received treatment or if they still qualify for benefits. The net effect of the manipulation of these programs is to impede our national efforts to combat crime and illegal drug use. Further, allowing these programs to remain so exposed to abuse is counterproductive to our national efforts to reform our welfare system, and to reform our health care system by stressing prevention and treatment.

Tragically, these lax policies not only drain the federal Treasury, but also are detrimental to substance abusers themselves by rewarding addiction, and by discouraging and failing to provide necessary treatment. In essence, the federal government has become an enabler to these abusers, and by neglecting the severe problems in these programs, taxpayer dollars are aiding and abetting illegal drug use.

Recommendations

Based on these findings, Congress should consider the following options:

Discontinue cash disability and SSI assistance to substance abusers or provide benefits in the form of vouchers, food stamps or direct payments to treatment facilities. If such changes are made, tight controls must be in place to prevent abuse of these noncash benefits.

Distinguish between legal and illegal substance abuse and discontinue eligibility of individuals whose illegal drug use is material to the finding of disability. Savings from this limitation on benefits could be redirected to fund substance abuse treatment programs, which would provide more meaningful assistance to recovering addicts.

Prohibit cash lump sum payments from being paid to substance abusers, based on the dangers of misuse of these benefits to buy more drugs or alcohol.

Extend the statutory protections of representative payee and treatment as a condition of benefits that now exist in the SSI program to the disability program and explore the feasibility of applying these protections to all recipients with a medical finding of primary or secondary substance abuse. In exploring this option, Congress must consider whether adequate treatment facilities are available to serve this population and whether enough representative payees can be found to manage the funds of these beneficiaries.

Require a good faith compliance with treatment requirements before awarding disability payments.

Clearly state that proceeds from illegal activities—such as drug dealing—constitute substantial gainful activity and is a basis for denying benefits.

Require the SSA to conduct continuing disability reviews in the SSI program in order to determine whether recipients on the rolls still qualify for benefits, and explore changes in the eligibility standards for substance abusers in the context of welfare reform.

Minority committee staff will continue to investigate these problems in the DI and SSI programs and Congress should fully explore the recommendations made in this report through hearings and legislation.

WILLIAM S. COHEN,
U.S. Senator.

I. INTRODUCTION AND SCOPE OF INVESTIGATION

For the past several months, the Minority Staff of the Senate Special Committee on Aging has been investigating the payment of Social Security disability benefits to drug addicts and alcoholics. Senator William, S. Cohen, Ranking Minority Member of the Aging Committee directed his staff to initiate this investigation in response to disturbing reports from those close to the disability process that there is widespread abuse of the Supplemental Security Income (SSI) program and the Disability Insurance (DI) program by addicts and alcoholics, and that for years the Social Security Administration has failed to adequately implement protections that Congress specifically imposed on the payment of disability benefits to substance abusers.

As part of his investigation, Senator Cohen requested the General Accounting Office (GAO) to review the adequacy of the Social Security Administration's Program for SSI and DI recipients who are drug addicts and alcoholics (DA&A). This preliminary staff report incorporates the results of the GAO's preliminary work and several other studies that have been conducted on the adequacy of the SSA's DA&A program, as well as information provided to the minority committee staff by a wide variety of sources, including administrative law judges (ALJs), Social Security district office representatives, disability advocates, and social service representatives.

As this preliminary report indicates, our investigation has substantiated that significant abuse of the Social Security disability program by drug addicts and alcoholics does currently exist, and that these problems have gone unabated for years. Additionally, our investigation has also substantiated our concerns that the Social Security Administration has failed to adequately monitor and enforce statutory requirements that SSI beneficiaries who are disabled as a result of drug addiction or alcohol abuse must receive treatment in order to qualify for benefits, and that opportunities for significant abuse still exist among representative payees who receive SSI benefits on behalf of substance abusers.

II. BACKGROUND—CURRENT LAW: HOW DRUG ADDICTS AND ALCOHOLICS QUALIFY FOR SSI AND DI BENEFITS

A. BRIEF OVERVIEW OF THE SSI AND DI PROGRAMS

The Social Security Act provides for the payment of benefits to individuals who cannot work because of a medically determined physical or mental impairment. There are two separate titles under which an individual may qualify for benefits. The first, Title II, provides payments of Disability Insurance (DI) benefits to disabled persons who have contributed to the Social Security program. The second, Title XVI, provides for the payment of SSI benefits to disabled persons who are indigent.

Both the DI and SSI programs use the same standard to determine whether an individual is disabled for purposes of receiving benefits. Specifically, each program defines disability as an "inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than twelve months . . ." (42 USC Section 423(d)(1)(A).

Briefly, the determination of disability is a five-step sequential process for determining whether an SSI or DI applicant is disabled. This process includes assessments to determine whether the applicant is engaged in substantial gainful activity, and whether the applicant has an impairment or a combination of impairments severe enough to prevent him or her from performing work. The evaluation at these early stages in the process includes medical and vocational evidence to substantiate claims of disability.

The Social Security disability process provides several levels of review if benefits are denied, including reconsideration of denials by state disability determination services, then appeals to SSA administrative law judges, and ultimately, to federal court.

B. DRUG ADDICTION AND ALCOHOLISM CAN CONSTITUTE DISABILITY FOR PURPOSES OF QUALIFYING FOR BOTH THE SSI AND DI PROGRAMS

Under both the SSI and DI programs, drug addiction or alcoholism can constitute an impairment qualifying an individual for Social Security benefits. The Social Security Administration has developed listings of physical and mental impairments that it accepts as evidence of disability. SSA's listing of mental impairments includes substance abuse disorders. Both the SSA and the courts have established that a substance addiction disorder can be considered a medically determinable impairment that could meet the definition of disability. According to a 1991 SSA Program Circular (SSA Pub. No. 64-044),

A substance addiction disorder in and of itself can be a disabling medically determinable impairment if it meets the definition of disability. The former policy requiring irreversible organ damage to meet a listing is not in accord with current policy of Circuit Court ease law.

Once a medically determinable substance addiction impairment (which encompasses the inability or impaired ability to control the use of addictive substances) is established, a finding of disability will depend on the severity and duration of the impairment and, where appropriate, the individual's remaining functional capacity. In each case, all symptoms, signs, and findings of the substance addiction (and other impairments,

whether or not related to the substance addiction) must be considered to determine the complete picture of the individual's impairment severity and, where appropriate, remaining functional capacity.

C. THE SOCIAL SECURITY ACT PLACES CONDITIONS ON THE PAYMENT OF SSI BENEFITS TO DRUG ADDICTS AND ALCOHOLICS

Congress imposed two special requirements on drug addicts and alcoholics as conditions of receiving benefits. First, in order to prevent cash payments from being spent to fuel addiction, Congress required that all SSI payments to drug addicts and alcoholics must be paid to a representative payee. A representative payee can be a friend, relative, social service agency, or anyone else selected by SSA, to receive the recipient's checks.

Second, the Congress mandated that a disabled individual who is medically determined to be a drug addict or alcoholic must, as a condition of eligibility for SSI, participate in a substance abuse treatment program approved by SSA. The individual must demonstrate that he or she is complying with the terms and conditions of treatment in order to remain eligible for SSI benefits, and the SSA has responsibility for referring individuals for treatment and monitoring their continued participation in treatment programs.

Findings

As a result of our investigation, we have reached two major conclusions: I) The policy of awarding cash disability and SSI benefits to substance abusers is seriously flawed, results in significant loss of taxpayer dollars, and can be detrimental to the recipients themselves and II) The statutory protections that were originally put in place to guard against abuse of SSI benefits are ineffective and the SSA has been extremely lax in enforcing against abuse. Below are the specific findings of our investigation.

Finding 1: Providing cash assistance to illegal drug abusers and alcoholics invites abuse and rewards addiction

During our investigation, the staff heard repeated accounts of abuse of the SSI program by drug addicts and alcoholics. A recurring theme expressed by state disability determination services personnel, administrative law judges, and social services representatives is that the "word on the street" among illegal drug users is that SSI is an "easy source of cash" to fund their illegal drug use, alcohol consumption, and other substance abuse. This perception of the SSI and DI programs was shared by those who work with drug and alcohol abusers in homeless shelters, as well as intake workers and administrative law judges who hear appeals of Social Security disability cases. For example:

The director of a homeless shelter in Denver told staff investigators that SSI is, in effect "suicide on the installment plan" because the program provides ready cash to addicts and alcoholics with no strings attached for follow-up or treatment. He maintains that the first day of every month is considered "Christmas Day" by many of the alcoholics and addicts who use the money for illegal drugs and alcohol, fail to enter treatment programs, and then either stay on the street or return to homeless shelters for food and shelter once their disability benefit has been spent on drugs.

An individual who works with drug abusers and alcoholics compared the policy of giving addicts cash to "giving someone on disability because of cancer a monthly injection of cancer cells."

A mental health worker specializing in chemical dependency told the committee that his caseload of illegal drug users was about "99.5 per cent" SSI recipients. He indicated that he has witnessed several deaths of SSI recipients from drug overdoses, "yet their checks just keep coming." He went on to note that those recipients who don't die from their untreated drug use supported by SSI payments become more and more disabled, thus needing benefits even longer.

In San Francisco, a drug addict used his disability benefits to buy high grade drugs, diluted these into small doses, and realized huge profits by reselling them on the street.

In interviews with staff investigators, several administrative law judges who handle disability cases strongly opposed providing cash payments to drug and alcohol abusers. The ALJ's cited examples in which the claimants openly admitted to the ALJ at a hearing that he or she continued to use drugs, and the ALJ had no doubt whatsoever that the disability payments would be used to buy more drugs or alcohol.

In the course of our investigation, we heard several allegations that the current disability process has spawned a "cottage industry" of clinics, attorney representatives, and doctors who help abusers get on the disability rolls. Recently, in Los Angeles, for example, individuals have been indicted for allegedly defrauding the SSI program of $45,000 through feigning mental illness to become eligible for SSI. This scheme was allegedly perpetrated by an individual who served as a representative payee and shared the proceeds of the SSI benefits, as well as a physician who allegedly falsified medical diagnoses for SSI claimants. While this case did not directly involve substance abuse, it points out the opportunities to manipulate the SSI system, particularly with respect to mental impairments and substance abuse cases.

The staff also heard allegations of attorneys who help claimants receive benefits by coaching them on how to answer questions so they will be diagnosed as substance abusers and therefore become eligible for disability benefits. Since some states, e.g., Illinois, pay attorneys amount up to one-fourth of the claimant's annual SSI benefit for getting a claimant off the state welfare rolls and onto SSI, there may a financial incentive for manipulating the system.

As a result of our investigation, we conclude that the policy of providing cash assistance to drug addicts and alcoholics, when coupled with the longstanding failure of the SSA to monitor and enforce requirements that individuals with these disabilities receive treatment, unwisely rewards individuals for, and indeed perpetuates, drug and alcohol addiction. We endorse the findings made by the HHS Office of Inspector General that "while recipients classified as DA&A are eligible for SSI benefits, as a condition of receiving those benefits they must seek treatment that, if successful, would make them no longer eligible for benefits. The outcome may ultimately reduce their incentive to cooperate with the requirements and participate in rehabilitation." Since it is widely known among drug abusers and alcoholics that the treatment requirements of the disability program are rarely enforced, the message we are sending to substance abusers is that the Social Security program will continue to pay them money as long as they prove they are still addicted.

Finding 2: Payment of lump sum disability benefits to substance abusers is detrimental to claimants and further undermines recovery

A major problem revealed in our investigation is the problem of lump sum back benefits paid to SSI and DI recipients. Since it frequently takes a year or longer to be awarded benefits for SSI and DI, and, because benefits are retroactive to the date of the initial application, lump sums as high as $15,000 to $20,000 can be awarded to substance abusers. Despite requirements that recipients classified as DA&A have representative payees receive these lump sum monies on their behalf, the minority staff received disturbing evidence that these lump sums are often used immediately to buy more drugs or alcohol, with life-threatening or even fatal consequences for the claimant. For example:

In Bakersfield, California, an SSI applicant alleging drug addiction was found disabled and then died of a lethal drug overdose purchased with thousands of dollars of unrestricted retroactive benefits.

An alcoholic in Van Nuys, California, was awarded lump sum benefits of $26,000 from SSI and DI and additional VA benefits. He purchased 2 cars and a van with the payment. He then went on a drinking binge with friends and wrecked the cars, seriously injuring himself. He was admitted into the VA hospital. All of the benefit money was spent.

An individual from California was awarded SSI and DI benefits for a physical impairment and a history of alcohol abuse. He was also awarded retroactive benefits in the amount of $18,000. He was able to receive the check and proceeded to go on a drinking binge and purchased a car. In the course of this binge, he was robbed, became involved in a drunk driving accident and was ultimately jailed.

Recently, another California SSI and DI recipient with a history of drug abuse was awarded retroactive benefits in the amount of $19,000. He went directly to Las Vegas and proceeded to purchase cocaine, using up all of his money. He is still in Las Vegas, where he faces the possibility of jail time for bad checks.

Finding 3. Social Security benefits are being paid to recipients who are engaging in illegal activity

The minority staff's investigation revealed that several administrative law judges and representatives of state disability offices view their mandate to pay Social Security benefits to individuals who admit to using illegal drugs as placing them in the untenable position of having knowledge of an on-going criminal activity (i.e., on-going illegal drug use and/or dealing illegal drugs), yet being required to approve benefits on the grounds of this activity. An ALJ who has heard thousands of Social Security disability cases summarized the dilemma that the current law poses for an ALJ. While strongly emphasizing that he would apply current law in all cases coming before him, he pointed out in a recent letter to Senator Cohen that:

In most of the drug cases I've heard, I ask how much the claimant uses per day and the cost. This is usually several hundred dollars per day. My next question is how do they get the money. The answer is most cases, is they are dealing drugs themselves to support their habit. We should not be spending taxpayers' money to support illegal activities.

This is a morally repugnant situation and it places the judge in an unnecessary dilemma. I suspect that many judges are forced to use some very tortured and creative rationale in deciding these cases. A further moral problem for the judge is—what can he do with this knowledge of illegal activity? These are not public proceedings and are therefore covered by the Privacy Act.

I do not believe we should be placed in this position. I feel that, as a matter of policy, il-

legal drug addiction should be removed as an impairment from the disability program. We should not be involved in giving even the appearance of financing or condoning such egregious illegal activity.

Similarly, another ALJ wrote to Senator Cohen the following statement:

"I have had an opportunity to frequently speak with SSA judges in various parts of this country. Based upon these contacts, I can state without reservation that the handling of drug and alcohol cases is the most perplexing issue that faces our judges. On the one hand, the judge is confronted with the law which requires that an individual with this addiction be found entitled to benefits if the requisite elements of the law are satisfied. On the other hand, the judge is confronted with the knowledge that the recipient (rep payee) of cash benefits may provide the person with the funds to feed the addiction and exacerbate the medical impairment. The only salvation for the judge is to hope that the person seeks meaningful treatment and that a responsible representative payee is appointed to conserve the person's cash benefits."

Unfortunately, our investigation's findings on how poorly the treatment and representative payee requirements of the law are being implemented lead us to conclude that this and other ALJ's hopes for such meaningful treatment are not realized in the vast majority of disability substance abuse cases.

Finding 4: DI and SSI benefits have been awarded even when there was direct evidence that the recipient was dealing drugs or actively engaged in criminal activity to support drug addiction

The 7th Circuit Court of Appeals recently upheld the denial of SSI benefits on the grounds that illegal activity can constitute substantial gainful activity for purposes of denying SSI payments. Specifically, in Dotson v Shalala, 1 F.3d 571 (7th Cir. 1993), the court found that while the mere fact that a claimant has a severe and expensive drug habit does not by itself warrant a finding that he or she is engaging in substantial gainful activity, testimony indicating that the claimant is engaged in illegal activities (such as drug dealing or theft) to sustain his or her addiction can constitute substantial gainful activity. In January, 1994, the SSA issued a ruling on this decision, which SSA indicated does not have the force of law or regulation, but is binding on all components of the SSA.

Despite this SSA ruling, however, other courts have found that active drug dealing is not enough to deny disability benefits. The 9th Circuit Court of Appeals ruled this month, for example, that a heroin addict who sold drugs to support his habit, could not be denied benefits due to this illegal activity. This inconsistency in federal court rulings is very disturbing and allows claimants in some areas of the country to legally receive benefits while dealing drugs.

We conclude that allowing benefits to those actively engaged in illegal activities to support their addiction should be specifically prohibited by Congress in order to stop federal dollars from going to claimants who are blatantly engaging in criminal activity.

Finding 5: The current practice of providing cash disability payments to substance abusers and lax oversight of the program by the Social Security Administration impedes efforts to combat crime, reform the welfare system and reform the health care system

Our staff investigation concludes that major policy concerns are raised by the combination of providing cash disability payments to substance abusers and the lax enforcement by SSA of protections imposed on these recipients by the social Security Act.

Failure to address these deficiencies in the DI and SSI programs impedes efforts to address three of the major issues now facing Congress and the nation as a whole: crime, the need for welfare reform, and health care reform.

The Bureau of Justice Statistics estimates that the economic costs of drug abuse in the form of health care costs, work force costs, and law enforcement costs, are between $60 billion and $124 billion for 1988. Using taxpayer dollars and Social Security Trust Fund money to support the addictions of illegal drug users with few controls on how these funds are being used is reckless in light of these costs of drug abuse to our economy and our society.

Finding 6: Congress made substance abuse treatment a condition of receiving benefits, but this requirement has failed to work

Recognizing that providing a cash benefit to drug addicts and alcoholics would likely result in the problem of addicts using these payments to support their addiction or alcoholism, Congress placed two restrictions on SSI benefits: 1) treatment for substance abuse and 2) benefits would be paid to a representative payee. Specifically, Congress required in Section 1611(e)(3)(A) of the Social Security Act that "no individual shall be an eligible individual or spouse for purposes of this title with respect to any month if such individual is medically determined to be a drug addict or an alcoholic unless such individual is undergoing any treatment that may be appropriate for his condition as a drug addict or alcoholic at an institution or facility approved for purposes of this paragraph by the Secretary (as long as treatment is available) and demonstrates that he is complying with the terms, conditions, and requirements of such treatment and with requirements imposed by the Secretary under subparagraph (B). In addition, Section 1631(a)(2)(A) of the Social Security Act provides that "in the case of any individual or eligible spouse referred in Section 1611(e)(3)(A), such payments shall be made * * * to another individual, or an organization, with respect to whom the requirements or subparagraph (B) have been met for the use and benefit of such individual or eligible spouse.

Our investigation found two specific problems that impede the effectiveness of these restrictions on payment of benefits to substance abusers.

First, protections on payment of disability benefits to substance abusers do not exist in the Social Security Disability Insurance Program. Thus leaving up to $380 million in annual benefits exposed to abuse.

Individuals receiving SSI (Title XVI) whose addiction and alcoholism are material to the finding of their disability, are required to receive treatment and have a third party representative payee. These requirements for treatment and the mandatory representative payee provision, however, extend *only* to SSI recipients, and do not extend to the Social Security Disability Insurance program (Title II). Even though the medical standards for qualifying for the SSI and DI program are identical, drug addicts and alcoholics who qualify for DI do not have to enroll in treatment or receive their benefits through a representative payee.

During our investigation, we heard examples of how some substance abusers use this difference in the two programs to circumvent the treatment and representative payee requirements. Social Security ALJs have cited instances, for example, in which individuals who have concurrent applications in both programs drop their applications in the SSI program once they learn that they are required to have representative payees and enroll in treatment programs.

According to GAO an estimated 50,000 substance abusers are on the DI rolls and received approximately $380 million in benefits in 1993. Our investigation concludes that the absence of any treatment requirement or safeguards to prevent benefits from being used to buy drugs or alcohol is totally unacceptable and exposes these $380 million in benefits to substantial abuse.

Second, under-reporting and the system used by SSA to classify addicts and alcoholics are disguising the size of problem.

According to the GAO's preliminary findings, the number of identified DA&As has tripled between 1990 and 1993—from 23,455 to 69,419. While this number alone is a significant increase, the GAO also found that the number of recipients classified by SSA as DA&As was understated in 1993 by approximately 11 percent. This understatement may be explained by faulty coding or human error.

Based on our investigation and GAO's findings, we conclude that far more DI and SSI recipients are substance abusers than SSA's figures suggest. In addition to coding problems, the SSI program does not classify individuals who have alcoholism or addiction as a secondary impairment as formal DA&As. In other words, addicts and alcoholics who have other impairments which are independent of their addiction, and whose addiction is not material to the finding of their disability, are not considered DA&As and are not required to seek treatment or have a representative payee.

For example, a recipient with a severe physical impairment as his primary disability may also be a drug addict, but this individual would not be classified as a DA&A by the Social Security Administration. The effect of this distinction is that SSI payments are being made to a large class of drug and alcohol abusers who are not required to go to treatment or have representative payees. This agency policy is contrary to the language of the Social Security Act which provides that the treatment and representative payee requirements should apply to all disability recipients who are addicts or alcoholics, and not only to those whose addiction is material to the finding of disability.

The GAO has estimated that the total number of drug addicts and alcoholics now in the DI and SSI programs is 250,000 (i.e., those with substance abuse as either a primary or secondary impairment), and that the total disability benefits paid to these recipients in 1993 were $1.4 billion. However, only 31 percent of these 250,000 were subject to the representative payee and treatment requirements. These gaps and inconsistencies in applying treatment and representative payee requirements can result in significant risk of abuse in the programs.

Specifically: Over 172,000 substance abusers are in these two Social Security programs, but are not subject to treatment or payment safeguards. In effect, no one is checking to determine how the $1.1 billion in benefits paid to these substance abusers are being spent.

Finding 7: The representative payee system is not working to protect against abuse of payments to substance abusers

The "representative payee" is a responsible third party who assists in managing the

funds of a substance abuser to ensure that SSI monies are not used for drugs or alcohol. In most cases, family members or friends of the addict or alcoholic will function as the representative payee. In December, 1993, the GAO reported to minority staff that almost all of the SSI cases classified as DA&As had been assigned representative payees to handle their benefits (99.6%). GAO did not, however, assess the quality and willingness of these representative payees to serve.

According to recent reports of the Inspector General (IG) of Health and Human Services (HHS), problems continue to exist in the representative payee system. In January, 1992, for example, the IG found that SSA district offices viewed the representative payee system as a major problem, and that it is difficult to find someone to serve as a representative payee, "particularly for individuals with drug or alcohol problems." Similarly, homeless shelter representatives recommended that SSI payments should be sent to housing providers or treatment programs, instead of individuals themselves.

During our investigation, we repeatedly heard that the representative payee system is not working well in DA&A cases. For example, one Social Security ALJ in Chicago relayed the story of requesting an addict's mother to serve as the representative payee for her son. Her response was "please do not give me that cross to bear." She was afraid of the physical abuse that she and other family members would experience from her drug addicted son if she had to manage his monies. Often this fear of abuse results in the family member relinquishing the funds to the addict.

Our investigation also revealed reports of representative payees who are addicts themselves. For example, in 1992, Bakersfield, California police arrested a drug addict and found that in addition to a stash of heroin, she had more than $8,000 in cash—the proceeds of a check sent to her by the SSA for SSI benefits. The $8,000 came from a lump-sum payment of benefits awarded by Social Security to the addict from the time she applied until she was awarded benefits. Her representative payee was a friend who was also arrested for heroin possession and use.

Our staff investigation also received many reports that liquor store operators and bartenders have been approved by the SSA to serve as the representative payees. For example, staff received information that it was common knowledge "on the street" that the owner of a liquor store in Denver has functioned as the representative payee for over 40 SSI recipients.

In the Omnibus Budget Reconciliation Act of 1990, Congress included changes in the representative payee provisions to strengthen the monitoring and selection of individuals applying as representative payees. Despite the implementation of these provisions, reports of representative payee abuses persist. For example, a Social Security spokesperson in California, which along with Illinois has over half of all DA&As in the country, stated as recently as January, 1994, that "quality payees are one of the biggest problems we have in the Market Street corridor. If a liquor store owner is the recipient's only friend, often the liquor store owner will end up being the payee."

Finding 8: SSA has failed to effectively enforce the statutory requirement that substance abusers receive treatment

Another statutory protection on payment of disability benefits is that recipients classified as DA&As must, as a condition of receiving benefits, receive treatment from an approved SSA facility. To enforce the treatment requirement on DA&As, the SSA has entered into agreements with state agencies (i.e. state vocational rehabilitation agencies) or private firms to refer DA&As to treatment facilities and monitor DA&As on a regular basis to ensure compliance with the law. These agencies are known as "Referral Monitoring Agencies" (RMSs). In states without RMAs the responsibility for monitoring compliance with treatment remains with the SSA offices.

Our staff investigation concludes that for well over a decade, the SSA has failed to give adequate priority to the statutory requirement that DA&As receive treatment. Despite a tripling of the numbers of DA&As receiving benefits from 1990 to 1993, the SSA had established RMA's for only 18 states as of August 1993. (Only three of these were added during this tripling of the rolls.) Thirty-two states and Washington, D.C. had no RMAs to monitor the treatment requirement and 26 states have never had an RMA agreement or contract. The GAO further found that the RMAs that did exist as of August, 1993, actually monitored just over half of the DA&As in the states with RMAs.

On January 18, 1994 the Social Security Administration awarded an RMA contact to Maximus, Inc. of McLean, Virginia, which included 29 additional states and the District of Columbia. Maine, Massachusetts, Louisiana, Indiana, Oregon, North Carolina, and New Mexico do not have an RMA.

The Director of Maine's Disability Determination Services wrote in a letter to Senator Cohen that "There has never been a referral and monitoring agency in the State of Maine. Although certain proposals have been written in response to requests for proposals by the Social Security Administration, none of the proposals have been accepted. It is unfortunate that we are now in the position of providing great sums of money to persons addicted to alcohol and or drugs only to have the money used to support their addiction."

Finding 9: Monitoring of treatment has been a very low priority of the SSA in those states without approved treatment facilities

In those states without a referral and monitoring agency in place, the responsibility for monitoring treatment compliance falls to the SSA regional offices. The Inspector General has reported that DA&A's in those states without monitoring agencies are less likely to comply with treatment requirements. The IG reported cases of field offices that advised the recipients of the requirement to get treatment, but that the recipient is then "left on his own to get treatment and no one knows whether they actually go to treatment." The IG concluded that when this occurs, the DA&As are receiving benefits without any real effort at rehabilitation, which is directly in conflict with Congressional intent.

Based on the findings of the IG, as well as information from regional offices and disability representatives, we conclude that the SSA regional offices give the treatment and monitoring requirements of the Social Security Act very low priority, thereby exposing SSI funds to substantial abuse.

Finding 10: Even when the SSA has monitored SSI recipients who are substance abusers, less than half of those monitored were actually in treatment

Based on SSA data, the GAO found that the actual percentage of substance abusers in treatment programs in those states with referral and monitoring agencies in place was only 49 per cent of the cases monitored. Of the remaining 51 per cent, only 11 per cent were in the referral process and 37 per cent were awaiting referral.

In FY 1993, only 15,700 of the approximately 78,000 total DA&A SSI recipients were in treatment. Therefore, 62,300 recipients, or almost 80 per cent were not receiving treatment, but yet were still eligible for monthly benefits. Because SSA does not keep data on the number of individual recipients who have sought treatment but have been unable to find appropriate treatment, we are unable to conclude whether the high percentage of DA&As not receiving treatment is due to lack of treatment facilities or other reasons. The fact that these individuals have been able to remain in pay status is, however, in direct conflict with the purpose of the rehabilitation requirement provided for by Congress.

While much of the discussion in this report focuses on the effects that these poor treatment policies have on the U.S. Treasury, the failure to provide treatment is, of course, most detrimental to the substance abusers themselves. The effect of our current DI and SSI practices is to fuel addiction for many claimants, and to provide little meaningful incentive for treatment.

One ALJ interviewed during the course of his investigation summed up the current situation as "obscene to make these individuals take two years out of their lives to go through the disability process to prove they are disabled in order to get treatment. No one wants to throw them overboard—but don't make them wait for two years to get help."

Finding 11: The lack of continuing disability reviews (CDRs) in both programs results in ineligible persons remaining on the rolls

The Social Security Administration is required by law (P.L. 96-265) to periodically review the status of all DI beneficiaries to determine their continuing eligibility for benefits. At least once every 3 years, SSA must conduct CDRs for cases where medical improvement is either possible or expected. The law does not require SSA to review SSI cases, but the Commissioner of SSA has authority to review SSI cases where potential for medical improvement exists. Despite this authority, the SSA conducts fewer than 15,000 CDR's in the SSI program each year.

Failure to conduct CDRs results in the SSA continuing to pay benefits to individuals who no longer qualify for benefits. In March, 1993, Jane L. Ross, Associate Director for Income Security Issues, GAO, testified before Congress that the "SSA has performed about half of the 2.2 million CDRs required by law. By not performing CDRs required in fiscal years 1990 through 1993, according to SSA's Office of the Actuary, the trust funds will lose about $1.4 billion by the end of 1997 in unnecessary payments to persons who such reviews would identify as having medically recovered from their disabilities."

Our investigation concludes that the failure of the SSA to conduct continuing disability reviews on substance abusers can result in significant losses to taxpayers.

The failure to perform CDRs, coupled with the lax enforcement of the treatment and representative payee requirements, renders the SSA incapable of identifying drug addicts and alcoholics who are no longer eligible for disability benefits. In light of the fact that the Social Security Disability Trust Fund is expected to be depleted in 1995 and Congress will be asked to reallocate a portion of the Old Age and Survivors' Insurance Payroll tax to the Disability Insurance Trust

Fund to address the immediate financial shortfall of the Disability Insurance Fund, this laxity in monitoring and enforcing disability payments to substance abusers should raise significant concern to taxpayers, retirees, and Congress.

Recommendations

Congress should review the following options to remedy the problems that exist in the payment of disability benefits to substance abusers and alcoholics:

Discontinue cash assistance to substance abusers, since evidence suggests that these payments are being used to subsidize addiction. In lieu of cash payments, benefits could be provided in the form of housing vouchers, food stamps, or direct payments solely to treatment programs. Due to recent and increasing reports of fraudulent activity in the food stamp program, Congress must investigate new security-enhanced measures in safeguarding these vouchers.

Distinguish between legal and illegal substance abuse and discontinue eligibility for individuals whose illegal drug use is material to the finding of disability. Savings realized from cessation of benefits could be redirected to substance abuse treatment programs.

Prohibit back lump sum payments to substance abusers. Such payments could be held in trust for the recipient and be contingent upon receiving treatment.

If benefits continue to be available to substance abusers, Congress should extend the protections of Title XVI (SSI) to the DI (Title II) Program and apply these requirements to all recipients who are diagnosed as substance abusers (as both primary and secondary impairments). In determining whether to extend these regulations, Congress should explore whether appropriate treatment facilities and qualified representative payees are available to meet the needs of this growing disability population.

Consider requiring addicts and alcoholics to enroll in a rehabilitation program before receiving disability benefits.

Clarify that income earned from illegal activity constitutes a substantial gainful activity, and therefore is a basis for denying disability benefits.

Require the SSA to conduct continuing disability reviews in the SSI program.

CITIZENS AGAINST GOVERNMENT WASTE,
Washington, DC, February 10, 1994.

Hon. WILLIAM S. COHEN,
U.S. Senate, Senate Hart Building,
Washington, DC.

DEAR SENATOR COHEN: On behalf of the 600,000 members of the Council for Citizens Against Government Waste (CCAGW), we support your amendment to H.R. 3759, the Emergency Supplemental appropriations bill. The amendment you offer will be the first step in reducing the abuses of the Supplemental Security Income (SSI) program.

It is inexcusable to provide drug addicts and alcoholics with federal funds to buy illegal drugs and alcohol. To date, more than $1.4 billion has been spent to fund destructive behavior and American taxpayers are footing the bill.

It is time for Congress to recognize that SSI is hurting, not serving, the people it was designed to help. You can be assured that CCAGW will do whatever we can to end the abuses of SSI.

Sincerely,

TOM SCHATZ.

Mr. DOLE. Madam President, I commend Senator COHEN for his amendment that will help remedy a serious problem with our Social Security Disability Insurance and Supplemental Security Income Programs.

I believe we can all agree that these Federal programs serve an important and valuable purpose by providing essential financial protection for many people who are unable to work. But I find it unbelievable and unacceptable that the rules which govern these programs have become so bent that income from selling drugs cannot be counted in deciding whether someone is eligible for benefits, or that substance abusers who engage in criminal activities to support their habits are even allowed benefits.

The Federal Government should not, in any shape or form, subsidize drug addiction or alcoholism. This amendment will make that less likely. And we are doing persons with a substance abuse problem no favor by making it easier for them to continue their addictions.

Madam President, disability is not a blanket excuse for illegal behavior. When we passed the Americans With Disabilities Act in 1990, we determined that full participation would be our national policy for people with disabilities. If that policy means anything, it must mean they have the same responsibilities as other Americans—and that includes obeying the law.

Senator COHEN has also identified other important problems with these disability programs. There is a lack of effective controls over how benefits are spent, and they are sometimes used to buy drugs or alcohol. The Social Security Administration has apparently failed to fully enforce a Federal mandate that substance abusers obtain treatment as a condition of receiving benefits. I look forward to working with Senator COHEN on other legislation to correct these problems as well.

Madam President, we cannot be reminded too often that when we tax the American people, we also make them a promise—that we will use their money wisely and properly. I am afraid too often that promise is only honored in the breach. This amendment is a small, overdue step in keeping faith with the American people.

Mr. COHEN. Madam President, I discussed this amendment with my good friend from Hawaii. I believe the amendment is acceptable and would require no further activity on our part.

I urge its adoption.

Mr. INOUYE. Madam President, the Social Security Administration indicates that the administration finds it a bit difficult to administer this provision because one matter has not been clarified.

Does this person have to be convicted before it is considered he is participating in a criminal activity ?

Mr. COHEN. The answer is "no." There will not have to be a conviction. What is taking place today under current regulations is that the administrative law judges, who carry out Social Security Administration regulations, will have individuals who are claiming eligibility for benefits come before them. They will ask them: Are you still abusing drugs, or alcohol? The answer is usually yes. They will then ask: How do you support this? The claimant will usually volunteer that he or she is engaging in illegal activity. That admission will be sufficient under this amendment to stop the flow of disability benefits. It does not require a conviction as such. If the SSA has evidence demonstrating that the claimant continues to engage in illegal behavior in order to support a habit, that would constitute gainful employment within the meaning of the act.

Mr. INOUYE. Madam President, although the managers realize that this is legislation on an appropriations bill, and it is a measure that should be before the Finance Committee, we have been advised by the chairman of that committee, the distinguished Senator from New York, that he will not oppose this amendment.

Accordingly, I believe I speak for the managers in accepting this amendment. We will take it to conference.

Mr. COHEN. I thank the chairman.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 1455) was agreed to.

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

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

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mrs. MURRAY). Without objection, it is so ordered.

Mrs. BOXER. Madam President, I rise today to bring us back to what I believe is the purpose of the bill that is before us.

I spent 10 very proud years over in the House of Representatives and 6 very proud years in local government, and I am starting my second very proud year in the U.S. Senate. I am most honored to be part of this body. When I came to the Senate, some of my colleagues said you are going to be very surprised when you get to the Senate, because you are going to be taking up a bill and suddenly there are going to be amendments offered that really have nothing to do with the bill

at hand, and you are going to wonder what is happening.

I had a year here and I saw a lot of that go on. But, Madam President, I really did hope and I really did think that when we had a travesty such as the one that we had in southern California—a 6.8 Richter scale earthquake, with the power and energy release of millions of NASA space shuttles all at once, thrusting people out of their sleeping beds, crushing people, hospitals destroyed, schools destroyed, homes destroyed, dreams destroyed, children frightened—I really hoped that we could move quickly on a response.

I must say the fact that we have this bill in front of us is attribute to this Senate Appropriations Committee, on which the chair serves, and you are able in that committee to bring out a bill that addresses these problems, and you beat back amendments that you felt were extraneous to some of these emergencies that we find ourselves in.

It is not just the earthquake, as you know. There are funds in there to pick up the pieces from the Midwest floods and other funds that are truly dire emergencies.

I want to look at the title of the bill that is before us today, Madam President, the Emergency Supplemental Appropriations Act. Let us examine that title.

"Emergency." I define that as an unexpected crisis.

"Supplemental." I define that as extra.

"Appropriations." I define that as spending.

"Act." I define that as legislation.

So it is the Emergency Supplemental Appropriations Act that is before us; not the Budget Act, not the Armed Services bill, not a Finance Committee jurisdictional issue dealing with drugs, or Social Security, but legislation is before us to provide extra spending for an unexpected crisis.

We know we had those crises in this country. There is not an American among us in this country who is alive today who has a pulse beat, who has access to a radio or to television or to a newspapers or to a friend, there is not an American who does not know that we have gone through some horrible natural disasters in our country.

We did not want them. We did not ask for them. We pray we never have them again. We have seen too many of them from Hawaii to the Midwest to California, to the frosts on the east coast where, I might point out, more people died in those frosts than died in the earthquake. So we have our share of these disasters all through this country.

I remember so well when the State of Washington had a volcanic eruption. I was over in the House at that time. We all pulled together for the good of our country men and women, for our families.

I have to say, Madam President, when I sat through the debate yesterday, the Senator from Nebraska, in all sincerity, said, "I don't want to hold up the supplemental bill. I want to get the help to the people in the Midwest and to California. Believe me," he said to me, "you are my friend, you are my colleague, I don't want to do that." And I believe him.

But he said he had no other chance to bring up these budget cuts. Well, I have been around here for a long time in the Congress and I want to assure my colleagues that they will have every opportunity.

Madam President, you just came from the Budget Committee. We have had 3 solid days of hearings. We have had Mr. Panetta in front of us, the OMB Director; today, Laura Tyson from the Council of Economic Advisers is before us. We had the Treasury Secretary before us. They are presenting us with the facts about our budgetary situation, and some of those facts are encouraging. But, yes, more needs to be done.

But I say to my colleagues, please remember what is before us today—the emergency supplemental appropriations bill— and let us keep our eye on what we are supposed to be doing here.

I must say, I heard some cynical comments made on this floor that I really felt were low blows to many of us here, comments that said, "Oh, well, the only reason you do not want to debate these amendments that deal with the budget is you want to get out of here, you want to go home."

Well, listen, I am willing to stay here, Madam President, as long as it takes to get this bill done. I want to say that very clearly. That is our job.

Do I want to go and be with my family? Yes. But do I understand my responsibility and the responsibility of all of us to act on this bill? Yes.

And I am very proud that our majority leader, GEORGE MITCHELL, was very clear and plain when he said, "We will stay here until this is done."

So it is not because I want to go home with my family that I urge my colleagues to please do not offer these amendments that deal with budgets and deficits. It is because I know they will have every opportunity to deal with those.

I chose to go on the Budget Committee, Madam President. A lot of people did not want to go on. I wanted to go on because I agree that the deficit crisis has to be addressed and has to be addressed very wisely and very appropriately, with just the right mix, just the right mix, of spending and deficit reduction. Because if we do too much of one or the other, we throw off this fragile recovery—and we are in a recovery.

My State is lagging behind. So of anyone in this body who wants us to do right by this economy, who wants us to reduce the deficit so we can keep interest rates low, so we can keep having our people refinance their mortgages, so we can have small business get past the credit crunch and expand, it is this Senator. And I know I speak for Senator FEINSTEIN, as well. We are deeply concerned about the economy of this country and keeping it on course and making sure we have that right balance. Both of us supported the President's deficit reduction bill and we are proud that we did because it is bearing fruit. And we will work even harder to cut out unnecessary spending—spending that does not make sense—and concentrate on investments that do make sense so that California will get on track.

But, Madam President, again, I bring us back to this bill, the Emergency Supplemental Appropriations Act.

Here are a couple of pictures, in case people have forgotten why we are here today. Here is a freeway that broke in half.

Madam President, we have freeways that carry more cars per day than any other freeways in the world. And FEMA is running out of money. In 8 days, now 7, they will be out of money. And that just does not hurt my people. That hurts everyone in the country. Because if FEMA cannot act quickly in the next emergency, where will we be then? And will we come back and have more of this debate about other issues? I would hope not.

But the cynicism that I heard on the floor disturbed me greatly—disturbed me greatly.

A comment was made, "Oh, when we have a crisis, we pull together and it is so easy for us to spend when we have a crisis and we come together like Republicans and Democrats and we spend money in a crisis."

That was a statement from one of my colleagues that I am paraphrasing.

I find that really cynical. If we do not pull together in a crisis in this country, whether here or abroad, what use are we? What use are we? We might as well pack up and forget it. Because the point of the Federal Government, and the reason I am so proud to be here, is to stand up in a crisis, whether it is in Los Angeles or it is in Honolulu or it is in Seattle or it is in Nebraska. That is why I am here.

The rest of it is important, but nothing can be more important than relieving the pain of the people in this country who get caught in a disaster who have never, ever, ever asked for one thing from their Government.

So I stand here today—I did not expect to speak—but I stand here today to appeal to my colleagues: Please. We have much time, much time to debate this budget. I look forward to it. I have my ideas how to cut billions out of this Government that do not make sense to me. But this is not the time or the place.

The Senator from Hawaii, who is managing the bill this morning, spent 20 eloquent minutes rebutting an amendment that deals with cuts in the armed services.

Again, that is a debate that has to take place. But as the Senator said, we have time to do that, through the budget process, through the defense authorization bill. We have Senator NUNN who will lead that debate. I will be a spirited participant in it, as will the Senator from Hawaii, when it comes to appropriations.

So, Madam President, I will close with this. I do not want to have to bring out these pictures to remind people of why we are here, why we are taking up this bill. But I am going to do it throughout the day, to be frank with you, if I feel we need to get back to the point. I hope our colleagues, if they do have amendments, will come and present them. But I do hope they will be relevant to this emergency supplemental appropriations bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Madam President, I wish to commend my dear friend from California for returning us to reality. We are here to appropriate moneys to provide extraordinary relief, extraordinary assistance to those thousands of citizens of California who, not because of their shortcomings or faults, have suffered irreparable damage. That is why we are here.

As the Senator has pointed out, we will be debating the defense budget. We will be debating the defense authorization bill. We will be debating the defense appropriations bill. We will be debating all the conference reports. We will have numerous opportunities to debate these issues that we have been spending time on. This measure should have been passed yesterday and gone into conference last night and we should be here adopting the conference report. That is the least we can do for our fellow citizens.

Instead, we are wasting our time when we know we have time awaiting us in the very near future to discuss these matters in an orderly and reasoned manner.

I, as a citizen of the United States, wish to apologize to the citizens of California. I wonder how they are feeling at this moment, watching us. They must be saying to themselves: I wonder if the Members of the Senate are aware of the pain.

Those of us who have been blessed and those of us who have never suffered from these catastrophic tragedies have no idea what goes through the psyche—the psyche of these people.

Just a few days ago I had a conference with several psychiatrists and psychologists who had gone to California to assist your people. I do not think it occurs to too many Americans it is not just the damage of the highway or the damage of the buildings. Imagine what goes through the minds of children. For the rest of their lives they will have nightmares. And this is the assistance we are trying to provide, to ease their minds. I hope my colleagues will return here soon to bring up their amendments, if they do have any, and let us get on with the business—the business of providing extraordinary assistance, extraordinary aid to the devastated people of California.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, I thank my colleague. It gets kind of lonely when you know the bill is so necessary for your State. I know the Senator from Hawaii had that lonely feeling when his communities suffered from hurricanes. This is a time when we should blur those arbitrary lines that divide us and pull together. We should do it with good will.

I want to say to the Senator from Hawaii, the face that haunts me every time I stand up here and talk about the earthquake is that of a little child. I guess he was about 9 years old. You know how children always have a sparkle in their eye, no matter what? There was no sparkle in this young man's eye. I remember his looking at me and saying, "Will you fix it?"

And I took him around. He was standing behind the yellow banner that they had set up. The President had come through just before. The President was way down, and I stayed behind to chat with this young man.

I put my arm around him and I said, "We are going to fix it."

He said, "Are you going to fix my school? I cannot go back to my school."

We are going to fix it.

Madam President, we thank God that earthquake, when it hit, hit at 4:30 in the morning. Because I have reports now from James Lee Witt, FEMA Director, of the condition of some of those 150 schools that need our assistance and will get our assistance with these funds today. We will pay 90 percent of those rebuilds.

Fluorescent lights fell right over all the desks where those children would have been sitting. Everything was strewn all over where those children would have been sitting. And the Senator from Hawaii is right, even though the children were not sitting there, they are smart enough to know, where their school is closed, the kind of danger this quake presented. They need help, these children. We need to rebuild these schools.

The first day of the quake, 800,000 children were out of school. Two days later, 250,000 were still out of school. Hospitals are closing. Needed hospital beds in Santa Monica are shut down now. They do not know when they will have them back—400 beds. If you know anything about the area, you know that is a huge area. If you are sick you cannot afford to be transported across town, because it could take too long a time.

Madam President, I do not see too many colleagues on the floor here today. I understand there are a great number of amendments that have been listed. I ask my friend from Hawaii, how many amendments is he aware of that have been proposed to this bill?

Mr. INOUYE. We have 5 amendments awaiting votes at this moment. In addition to that, I believe there are about 10 more to be considered and debated. If we are fortunate, we may finish by midnight, in the midst of the sleet storm.

Madam President, I came to my office this morning, prepared to spend the night here—like many of us. I think we should all assume we will spend the night here. Because that is the least we can do for your people.

Mrs. BOXER. I thank the Senator very, very much for answering my question. A lot of my people did not have a roof over their heads for several nights. A lot of children were sleeping under tents. And we are here debating the budget.

I believe it is very important for us to work on that task force and find out a better way to handle these emergency situations. I do not want to see the deficit go up every time there is a crisis, be it in California, or Arizona, or Washington, or Hawaii, or Oregon, or New York, or Florida. I would like to see us have a disaster fund that is set up and ready to go. The Senator from Alaska yesterday put out an idea of a checkoff. There are many other ideas. We have to face this problem, and I want to face this problem. But I say again to my friends in this Chamber who have been, individually, so kind to me and to Senator FEINSTEIN, expressing their concern, that we cannot in the middle of a crisis, when money is going to run out in 7 days, when we have 26,000 homes that have been red tagged or yellow tagged, just in the city of Los Angeles—that does not include the many other cities like Santa Monica and Santa Clara and other cities around there. Red tagged or yellow tagged means they are dangerous. A red-tagged home you cannot go back in, and a yellow-tagged home you probably should not. There are 26,000 whose lives are uprooted just in the city and county of Los Angeles.

This is not a partisan issue. Mayor Riordan, a Republican, needs our help. Governor Wilson, a Republican—former Senator, now Governor Wilson—needs our help. Senator FEINSTEIN and Senator BOXER ask for your help. This is a bipartisan crisis. We do not know how many Republicans or Democrats or Independents were hurt. We know peo-

ple were hurt. We know children were hurt. We know families were hurt. We know that homes are down. We know that freeways are down. We know that small businesses have been imperiled and small business is the job creator. California was just coming out of this recession, and we need these dollars now, not only for our people and our businesses and our children and our economy and our sense that things are going to get better—and the Senator from Hawaii is correct. The anguish that people feel after these crises, the professionals call it post-traumatic stress, meaning stress that comes about after a crisis.

If the people today see us acting, I think it is going to be a very bright day in southern California, but if they see us continuing to argue about matters that truly to the common ordinary real person do not fit into the definition of an emergency supplemental appropriations bill, we are sending a very rough signal out there.

So I applaud my colleague from Hawaii for his remarks. I urge my colleagues, let us get on with this. If there are any differences in this bill—we know there are a couple of small differences even thus far—we could have a conference that could wind up being contentious. We want to avoid that. Please let us get on with this and let us save a lot of these important, important rescission conversations, deficit-cutting conversations, and amendments that are very important for the appropriate moment. And that moment, Madam President, you and I know well is upon us in the Budget Committee, in the Armed Services Committee, in every single committee on which we all serve.

I urge my colleagues to think about the children, think about the people and let us get on with this bill, get it to conference and do our job. I yield the floor.

Mr. INOUYE. Madam President, I ask unanimous consent that the pending business be set aside so that we may consider an amendment that will be submitted by the Senator from Arizona.

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

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Madam President, I rise today to continue a many-year fight to question the manner in which we spend the taxpayers' money. The bill we are considering today is entitled the "Emergency Supplemental Appropriations" bill. I certainly understand the emergency needed to fund repairs due to the California earthquakes and to help rebuild peoples' lives. I am very concerned about the other non-emergency items in this bill added by the Congress or requested by the President.

I follow the news very carefully, but it comes as a great shock to me that the Los Angeles earthquake was felt all the way to Pennsylvania Station in New York. My colleagues and the American people might be interested to know that this emergency legislation includes $10 million to relocate the central Amtrak section of Pennsylvania Station to the James A. Farley Post Office in New York City. I know the San Andreas fault was big. I did not know it stretched quite so far.

In a way, this bill is about trains; it is about a gravy train that is on the track and, in Congress' typical fashion, we are going to see how many of the taxpayers we can take for a ride. More earmarks, more unnecessary pork, more of our congressional tricks of adding items which deserve debate and scrutiny onto a must-pass, virtually vital aid package. The Vice President in his report "Reinventing Government," stated:

> In Washington, we must work together to untangle the knots of red tape that prevent Government from serving the American people well. We must give Cabinet Secretaries, program directors, and line managers much greater authority to pursue their real purposes.

Vice President GORE also states:

> Congressional appropriations often come with hundreds of strings attached. The Interior Department found that language in its 1992 House-Senate conference committee report included some 2,120 directives, earmarks, instructions and prohibitions. As the Federal budget tightens, lawmakers request increasingly specific report language to protect activities in their districts. Indeed, 1993 was a record year for such requests.

Madam President, that comes from the Vice President of the United States. I repeat:

> As the Federal budget tightens, lawmakers request increasingly specific report language to protect activities in their districts. Indeed, 1993 was a record year for such requests.

It appears we are beginning this year with our goal being to beat last year's records. I am very disheartened to see we have heaped the trough with non-emergency items and in an attempt to only partially offset the spending with spending cuts, this bill ignores many of the rescission requests the President made.

The President had requested that many pork-laden programs be eliminated. This bill does not appear to do that. Madam President, this bill is ample proof that the process is broken. I have continually voiced that concern and sought to fix it. This bill, unfortunately, gives more credence to my argument.

I would like to inquire of the managers concerning some of the aspects of this bill, if they choose to respond to it.

First of all, I noted that in the supplemental appropriations for the fiscal year ending September 30, 1994, chapter 1: The committee recommends an additional $1.4 million for the extension service as proposed by the President. These funds would finance an integrated pest management project. The funding would support applied research to find alternative control methods for addressing the severe outbreak of a new blight fungus strain affecting potatoes.

I guess my question to either managers of the bill is why it is required in this supplemental to spend $1.4 million for an integrated pest management project?

On page 24, chapter 2, there is a rather curious aspect concerning the Office of the U.S. Trade Representative. The committee has provided an additional $75,000 for salaries and expenses requested to cover the mandatory costs to comply with a court order and resolve the requirements under the court case known as Armstrong versus Executive Office of the President.

In following pages, such as on page 29 of this legislation, there are further costs involved concerning Armstrong versus the Executive Office of the President in other parts of this bill.

On page 33, the committee provided an additional $5.3 million for salaries and expenses to cover the costs of complying with and resolving requirements resulting from Armstrong versus Executive Office of the President. There is an additional $5 million there, and I total it up to be about $13 million.

I wonder if the managers of the bill can tell me some of the details of the aspects of the $13 million cost associated with Armstrong versus Executive Office of the President.

Would either one of the managers of the bill care to respond at this time?

Mr. INOUYE. Madam President, if the Senator will yield.

Mr. MCCAIN. I will be glad to yield to the Senator from Hawaii.

Mr. INOUYE. Although the questions that have been propounded do not refer to the subcommittee that I am privileged to chair, as to the potatoes, if my recollection is correct, the moneys are considered supplemental and emergency because it relates to a special disease or blight on potatoes, and experts have suggested that if treatment is not provided at the earliest stage, we may have a devastating potato blight in the United States.

In the State of California, I just saw a documentary on blight in the vineyards where whole vineyards have been wiped out because of a certain blight of sort that has wiped out these cabernet sauvignon grapes. And in the same fashion I have been advised that potatoes are in danger of being wiped out.

Second, as to the measure in the Executive Office, I have been advised that because of the demands made upon the administration for information resulting from the Iran-Contra crisis, files have had to be restored, files that have

been destroyed by some of the former occupants of the National Security Office. And in many ways the White House is responding to demands made by the courts and made by the Congress of the United States. These were files that were destroyed by the members of the National Security Office during the time of the Iran-Contra crisis.

Mr. McCAIN. I appreciate the response of the Senator from Hawaii, and I do not want to belabor the point. But it seems to me this is a specific case, Armstrong v. Executive Office, and I count up somewhere around $13 million. I fully understand the requirements of Iran-Contra. I do not know if the Senator from Oregon has any additional information on that either.

On page 25, I note that $2 million is transferred to the Fish and Wildlife Service to meet its responsibilities on the Pacific Northwest Forest Plan. I notice land acquisition of $1,275,000 for land adjacent to the Everglades National Park; flood damage in Arizona and California; and to the oil spill in Blytheville, Arkansas; a legislative branch—I mentioned the very large increases; and, of course, $10 million appropriation for the Pennsylvania Station Redevelopment Project.

The current Pennsylvania Station, New York City is used for intermodel transportation, et cetera. To relocate the Central Amtrak station to the James A. Farley Post Office in New York City. I wonder if the City of New York or the State of New York were also providing any funds to what I understand can be a $200 million overall expenditure over time?

Mr. INOUYE. Madam President, if the Senator will yield.

Mr. McCAIN. I am glad to yield to my friend from Hawaii.

Mr. INOUYE. The items that the Senator from Arizona just cited are part of the supplemental bill. It is not the dire emergency supplemental. It is part of the list submitted by the President of the United States for consideration by the Congress. I must advise the Senator from Arizona that I am not in position to respond to every one of them. I hope that the Senator from New York will be here to respond to the Senator as to the railway station. I am not aware of that.

Mr. McCAIN. I thank my friend from Hawaii.

I would just like to say that the thrust of my remarks is that the American people believe we are coming here to provide emergency supplemental appropriations which are an emergency situation in the State of California, which all of us agree with and support, at least to varying degrees.

Instead, we find ourselves funding various specific projects, agencies, which are neither emergency in nature nor, in my view, required to be outside the normal authorization and appropriations process.

Perhaps the members of the Appropriations Committee can describe to me why the $10 million to move Pennsylvania Station is so vital, and why we need pest management control additional spending when the 1994 appropriations bill already appropriated $434 million for the Department of Agriculture Extension Service, but we need to have an additional million or so because of a potato blight.

What I am saying, Madam President, is very clear. On the one hand, we are telling the American people we are taking care of an emergency in California, and we add on, in my view, projects which may or may not be vital or necessary as a supplemental. Then, in my view, compounding this entire situation, we have selectively—and I emphasize "selectively"—implemented certain rescissions which were requested by the President of the United States in his budget. Those rescissions clearly do not affect the most egregious aspects of the appropriations process, those special items that are earmarked for appropriations in the hundreds of millions of dollars.

I would like to move to that aspect of it right now.

In the back of the Budget of the United States Government for fiscal year 1995 are rescission proposals, as is part of the President's budget.

Now, these rescissions were requested by the President, some of them requested and then changed slightly, which I will get into. Then, of course, as is within the authority of the Appropriations Committee, they either act or do not act on certain provisions and certain rescission requests on the part of the President.

The reason why I am going through this, Madam President, is that I hope to make it clear that for those projects which are specifically earmarked, there is no rescission. For those that are general—sometimes good, sometimes not so good—those are acted upon.

I guess the first example that I can use is the Agricultural Research Service. The administration requested a $16 million rescission; the committee recommended a $1 million rescission. Now, the reason why the President of the United States asked for these rescissions:

> They would reflect savings from the proposed elimination of lower priority research projects such as those for which alternative sources of funding are available from State or local governments, industry or others. Adequate funding would remain to allow ARS scientists to perform high priority, nationwide research in areas such as natural resource protection, food quality and improved agriculture practices.

Where is the $15 million? They are basically on certain specific projects earmarked by the Congress.

Right below that, on buildings and facilities, there was a 1994 rescission request of $8,460,000 from the President of the United States. The committee recommended zero. They recommended no rescission. The reason why the President asked for it, and I quote from his budget, he says:

> This proposal, transmitted November 1, 1993, reflects savings from the elimination of Congressional earmarks directing resources to be used for specific new construction.
>
> New construction of research facilities is often not needed because sufficient space is available at existing laboratories to house agency personnel if these labs are renovated.

The President of the United States is seeking to eliminate projects which were the result of congressional earmarks. The committee in its wisdom has decided not to do that at all.

As there are many others that I would like to cite here, perhaps one that is even more interesting is the rescission on buildings and facilities that the administration asked for, a $34 million rescission. The committee agreed to $2.89 million.

The reason the President asked for this is this proposal, transmitted November 1, 1993, reflects savings from eliminating the construction of lower-priority research facilities congressionally earmarked for particular States and universities. The funds were not awarded competitively nor peer reviewed, and most projects are for local, not national, priorities.

The President of the United States asked for a rescission of $34 million for the reason that they were earmarked. They were not competitively based, and they are not a national priority. The committee found, in its wisdom, $2.8 million that they would recommend as a rescission in this bill, falling in my view about $32 million short.

I know that many times we are talking about billions of dollars around here, Madam President. But these tens of millions mount up over time, and they mount up, in my view, to a $4.5 trillion deficit.

Later on, the President asked for a rescission of $4 million for construction on the National Oceanic and Atmospheric Administration. The committee decided not to do that because the committee does not recommend rescinding $4 million from the National Oceanic and Atmospheric Administration construction. The reason the President asked for this is it reflects savings of funds not needed to provide for programs, projects, and activities that fail to meet one or more of the following criteria: Competitively awarded, authorized in law, meet established Federal grant selection and award procedures, procedures do not duplicate ongoing efforts, original objectives have not been completed, and the objectives are consistent with the statutory responsibilities of NOAA. That is $34 million the committee did not choose to support.

The committee has recommended rescission. The President recommended a

rescission for Navy aircraft of $51 million. The committee recommendation was zero. The President recommended a rescission of $50 million for LHD–7, an amphibious assault ship.

As a strong supporter of national defense, I still do not understand why this rescission was not allowed in light of the fact that the President's budget terminates both of those projects this year; both of those weapons systems.

In military construction, of which I have direct oversight in my capacity as ranking member of the Subcommittee on Military Readiness and Defense Infrastructure, here was a recommendation for military construction, and there were unwarranted add-ons that were the sum total of roughly $1 billion.

According to the Congress Daily of February 8, 1994:

> The Clinton administration, which in its new 1994 budget Monday proposed rescinding about $3 billion in budget authority for highway demonstration projects, has decided not to rescind the money after all. A special message President Clinton sent to the Congress containing his requested rescission did not include the highway money even though the administrations budget prepared earlier includes a reference to the cuts in the appendix.

In the appendix, it states:

> The proposal reflects savings from eliminating funding provided by annual appropriations acts from all unauthorized highway demonstration projects that are not under construction. Such highway projects should compete for funds through the normal allocation and planning processes within the Federal aid highways grant system.
>
> The second proposal would rescind savings from the elimination of . . . highway demonstration projects. Such projects should compete for funds through the normal allocation and planning process at the State level.
>
> In its reports, the General Accounting Office has found that such highway demonstration project completion costs will greatly exceed authorized Federal and State contributions, and that State officials are uncertain where they will find more funding. The rescission of these funds is in accordance with the recommendations of the Vice President's National Performance Review.

That is over $2.2 billion. As I say, even though it is referred to in this budget, it was taken out prior to the President sending his budget over.

It is over $2.2 billion for 1994. These cuts would eliminate appropriations for all unauthorized highway demonstration projects that are not under construction. It would also rescind funds for selected programs that should compete for funds through the normal allocation process.

According to the Congress Daily, the administration got pressure last week from legislators representing Pennsylvania, West Virginia, New York, and California—four States that were to get 40 percent of the $2.2 billion for demonstration projects in fiscal year 1994. The administration got cold feet about the cuts.

Madam President, the cuts were not made. To make matters worse, even after the President revised his request and lessened the amount he wanted, the committee still did not rescind the amount the President requested. Additionally, it appears that although the committee did rescind significant funds from the highway trust fund, many of the earmarks the Vice President and the President believe are so harmful have not been cut.

Madam President, there are other areas that I would include for the RECORD.

My point is that despite the fact that we have a $4.5 trillion deficit, despite the fact that the American people have expressed their anger and outrage time after time of lost confidence in the efficient and appropriate way to spend their tax dollars, it is business as usual. This supplemental appropriations bill certainly does demonstrate that that is the case.

I have identified and will continue to identify billions of dollars of funding of appropriations which are either totally unnecessary, in the case of the "demonstration projects, which are egregious examples of what the American people call pork, ranging from that to areas which simply are not necessary.

The integrated pest blight management requiring an additional $1.4 million, even that department received $434 million in appropriations in 1994.

I intend, Madam President, to propose an amendment or two that might at least put the Congress on record as to whether we will support this kind of spending with the full and certain knowledge that these amounts, like the Kerrey-Brown amendment yesterday, will be defeated.

The PRESIDING OFFICER. Will the Senator withhold his request?

Mr. McCAIN. How long will the Senator from California speak?

Mrs. FEINSTEIN. Probably less than 10 minutes.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Madam President, I wish to speak about the main point of the legislation before us, which is the emergency supplemental for the California earthquake. I join my colleague, Senator BOXER, in expressing what is a great concern. That growing concern is twofold. On one hand, within 24 hours, Members are going to be getting on planes and leaving and the bill will not have been passed. There are 30 possible amendments that may be before the Senate in a very short period of time, and I am concerned about that.

I am concerned that this bill has become a grab bag for everyone's favorite offset or everyone's favorite cause. I am not commenting on the legitimacy of the amendments, but I am commenting on the fact that the time is short before Members will begin to leave for the scheduled recess.

As I look at the amendments, there are amendments pending on Bosnia, amendments pending involving the State Department, health care, so-called pork programs, and so on. In the meantime, there is real concern.

The second part of my concern is the fact that before we leave, not only the legislation has to pass, but a conference must take place. I think perhaps Members really might not realize the seriousness of the problem, with the emergency assistance and public assistance parts of FEMA due to run out within a week. What will happen if the money does run out is that what we will see is State pitted against State.

Madam President, FEMA has said that at its current rate of spending the disaster relief fund will run dry by the end of next week. That means that to pay for emergency assistance in California, which comes first—the human emergency comes first—eligible public assistance projects in Iowa, Illinois, Kansas, Minnesota, Missouri, North Dakota, South Dakota, and Wisconsin may very well be delayed. FEMA is providing funds to projects which would relocate communities that are perpetually located in floodplains. A number of communities have new requests in to FEMA, and unless we pass this bill, these projects will not be funded.

I asked my office to call FEMA and try to prevail upon them to give them an idea of the kinds of projects that will not be funded unless the legislation is passed. What we have learned is that the following new applications that are pending will not be funded: In Kansas, Riley County, $4.3 million; the city of Ellsworth, $200,000; the city of St. Marys, $200,000; in Missouri, $600,000 for Hannibal and $300,000 for Rhineland; in Nebraska, $57,000 for Jefferson County, $500,000 for Sarpy County, and $3 million for Douglas and Sarpy Counties; in the State of Iowa, $5.1 million. Again, these are new applications that will not be funded if this supplemental is not concluded and the conference report passed.

(Mr. SHELBY assumed the chair.)

Mrs. FEINSTEIN. I have also been told that aid to 22 other States is in jeopardy if the bill is not passed. So what is happening, as we entertain amendment after amendment, is that one State will eventually be pitted against the other; and somehow it occurs to me that that is not the way the Senate of the United States should be doing business in a time of emergency.

I say this quite respectfully because I know that to the people making the amendments, the amendments are very important and they worked a long time to develop them. But I urge my colleagues to find another vehicle so that we do not pit floodplain relief in the Midwest against emergency supplemental relief in California.

In this bill, in one of the amendments pending, there will be an amendment

to take the Cypress Expressway—which was destroyed during the Loma Prieta earthquake—off on the basis that it is no longer an emergency. I point out that in this bill there is $685 million in continuing relief for the Midwest floods. It is not an emergency right now, but the prior supplemental was not adequate. Therefore, $685 million is added to this supplemental for floods.

So I say what is sauce for the goose is sauce for the gander. If, in a prior supplemental flood needs are not met, it is appropriate that they be in this supplemental, just as it is appropriate for the Cypress Expressway reconstruction funds to be in this supplemental.

I want to enter into the RECORD a letter sent by Mr. James Van Loben Sels, the Director of the California Department of Transportation. First, I would like to quote from it. It says:

The engineering complexity, the number of multi-level structures damaged, the densely populated area and the environmental concerns have all impacted reconstruction of the system.

This letter refers to both the Embarcadero and the Cypress freeways.

Two of the structures, the Cypress Street Freeway and Embarcadero Freeway have been completely demolished. The city and county of San Francisco are developing a replacement for the Embarcadero Freeway and expect it to be under construction by 1996. Under the direction of the State Department of Transportation, Caltrans, the Cypress Freeway replacement program has prepared several contracts, all of which can be underway in fiscal year 1994.

These funds are now necessary, and an effort is going to be made to eliminate them from this supplemental.

Quoting from the letter:

Under earlier congressional action, $1 billion of Federal emergency relief funds had been made available for repair of earthquake-damaged highways and freeways. This amount has been determined to be $385 million short of the funds needed for the full share of the work eligible for emergency relief funding.

Three hundred fifteen million dollars is in this emergency supplemental. It is no less an emergency just because Loma Prieta took place in 1989 than it is today. It is the remaining amount that is necessary to move on with construction of the Cypress Freeway. As I might point out, both the Embarcadero and the Cypress are two huge structures that were entirely demolished, not a section of the structure, but huge structures, entirely demolished by this earthquake.

I ask unanimous consent to have this letter printed in the RECORD.

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

SACRAMENTO, CA,
October 5, 1993.

Hon. DIANNE FEINSTEIN,
U.S. Senate,
Senate Hart Office Building,
Washington, DC.

DEAR SENATOR FEINSTEIN: The Loma Prieta Earthquake caused damage to the transportation system in the San Francisco-Oakland Bay area that was unprecedented in modern history.

The engineering complexity, the number of multi-level structures damaged, the densely populated area and the environmental concerns have all impacted the reconstruction of the system. Two of the structures, the Cypress Street Freeway and the Embarcadero Freeway have been completely demolished. The City and County of San Francisco are developing a replacement for the Embarcadeo Freeway and expect it to be under construction by 1996. Under the direction of the State Department of Transportation (Caltrans), the Cypress Freeway replacement program has prepared several contracts, all of which can be underway in Fiscal Year 1994.

Under earlier Congressional action, $1 billion of Federal Emergency Relief Funds had been made available for repair of earthquake-damaged highways and freeways. This amount has been determined to be $385 million short of the funds needed for the full share of the work eligible for Emergency Relief Funding.

The Cypress Freeway contracts alone would require the $315 million of additional Emergency Relief Funding that the President has requested for earthquake repair.

As you well know, any additional Federal funds that can be allocated to reconstruction of the Bay Area Transportation System will be beneficial to an economic revitalization of the entire State of California.

Your continuing support is greatly appreciated.

Sincerely,

JAMES W. VAN LOBEN SELS,
Director.

Mrs. FEINSTEIN. It would seem to me, Mr. President, that as we look at 30 possible remaining amendments to this bill, at 10 minutes after the noon hour, I know for a fact that within 24 hours Members are booked on planes to return to their districts. This bill may not be passed, and the conference will not have taken place. Then we go away for 10 days and we come back, and FEMA will effectively have run out of money.

They will begin making judgments between one State disaster and another as to which has the highest priority for funding. And FEMA has said they will fund emergency relief prior to public assistance relief.

I do not think we want to be in this situation. I certainly do not want to be in this situation.

I know this is a large supplemental and I regret it. The damage is commensurately large.

I think it is our duty to come to grips with this bill and to make a decision. I am hopeful that Members that have amendments will recognize the shortness of time before their colleagues embark on planes to return to their districts and that we might be able to conclude this business today. It is really important. It is important not only to the people of California, it is important to the flood plain areas in the Midwest and many other States as well.

Just in conclusion, it obviously is legitimate to have a discussion of whether a supplemental item is of an emergency nature or not. I think that is a legitimate debate. I know under the rules of this Senate anything is legitimate in debate. However, the clock is ticking and the people are needful.

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

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

AMENDMENT NO. 1456

(Purpose: To offset the cost of the Emergency Supplemental Appropriations Act of 1994 by rescinding an additional $2.2 billion from the FHA, as requested by the President)

Mr. MCCAIN. Mr. President, I have an amendment at the desk and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN] proposes an amendment numbered 1456.

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

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

On page 108, on line 20, insert the following new proviso:

Provided further, That of the amounts appropriated for the Federal Highway Administration, an additional amount of $2,209,716,000 is hereby rescinded in accordance with the rescission proposals reflected on page 1018 of the "Budget of the U.S. Government Appendix" for fiscal year 1995.

Mr. MCCAIN. Mr. President, this amendment is one which is based on a proposal that was made by the President of the United States contained in his budget for fiscal year 1995 on page 1018, which later was taken out of the main body of the budget. It calls for the elimination of $2.2 billion in highway demonstration projects, which in the view of the President, at least at that time, are unneeded projects.

On page 1018, under "Miscellaneous Appropriations, Rescission Proposal," $343 million is one part of it, $1.7 billion is another part of it, and $144 million the other part. The reasons given in the President's budget need no elaboration by me. They read as follows.

The first proposal, transmitted November 1, 1993, reflects savings from eliminating funding provided by annual appropriations acts from all unauthorized highway demonstration projects that are not under construction. Such highway projects should compete for funds through the normal allocation and planning processes within the Federal-aid highways grants program.

A second proposal would rescind savings from the elimination of selected highway demonstration projects. Such projects should compete for funds through the normal allocation and planning processes at the State level.

The second proposal is consistent with and in addition to the November 1, 1993 proposal.

In its reports, the General Accounting Office has found that such highway demonstra-

tion project completion costs will greatly exceed authorized Federal and State contributions, and that State officials are uncertain where they will find more funding. The rescission of these funds is in accordance with the recommendations of the Vice President's National Performance Review.

The explanation for the other two are exactly the same as the first, ending with: "The rescission of these funds is in accordance with the recommendations of the Vice President's National Performance Review."

Mr. President, I would again quote from an item in Congress Daily, entitled "Clinton Switches Stance on Cutting Highway Projects."

The Clinton administration, which in its new FY95 budget Monday proposed rescinding about $3 billion in budget authority for highway demonstration projects, has decided not to rescind the money after all, a congressional said today. "That isn't what they're proposing now," said the source, who said the "special message" President Clinton sent to Congress containing his requested rescissions did not include the highway money, even though the administration's budget—prepared earlier—includes a reference to the cuts in the appendix. The source said the change was made after the administration got pressure last week from legislators representing Pennsylvania, West Virginia, New York and California—four states that were to get 40 percent of the $2.2 billion for demonstration projects in FY94. "The administration got cold feet" about the cuts, the source said.

Clinton was going to use the money saved from cutting the demonstration projects to help fully fund the FY95 component of the 1991 surface transportation bill. The administration assumed $400 million in outlay savings in FY95 by cutting the demonstration projects it planned to use to fund the larger highway bill, which administration officials announced as a budget priority on Monday. But now, the source said, the administration has "a $400 million outlay problem" that has to be solved because it no longer has all the money it would need to fully fund the highway bill. The administration's new plan, the source said, would let Transportation Secretary Pena make adjustments in the highway program to save $58.7 million in FY94 and another $406.3 million in FY95 to make up the gap. But because of the slow spend-out rate for demonstration projects, the highway obligation limitation would have to be cut by $2.5 billion in FY95 to produce the necessary outlay savings next year.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Is there further debate?

Mr. INOUYE addressed the Chair.

The PRESIDING OFFICER. The Senator from Hawaii.

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

The PRESIDING OFFICER. The clerk will call the roll.

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

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

The Senator from Oregon.

Mr. HATFIELD. Mr. President, I would like to engage in a brief colloquy with my comanager of this supplemental appropriations bill, if he will be willing to do so.

First, I would like to check his records against mine. I believe that last night we were able to ascertain, from both the Republican side and the Democratic side of the aisle, what amendments were planned, at least, to be offered during this period of time.

Does he have such figures available?

Mr. INOUYE. Mr. President, if the Senator will yield, to the best of my recollection there are 25 amendments remaining to be considered. Senator MCCAIN has just touched upon one, so there are 24 to be debated.

Mr. HATFIELD. Twenty-four.

Mr. INOUYE. However, I have been advised that of the remaining 24, all but four or five have been somehow addressed in other amendments. So we may be faced with serious, lengthy debates on four or five other amendments.

Mr. HATFIELD. Four or five out of the twenty-four remaining?

Mr. INOUYE. Yes.

Mr. HATFIELD. I would like to also——

Mr. INOUYE. If I may also advise the Senator, I am certain he is aware that at this moment there are five amendments awaiting votes.

Mr. HATFIELD. Yes. We have what we call stacked, or expected-to-have rollcalls, on five amendments.

Mr. INOUYE. Yes.

Mr. HATFIELD. Then I would like to ask the Senator from Hawaii if he has any estimate of the time required to accommodate the Senators in handling this list of amendments, if he has any way of estimating, counting the rollcall times and the debate, what we are looking at as far as timeframe?

Mr. INOUYE. If I may respond in this manner. After conferring with the leadership of the Senate, both Democrat and Republican, I am led to believe and conclude that we should be finished by 10 p.m. this evening.

Mr. HATFIELD. Ten p.m.

Mr. INOUYE. The bill. Hopefully tomorrow we will go into conference.

Mr. HATFIELD. Would the Senator not agree that is within the context that we would be moving along with these, from the time he made that inquiry and that estimate from the leadership, and, with the exception of the Senator from Arizona [Mr. MCCAIN], we have really not accomplished very much this morning? We have been here on the floor since 10:15, I believe, when we went on this bill, and to my knowledge we have not had any conclusion of any of these amendments we have had pending. Senators have been alerted. I know the Republican Cloakroom—and I understand the Democratic Cloakroom as well—has informed the Senators on this list that we are ready to handle those amendments. We are here to do business.

Again, with the exception of the Senator from Arizona, we have had colloquies, we have had statements, but I am not aware of any amendment that has been, really, offered, with that exception.

Mr. INOUYE. We have accepted the amendment submitted by Senator COHEN, as my colleague knows.

Mr. HATFIELD. Yes. Yes. That was really not a controversial amendment and that did not necessitate extended debate.

Mr. INOUYE. Not at all.

Mr. HATFIELD. In effect, those the Senator has identified as requiring a period of time for debate—we both understand we do not know precisely how much time, but we know it is controversial enough that it will elicit debate—none of those amendments really are in the process; are they?

Mr. INOUYE. In conferring with the leadership of the Senate, I am led to conclude that in their assessment of the schedule, an assumption was made that very little would be done in the morning and that the activities should commence in about 30 minutes.

Mr. HATFIELD. As the Senator knows, it has been observed we operate like mushrooms, often. We tend to do our growing activity at nighttime. Yet here we are, convened to do the business of the Senate as of 10:15 this morning on this particular bill.

What are the options that we have as managers of this bill, to expedite this bill's handling, as my colleague sees it? In light of the fact that the leader, Mr. MITCHELL, indicated very clearly on more than one occasion that we must complete this bill, getting this aid—as the Senators from California and others have emphasized again and again and again today—we must complete this before the recess begins for the Presidential recess, Lincoln Day, we used to call it. And that is scheduled to begin tomorrow, Friday.

At the same time, we must complete this bill in the Senate, we must go to conference with the House to resolve the differences between the two, and come back here again to report to the body to adopt the conference report.

We have no idea how long it is going to take in the conference. I can say one thing, if we had adopted one of the amendments that was offered yesterday, we would be in conference, I am convinced, at least days, not just hours, but perhaps days. So we do not know what kinds of complexities may create a longer conference than we would like, by amendments that may be adopted that are pending today.

Is that a correct analysis? What are the options we have to expedite this?

Mr. INOUYE. The Senator is absolutely correct. I believe the leadership, in concluding that we would be finished by 10 this evening, has assumed that we would pass a clean bill without controversial amendments. If the amendment that the Senator has referred to was adopted yesterday, my conference

with House leaders would lead me to believe that we would not even have a conference. They would consider that as a waste of time.

There is another matter that we should consider. Because I was advised that it would be as late as 10 o'clock this evening, I came to work this morning with a small overnight bag. I have a suit, change of shirts, underwear, socks because if we are here until 10 o'clock, it will be extremely difficult for Members to get home. We are looking forward to one of the worst sleet storms in the history of the District this evening.

So if we wish to spend the evening, then let us stay until 10 or 11 o'clock. We can almost guarantee that half of us—those who do not live in the neighborhood—will have to spend the evening here.

Mr. HATFIELD. I thank the Senator for making that observation because it was the next issue I wanted to get to, and that is the so-called weather prediction. We will be urged, I am sure, as managers of the bill, to not have rollcalls after a certain time so that staff and Members may get home because of this pending storm, plus the fact we want to start a recess tomorrow.

Will the Senator not agree that at some particular point in time any Senator—not just the managers—any Senator can stand here and ask for third reading of this bill?

Mr. INOUYE. At this moment, in fact.

Mr. HATFIELD. So I am correct. In other words, if patience tends to run out and the clock tends to run out and the weather begins to worsen and the contingencies they represent, we could, in effect, say third reading of this bill, closing out those amendments that the Senators, who have said they would perhaps offer them, refuse to come to the floor to offer them. They will be cut out; is that correct?

Mr. INOUYE. According to the rules of the Senate, that is possible.

Mr. HATFIELD. I am talking about options. I am not talking about actions but options.

Is it also true that the managers of the bill have another option? We can call up these amendments in the absence of the author, and we could expedite this by taking those amendments in a series of actions to wipe the slate clean and thereby move to third reading; is that another option?

Mr. INOUYE. That is an option, but I doubt we will exercise that option.

Mr. HATFIELD. I would just like to know what our options are. I am not suggesting these will be actions taken because I assume we will confer with the leadership before such drastic actions might be taken. But I just want to say, I would like to put the Senate on notice that Members who have indicated that they are planning to offer amendments, if they have had a change of mind, I urge them to let us know so we can chalk those amendments off our list. But otherwise to please come to the floor and let us utilize this time and get this bill completed because of the sequence of events that we have already stated that follow the Senate action; namely, conference with the House, resolving the differences, coming back here and getting the report adopted.

I will at this point indicate, it might be my desire to have a rollcall on the conference report so that I do not think Senators ought to feel like they can escape into the recess feeling that there will be no further rollcall votes because the conference report will be voice voted. I want to put on notice that it is my intention right now to possibly call for a rollcall vote on the final conference report.

Mr. INOUYE. If that is the case, I would like to make two observations. One, we are here to provide extraordinary relief and assistance to those citizens, fellow citizens, in the Midwest and in California who have suffered unimaginable problems, tragedies. If we do not resolve this by this weekend—and I am not speaking of the recess—then certain funding programs will cease, and it will take weeks, if not months, to revive them again.

In the meantime, certain people may have to go without shelter, without medical care, and I do not think that is the intention of this body.

I hope we can resolve this matter by this evening, permitting the managers and the conferees to begin our discussions with the House and hopefully by tomorrow noon conclude that, get back here and vote on it.

If we stay until 10 o'clock, then the conference will not begin tonight. We will have to be here despite the sleet and the snow. Hopefully, we can conclude it at some reasonable hour and Members will have to stick around if that request for the yeas and nays is made.

Mr. HATFIELD. I thank the Senator.

Mr. DORGAN. I wonder if the Senator from Oregon will yield for a question.

Mr. HATFIELD. I will be very happy to yield.

Mr. DORGAN. I have listened to this interesting discussion.

Mr. HATFIELD. Just discussion.

Mr. DORGAN. I was thinking about the stories I read about the difficulty of moving a wagon train across the West. They usually came through North Dakota. The difficulty with moving wagon trains was that a wagon train could only move under any condition as fast as the slowest wagon.

I am reminded of that pace when I watch the Senate from time to time. The Senator from Oregon is talking about those who want to offer amendments should really be here to do it, otherwise, we perhaps ought to move to third reading.

This body is full of a lot of wonderful people and it is full of, occasionally, a few bad habits. One of those bad habits that all of us probably have is not getting here to offer the amendments when we should. I think from time to time, we ought to consider going to third reading if nobody is around with amendments.

We should never disadvantage a Member of this body who wants to offer an amendment, who wishes to offer a legislative initiative. They have every right to do that under every circumstance. But it seems to me from time to time we ought to try to find some pressure to move ahead with more dispatch, and one way to do that is to serve ample notice to anybody who wants to offer an amendment, to say now is the time. If time elapses, I encourage those who manage the bill, let us move ahead and consider third reading.

I know they are reluctant to do that. I urge you by saying that some Members would say to you, "Congratulations." Do not disadvantage anybody, but give fair notice and then after fair time, let us try to move ahead.

Mr. INOUYE. If the Senator will yield, we are debating at this moment with smiles on our face, but I can assure you, as one of the managers, that if this debate continues on much longer, we may be forced to exercise that option.

As our two ladies from California have so eloquently reminded us this morning, we are here to provide extraordinary relief and assistance to those men and women who are still suffering.

As Senators of the United States, we are bound by our oath to carry out our responsibilities and duties. If it means calling for a third reading, I can assure the Senator that I am prepared to do that.

Mr. HATFIELD. Mr. President, I thank the Senator from North Dakota and the Senator from Hawaii for their comments.

Mr. President, both the Senator from Hawaii and the Senator from California, present in the Chamber, have kept our focus on this bill beyond the procedures by which we find ourselves frustrated at the moment. The real focus is that we have an emergency. We have people who are hurting, who are suffering, who are without homes, who are without services, and we must move this kind of aid to them more quickly than we are appearing to do at this moment. I like that focus, and I hope people in this body will understand that we are not just waiting patiently for them to offer an amendment to some other matter or related matter. We are really here waiting to get aid to the people in need in California.

Mr. BAUCUS addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

Mr. BAUCUS. Mr. President, I appreciate the comments of the Senator from North Dakota. I have often managed bills on this floor, and I did have the same frustration those times that the Senator from North Dakota is expressing with respect to this bill. I think we all agree that the managers of the bill are doing a very good job dealing with an impossible situation. It is not their fault. They have not caused this by any stretch of the imagination. There are other recalcitrant Senators who are not playing as well as they should.

I might say, Mr. President, I have a comment I would like to make to help move this process along, and that is a comment on the pending amendment of the Senator from Arizona.

The amendment of the Senator from Arizona is proposing to rescind highway demonstration projects. The administration is working on another way of dealing with a problem. What was the problem? The problem is that presently the ISTEA is not fully funded.

An earlier effort to solve that problem was the President's decision to rescind approximately $2.2 billion in demonstration project expenditures. There may be a better way to be sure that ISTEA is fully funded. Namely, it is my thought that the Environment and Public Works Committee will work with the Appropriations Committee this year to fully fund ISTEA, instead of going back and automatically rescinding these projects. One option presented by the Secretary would cut about $400 million in outlays in fiscal year 1994 across the board from all of the programs in ISTEA. That option would include not only demonstration projects but the entire highway program. And I note that ISTEA funding is almost $18 billion for this year.

I believe that there is a far better approach than this amendment. And if we agree to work on another approach, an approach that the administration is in agreement with, I believe this amendment would not be necessary. We can work to fully fund ISTEA using another approach. We do not need to pass the amendment offered by the Senator from Arizona to rescind demonstration projects.

So I urge the Senator from Arizona to withdraw his amendment because it really is not the right solution. We can accomplish the same objective of funding ISTEA by a much better procedure.

If the Senator wishes to proceed with his amendment and wants a vote on his amendment, I strongly urge all Senators to refrain from voting in favor of his amendment. We can come up with a much better approach to making sound investments in our infrastructure.

Mr. McCAIN addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. McCAIN. Mr. President, I appreciate the remarks of the Senator from Montana that he has a much better approach. I hope that approach will be implemented soon. I do not see how that approach will affect $2.2 billion in demonstration projects which have to be acted on now; otherwise, it is too late. But I would certainly be interested in his new approach because I can tell the Senator from Montana that the American people are tired of the old approach of the earmarking of special interest projects which have no competitive process, which many times do not even have a hearing, much less some kind of competitive, open process where they should compete for the taxpayers' hard-earned dollars, which they are not in this case.

Mr. President, I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. McCAIN. I thank the Chair. I yield the floor.

Mr. INOUYE. Mr. President, I ask unanimous consent that this matter be set aside and placed on the list of those amendments which will be considered later this afternoon.

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

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

The ACTING PRESIDENT pro tempore. The presence of a quorum has been questioned. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. ROTH. Mr. President, I ask to speak as in morning business for 5 minutes.

The PRESIDING OFFICER. The Senator is recognized for 5 minutes as in morning business.

CHILD PORNOGRAPHY

Mr. ROTH. Mr. President, last November we passed the Roth-Grassley amendment to the crime bill, 100–0. In that amendment, we denounced the Justice Department's new, narrow interpretation of the Federal child pornography statutes announced by the Solicitor General in the case of United States versus Knox. We implored the Justice Department to enforce the law and to protect our children.

President Clinton supported our effort by sending a letter to the Attorney General which stated that he "fully agree(d) with the Senate about what the proper scope of the child pornography law should be." I was heartened by the President's words of support.

Unfortunately, I have to report today that despite the President's words, the Justice Department has done nothing to alter its new, narrow, and dangerous interpretation of the child pornography laws.

To review the facts, the Justice Department successfully prosecuted Stephen Knox for possession of child pornography, Mr. Knox having previously been convicted of a similar offense. The Third Circuit then upheld the conviction on appeal. In March 1993, the Justice Department's initial Supreme Court brief argued that the Third Circuit was right and that the conviction should stand. The video tapes at issue depicted girls as young as 10 who, although not nude, were posed provocatively with the camera frequently zooming in on the children's pubic and genital areas for extended periods. Advertising catalogs for the tapes showed they were designed to pander to pedophiles with descriptions such as "bathing suits on girls as young as 15 that are so revealing it's almost like seeing them naked (some say even better)."

In September 1993, the new Solicitor General reversed the Justice Department's earlier position. He filed a new brief in the Knox case, arguing that the Third Circuit was wrong and that the conviction of Knox should be vacated. Most disturbingly, the new Justice Department brief introduced a new requirement for what qualifies as child pornography—that the material "must depict a child lasciviously engaging in sexual conduct (as distinguished from lasciviousness on the part of the photographer or viewer)." In other words, the Justice Department's new interpretation of the law focuses exclusively on the acts of the child rather than on the actions of the pornographer. This completely ignores the fact that children can, for example, be photographed in a lascivious manner even while they are sleeping.

As I have said before, my concern goes beyond the facts of the Knox case, because under the new Justice Department interpretation even totally nude depictions of children may not be prosecuted unless the child herself is acting lasciviously. Thus the new interpretation of the law threatens to prevent the prosecution of many child pornographers and creates a giant loophole in our child pornography laws for the benefit of pornographers and pedophiles.

The Justice Department has tried to claim that its new interpretation of the law would have no practical effect. On November 18, 1993, I received a letter from the Department of Justice asserting that not a single prosecution or investigation "of which we are aware" would be terminated because of the new standards adopted in the Knox brief. As it turned out, the emphasis was on the word "aware." At my request, a subsequent survey of the 93

U.S. Attorneys offices conducted by the Justice Department turned up at least 10 pending investigations with facts similar to the Knox case.

At the same time, the Justice Department is trying to avoid a court test of its new, narrow interpretation of the law. On December 23, 1993, the Department filed a motion with the Third Circuit Court of Appeals urging a new trial for Knox because Knox "has never been tried under the interpretation of the statute now urged by the government." But the Justice Department now wants to try Knox, not for possession of the video tapes for which he was originally charged, but for the possession of other tapes that the Department has previously stipulated it would not introduce into evidence. Normally one would expect that an already convicted defendant would jump at the chance for a new trial when offered one by the prosecutors. But defendant Knox opposed the Government's motion, asserting that the Department was engaged in a political strategy to avoid the issue and the "political brouhaha" caused by the Solicitor General's brief. On this point, at least, Mr. Knox is exactly right.

To be assured that our voice is heard, on January 12, 1994, 137 Members of the Senate and House filed a friend of the court brief opposing the Justice Department's motion to give Knox a new trial. We have also been granted the privilege of filing a friend of the court brief on the merits. I urge my colleagues to sign onto this brief. With the pornographers and the prosecutors on the same side, we must be certain the court will hear from someone who is prepared to defend the children.

I recently wrote to President Clinton about the Justice Department's latest actions. I informed the President that in light of his past statements and the Justice Department's latest action, I can only conclude that the Justice Department is acting against his wishes.

If the President believes what he has been saying about child pornography, it is time for him to back up his words with action. The Solicitor's brief must be disavowed and Federal prosecutors must be instructed that they will continue to enforce the law as most courts had interpreted it before the flip-flop brief in the Knox case muddied the waters.

I know what Congress intended when we passed the Child Protection Act of 1984. We intended to stamp out the business of child pornography in this country and to stop the sexual exploitation of our children by pornographers and pedophiles.

Mr. President, I ask unanimous consent that my letter to President Clinton, dated February 2, 1994, be printed in the RECORD following my statement.

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

U.S. SENATE,
Washington, DC, February 2, 1994.

THE PRESIDENT,
The White House, Washington, DC.

DEAR MR. PRESIDENT: I have received the reply of your counsel, Mr. Bernard W. Nussbaum, to my November 12, 1993 letter to you regarding child pornography. As I mentioned in my November letter, I was pleased by your support for my amendment to the crime bill expressing the sense of the Congress regarding the Supreme Court brief filed by the Department of Justice in the case of United States v. Knox.

As you will recall, the Roth-Grassley amendment, adopted by the Senate by a vote of 100–0, declared "It is the sense of the Congress that in filing its brief in United States v. Knox, No. 92–1183 * * * the Department of Justice did not accurately reflect the intent of Congress." The Senate made it clear that it unanimously believes that the current law is sound and that it was the intent of Congress, when the child pornography law was passed in 1984, that the law would cover cases involving facts such as those revealed in the Knox case.

I am very concerned by the recent motion filed by the Justice Department in the Third Circuit Court of Appeals in the Knox case. On December 23, 1993, the Justice Department filed a motion with the Third Circuit requesting that the Knox case be remanded to the Federal District Court to be retried under the very interpretation that the Senate unanimously repudiated. The Department's motion states, "[b]ecause appellant has never been tried under the interpretation of the statute now urged by the government, we agree with appellant [Knox] that a new trial is required."

In light of the Justice Department's latest action, I can only conclude that the Justice Department is acting against your wishes.

Moreover, since the Department of Justice has already been irretrievably compromised in the Knox case by the filing of two briefs in the Supreme Court taking different positions, I renew my suggestion that you appoint a special counsel with instructions to file a new brief with the Court of Appeals, which accurately reflects your view and the Senate's view of the current scope of the law.

Unless the Justice Department immediately disavows its narrow interpretation of the child pornography laws, I fear child pornographers currently under prosecution or under investigation, including the defendant in the Knox case, could go free. To prevent that result, I urge that you direct the Justice Department to immediately apply the intended interpretation of the child pornography laws to any and all child pornography cases currently under investigation or litigation.

I look forward to your response and to working with your Administration on this important issue.

Sincerely,

WILLIAM V. ROTH, JR.,
U.S. Senate.

Mr. President, I yield the floor.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Iowa [Mr. GRASSLEY].

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR FISCAL YEAR 1994

The Senate continued with the consideration of the bill.

APPROPRIATION FOR EMPLOYEE/MANAGEMENT RELATIONS OFFICE

Mr. GRASSLEY. Mr. President, I would like to speak for a few moments on a provision in the bill that is before us, which, compared to the billions of dollars in the bill, is a very small provision that is tucked away in this emergency supplemental. It happens to be $1.05 million to fund lawyers retained by the Senate to defend Senators in employment discrimination cases.

First and foremost, it can hardly be characterized, in my judgment, as an emergency. Second, it seems to me that, even if there is a need for some money in this area, $1.05 million is an excessive amount of money.

In 1991, I worked very closely with Senator MITCHELL on an amendment to cover the Senate under the civil rights laws, and I thank Senator MITCHELL for that. Without his cooperation, it would not have been possible for us to make this breakthrough of starting to cover Congress under laws that it previously has exempted itself from.

Our amendment in 1991 created a Fair Employment Office to hear discrimination cases and also to hear complaints. It set out a four-step process to resolve these charges. It allowed for an appeal to the Federal appellate court.

The amendment was enacted, and in the summer of 1992, the Fair Employment Office opened its doors. This represented the first time the Senate would be governed by the same laws—in this case the civil rights laws of our Nation—as businesses of America.

The enforcement mechanism, however, was quite a bit different from the system that governed the private sector. The different enforcement mechanism was one of the compromises that I made to get the process of congressional coverage under way.

Sometime last year, there was a decision, I believe at the leadership level, that the Senate should have some lawyers on the staff to defend Senators and other employing units, such as the Sergeant at Arms, the Secretary, and other branches of the Senate, in any discrimination cases. After all, it was too expensive to hire private lawyers to represent the employer's interests every time a charge might be filed.

For the first time, in a very real sense, since this decision had to be made, we found ourselves as a body—maybe not individually yet—experiencing the burdens and the pressures felt by businesses, businesses of every size across America—the cost of hiring lawyers.

The Senate can handle it, of course, by simply appropriating money to hire lawyers in-house. Although I believe there is too much money contained in this bill for that purpose, that can be done.

But American businesses, large or small, cannot just appropriate more

money to hire lawyers. These businesses have to earn it. So it means that these businesses may forego investing in new equipment or may not give employees a needed raise. Here in the Senate, though, we can just appropriate money. We can do it by calling it an emergency.

I hope no one mistakes what I am saying here. I am not suggesting that we do away with the civil rights laws. I fought too hard applying them to the Senate. And there is now justice not only for the average citizen in America, but for employees of this body, as well. But it seems to me that we have to find a way to make these important laws less costly and less burdensome to enforce, both here in the Congress and in the private sector.

I am hopeful that we will have a chance to consider all-encompassing congressional coverage sometime later this year. I hope we have an opportunity to do that when the Senate considers the legislative reform package. If we do not consider that package, then I hope we have an opportunity to consider it as a separate item so that all of the laws that Congress has exempted itself from—going back to the 1930's, I believe—will now cover Congress so that our employees will have the same protections that employees in the private sector have. And, since we are all individual employers in the Senate when we hire our respective staffs, I hope we also will then know the burdens that small and large businesses in America endure to comply with laws passed by this body.

Now, there are going to be costs. You cannot deny there are going to be some costs associated with congressional compliance with all these labor and enforcement laws.

I hope we have a chance to consider the need for hiring lawyers. I believe it would have been better to consider that need in the context of the hearings that come out of that process, as opposed to putting this $1.05 million in this emergency bill. The bottom line, whether it is for this bill or something we do in the future about congressional coverage, is that we must consider the subject of hiring lawyers. Because once we in Congress understand and experience firsthand what these costs are, maybe then we will be able to devise more efficient ways for all Americans to meet the responsibilities of these laws. We will sense it firsthand.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. RIEGLE. Mr. President, I also ask unanimous consent to proceed for 3 minutes as in morning business.

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

The Senator from Michigan is recognized for 3 minutes.

FACES OF THE HEALTH CARE CRISIS

Mr. RIEGLE. Mr. President, I rise today as part of my continuing effort to put a human face on the health care crisis in our country. Today I want to share the story of Brant and Dorothy Venlet, who are senior citizens who live in Morley, MI.

Mr. and Mrs. Venlet are on a fixed income and they are struggling with the out-of-pocket expenses that they have to pay for prescription drugs.

The husband, Brant, is 76 years old and his wife Dorothy is 75. They are both covered by Medicare, which currently does not cover prescription drugs. Brant has been retired for 14 years and has been purchasing a MediGap insurance policy to try to pick up what he can of what Medicare does not cover. Mr. Venlet did not get any retiree health benefits because his former employer, a manufacturing company, cut the benefits right before he retired.

Brant suffers from kidney failure and he now needs dialysis treatments three times each week. I can tell you from my own family experience that is a very difficult thing to have to go through. Medicare only pays for a portion of the dialysis.

So the Venlets need to maintain their supplemental policy to try to cover the additional costs. Unfortunately, Brant and Dorothy, in their midseventies, are not able to afford a supplemental policy that covers prescription drugs. In addition to the medication that Brant needs for his kidney problem, Dorothy needs medication for lung problems. So at the present time, the Venlets are paying somewhere between $150 and $200 a month out of pocket for the medications they need just to keep from getting sicker.

Mr. President, costs like these are devastating to senior citizens, whether separate or in couples, and those on fixed incomes. The Venlets only make about $1,300 a month from Social Security and Social Security disability, and about 15 percent of that now goes just for the prescription drugs. This is in addition to their MediGap policy premium, which they have to have and which was just increased to almost $400 every 2 months.

Mr. Venlet wrote to me last September to tell me what a financial hardship this has been for him and his wife. He said this, and I want to quote him:

> Considering our fixed income, we just cannot continue with these increases.

And he went on to describe their situation.

Unfortunately, Mr. President, the Venlets are not alone. There are millions of senior citizens throughout the United States who are struggling with the high cost of prescription drugs and the premiums for their supplemental policies. So I think it is a vitally important step that President Clinton has included Medicare coverage of prescription drugs under his reform proposal. The medicines that people need to stay alive and maintain their health are a real bargain when you compare that with a worsening medical condition or the need for somebody to actually have to undergo intensive medical treatment, oftentimes in a hospital.

We all know that senior citizens are just one of dozens of groups in our society who are struggling under our current health care system, a system that needs to be reformed and one that I think we can and must reform this year.

So I am going to do everything I can to work with my colleagues to iron out and pass a reform package that will make comprehensive health care coverage affordable and available to every American.

I again salute President Clinton for bringing this issue forward. He and his wife have made this a driving, top priority issue for this legislative session. I think they are right to do that. We need to go ahead and act on this issue so that we can help families like the Venlets, that I described today, in Morley, MI.

I thank the Chair and I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

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

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

Mr. DECONCINI. I thank the Chair.

(The remarks of Mr. DECONCINI pertaining to the introduction of S. 1845 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR FISCAL YEAR 1994

Mr. DECONCINI. Mr. President, the Senator from Colorado [Mr. BROWN] has introduced an amendment dealing with a reduction in the urgent supplemental that is before us. It is incumbent upon me to not only oppose this amendment but also to offer an explanation of the funding request.

The Senate Appropriations Committee bill includes $12.4 million for funds

to pay the cost of converting thousands of computer tapes to a readable format. This expense is in response to numerous Federal court orders and appellate decisions in Armstrong versus Executive Office of the President.

The funds are paid for by transfers from the Air Force and a reduction in the IRS tax system modernization programs. These funds have not been designated as emergency.

The Armstrong case originated back in 1989 when private citizens requested, through the Freedom of Information Act, access to National Security Council E-Mail, including Oliver North's E-Mail and other information that he had on the computers and the mail system then, as well as other agencies of the Executive Office of the President.

The court determined that the Executive Office of the President had to maintain, preserve, and make accessible in a reasonable form such mail, or so-called E-Mail backup tapes. The U.S. district court has held the Executive Office of the President in contempt including a fine of $50,000 a day if they do not comply with that order. Currently, the fines are stayed during negotiation with the plaintiff and the Government.

This supplemental provides the resources to make the tape conversions mandated by the Court. The Armstrong case focused on E-Mail communication during the Reagan and Bush administrations, particularly the National Security Council system, that were the subject of the Iran-Contra investigations.

The Bush administration was held in contempt for failing to issue record-keeping guidelines and failing to adequately preserve backup tapes.

So if the Brown amendment carries and we eliminate this money, that means the Executive Office of the President will continue to be in contempt of court. And talk about the rule of law. That is what is before us, to comply with the court order even if we do not like it.

The Clinton administration has been saddled with this tremendous resource burden. It has the burden of coming up with the funds and also of providing those backup tapes for the E-Mail for the year that they have been in office. To preserve and restore these backup tapes from the Reagan-Bush administration through this administration. And that costs some money.

I will include for the record a breakdown of how the money will be spent. It covers $4.9 million for conversion of existing tapes. It covers $50,000 for purchase of various supplies, $700,000 for a VAX mini-computor to process these, and $1.7 million for various hardware, software and labor costs. It is all set out in this document which I ask unanimous consent to have printed in the RECORD.

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

OFFICE OF ADMINISTRATION FISCAL YEAR 1994 SUPPLEMENTAL APPROPRIATION REQUEST RELATED TO ARMSTRONG V. EOP

For FY 1994, OA is requesting $7.4 million in no-year funds for expenses associated with Armstrong v. Executive Branch of the President. Of that amount, $4.95 million will be used to process backup tapes containing E-Mail messages generated during the Bush Administration and the first year of the Clinton Administration. The remaining $2.45 million will be used to acquire, install and test an Automated Record System, which will be used to process and categorize e-mail currently being generated on the OA system. Further delineation is as follows:

CONVERSION COSTS

$4.9 million for conversion of existing Bush-era and Clinton backup tapes to ASCII format.

$50,000 for purchases of various supplies necessary for the conversion process.

RECORD MANAGEMENT SYSTEM COSTS

$700,000 for the purchase of a VAX mini-computer cluster to provide necessary capability for processing e-mail messages under a rudimentary records management system;

$1,750,000 for various hardware, software and labor costs associated with installing and upgrading an Automated Records Management System as follows: $225,000 for Data Center Hardware and software; $150,000 for Enhanced Storage Media; $375,000 for Integration/Installation costs; $900,000 for Desktop Integration; and $100,000 for Network Configuration.

NATIONAL SECURITY COUNCIL FY 1994 SUPPLEMENTAL APPROPRIATION RELATED TO ARMSTRONG V. EOP

The NSC is seeking a FY 94 supplemental appropriation of $5.65 million for expenses associated with Armstrong v. EOP. The full amount will be used for the preservation, restoration, and processing of tapes containing E-Mail messages from both the Reagan and Bush administrations. Associated costs include software, supplies and labor. NSC, at this time, is not seeking funds for the development and enhancement of an Automated Records Management System, as its current system already possesses sufficient capability to meet its minimal needs.

USTR 1994 SUPPLEMENTAL APPROPRIATION RELATED TO ARMSTRONG V. EOP

The Office of the United States Trade Representative is seeking a supplemental FY 94 appropriation of $75,000 for costs associated with Armstrong v. EOP. The funds will be used both for conversion of existing tapes to readable format and for the development of an Automated Records Management system. Costs include hardware, software, and contract support.

Mr. DECONCINI. So, Mr. President, I hope my colleagues will vote to table or in opposition to the amendment of the distinguished Senator from Colorado [Mr. BROWN].

Now, Mr. President, on another amendment that I believe is pending, the amendment of the Senator from Massachusetts [Mr. KERRY], I wish to take a few minutes to discuss his amendment which would place a moratorium on public building construction and acquisition.

The Vice President's National Performance Review made a recommendation that there be a moratorium placed on the net increase in GSA's acquisition of Federal office space with an estimated savings of $2 billion. Beginning in July of last year, GSA began what is known as a "Time-Out and Review" of all new Federal construction and building acquisition projects.

From that review, GSA recommended savings of $127.7 million, the amount included by the committee by specific projects for rescission in title III of this bill. That is what is in this bill right here, exactly what the GSA has recommended.

The GSA review proposed an elimination of only two Federal building projects but savings from many due to reduced scope and value engineering. The committee adopted these recommendations.

It does make sense that if there will be a downsizing in the Federal work force, as proposed by the President in his budget last year and this year, that the need for increased Federal office space may not be totally justified. We have taken that into consideration. So has the GSA.

However, the amendment proposed by the Senator from Massachusetts would propose a moratorium on all public building construction and acquisition. I believe this goes much too far for many reasons. And it may just have the unintended, I am sure, effect of increasing the cost to the Federal Government.

For example, in President Clinton's fiscal year 1995 budget, he is requesting $999 million in new budget authority for the acquisition of new Federal office space for 48 leases which are due to expire in fiscal year 1995. Studies conducted by the GSA just last fall concluded that the Federal Government would spend three times—let me repeat that. The Federal Government would spend three times as much if they renewed these existing leases than if it went out and constructed new space or purchased existing buildings. So the amendment of the Senator from Massachusetts would prohibit the GSA, as I read it, from taking advantage of the most economic housing alternative for the Government, based on the market conditions, which just may be direct construction or purchase of new buildings owned now by the private sector, but converted for Government use.

I think the Senator from Massachusetts would agree that where our courts are concerned the Congress is constantly adding more judges. We are constantly federalizing more crimes. Study after study demonstrates that prisoners have too far to travel, and this creates a security risk. Jurors have to commute long distances, and that creates additional costs.

This dramatically impacts the court and its ability to deliver the justice

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system that we are so proud of in this country.

Court design changes can save money. There is no question about it. We have seen some of that. The Senator from Oregon [Mr. HATFIELD], involved himself in reducing the cost of the new Portland courthouse in Oregon by over $25 million. And we have included over $100 million in savings in the rescission package from value engineering which will reduce the cost of many, many courthouses. However, we have no way at this time to assess the savings from long-term design changes.

I want to talk about the Boston, MA, courthouse. This is a $218 million project that was funded in 3 fiscal years by the Appropriations subcommittee that I chair; $184 million in fiscal year 1991 as requested by the administration and requested by the Senators from Massachusetts, and rightfully which was a commitment by our Government to proceed to the construction of this project. Let me repeat that; we appropriated $184 million in 1991; another $20 million in 1993; and another $14.5 million in fiscal year 1994.

Approximately $48 million has actually been obligated to date on this project. That means that it has been committed and will be spent timely.

I point this out because the Senator's amendment would exempt projects already under construction or under contract for acquisition. It is very handy because it protects the Boston courthouse. I do not blame the Senator. I do think we should protect that courthouse. But I think we have other courthouses that are just as important as the courthouse in Boston.

This amendment would terminate most of the other courthouse projects where sites have already been purchased and design is already underway. And anyone who is familiar with building construction realizes that a lot of time and a lot of money and effort go into the design and site acquisition activities before you actually see the bricks and mortar.

So I would hope the Senator from Massachusetts has an idea about what the cost to the Government would be for funds already sunk in site acquisition and design.

I would further point out that just because the Boston courthouse project was funded in fiscal year 1991 that does not make it any more of a priority or necessity than other courthouses planned in California, in Arizona, West Virginia, Nevada, New Jersey, or in any other State.

So I urge the defeat of the Kerry amendment on this subject matter.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. DORGAN. Mr. President, I ask unanimous consent to speak for 6 minutes as in morning business.

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

REDUCTION IN SPENDING ON FEDERAL BUILDINGS

Mr. DORGAN. Mr. President, let me very briefly respond to something said by my colleague from Arizona. Senator KERRY of Massachusetts has included a provision in a piece of legislation he just introduced, one with respect to building moratoriums, or a reduction in spending for Federal buildings. I think there does need to be some additional flexibility here and there. I do not disagree with my colleague from Arizona. But I must say this: The Senator from Massachusetts is dead right on this issue with respect to the need to reduce spending for Federal buildings. I introduced, about a year ago, legislation here in the Senate calling for a 2-year moratorium on building projects.

If we are going to reduce the Federal work force by 250,000 workers, we can surely reduce the amount of money spent on building new, elaborate Federal buildings. I commend the Senator from Massachusetts. We may need to make some modifications as we go.

I also say that the new head of the GSA is a breath of fresh air, but we need to provide the strength to stop spending on new projects. If we are going to have a quarter million less people in the work force, we do not need all of these projects in the future.

THE FEDERAL RESERVE BOARD

Mr. DORGAN. Mr. President, I have taken the floor to briefly speak on the behavior of the Federal Reserve Board.

Back in ancient Roman days, there was a practice called "augury," in which the Romans would call on wise men who had wide experience to predict the future by observing the flight of birds and evaluating the entrails of cattle. These Roman priests, or augurs, gave advice to the folks who were in charge at the time. Of course, now we do not have augurs, and our advisers do not practice augury, and they do not read the entrails of cattle. For better or for worse, we have economists instead.

Economists do our prognostication for us today. They call it a science. There is some question as to whether economics is truly a science. One economist for whom I have great affection has predicted nine of the last two recessions. And he is an economist whom I hold in very high regard.

In 1990, on the eve of the most recent recession in our country, 40 of our leading economists made their predictions about the coming year. Thirty-five predicted that in the next 12 months there would be steady growth—35 of 40—and, in fact, in the next 12 months we entered into a recession.

Using all of that as an introduction, let me tell you that I was dumbstruck last week by the decision by the Federal Reserve Board to increase interest rates. At a time when we have had steady reductions—steady reductions—in the rate of inflation, at a time when we are just coming out of recession, when this country's economic engine is not yet at to cruising speed, we have the Federal Reserve Board, for reasons unknown to me and I think unknown to most people here, deciding to increase interest rates, to put on the brakes.

Surely, deep in the bowels of that marble edifice that houses the Fed, there is a dark, dimly lit room in which two or three dozen "augurs" must be reading the flights of birds or the entrails of cattle. What else would explain a decision by the Federal Reserve Board to increase interest rates now? What other conceivable explanation could there be? There is none by the evidence. Productivity is up, inflation is down, 10 million people are still jobless, and this country's economy is just coming out of a recession. What could possibly persuade them to increase interest rates?

Let me try to answer this question, because I have introduced legislation with some of my colleagues, Congressman HAMILTON and Senator SARBANES. We are suggesting that we should change the way the Fed behaves.

Do you know there are people on the Fed's Open Market Committee who make decisions about this interest rate policy and are never confirmed, never appointed, never accountable to the public sector? These are the Federal Reserve Bank regional presidents. They are in the room helping make interest rate decisions. Why would they have a hair trigger, as the Senator from Maryland says, on inflation but be tone deaf to jobs and economic growth? It is because they serve their constituency, and their constituency is the big banks.

We need to change the Federal Reserve Board. The reform bills I have supported include the requirement that the day the Federal Reserve Board makes a decision, it ought to be announced that day. That has not been the practice, although last week it happened, and the press release floored the markets, because they had almost never seen one from the Fed before. Generally speaking, the Fed operates in great secrecy, behind a cloak of secrecy. Usually the Fed withholds its decision, and then ordinary people do not understand what is happening to monetary policy. That is one goal of my legislation: to have the Fed announce its decision on the same day it is made.

Second, no one should vote on monetary policy who is not accountable in some way to the public. Five votes in the Open Market Committee are cast by people who are presidents of the regional Federal Reserve banks, and they are accountable to nobody but the big banks. This must change. They ought not to be voting members of the Open Market Committee. They might represent their constituency, but they don't speak for mine.

Third, the Federal Reserve Board ought to be open to audit. It has spent well over $1 billion and has not been audited. We ought to open the door just a bit and shine some light in on the Federal Reserve Board, give it a little fresh air. More open air and more sunshine around what the Federal Reserve Board does and how it affects the American people cannot, in my judgment, harm the public interest.

My point today is to say that what the Federal Reserve Board did last week was wrongheaded. I watched the Senator from Maryland [Mr. SARBANES], come to the floor and talk about these policies. He was right. He is an effective and eloquent voice on these issues. What the Federal Reserve Board has done runs counter to what we are trying to do in this country.

We were told a year ago: Let us take the tough medicine on fiscal policy and cut spending, and let us increase taxes and do everything that is necessary to grapple with this Federal debt. Let us reduce the Federal deficit. If we do that, we were told, we will then see interest rates fall, and lower rates will then propel economic growth.

So we took the tough economic medicine and fiscal policy. And now the people at the Fed who serve another constituency decide they are going to have a counterbalancing or countervailing policy of higher interest rates.

We want this economy to begin moving up to cruising speed. We want to get some juice to move this economy forward. We need economic growth, and opportunity, and renewal. Instead, as the Senator from Maryland said, we have a Federal Reserve Board that has a hair trigger on the subject of inflation. Inflation is going down, not up. There is no conceivable reason for this Federal policy of last Friday.

Mr. SARBANES. If the Senator will yield for a moment, the Senator is on to a very important subject, and I agree with everything he is saying. Furthermore, the Fed says to us, "Stay the course on maintaining a tight fiscal policy," which, of course, the Congress is committed to doing. We expect to do exactly that. But it seems to me that part of the package is that the Fed should have stayed the course on an accommodating monetary policy. If they start tightening up the monetary policy, they are going to slow down the economy, and all of these efforts, like economic growth and job restoration, are going to be dealt a real blow.

I thank the Senator.

Mr. DORGAN. The Senator from Maryland puts it better than I could. In my 30 final seconds, let me give three messages:

One to the Fed: Get your foot off the brake and let the economy grow.

Second to Congress: Pass the Federal Reserve bill and stop people from voting down at the Open Market Committee who are not accountable to the American people.

Third: We have two vacancies on the Federal Reserve Board. I ask the President to appoint people to the Federal Reserve Board who understand the price of groceries and the cost of living. Appoint my Uncle Joe, for that matter. Or appoint some people who believe that we should start this economic engine, and get it running, in order to provide new jobs, opportunity, and new economic growth.

Mr. President, I yield the floor.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR FISCAL YEAR 1994

The Senate continued with the consideration of the bill.

Mr. MITCHELL. Mr. President, I note the presence on the floor of the distinguished Senate Republican leader.

Mr. President, I will momentarily propound a unanimous-consent request so that we can begin to dispose of some of the several amendments that have been, and are to be, offered to this bill.

I repeat what I have said many times. This is an emergency bill. The people of California have a right to expect that we will act promptly, as we did when natural disasters struck Florida, South Carolina, and Midwestern States. We did not wait in those cases. We did not delay. We acted promptly.

This is the largest of all of those natural disasters, certainly in economic effect, and I think we should act promptly. So I encourage my colleagues, first, to stop offering amendments that do not have anything to do with this tragic emergency situation and can serve only to delay action on the bill. I know that is not the intention of any Senator. I know there is no Senator who is deliberately and intentionally trying to delay action on the California earthquake needs, but that is the effect of a lot of these amendments, the ones that have nothing to do with the subject platter.

Obviously, if they relate to the subject matter of the bill, Senators have a perfect right to offer them. But I hope that even those we could keep to a minimum and bring to a close.

UNANIMOUS-CONSENT REQUEST

Mr. MITCHELL. Mr. President, I now ask unanimous consent that, at 3:15 p.m. today, the Senate vote on, or in relation to, the pending Brown amendment to strike funding for Presidential salaries and electronic communications; that upon the disposition of the Brown amendment, the Senate vote on, or in relation to, the pending Murkowski amendment, which is a sense-of-the-Senate regarding emergency checkoff funds; that upon the disposition of the Murkowski amendment, the Senate vote on or in relation to, an amendment by Senator KERRY of Massachusetts regarding rescissions; that upon disposition of the Kerry amendment, the Senate vote on, or in relation to, an amendment by Senator Feingold, striking the section on peacekeeping; that upon the disposition of the Feingold amendment, the Senate vote on in relation to, the Durenberger amendment regarding a natural disaster trust fund; that upon the disposition of the Durenberger amendment, the Senate vote on, or in relation to, the McCain amendment regarding highway funds; that no second-degree amendments be in order to the pending amendments; that each of these votes occur without any further debate; and that all votes after the first one be for 10 minutes in duration.

The PRESIDING OFFICER. Is there objection.

Mr. DOLE. Mr. President, I am not going to object. We may be able to have another couple of votes ready by the time those are completed.

I hope to offer my amendment. I am only going to take about 10 minutes on it. I think there is only one other amendment on this side. That may not be offered.

We would like to get an agreement that we limit amendments, if we can, right now or in the next few minutes, so we do not have anybody coming out to the floor at 5:30 with some new amendment. So we are going to try to do that on this side.

I understand there may be 2 or 3 amendments on that side that may not be offered.

I just say to the leader and the manager that we want to expedite this as quickly as we can.

Mr. BYRD. Mr. President, reserving the right to object, and I do not expect to object, I take it the phrase "on or in relation to," which the distinguished majority leader has used in his request a number of times, includes the making of a point of order. In other words, points of order are not waived by this request.

Mr. MITCHELL. Mr. President, my intention in using the phrase "on or in relation to" is to permit the making of a motion to table. Absent an explicit request to waive points of order, I regard points of order as remaining in order. So it is not my intention, either in my words or in the effect of this, to preclude either motions to table or points of order.

Mr. BYRD. Reserving the right to object, Mr. President, the response of the distinguished majority leader satisfies that point.

In the event there should be a point of order raised, I say to the leader, in connection with one of the amendments, I hope we would not require that that provision which the majority leader uttered, meant there be no debate intervening. There might need to be a little debate if a point of order is raised.

Mr. MITCHELL. Mr. President, I inquire of the Chair, in a parliamentary inquiry, whether the agreement as propounded would, in fact, preclude debate in the event a point of order were made?

The PRESIDING OFFICER. Points of order are not debatable and would be rendered nondebatable unless provisions were made.

Mr. MITCHELL. Then I understand the response to be that points of order are not debatable; that motions to waive the Budget Act to overcome the point of order are ordinarily debatable but would not be so under the formulation presented.

Therefore, Mr. President, I am going to suggest the absence of a quorum so that we can agree on an alternative procedure that would permit debate in the event a point of order is made and a motion to waive in response thereto.

Mr. BROWN. I wonder if the Senator would be willing for us to proceed with an amendment while that discussion goes forward?

Mr. MITCHELL. I have no objection to that.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. DOLE. Mr. President, I do not think the majority leader meant to indicate there has been any delay on this bill. We were on the bill yesterday at 10 o'clock. One of the amendments from that side of the aisle took about 7 hours.

So I do not think anybody has been trying to delay this bill. It is very important legislation. It involves very important issues of emergency funding and what should be included in emergency funding. We think many of the things that are included are not emergencies.

Certainly, even though we understand the need to get this done, we are going to respond as quickly as we can. We have tried to offer amendments, for the most part, that were constructive and at least make the case. We probably are not going to prevail on any case. But I can cite a number of cases that are not emergencies that are going to be funded as emergencies. In the view of many, I think on both sides, this is setting a bad precedent.

Mr. BROWN addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. BROWN. Thank you, Mr. President.

AMENDMENT NO. 1457

Mr. BROWN. Mr. President, I rise to offer an amendment. The amendment is at the desk and I ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment will be set aside.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. BROWN] proposes an amendment numbered 1457.

On page 72 line 16 after the word Congress: insert "provided further, that the President's request shall specifically identify programs, projects and activities to be funded and no funds shall be available for 15 days after the submission of the request."

Mr. BROWN. Mr. President, I wanted to draw the attention of my colleagues to page 72 of the bill, chapter 8, "Funds Appropriated to the President." Included therein is a provision that is not without precedent, but is fairly unusual. It is a grant of $550 million to the President. That money is to be used under his discretion with very, very broad scope outlines.

Specifically, it is allowed for a very broad set of purposes. The money can be spent for the southern California earthquake, for the Midwest floods, or other disasters. And the other disasters are not limited with regard to what disasters those are or when they even occur. So presumably, it could be back quite a ways. It is an extremely broad, broad grant of discretion. In addition, any Federal agency may be used that meets that purpose. So it is extremely broad in that regard.

I would feel much better if our appropriations committees had, at least, an opportunity to see how the President proposed to spend this money before, indeed, the money was spent.

So this amendment does a couple of things. It simply asks the President to identify what he is going to spend it on and give the Appropriations Committees at least 15 days before that money is actually spent.

There is no intent to cause unnecessary delays here, but my hope is that this will encourage working together of our appropriators and the executive branch, to make sure there is at least some review of these funds before they are spent from the Treasury.

I yield the remainder of my time.

The PRESIDING OFFICER. The majority leader is recognized.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I am about to renew the request.

To accommodate the concern expressed by the distinguished chairman of the Appropriations Committee, I renew my request, modified to state that, in the event a point of order is raised and a motion to waive is made in response thereto, it being ordinarily debatable under the rules, that would continue to be debatable, and that the language which I used with respect to further debate not be applicable in that circumstance.

The PRESIDING OFFICER. Is there objection? Without objection, the modified unanimous-consent request of the majority leader is agreed to.

Mr. MITCHELL. Mr. President, I now ask all Senators to be aware, and the offices of all Senators not now in the Capitol to notify Senators that, beginning at 3:15 p.m., there will be a series of at least six votes. There will be at least six votes on pending amendments. I have stated them previously. So I encourage Senators to be present.

The first vote will be under the usual time limitations. Each of the succeeding votes will be for 10 minutes. We have to complete action on this bill and we want to move promptly on it.

I thank my colleagues for their cooperation, and I thank the chairman for his cooperation.

Mr. BYRD. I thank the distinguished majority leader.

The PRESIDING OFFICER. The request is agreed to.

The Senator from West Virginia is recognized.

AMENDMENT NO. 1457

Mr. BYRD. Mr. President, I believe the distinguished Senator from Colorado has an amendment which both sides have agreed to accept.

Has his amendment been called up?

Mr. BROWN. I thank the chairman. The amendment has been called up.

Mr. BYRD. Very well, then the amendment has been stated.

Mr. President, this side is ready to accept the amendment offered by Mr. BROWN.

Mr. HATFIELD. We have no objections on this side.

Mr. BYRD. So there is no objection. I hope the Senate will adopt the amendment.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 1457) was agreed to.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BROWN. Mr. President, I rise to offer an amendment and ask for its immediate consideration, and I ask unanimous consent the amendments now before the Senate be set aside.

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

AMENDMENT NO. 1458

(Purpose: To strike all but the emergency relief provisions and rescission provisions)

Mr. BROWN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Colorado [Mr. BROWN] proposes an amendment numbered 1458.

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

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

The amendment is as follows:

On page 50, strike line 1 and all that follows through page 89, line 10, and insert the following:

TITLE I—EMERGENCY SUPPLEMENTAL APPROPRIATIONS

CHAPTER 1

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

DEPARTMENT OF AGRICULTURE

SOIL CONSERVATION SERVICE

WATERSHED AND FLOOD PREVENTION OPERATIONS

For an additional amount for "Watershed and flood prevention operations" to repair damage to the waterways and watersheds resulting from the Midwest floods and California fires of 1993 and other natural disasters, and for other purposes, $340,500,000, to remain available until expended: *Provided*, That not more than $50,000,000 of assistance shall be made available where the primary beneficiary is agriculture and agribusiness regardless of drainage size: *Provided further*, That such amounts are designated by Congress as emergency requirements pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That if the Secretary determines that the cost of land and levee restoration exceeds the fair market value of an affected cropland, the Secretary may use sufficient amounts from funds provided under this heading to accept bids from willing sellers to enroll such cropland inundated by the Midwest floods of 1993 in any of the affected States in the Wetlands Reserve Program, authorized by subchapter C of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3837).

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

EMERGENCY CONSERVATION PROGRAM

For an additional amount for "Emergency conservation program" for expenses resulting from the Midwest floods and California fires of 1993 and other natural disasters, $25,000,000, to remain available until September 30, 1995: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

COMMODITY CREDIT CORPORATION

Funds made available in Public Law 103-75 for the Commodity Credit Corporation shall be available to fund the costs of replanting, reseeding, or repairing damage to commercial trees and seedlings, including orchard and nursery inventory as a result of the Midwest Floods of 1993 or other natural disasters: *Provided*, That the use of these funds for these purposes is designated by Congress as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 and that such use shall be available only to the extent the President designates such use an emergency requirement pursuant to such Act.

The second proviso of the matter under the heading "DISASTER ASSISTANCE" under the heading "COMMODITY CREDIT CORPORATION" of chapter I of the Supplemental Appropriations Act of 1993 (Public Law 103-50; 107 Stat. 241) is amended by inserting before the colon at the end the following: ", including payments to producers for the 1993, 1994, and 1995 crops of papaya if (1) the papaya would have been harvested if the papaya plants had not been destroyed, and (2) the papaya plants would not have produced fruit for a lifetime total of more than 3 crop years based on normal cultivation practices". Payments under this paragraph shall be made only to the extent that claims for the payments are filed not later than the date that is 60 days after the date of enactment of this Act: *Provided*, That the use of funds for this purpose is designated by Congress as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 and that such use shall be available only to the extent the President designates such use an emergency requirement pursuant to such Act.

CHAPTER 2

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

RELATED AGENCY

SMALL BUSINESS ADMINISTRATION

DISASTER LOANS PROGRAM ACCOUNT

For an additional amount for emergency expenses resulting from the January 1994 earthquake in Southern California and other disasters, $309,750,000, to remain available until expended, of which up to $55,000,000 may be transferred to and merged with the appropriations for "Salaries and expenses" for associated administrative expenses: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

ADMINISTRATIVE PROVISION

Section 24 of the Small Business Act (15 U.S.C. 651) is amended in subsection (a) by striking the period at the end thereof and by inserting in lieu thereof the following: ", and shall give priority to a proposal to restore an area determined to be a major disaster by the President on a date not more than three years prior to the fiscal year for which the application is made.".

CHAPTER 3

ENERGY AND WATER DEVELOPMENT

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for "Flood control and coastal emergencies", $70,000,000, to remain available until expended: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

The prohibition against obligating funds for construction until sixty days from the date the Secretary transmits a report to the Congress in accordance with section 5 of the Reclamation Safety of Dams Act of 1978 (43 U.S.C. 509) is waived for the Crooked River Project, Ochoco Dam, Oregon, to allow for an earlier start of emergency repair work.

CHAPTER 4

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

DEPARTMENT OF HEALTH AND HUMAN SERVICES

ADMINISTRATION FOR CHILDREN AND FAMILIES

LOW-INCOME HOME ENERGY ASSISTANCE

Of the amounts provided under this heading in Public Law 103-112 and designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, subject to the terms and conditions specified in Public Law 103-112, $300,000,000, if designated by the President as an emergency, may be allotted by the Secretary of the Department of Health and Human Services, as she determines is appropriate, to any one or more of the jurisdictions funded under title XXVI of the Omnibus Budget Reconciliation Act of 1981, to meet emergency needs.

The second paragraph under this heading in Public Law 102-394 is amended as follows: strike "June 30, 1994" and insert "September 30, 1994".

DEPARTMENT OF EDUCATION

IMPACT AID

For carrying out disaster assistance activities resulting from the January 1994 earthquake in Southern California and other disasters as authorized under section 7 of Public Law 81-874, $165,000,000, to remain available through September 30, 1995: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

STUDENT FINANCIAL ASSISTANCE

For an additional amount for "Student financial assistance" for payment of awards made under title IV, part A, subpart 1 of the Higher Education Act of 1965, as amended, $80,000,000, to remain available through September 30, 1995: *Provided*, That notwithstanding sections 442(e) and 462(j) of such Act, the Secretary may reallocate, for use in award year 1994-1995 only, any excess funds returned to the Secretary of Education under the Federal Work-Study or Federal Perkins Loan programs from award year 1993-1994 to assist individuals who suffered financial harm from the January 1994 earthquake in Southern California and other disasters: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That fiscal year 1992 Federal Work-Study and Federal Perkins Loan funds that were reallocated to institutions for use in award year 1993-1994, pursuant to Public Law 103-75, and fiscal year 1992 Federal Supplemental Educational Opportunity Grant funds that were reallocated to institutions by the Secretary for use in award year 1993-1994, pursuant to section 413D(e) of the Higher Education Act of 1965, as amended, to assist individuals who suffered financial harm as a result of the Midwest floods of 1993 shall remain available for use in award year 1994-1995 by institutions that received such reallocations.

CHAPTER 5

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES

FEDERAL HIGHWAY ADMINISTRATION

FEDERAL-AID HIGHWAYS

EMERGENCY RELIEF PROGRAM

(HIGHWAY TRUST FUND)

For the Emergency Fund authorized by 23 U.S.C. 125 to cover expenses arising from the January 1994 earthquake in Southern California and other disasters, $950,000,000; and in addition $400,000,000, which shall be available only to the extent an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress, all to be derived from the Highway Trust Fund and to remain available until expended: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the limitation on obligations per State in 23 U.S.C. 125(b) shall not apply to projects relating to such earthquake: *Provided further*, That notwithstanding 23 U.S.C. 120(e), the Federal share for any project on the Federal-aid highway system related to such earthquake shall be 100 percent for the costs incurred in the 180 day period beginning on the date of the earthquake: *Provided further*, That project costs incurred prior to implementation of this bill and subsequent to the January 17, 1994, Northridge Earthquake, that are funded from other than Federal Emergency Relief funds that were otherwise eligible for Emergency Relief funding, are approved for Emergency Relief funds and such costs regardless of initial funding sources are to be reimbursed with Emergency Relief funds: *Provided further*, That notwithstanding any other provision of law, of the funds made available by the Dire Emergency Supplemental Appropriations Act, 1992 (Public Law 102-368) under "Federal Highway Administration, Metropolitan Planning (Highway Trust Fund)," $337,000 of the funds received by Hawaii shall be made available by the State of Hawaii directly to the County of Kauai, Hawaii, for conducting comprehensive reviews of transportation infrastructure needs incurred in connection with Hurricane Iniki, and, these funds shall remain available until expended.

CHAPTER 6

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

DEPARTMENT OF VETERANS AFFAIRS

VETERANS HEALTH ADMINISTRATION

MEDICAL CARE

For an additional amount for emergency expenses resulting from the January 1994 earthquake in Southern California, $21,000,000, to remain available until expended, of which not to exceed $802,000 is available for transfer to General Operating Expenses, the Guaranty and Indemnity Program Account, and the Vocational Rehabilitation Loans Program Account: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CONSTRUCTION, MAJOR PROJECTS

For an additional amount for "Construction, major projects" for emergency expenses resulting from the January 1994 earthquake in Southern California and other disasters, $45,600,000, to remain available until expended, of which such sums as may be necessary may be transferred to the "Medical care" and "Construction, minor projects" accounts: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

For an additional amount under this head, $225,000,000, to remain available until December 31, 1995, of which $200,000,000 shall be for rental assistance under the section 8 existing housing certificate program (42 U.S.C. 1437f) and the housing voucher program under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)), and $25,000,000 shall be for the modernization of existing public housing projects pursuant to section 14 of the United States Housing Act of 1937 (42 U.S.C. 1437l): *Provided*, That these funds shall be used first to replenish amounts used from the headquarters reserve established pursuant by section 213(d)(4)(A) of the Housing and Community Development Act of 1974, as amended, for assistance to victims of the January 1994 earthquake in Southern California: *Provided further*, That any amounts remaining after the headquarters reserve has been replenished shall be available under such programs for additional assistance to victims of the earthquake referred to above: *Provided further*, That in administering these funds, the Secretary may waive or specify alternative requirements for any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or any use by the recipient of these funds, except for the requirements relating to fair housing and nondiscrimination, the environment, and labor standards, upon finding that such waiver is required to facilitate the obligation and use of such funds and would not be inconsistent with the overall purpose of the statute or regulation: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

FLEXIBLE SUBSIDY FUND

For emergency assistance to owners of eligible multifamily housing projects damaged by the January 1994 earthquake in Southern California who are either insured or formerly insured under the National Housing Act, as amended, or otherwise eligible for assistance under section 201(c) of the Housing and Community Development Amendments of 1978, as amended (12 U.S.C. 1715z-1a), in the program of assistance for troubled multifamily housing projects under the Housing and Community Development Amendments of 1978, as amended, $100,000,000, to remain available until September 30, 1995: *Provided*, That assistance to an owner of a multifamily housing project assisted, but not insured under the National Housing Act, may be made if the project owner and the mortgagee have provided or agreed to provide assistance to the project in a manner as determined by the Secretary of Housing and Urban Development: *Provided further*, That assistance is for the repair of damage or the recovery of losses directly attributable to the Southern California earthquake of 1994: *Provided further*, That in administering these funds, the Secretary may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or any use by the recipient of these funds, except for statutory requirements relating to fair housing and nondiscrimination, the environment, and labor standards, upon finding that such waiver is required to facilitate the obligation and use of such funds, and would not be inconsistent with the overall purpose of the statute or regulation: *Provided further*, That after assisting economically viable FHA insured projects, to the extent funds remain available the Secretary may provide assistance to economically viable projects assisted with a loan made under section 312 of the National Housing Act of 1964 and projects assisted under section 8 of the United States Housing Act of 1937 but not insured under the National Housing Act: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

FEDERAL HOUSING ADMINISTRATION

FHA—GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

For higher mortgage limits and improved access to mortgage insurance for victims of the January 1994 earthquake in Southern California and other disasters, title II of the National Housing Act, as amended, is further amended, as follows:

(1) In section 203(h), by—

(A) striking out "section 102(2) and 401 of the Disaster Relief and Emergency Assistance Act" and inserting "Robert T. Stafford Disaster Relief and Emergency Assistance Act"; and

(B) adding the following new sentence at the end thereof: "In any case in which the single family residence to be insured under this subsection is within a jurisdiction in which the President has declared a major disaster to have occurred, the Secretary is authorized, for a temporary period not to exceed 18 months from the date of such Presidential declaration, to enter into agreements to insure a mortgage which involves a principal obligation of up to 100 percent of the dollar limitation determined under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act for single family residence, and not in excess of 100 percent of the appraised value.".

(2) In section 203(k), by adding at the end thereof the following new paragraph:

"(6) The Secretary is authorized, for a temporary period not to exceed 18 months from the date on which the President has declared a major disaster to have occurred, to enter into agreements to insure a rehabilitation loan under this subsection which involves a principal obligation of up to 100 percent of the dollar limitation determined under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act for a residence of the applicable size, if such loan is secured by a structure and property that are within a jurisdiction in which the President has declared such disaster, pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act, and if such loan otherwise conforms to the loan-to-value ratio and other requirements of this subsection.".

(3) In section 234(c), by inserting after "203(b)(2)" in the third sentence the phrase: "or pursuant to section 203(h) under the conditions described in section 203(h)".

Eligibility for loans made under the authority granted by the preceding paragraph shall be limited to persons whose principal residence was damaged or destroyed as a result of a Presidentially declared major disaster event: *Provided*, That the provisions under this heading shall be effective only for the 18 month period following the date of enactment of this Act.

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT GRANTS

For an additional amount for "Community development grants", as authorized under title I of the Housing and Community Development Act of 1974, for emergency expenses resulting from the January 1994 earthquake in Southern California or the Midwest Floods of 1993, $500,000,000, to remain available until September 30, 1996 for all activities eligible under such title I except those activities reimbursable by the Federal Emergency Management Agency (FEMA) or available through the Small Business Administration (SBA): *Provided*, That from this amount, the Secretary may transfer up to $75,000,000 to the "HOME investment partnerships program", as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act, as amended (Public Law 101-625), to remain available until expended, as an additional amount for such emergency expenses for all activities eligible under such title II except activities reimbursable by FEMA or available through SBA: *Provided further*, That the recipients of amounts under this appropriation, including the foregoing transfer (if any), shall use such amounts first to replenish amounts previously obligated under their Community Development Block Grant or HOME programs, respectively, in connection with the Southern California earthquake of January 1994: *Provided further*, That in administering these funds, the Secretary may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or any use by the recipient of these funds, except for statutory requirements relating to fair housing and nondiscrimination, the environment, and labor standards, upon finding that such waiver is required to facilitate the obligation and use of such funds, and would not be inconsistent with the overall purpose of the statute or regulation: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

INDEPENDENT AGENCY

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

For an additional amount for "Disaster Relief" for the January 1994 earthquake in Southern California and other disasters, $4,709,000,000 to remain available until expended: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE

For an additional amount for "Emergency Management Planning and Assistance", to carry out activities under the Earthquake Hazards Reduction Act of 1977, as amended (42 U.S.C. 7701 et seq.) $15,000,000, to remain available until expended, to study the January 1994 earthquake in Southern California in order to enhance seismic safety throughout the United States: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER 7

FUNDS APPROPRIATED TO THE PRESIDENT

UNANTICIPATED NEEDS

For an additional amount for emergency expenses resulting from the January 1994 earthquake in Southern California, the Midwest Floods and other disaster, $550,000,000, to remain available until expended: Provided, That these funds may be transferred to any authorized Federal governmental activity to meet the requirements of such disasters: Provided further, That the entire amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

This title may be cited as the "Emergency Supplemental Appropriations Act of 1994".

Mr. BROWN. Mr. President, this amendment, while it is somewhat lengthy, and thus I asked it be considered as read, is fairly straightforward. What it does is simply strike from the bill all the money that does not fit the category of emergency spending.

As I think the Senate is well aware, this bill has been expedited, as I think all of us would feel is appropriate. Unfortunately, a number of items which are nonemergency in nature were attached to the bill or included therein.

Those items, it is this Senator's feeling, ought to have the scrutiny of our Appropriations Committee in the normal process. That committee is committed to keeping our spending within the budget guidelines. It has a responsibility which I know they take very seriously. It is thus inappropriate for us to include in this measure items that are of a nonemergency nature.

Senators are well aware of the fact that being included in this emergency bill provides certain waivers from the Budget Act. It also provides waivers from the limits that are so essential in making progress in reducing the deficit. What is more, if they are included in this process, these particular expenditures are brought up and shot through the process without the kind of scrutiny that I know the committee is committed to and interested in providing.

For those Members who do not recall off the tops of their heads, let me reiterate what the Budget Act calls for. It calls for emergency spending items to come under this classification, they must be sudden. Some of the items that are of nonemergency status have been around for years. They are in no way sudden. The Budget Act calls for them to be urgent in nature. These matters are not urgent, and I suspect regarding many of them, no one would claim they fit in the urgent category. They must be unforeseen. A very, very large number of these are anything but unforeseen. Most of them or many of them have been considered at some length in previous discussions or previous times. And, of course, they must be necessary. That is a judgment call by the members of the committee.

I do not rise to question their judgment in that matter, except to say my hope is that we will make sure they have had the time to consider them, had the normal markup, and had provisions for testimony on them so they can receive the kind of deliberations they need.

Should we move quickly to provide for the victims of the earthquake? Absolutely. There is no question that that deserves prompt consideration and prompt action. But we should not use this vehicle to violate the Budget Act. To the extent we do, we undermine the very credibility of this body in trying to deal with the deficit that threatens the very lifeblood of our economy.

I believe nonemergency spending should be handled in the normal process, in accordance with the budget guidelines and with hearings. This amendment will strike from the bill $2.493 billion, which is the amount of the various items that do not fit the emergency category. It may well be that Members of the Senate decide in their wisdom that ultimately these things should pass and should be appropriated. My guess is there will be some that very few in the Senate will favor. My guess is there will be some, also, that a large portion of the Senate favor. But none of these items should be passed with this bill—with the emergency declaration.

In simple terms, these are not emergencies. They do not fit the definition of the Budget Act. They do not fit the parameters of the bill. They have not had the proper hearings. It would be a tragedy to include them in this process and thus distort our efforts to try to deal with the deficit.

I reserve the remainder of my time.

Mr. President, I will of course defer to the judgment of the distinguished chairman of the Appropriations Committee in the timing of the vote, but it may well be the distinguished chairman will wish to include this with the other record votes.

If so, I will be happy to accommodate him.

Mr. President, at this point I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Colorado.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

AMENDMENT NO. 1459

Mr. DOLE. Mr. President, I send an amendment to the desk on behalf of myself, Senator NICKLES, Senator SIMPSON, Senator BURNS, and Senator ROTH.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside. The clerk will report.

The legislative clerk read as follows:

The Senator from Kansas [Mr. DOLE], for himself, Mr. NICKLES, Mr. SIMPSON, Mr. BURNS, Mr. ROTH, and Mr. KEMPTHORNE, proposes an amendment numbered 1459.

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

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

The amendment is as follows:

(The text of the amendment is located in today's RECORD under "Amendments Submitted.")

Mr. DOLE. Mr. President, the amendment I have sent to the desk is a substitute amendment to this emergency supplemental appropriations bill. We all agree that we must provide timely Federal disaster assistance to those affected by the devastating earthquake and fires that rocked southern California and the 500-year flood that soaked the Midwest. In person or on television, we have all seen the devastation, and the need to respond. My amendment has one simple goal: To deliver much-needed aid to the victims of these tragedies, and to do it without adding to the deficit, without sticking a lot of stuff in there that is not an emergency so that we do not have to deal with it later and cut other programs.

There is no question that these emergencies are legitimate, and that the need for relief is real. We all want to provide help as quickly as we can. We also all want to contain the deficit. My amendment offers us a chance to do both. The question is simple: Are we going to ring up another $10 billion on Uncle Sam's credit card, or are we going to shift our spending priorities to pay for this essential investment?

I might add, if you have not read the article in yesterday's paper about the tax rate of the younger generation in the future, it is going to be about 82 percent—82 percent—for your children born this year or later, grandchildren, whatever. They are going to be in that big bracket according to a study that was released yesterday. It is going to be even worse if we do not start putting our fiscal house in order.

This disaster relief is going to be approved whether we pay for it or not. We know that. It is going to be approved. But it seems to me the responsible thing to do—and I might add we offer an amendment to pay for it that involves the Midwest floods, which is my State of Kansas and other States in the Midwest. We have to make the tough calls and pay for this assistance now instead of sending Uncle Sam's credit card bill to future generations of Americans.

We made a similar effort to pay for last year's flood relief package. That effort did not succeed, but it does not mean we should not start doing the right thing now.

Doing the right thing also means providing assistance for real emergencies. That is why my amendment eliminates the provision in the committee bill that, in the view of many, does not qualify as a real emergency.

It is hard to justify labeling as an "emergency" the $315 million that is earmarked to relocate a Federal highway damaged in the Loma Prieta earthquake back in 1989—almost 40 months ago. The Federal Government has already provided the money to rebuild the damaged highway—I do not think anyone here would deny that that was clearly a Federal obligation. But when local officials—nothing to do with the earthquake—decide to relocate a highway at an even greater expense than rebuilding, I am not certain that Uncle Sam should have to pick up the tab for the incremental cost of relocating.

Maybe somebody got a better view, but the taxpayers are not going to get a view at all. They have to pay for it. In any event, this additional funding is certainly not an emergency, and it ought to be considered on the merits during the normal appropriations process.

I said it last year and I will say it again today: If in a supplemental they want to pay for this $315 million extra cost for relocation and they pay for it, that does not create any problem for me. That is what it is all about. This is not an emergency. The earthquake was 4 years ago, 3½ years ago. They are still saying there is some emergency. Just because the local officials—and I have more information on that; I know it will be disputed. But I have information that says that is precisely what it was.

I was also surprised to see the $1.2 billion to cover Defense Department costs of peacekeeping sent to the Congress as a deficit-increasing emergency request. If there is an emergency here, it is man-made. The emergency was created by putting the needs of the United Nations before the needs of American defense readiness.

The American people are getting tired of seeing more and more money flow to United Nations' operations with little effect on American security. While I will not oppose paying back the Defense Department for costs incurred in U.N. peacekeeping, my amendment ensures these costs are offset with spending reductions.

In order to prevent the legitimate disaster relief and the peacekeeping funding from being tacked on to the deficit, my amendment deletes all of the emergency designation language in the committee bill, and instead pays for the remaining $6.3 billion in new discretionary spending. The bill is paid for using a cut in world bank funding to the level approved by the Senate last year; increasing the committee-recommended rescission for aid to the New Independent States; a cut in Agency for International Development funding to the level requested by the administration; and an additional cut of $3 billion in Federal outlays for so-called administrative expenses that would be allocated among Government departments and agencies by the Director of OMB.

This administrative expense reduction is similar to an amendment offered by Senators HUTCHISON and SHELBY last year. It targets travel expenses, transportation, printing and reproduction costs, consulting services, supplies and materials.

The amendment has been modified to accommodate many of the concerns that were raised during last year's debate. It exempts the administrative expenses of the Defense Department because of the deep defense cuts that have already been approved by Congress. It exempts the expenses of the Federal Emergency Management Agency because of the added burdens placed on FEMA by the disasters targeted in this bill.

It would also exempt programmatic expenses in various agencies that are typically funded through these administrative expenses accounts. For example, Drug Enforcement Agency travel is exempted from this cut. Veterans Health Administration travel, supplies, and materials are exempted. NASA other services are exempted.

Mr. President, the bottom line is this: we need to provide timely relief to the victims of these natural disasters. We also need to provide relief to future generations of Americans who will have to pay the bill if we add this spending to the deficit. We can do both by cutting spending to pay for this much-needed disaster relief.

I urge the adoption of my amendment, and at the appropriate time I will ask for the yeas and nays.

But, Mr. President, I will make one final point.

I know the budget is tight. I know the appropriators have great difficulty. I know it is tempting to call everything an emergency, to have money available for other things later on. But if anybody can tell me that relocating a highway after the damage has been paid for by the Government is an emer-

gency or peacekeeping operations that we have certainly known about—should have known about—is an emergency, then there is something I fail to understand about that particular provision.

It is a clear-cut case. Do we want to pay for it or do we not want to pay for it? I am not under any illusion that I am going to prevail in this debate. I will prevail in the debate, but lose the vote, because the facts are on our side.

But there will be, I understand, some point of order raised because it did not come up in different committees. I am not sure the American people understand that. That is one way to kill this amendment that would pay for all the things we want to do in California, the Midwest, and other cases that are listed here as emergencies. So we can kill this on a technicality and probably will, I assume. But the point is the American people should understand we have an amendment to pay for it. It would not hurt anybody—cut down on travel of a lot of bureaucrats. We have a lot of video techniques. You do not have to fly everywhere these days. And some places they fly, they fly at the wrong time of the year.

So we could save a lot of money just in travel of the Federal employees in Government, Federal bureaucrats in the Government who travel a great deal.

So I suggest that if we want to do this, we have a way to pay for it. It is not totally painless, but as I said it rescinds the AID assistance requested in the President's letter.

So I will be on record supporting the President here. It adopts the Senate-passed level for World Bank contributions, $28 million in budget authority, $3 million in outlays; it increases the former Soviet Union aid rescission. We save $108 million in budget authority and about $23 million in outlays. The big reduction comes in Federal administrative expenses. That is $6 billion in budget authority, $3 billion in outlays; rescind voluntary peacekeeping contributions. That is $13 million in budget authority, $9 million in outlays. And rescinds 5 percent of the Economic Development Administration. That is $40 million in budget authority and only $4 million in outlays. The Loma Prieta highway relocation, about $315 million in budget authority and $31.5 million in outlays.

And again I see my colleague from California in the Chamber. If they can find an offset to go ahead, they should. This is certainly not an emergency. Nobody is going to convince me it is an emergency. But in any event I am prepared to vote.

And I would just say before I yield the floor, I hope anybody who has an amendment will try to get them offered before we start voting at 3:15. We have six straight votes, and that would take us well into 4:30, 5 o'clock. The managers, Senator HATFIELD and Senator BYRD, still need to go to conference, and it is important we complete action on this very important bill either late tonight or tomorrow before we leave for the weekend.

Mr. PELL. Mr. President, I am opposed to this amendment's cut of $253 million from the assistance to the New Independent States account. This amendment comes at a delicate point in the development of these new states, and it is critical that we stick to our commitments.

I believe that in paring down our assistance, we would be sending a dangerous political signal to Russia, Ukraine, Kazakhstan, Belarus, and the other States of the former Soviet Union. Reformers in the New Independent States are, for the most part, facing uphill battles as they try to change fundamentally the way their economies and governments operate and as they seek consensus on arms control issues that are of vital importance to the United States.

Precisely because the reformers are facing challenges to their agendas, our continued commitment to support their reforms becomes even more crucial. Reducing funding for the newly independent states would only confirm what the reformers in the New Independent States fear—that the West will not support them when the going gets tough.

Last year, President Clinton made a commitment to the emerging democracies that we would help to bolster their reform efforts. Although we were facing difficult budgetary times, the Congress fully funded the President's request because we recognized that helping these new countries is in our national interest. I believe it is still in the national interest to operate programs with goals that include supporting privatization, democratization, and the transition from a defense-oriented to a civilian-based economy.

I believe that it is important to remember that our bilateral technical assistance does not consist of cash handouts. Rather, much of our aid targets private and privatizing firms, the health, energy, and agriculture sectors, and supports democratic development. Our programs support structural reforms at the grass roots level that will lay the foundation for further economic transformation down the road.

It is too early to pass final judgment on the success or failure of our assistance program to the New Independent States. United States assistance efforts have, in fact, just begun, with AID launching its technical assistance program just over 1 year ago. Our aid efforts are just starting to gain some momentum and show some preliminary results. But real results will only be evident over the long term, and will require uninterrupted support. To cut back on our efforts now would nearly ensure that our efforts to date have been a waste. I would strongly urge my colleagues to stick by the commitment we have made to the reformers in the NIS by opposing this amendment.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

AMENDMENT NO. 1460

(Purpose: To direct funds previously appropriated to the Federal Bureau of Investigation for certain law enforcement purposes)

Mr. BYRD. Mr. President, I have an amendment here that has been agreed to on both sides, and I send it to the desk. I ask unanimous consent that reading of the amendment be dispensed with, that a statement in support of it appear in the RECORD, the amendment be agreed to, and the motion to reconsider be laid on the table.

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

Mr. BYRD. Mr. President, the purpose of this amendment is to provide a temporary increase in staffing levels at the FBI's Criminal Justice Information Services Division. Presently, the FBI has partially exempted the Criminal Justice Information Services Division from a hiring freeze, permitting the hiring of 10 people a month. At this rate, the Criminal Justice Information Services Division will be left nearly 1400 employees short of its proposed goal when its new facility opens and is fully equipped with the most modern computers, representing many millions of dollars of investment.

The amendment does not appropriate any additional funds. Rather, it redirects $20 million within the funds previously appropriated to defray expenses for the automation of fingerprint identification services. The amendment would provide that the $20 million would be used to address the immediate critical shortages of personnel required to effectively staff the revitalization and relocation initiative.

The Criminal Justice Information Services Division is the Nation's central clearinghouse and repository for criminal history and fingerprint identification records. These records are at the very core of our criminal justice system. The ability to identify criminals and to determine their prior criminal history is crucial, if violent, recidivist criminals are to be removed from our streets. These records are also necessary for support of the Brady bill and the many other laws and pending laws that require screening out individuals with certain prior criminal convictions, such as child care providers, airport security personnel, border security personnel and local law enforcement applicants. There is widespread support and recognition of the necessity for the revitalization of the FBI's identification throughout the law enforcement community. The revitalization project has been characterized as the single greatest increase in law en-

forcement capability since police use of the car radio. These record systems support all law enforcement officers, including the additional 100,000 provided for by the "Crime Bill". They also contribute to officer safety, a necessity due to the pervasiveness of violence on our streets. Mr. President, it does not make sense to construct a building, equip it with state of the art computers, and understaff the facility by 1400 employees. What type of message are we sending here?

Mr. President, I was instrumental in providing the initial $185 million to initiate the fingerprint identification revitalization and relocation project. At that time, the FBI was faced with a prospect of the identification division's remaining in its then current deprived condition, with no realistic hope of upgraded technology of the ability to retain sufficient employees to run its obsolescent operation. Faced with these circumstances, the revitalization and relocation solution was the only reasonable answer to save the FBI's identification division and the jobs of more than 2500 employees. Without the revitalization effort, the FBI would be unable to provide the services required by the criminal-justice system to defeat sophisticated criminals attacking our Nation's infrastructure with organized drug-trafficking, violent crime, and related criminal enterprises.

Mr. President, anti-crime efforts must become an established priority. Efforts are emerging in the Congress and in the Administration to deal with the rampant criminal activity that abounds in our country. Congress is working on a Crime Bill designed to reduce the scourge of crime, drugs and violence which is sweeping across most of this country.

Mr. President, the revitalization of the FBI's fingerprint division was, and remains, a priority bi-partisan concern, with the strong support of the current and previous OMB Directors. The Presidents of both parties have acknowledged the importance of the revitalization of the FBI's fingerprint division by designating it as a Presidential Priority System and including the necessary funds in Presidential budget requests to keep the project on schedule. The Congress has consistently supported the project by providing more than $400 million to revitalize the identification division.

Although I applaud the overall reduction in the number of Federal employees, I find it contradictory to uniformly apply such reductions to Federal law enforcement agencies. These agencies play a key role in our Nation's law enforcement efforts. They provide essential training, intelligence, forensic services, criminal history records and identification services to State and local law enforcement agencies. They are the mainstay of numerous joint task forces that are addressing the problem of drugs, terrorism, and violent crime.

The amendment I am proposing will allow this high priority initiative to get back on schedule by allowing the FBI to bring on board the necessary personnel, most of whom have already been recruited and are awaiting the finalization of the necessary personnel actions.

Mr. President, I urge my colleagues to support this amendment.

So the amendment (No. 1460) was agreed to, as follows:

On page 89, between lines 10 and 11, insert the following:

SEC. . Of the funds made available for the purpose of defraying expenses for the automation of fingerprint identification services under the heading "SALARIES AND EXPENSES" under the heading "FEDERAL BUREAU OF INVESTIGATION" in title I of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1994 (Public Law 103-121), $20,000,000 shall be available (to remain available until expended) to hire 500 employees to carry out the automation of fingerprint identification services without regard to any employment ceiling imposed by the President or by law.

Mr. BYRD. I intend to speak on the amendment by Senator DURENBERGER. If the distinguished Senator from California wishes to speak at this moment, I will be glad to delay my own remarks.

Mrs. BOXER. I am waiting very patiently, I say to the Chairman. That is fine.

Mr. BYRD. I have no problem waiting. Five minutes, would that help the Senator?

Mrs. BOXER. Yes, that would be fine.

Mr. BYRD. Mr. President, I ask unanimous consent that I may be recognized following the remarks of the distinguished Senator from California, Mrs. BOXER.

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

Mrs. BOXER. Mr. President, I ask the Chair advise me when I have spoken for 5 minutes, if that would be all right.

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

Mrs. BOXER. Mr. President, I am very sad to rise today to say to my friend from Kansas, the distinguished Republican leader, that for him to suggest that it is not an emergency when a structure such as the Cypress structure has been down since that fateful day in 1989—and the fact is we have certain rules in California, as well we should, which is that we do not rebuild a structure in the same way it was before, if in fact in doing so it would remain a danger and a hazard to the people who use it.

Mr. President, I have a picture here from the New York Times that shows the Cypress structure collapsing, the top deck, right onto the bottom deck. Forty-two people were killed. And I would say as I remember back to that day, that had there not been a World Series game scheduled that night, there would have been far more people caught on this freeway. Forty-two people are dead, and, yes, it is true it has taken time to come up with a plan that is a safe and good plan.

The fact that we did not rush to rebuild a collapsed freeway in a way that may have been wrong is to the credit of the State of California.

The new alignment of the Cypress Freeway section of Interstate 880 will improve safety and traffic congestion in the east bay region.

The distinguished Republican leader says, oh, they realigned it to get a better view. I would like to inform my friend from Kansas—and I think it is important that he know this--this freeway goes through one of the poorest communities in Oakland. We are not talking about fancy hillside homes here and fancy freeways. We are talking about a community, a community that has suffered greatly since this Cypress structure went down.

Yes, the environmental impact statement took 2 years. It is in the law. And I really believe this amendment that the Republican leader wishes to offer—perhaps it will have a point of order against it. I am not certain of that—is detrimental to the very goal he says he shares with the Senator from California, and I quote him. He does not want to "interfere with the timely relief to Californians."

Everyone says that. Everyone who comes to the floor to offer these amendments says we do not want to interfere with timely relief. The bottom line is, I assure my friend, that if there was a disaster in Kansas, and in good faith and in good will the community came together, the engineers came together, the experts came together, the political leaders came together, both Democrats and Republicans, and it took them a while to come up with the safest way to rebuild that structure so it would not collapse again, I would be there supporting him with every ounce of energy I have. And I have a lot of energy. And I would be there by his side. I would not be standing up striking these dollars from this bill.

I know that the Governor of our great State has discussed this with the Republican leader, and he has asked him not to move forward with this. I will say one thing. The Republican leader is steadfast. It did not matter if a Republican elected official called him or a Democrat. He feels it is wrong. But I would implore him to understand that this is not a fancy community in the hills. These are poor people in a devastated community. Commerce has been disrupted, the people's lives disrupted, and it took time so that we would not rebuild this thing in a way where it would collapse again. It is now a single-level structure. It is safer. It makes sense. I urge my colleagues to

defeat this amendment. I yield the floor.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. DOLE. I wish to make it clear. I am not opposed. I am just saying we pay for it. I know it is a word we throw around here a lot. But I would like to read for the RECORD excerpts from an article—I did not write this article—which appeared in the San Francisco Chronicle of July 19, 1993:

As Bay Area monuments go, the new Cypress structure in Oakland won't be much to look at. . . but mile for mile the 2.2-mile concrete ribbon of freeway has turned into one of the most expensive construction projects in Bay Area history.

With an estimated pricetag of $695 million—

It is going to go up to $1 billion—

which includes the cost of about 1 mile of ramps, the new East Bay connector will cost as much as two Golden Gate Bridges, five Candlestick Parks or six TransAmerica Pyramid towers in 1993 dollars.

The new elevated Cypress roadway will cost about half of what it cost to build the entire 800 miles of Interstate 5, California's main north-south artery, which was started in the late 1950's

The new Cypress will replace the deadly double-deck freeway that collapsed in the 1989 Loma Prieta earthquake, although the route will be somewhat different.

At about $200 million per mile, the price of the new freeway comes to nearly $500 per square foot. That's 200 times more expensive than a mile of I-5 roadway, and more than three times as expensive as the standard per-foot cost of building a skyscraper.

Despite the astronomical costs of the new roadway, few people are complaining—perhaps because most of the money comes from Washington and is far removed from local taxpayer' pockets.

And besides, the project's millions of dollars in concrete, tar and asphalt will mean a boon in business for a slew of local building contractors in these recession-wracked times.

The new Cypress also includes a number of costly political and engineering goodies.

For starters, Southern Pacific will get about 30 miles of new track in return for agreeing to allow about 100 miles of track to be remove from its Oakland yard.

The U.S. Postal Service will get a new $10 million parking garage, and the Oakland Fire Department will get a new station.

Plus, the project calls for relocating scores of utility lines—including moving a mile-long stretch of giant East Bay Municipal Utility District water pipes that are 26 feet below ground.

And there may be more. In return for signing off on the project, Oakland is demanding about $2.5 million to help relocate about a dozen businesses in the freeway's path.

Engineers say a major chunk of the cost can be attributed to having to build a largely elevated freeway, requiring the latest in seismic reinforcement, with a complicated series of interchanges.

What's more, engineers say, the construction must be done without disrupting traffic on adjacent streets and freeways, something that Bill Hein, a deputy at the Metropolitan Transportation Commission, says is like "remodeling your kitchen with your wife doing gourmet dinners out of there every day."

The project manager, Hilmer Forsen, said: "I've worked for Caltrans for 35 years * * * and this thing is so much bigger and more complicated than anything I've run into."

"It's a real animal."

Preparation of the new roadway site is under way, with major construction set to begin as early as January.

Completion of the project is slated for the last summer of 1997.

So again, despite all of this, despite the cost and all the other political goodies, engineering goodies, the Senator from Kansas is not trying to stand in the way of the amendment. All we have to do is pay for it. I know it may seem strange to some that we ought to pay for things. But we are not going to offset. I do not lower it down one bit. I just pay for it. Get it through a regular supplemental. Get it through a regular supplemental. That would be fine with the Senator.

The PRESIDING OFFICER. Under the regular order, the Chair recognizes the Senator from West Virginia.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The regular order is to recognize the Senator from West Virginia.

The Chair recognizes the Senator from West Virginia.

Mr. DOLE. I apologize. I did not know the Senator had reserved the floor.

Mr. BYRD. I do not intend to make a matter out of it. If I felt strongly about it, I would have called for regular order. I have no problem with that. I have great respect for the present occupant of the chair. He is a very gracious man. The Chair is supposed to enforce the rights of Senators, and to enforce the order that has been entered.

Mrs. BOXER. Mr. President, will the Senator yield for a question? Will the Senator from West Virginia yield for a very brief question?

Mr. BYRD. Mr. President, I cannot continue to yield for very long because we are going to start voting at 15 after 3 p.m. today. I have a few things to say about some of the pending amendments because we are going to vote on them back to back.

How long does the distinguished Senator from California want me to yield at this time?

Mrs. BOXER. If the Senator would yield 1½ minutes, I think I can get my points in quickly.

Mr. BYRD. Mr. President, I ask unanimous consent—I want the Chair to pay attention to this request, if it is agreed to, I ask unanimous consent that I be permitted to yield to the Senator from California for not to exceed 2 minutes, and that I retain the right to the floor.

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

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

Mr. BYRD. Regular order for the moment.

The PRESIDING OFFICER. The Senator from California [Mrs. BOXER], is recognized for 2 minutes.

Mrs. BOXER. Mr. President, I thank the distinguished Senator from West Virginia. I will be most brief.

I need to respond to my friend from Kansas, the distinguished Republican, leader and say to him that it is interesting that he read an article that said this was more expensive than Interstate 5. Interstate 5 collapsed. That is the point. Interstate 5 collapsed in this last earthquake. We do not want to rebuild the Cypress Freeway the way Interstate 5 was built. And I agree with what Senator WARNER said yesterday. If we go back and rebuild these structures exactly as they were before they fell, we are wasting taxpayers' money.

In terms of paying for these things, let me say this: I agree with the Senator. I look forward to a new system where we do have a trust fund, where we are prepared for these dire emergencies. But to change the rules in the middle of an emergency like this I think is wrong. It is a wrong signal to people who have never really come to the government for help before.

In conclusion, Mr. President, I ask unanimous consent to enter into the RECORD a letter from the Port of Oakland; very important, interested in commerce and business in support of rebuilding this freeway. It is essential for economic growth and stability in the region.

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

PORT OF OAKLAND,
October 5, 1993.

Hon. BARBARA BOXER,
U.S. Senate, Washington, DC.

DEAR SENATOR BOXER: The Port of Oakland supports and appreciates your efforts to secure $315 million in emergency funding in the Senate Transportation Appropriations bill for the reconstruction of the Cypress Freeway, which was destroyed in the 1989 Loma Prieta Earthquake.

The Port of Oakland is situated at the hub of transportation in Northern California for water, air, rail and freeway routes. The ability of export cargo to easily reach the Port is a cornerstone of our growth. We supported the immediate rebuild of this vital transportation artery, but understood and supported the extensive negotiations with land owners and residents for the optimum routing. We participated in the design and functional offramps to route traffic away from populated areas and to centralize cargo traffic.

It will be four years this month that the Port and the region will have been without this critical connection. The alternative routes are increasingly overburdened.

The Port of Oakland is the fourth largest containerport in the U.S., and 19th in the world. Over 90% of the containerized cargo moving under the Golden Gate is handled at Oakland. We are strategically situated between the bustling Pacific Rim and the industrial areas of America. The four year continued disruption of the transportation arteries leading to the Port has definitely had a negative impact on the ability of the Port to provide world class service.

The Cypress Freeway needs to be reconstructed now. The emergency funds necessary to accomplish this vital link should

be secured in the Senate Transportation Appropriations bill now being considered.

We strongly support your efforts to end this four year delay with the negative impacts for the Port, the City of Oakland, and the region.

Sincerely,

CHARLES R. ROBERTS,
Executive Director.

Mrs. BOXER. I yield the floor.

The PRESIDING OFFICER. The regular order is that the Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I call attention to the fact that the amendment of Mr. DOLE is not included in the list of amendments that will be voted on back to back. There will be ample opportunity to talk on the amendment later if any Senator wants to talk further on it.

Mr. KERRY. Mr. President, I ask the distinguished President pro tempore. I know we are going to vote at 3:15 p.m. He wants to speak in opposition. I have been tied up and unable to be at the floor until now. I would like to ask him if I could have 3 minutes or so in order to address the amendment. Then I know he will speak in opposition to it. But it is one of the amendments we are voting on.

Mr. BYRD. Mr. President, I yield 3 minutes, for not to exceed 3 minutes. I do not control the time. I yield for not to exceed 3 minutes with my rights protected to the floor.

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

The Senator from Massachusetts is recognized for 3 minutes.

Mr. KERRY. Mr. President, I thank my friend from West Virginia.

AMENDMENT NO. 1452

Mr. KERRY. Mr. President, Senator BRADLEY, Senator FEINGOLD, Senator LAUTENBERG, Senator BUMPERS, and I and others join together in offering an amendment, a rescission amendment, that cuts $43 billion over 5 years; $3 billion this year. We are looking for a way to fund what we are about to spend. We offer that. But more importantly, what we have offered to the Senate is an opportunity to register our votes for real choices, for a set of choices that reflect what the American people would really like to be spending their money on as opposed to being forced to spend it by the continuation of programs that the President has asked to have cut; that the National Academy of Sciences boards have said are worthless; that most of the evaluations say are wasteful.

There are nine programs in our amendment that the President has specifically asked us to cut and that he proposes in his budget be cut.

There are, in addition to that, programs that we suggest do not reflect an appropriate judgment when you are choosing between things that we ought to be doing versus things we would like to do or things that need something by perhaps one single district in a State but are not within the national priorities of the country.

If we are cutting low income energy assistance to people, as we are being asked to, if he were cutting education funds in certain areas, if we are cutting or do not have sufficient funds for drug treatment, if he were struggling to find money for adequate prison construction or cops in the street, how can we possibly void those choices in favor of continuing programs that for instance fund a whole set of USDA field offices that do not reflect the needs of the agricultural community of this country?

I respectfully say to my colleagues, I cannot go into all of the cuts. They are in front of everybody. We can make judgments about them. But with this amendment there are no gimmicks, no tricks. We do not double count. There is no accounting chicanery. We do not include health care. We do not include the 252,000 people that we are going to cut that are already spoken for the crime program.

We have a straight program for program cuts, cutting items that we have spent months looking at and making judgments about based on the best assessments of our budgeteers at CBO, the GAO, and of other individual entities and agencies and individuals who have made judgments about this budget.

I would respectfully suggest that each and every one of these systems that we cut, or each would be one of these programs that we cut, is a reflection of the best judgment of most of those looking hard at the budget today.

And it underscores the great distinction: Do we need to be spending this money? Should we be spending this money, or are there better things that we ought to be putting this money to? I respectfully submit to my colleagues that every one of these items withstands the test and is an item that we do not need to be spending on and we would be far better off cutting to reduce the deficit or to spend on those items we ought to be cutting. I thank the Senator from West Virginia and yield whatever time remains.

Mr. BYRD. Mr. President, the amendment offered by the Senator from Massachusetts would reduce the fiscal year 1994 budget for national defense by nearly $4 billion.

Members ought to recall that Congress already reduced the Defense Department budget in 1994 by more than $18 billion. Moreover, in each year for the past 10 years Congress has cut the funds provided for defense. We have already cut defense spending drastically.

The bill before the Senate already rescinds more than $900 million from the Department of Defense reductions. That will tax the ability of the Department of Defense to meet its base closure requirements. Cutting another $4 billion is simply unwise and insupportable. I oppose it, and I hope that the Senate will either vote the amendment down or vote to table the amendment, whichever motion is voted on by the Senate.

Mr. LAUTENBERG. Mr. President, last night the Senator from Massachusetts [Mr. KERRY] offered an amendment designed to save over $40 billion over the next 5 years. I am proud to be a cosponsor of that amendment.

The amendment was the product of a lengthy and at times heated discussion between a number of Senators. None of us, if acting on our own, would have put every item in the amendment on our own personal list of cuts. All of us, if acting on our own, would have added at least a few more programs to the list. But we agreed to act together, to find some common ground and use some common sense in a serious effort to actually reduce the deficit.

We agreed to do a few other things as well: to avoid counting savings which had already been claimed in other legislation and avoid taking savings which need to be claimed to finance health care reform. We also agreed that all our cuts would be real and specific, scored by the Congressional Budget Office.

Some of the cuts were made because we believe the programs are no longer justified or, in a few cases, have been so badly managed or designed that they simply waste the money that the American people pay in taxes. But many more cuts were made on a much difficult basis: the programs, while justified and effective, simply were not high priorities. In an age of $200 billion deficits and over $4 trillion debt, we simply cannot afford to do all the things we want. We cannot even afford to do all the things we ought to do. We can barely afford to do all the things we need to do.

Mr. President, I have the pleasure of serving on the Appropriation Committee and chairing the Transportation Subcommittee. I have some sense of the number of requests that Senators make for programs and projects. I have an even better sense of how our ability to meet those requests is constrained. We have to set some priorities. We have to make some decisions. We cannot continue to try to do everything.

The package that Senator KERRY and I and others have put together is, we believe, balanced. It does not only cut Defense programs which have become obsolete in the wake of the cold war; it also targets domestic programs which no longer are justified.

Now, Mr. President, I know that it is easy to justify a vote against this amendment because you do not agree that we ought to cut this program or that one. But we have to make some on-balance judgements here, Mr. President. We have to look at the whole instead of just a few of the parts. That is what we have done in constructing this

package. And that, I hope, is what Members will do when they vote on it.

But let me close on this note, Mr. President. If this package amendment is defeated, we will bring the individual pieces back when the Senate considers the appropriation bills later this year. One way or another, as a whole or in parts, we have to make additional cuts in spending. The American people want it. Fiscal reality requires it. And economic growth depends on it.

Mr. DECONCINI. Mr. President, the Kerry amendment includes a $1 billion cut in fiscal year 1994 and $5 billion over the next 5 years from intelligence activities.

President Clinton has pledged to reduce intelligence spending by $7 billion over the next 5 years. As chairman of the Intelligence Committee, I fully support the President's commitment to further reductions. In fact, I have lead the effort that has already reduced intelligence spending in fiscal years' 1993 and 1994 by nearly $3.5 billion over President Bush and Clinton's budget requests.

Last year I was able to put the votes together in the Intelligence Committee for a $1.2 billion reduction in fiscal year 1994 intelligence spending. The Senate appropriaters cut an additional $100 million from the President's intelligence request.

Senator KERRY supported my reduction in committee and offered no amendment in the committee or on the floor to cut deeper.

I continue to believe today that last year's intelligence cut was as deep as the intelligence community can withstand during its post-cold-war transition. I have continually told Jim Woolsey—I'm sure more than he wants to hear—that the intelligence community must downsize and reduce duplication and its infrastructure.

To his credit, Jim Woolsey is doing a good job to maintain a balance between reducing the intelligence budget and maintaining adequate capabilities to meet the community's critical role of supporting policymakers and war fighters.

Overall, intelligence resources have been reduced in real terms more than 13 percent compared with 1989 appropriations. In addition to funding cuts, Congress has already levied an across-the-board personnel cut of 17.5 percent in all intelligence agencies by 1997. The administration has increased the personnel cut to 23 percent by 1999.

Yes, the world has changed. We no longer face the same sort of threat to our survival that we faced during the cold war.

But the world remains a dangerous place and an uncertain place. We continue to face challenges to our Nation's interests all around the world. You have only to read the newspapers.

The recent developments in Russia demonstrate what a fragile political situation still exists in that country.

There are still nuclear weapons out there which are targetted against the United States and whose control we worry about. There are countries not friendly to us which seem bent upon developing their own weapons of mass destruction. We still face the possibility that U.S. military forces might be deployed around the globe to accomplish a variety of missions. We no longer seem immune from acts of terrorism in the United States and the scourge of narcotics has hardly abated.

We have to stay ready. It makes no sense for us to close our eyes and ears to developments around the world which could ultimately save U.S. lives and resources.

The Intelligence Committee has taken a long hard look at what we are spending on intelligence. We have attempted to strike a balance between the need to reduce the deficit and the need to maintain an adequate capability.

Mr. BYRD. Mr. President, I have a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state the inquiry.

Mr. BYRD. Under the order entered previously, does the Senate begin voting at the hour of 3:15 p.m.?

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD. Would the Chair kindly state the amendments that will be voted on ad seriatim?

The PRESIDING OFFICER. The first amendment will be amendment No. 1444, offered by the Senator from Colorado [Mr. BROWN]; the second will be amendment No. 1445, offered by the Senator from Alaska [Mr. MURKOWSKI]; the third will be amendment No. 1452, offered by the Senator from Massachusetts [Mr. KERRY]; the fourth will be amendment No. 1453, offered by the Senator from Wisconsin [Mr. FEINGOLD]; the fifth will be amendment No. 1454, offered by the Senator from Minnesota [Mr. DURENBERGER]; the sixth will be amendment No. 1456, offered by the Senator from Arizona [Mr. MCCAIN].

Mr. BYRD. I thank the Chair.

Mr. President, a point of order has been made and will be considered at the time the amendment by Mr. DURENBERGER is reached on the list.

The PRESIDING OFFICER. The Senator from West Virginia is correct. That will be the case under a previous order.

Mr. BYRD. In the event that points of order are made against other amendments on the list, such points of order have not been waived by virtue of the majority leader's request; am I correct?

The PRESIDING OFFICER. The Senator is correct.

AMENDMENT NO. 1444

Mr. BYRD. Mr. President, this is on the amendment by Mr. BROWN.

Mr. President, the Senate Appropriations Committee bill includes $12.4 billion in requested funds to pay the cost of converting thousands of computer tapes to a readable format. This expense is in response to numerous Federal court orders and appellate decisions—Armstrong versus Executive Office of the President.

The funds are fully paid for through a transfer from the Air Force and a reduction in IRS tax system modernization. The funding is not designated as an emergency. The Armstrong case originated in 1989 when private citizens requested, through the Freedom of Information Act, access to National Security Council e-mail, including Oliver North's, as well as other EOP agencies. The court determined that the Executive Office of the President had to maintain, preserve, and make accessible, in a readable form, such e-mail back-up tapes.

This supplemental provides the resources to make the tape conversion mandated by the court.

I have a more detailed history, which I ask unanimous consent to be printed in the RECORD.

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

SUPPLEMENTAL EXPENDITURES ASSOCIATED WITH RESOLUTION OF ARMSTRONG VERSUS EXECUTIVE OFFICE OF THE PRESIDENT (EOP)

In January 1989, a group of plaintiffs brought suit against the Archivist and various EOP agencies—including the Office of Administration and the National Security Council—alleging that the defendants were improperly disposing of government records contained on EOP electronic mail ("e-mail") systems.

Shortly thereafter, the Federal District Court entered an order requiring the defendants to preserve backup tapes of existing e-mail systems.

The government sought appellate review of certain aspects of the district court's ruling. The appeal was still unresolved at the end of the Bush Administration, and the court once again ordered the preservation of backup tapes. Pursuant to these orders thousands of backup tapes were preserved.

In January 1993, the district court ruled that the defendants' record keeping standards were "arbitrary," "capricious" and "unreasonable." Related orders further required that the EOP continue to preserve backup tapes for its e-mail systems until defendants had disseminated satisfactory "guidance" concerning e-mail records management. The EOP agencies promulgated new guidance in May 1993, which again failed the district court's standards. While the government appealed the district court's ruling to the Court of Appeals, it was required to continue to maintain backup tapes of e-mail messages.

In August 1993, the D.C. Circuit Court of Appeals definitively ruled that the EOP had failed to properly provide for the management of its e-mail messages as electronic records under the Federal Records Act. In order to address some of the concerns identified by the courts, and in an effort to resolve certain aspects of the litigation, the government has pursued the following course of action:

1. The parties have entered into settlement negotiations in an effort to arrive at mutually acceptable records keeping guidance;

2. The Administration undertook to put in place an electronic records management system that would ensure that an accurate historical record of the e-mail associated with the Clinton Administration is adequately preserved, managed and available for public disclosure.

3. In light of the inadequate preservation of the e-mail messages during the previous administrations, the EOP has initiated the complex process of recapturing the voluminous records that were preserved on systems backup tapes during the pendency of the litigation. These systems backup tapes—which in themselves are not capable of being preserved, managed or read—require conversion and proper disposition by the Archivist and the EOP agencies.

The Supplemental Appropriation requests funds for the conversion of the thousands of accumulated backup tapes to readable format in order to provide for proper disposition of the records contained on those tapes. In addition, funds are requested for the acquisition and installation of a records management system sufficient to insure continued compliance with the Federal Records Act and related legislation.

Mr. BROWN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Colorado [Mr. BROWN].

Mr. BROWN. Thank you, Mr. President.

With regard to the Brown amendment, which will be the first one that is voted on, it deals with the amount appropriated for the White House. That level is one in which President Clinton had recommended a 25-percent cut.

As you know, and I think Members of this body are well aware, instead of cutting the White House—it did not receive the 25-percent cut that the President had talked about—as a matter of fact, there was an increase in funds.

What is included in this bill right now is an additional increase of $7 million. At least in this Senator's mind, it is not an emergency. It does, indeed, relate, as has been mentioned on the floor, to the Armstrong case. But that Armstrong case came down almost 2 years ago. It came down in the spring of 1992. To suggest that it is sudden or urgent or unexpected, I do not believe squares with the facts in the case.

The reality is, this matter should be and is included, I believe, in the normal appropriations. To suggest that, instead of a 25-percent cut, you are not going to get any cut but an increase, to me, is the height of irresponsibility.

VOTE ON AMENDMENT NO. 1444

The PRESIDING OFFICER. Under the previous order, the hour of 3:15 having arrived, the question is on agreeing to amendment No. 1444, offered by the Senator from Colorado [Mr. BROWN].

The yeas and nays have been ordered and the clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from New Jersey [Mr. BRADLEY] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from Missouri [Mr. DANFORTH], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Texas [Mrs. HUTCHISON] and the Senator from Oregon [Mr. PACKWOOD] are necessarily absent.

The result was announced—yeas 44, nays 51, as follows:

[Rollcall Vote No. 37 Leg.]

YEAS—44

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

NAYS—51

Akaka	Feingold	Mikulski
Baucus	Feinstein	Mitchell
Biden	Ford	Moseley-Braun
Bingaman	Glenn	Moynihan
Boren	Graham	Murray
Boxer	Harkin	Nunn
Breaux	Hatfield	Pell
Bryan	Heflin	Pryor
Bumpers	Hollings	Reid
Byrd	Inouye	Riegle
Campbell	Johnston	Robb
Conrad	Kennedy	Rockefeller
Daschle	Kerry	Sarbanes
DeConcini	Lautenberg	Sasser
Dodd	Leahy	Simon
Dorgan	Levin	Wellstone
Exon	Mathews	Wofford

NOT VOTING—5

Bradley	Durenberger	Packwood
Danforth	Hutchison	

So, the amendment (No. 1444) was rejected.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the amendment was rejected, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1445

The PRESIDING OFFICER. The question now is on agreeing to amendment No. 1445 offered by the Senator from Alaska.

Mr. BOREN addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. BOREN. Mr. President, the pending Murkowski amendment addresses the process by which Congress establishes mandatory ceilings on appropriations bills and, thus, contains matters within the jurisdiction of the Budget Committee under the standing order on the referral of the budget process legislation.

As the underlying bill has not been reported by the Budget Committee, I raise a point of order that the pending Murkowski amendment violates section 306 of the Congressional Budget Act of 1974.

Mr. CRAIG. Mr. President, I move to waive the Budget Act and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question occurs on the motion to waive the Budget Act with respect to the Murkowski amendment No. 1445. The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from New Jersey [Mr. BRADLEY], is necessarily absent.

Mr. SIMPSON. I announce that the Senator from Missouri [Mr. DANFORTH], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Texas [Mrs. HUTCHISON], and the Senator from Oregon [Mr. PACKWOOD] are necessarily absent.

The yeas and nays resulted—yeas 37, nays 58, as follows:

[Rollcall Vote No. 38 Leg.]

YEAS—37

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

NAYS—58

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

NOT VOTING—5

Bradley	Durenberger	Packwood
Danforth	Hutchison	

The PRESIDING OFFICER. On this vote the yeas are 37, and the nays are 58. Three-fifths of the Senators duly chosen and sworn, not having voted in the affirmative, the motion is rejected.

The Chair, therefore, rules that the amendment contains subject matter within the jurisdiction of the Budget Committee and was offered to a bill that has not been reported by that committee. The point of order is sustained, and the amendment is rejected.

VOTE ON AMENDMENT 1452

The PRESIDING OFFICER. The question occurs now on amendment number 1452 offered by the Senator from Massachusetts [Mr. KERRY]. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from New Jersey [Mr. BRADLEY] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from Missouri [Mr. DANFORTH], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Texas [Mrs. HUTCHISON], and the Senator from Oregon [Mr. PACKWOOD] are necessarily absent.

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

The result was announced—yeas 20, nays 75, as follows:

[Rollcall Vote No. 39 Leg.]

YEAS—20

Boren	Hatfield	Levin
Bumpers	Hollings	Metzenbaum
Conrad	Jeffords	Pell
Dorgan	Kerry	Pryor
Feingold	Kohl	Wellstone
Grassley	Lautenberg	Wofford
Harkin	Leahy	

NAYS—75

Akaka	Exon	Mikulski
Baucus	Faircloth	Mitchell
Bennett	Feinstein	Moseley-Braun
Biden	Ford	Moynihan
Bingaman	Glenn	Murkowski
Bond	Gorton	Murray
Boxer	Graham	Nickles
Breaux	Gramm	Nunn
Brown	Gregg	Pressler
Bryan	Hatch	Reid
Burns	Heflin	Riegle
Byrd	Helms	Robb
Campbell	Inouye	Rockefeller
Chafee	Johnston	Roth
Coats	Kassebaum	Sarbanes
Cochran	Kempthorne	Sasser
Cohen	Kennedy	Shelby
Coverdell	Kerrey	Simon
Craig	Lieberman	Simpson
D'Amato	Lott	Smith
Daschle	Lugar	Specter
DeConcini	Mack	Stevens
Dodd	Mathews	Thurmond
Dole	McCain	Wallop
Domenici	McConnell	Warner

NOT VOTING—5

Bradley	Durenberger	Packwood
Danforth	Hutchison	

So, the amendment (No. 1452) was rejected.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 1453

Mr. LAUTENBERG. Mr. President, I rise to support this amendment.

The issue before the Senate today is not whether we support our troops. Of course we do. And of course we should provide funds to cover the cost of these operations. All this amendment says is that we ought not do it by adding $1.2 billion to the deficit; instead, we should find the resources within the Pentagon's existing $260 billion budget to pay the bills.

Mr. President, the real issue before the Senate today is whether the Defense Department should be subject to the same fiscal rules and constraints as all other agencies in the Federal Government. I believe it should be.

The Defense Department should have anticipated that it would need to pay these $1.2 billion in bills and budgeted accordingly. But it didn't. It is unfair to ask the American taxpayers to excuse the Pentagon's mistakes by adding another $1.2 billion to the deficit.

Mr. President, the criteria used by the Office of Management and Budget to determine whether spending qualifies for an emergency designation—and subsequently can be added to the deficit—are clear. One is that the expenditure be sudden—quickly coming into being, not building up over time. Another is that it be unforeseen—not predictable or seen beforehand as a coming need.

The $1.2 billion in new spending included in this bill for the Pentagon doesn't meet these criteria by any stretch of the imagination. All of the military operations in Somalia, Haiti, Bosnia, and in Iraq were underway at the time Congress considered the budget last September. We've been in Somalia for over a year. Operation Provide Comfort for the Kurdish people living in Iraq has been underway for nearly 3 years, having begun in April 1991, and we've been enforcing the no-fly zone in southern Iraq since August 26, 1992. With respect to Haiti, the Governors' Island Agreement was signed July 3, 1993. Under that agreement, the U.N. and OAS agreed to monitor compliance, and President Clinton agreed to send 350 engineers. On October 6, 1993, the initial United States contingent landed in Haiti. Five days later, one of our Navy ships transporting the bulk of the engineers was turned around.

As you can see, all of these operations have been ongoing for some time. They cannot be called sudden or unforeseen. That we would ultimately need to pay bills should have been very predictable.

Mr. President, we need to bring order and consistency to the military budget process. The Pentagon should not get in the habit of asking for supplemental, new deficit spending to pay the bills for all oveseas operations. Clearly, there will be times when we will have unanticipated costs. But the Pentagon needs to do a better job anticipating the costs for overseas operations. The Pentagon needs to be subject to the same budgetary discipline as every other agency in the Federal Government.

We fund the Department of Defense to ensure that our military will be prepared to defend our interests should the Commander in Chief and the Congress believe it is justified. Yet, our military budget planners seem to act as if those funds are only designed to buy equipment and train personnel—not use the equipment or deploy the people.

Mr. President, the United States humanitarian, peacekeeping, and peace enforcing operations in Bosnia, Somalia, Haiti, and Iraq are worthy efforts. Our military is doing a superb job, and they deserve our support. We need to ensure that our military personnel are adequately trained for the challenges ahead. We need to guarantee that our readiness will be top-notch. Continually asking the Congress to provide supplemental funds to pay these bills is the wrong way to reach these goals. The path to success in readiness is through sound budgeting.

Mr. President, this amendment is fiscally responsible, it is good public policy, and I urge my colleagues to support it.

The PRESIDING OFFICER. The question occurs on amendment No. 1453 offered by the Senator from Wisconsin [Mr. FEINGOLD].

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from New Jersey [Mr. BRADLEY] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from Missouri [Mr. DANFORTH], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Texas [Mrs. HUTCHISON], and the Senator from Oregon [Mr. PACKWOOD] are necessarily absent.

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

The result was announced—yeas 19, nays 76, as follows:

[Rollcall Vote No. 40 Leg.]

YEAS—19

Bingaman	Gregg	Metzenbaum
Boxer	Harkin	Sasser
Brown	Hatfield	Simon
DeConcini	Kerry	Wellstone
Dorgan	Kohl	Wofford
Feingold	Lautenberg	
Grassley	Mathews	

NAYS—76

Akaka	Feinstein	Mitchell
Baucus	Ford	Moseley-Braun
Bennett	Glenn	Moynihan
Biden	Gorton	Murkowski
Bond	Graham	Murray
Boren	Gramm	Nickles
Breaux	Hatch	Nunn
Bryan	Heflin	Pell
Bumpers	Helms	Pressler
Burns	Hollings	Pryor
Byrd	Inouye	Reid
Campbell	Jeffords	Riegle
Chafee	Johnston	Robb
Coats	Kassebaum	Rockefeller
Cochran	Kempthorne	Roth
Cohen	Kennedy	Sarbanes
Conrad	Kerrey	Shelby
Coverdell	Leahy	Simpson
Craig	Levin	Smith
D'Amato	Lieberman	Specter
Daschle	Lott	Stevens
Dodd	Lugar	Thurmond
Dole	Mack	Wallop
Domenici	McCain	Warner
Exon	McConnell	
Faircloth	Mikulski	

NOT VOTING—5

Bradley	Durenberger	Packwood
Danforth	Hutchison	

So the amendment (No. 1453) was rejected.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 1454

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER (Mr. LIEBERMAN). The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I address the following remarks to the amendment by Mr. DURENBERGER, in connection with which the Senate will be voting soon. I hope the Senate will not support that amendment by Mr. DURENBERGER. It is an attempt to set up a procedure whereby the executive branch would reserve in the disaster relief fund an amount they determine would be necessary to fund the average annual amount expended for disaster relief during the preceding 5 years.

The problem with this approach is that it would supersede the present process for handling emergencies that was negotiated after lengthy discussions during the 1990 budget summit and is incorporated in the budget of 1990. In so doing, the pending amendment would take away from discretionary spending the amount that would be reserved in this newly established trust fund. This would mean that we would have literally billions of dollars less to spend on discretionary spending, including defense, over the coming years if this amendment were agreed to. The reason is that this amendment would separate out billions of dollars that will be required for natural disasters and other emergencies and not allow those funds to be used for any other purpose.

Whatever amounts were determined by the executive branch to go into the disaster relief trust fund would be taken away from the discretionary caps each year. As all Senators are aware, those caps are extremely binding, extremely tight, extremely constrained. The committee, agreeing by amendment in the markup of this, recognized that disasters and other emergency funding needs have grown dramatically over the past several years. It is for that reason that my amendment, cosponsored by Senators INOUYE, HATFIELD, and STEVENS, would establish a bipartisan task force to examine the history of funding natural disasters and make recommendations to the Senate prior to the convening of the 104th Congress on better ways to provide these essential appropriations in the future, without at the same time throwing our deficit reduction goals out the window.

So I urge my colleagues not to support this amendment. I intend to make a point of order against it, and I hope the point of order will be sustained.

The pending amendment would create a new trust fund and exclude the outlays from that trust fund from being taken into account for the purposes of the Congressional Budget Act of 1974, the Balanced Budget Act, or Emergency Deficit Control Act of 1985. Under section 306 of the Congressional Budget Act, it is not in order to consider an amendment dealing with matters under the jurisdiction of the Budget Committee unless such an amendment is offered to a measure reported from that committee. The pending bill was not reported from the Budget Committee and therefore a point of order lies.

Mr. President, I shall now make the point of order, and I ask unanimous consent that the Chair not rule on it until the Senate reaches the amendment's place on the list previously entered under the majority leader's order. I make the point of order against the amendment for violating section 306 of the Congressional Budget Act.

VOTE IN RELATION TO AMENDMENT NO. 1454

The PRESIDING OFFICER. The Republican leader.

Mr. DOLE. Mr. President, on behalf of Senator DURENBERGER, I move to waive the Budget Act for consideration of the Durenberger amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. I do not believe the minority leader could be heard. There will be order in the Chamber.

Mr. DOLE. I thank the Chair.

Mr. President, on behalf of Senator DURENBERGER, I move to waive the Budget Act for consideration of the Durenberger amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER (Mr. FEINGOLD). The question is on agreeing to the motion of the Senator from Kansas to waive the Budget Act for the consideration of amendment No. 1454.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from New Jersey [Mr. BRADLEY] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from Missouri [Mr. DANFORTH], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Texas [Mrs. HUTCHISON], and the Senator from Oregon [Mr. PACKWOOD] are necessarily absent.

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

The result was announced, yeas 41, nays 54, as follows:

[Rollcall Vote No. 41 Leg.]

YEAS—41

Bennett	Brown	Chafee
Bond	Burns	Coats
Cochran	Hatch	Pressler
Cohen	Hollings	Roth
Coverdell	Jeffords	Sasser
Craig	Kassebaum	Shelby
D'Amato	Kempthorne	Simpson
DeConcini	Kohl	Smith
Dole	Lott	Specter
Faircloth	Mathews	Stevens
Gorton	McCain	Thurmond
Gramm	McConnell	Wallop
Grassley	Metzenbaum	Warner
Gregg	Murkowski	

NAYS—54

Akaka	Feinstein	Mack
Baucus	Ford	Mikulski
Biden	Glenn	Mitchell
Bingaman	Graham	Moseley-Braun
Boren	Harkin	Moynihan
Boxer	Hatfield	Murray
Breaux	Heflin	Nickles
Bryan	Helms	Nunn
Bumpers	Inouye	Pell
Byrd	Johnston	Pryor
Campbell	Kennedy	Reid
Conrad	Kerrey	Riegle
Daschle	Kerry	Robb
Dodd	Lautenberg	Rockefeller
Domenici	Leahy	Sarbanes
Dorgan	Levin	Simon
Exon	Lieberman	Wellstone
Feingold	Lugar	Wofford

NOT VOTING—5

Bradley	Durenberger	Packwood
Danforth	Hutchison	

The PRESIDING OFFICER. If there are no other Senators wishing to vote, on this vote, the yeas are 41, the nays are 54.

Three-fifths of the Senators duly chosen and sworn, not having voted in the affirmative, the motion is rejected.

The amendment contains subject matter within the jurisdiction of the Budget Committee that was offered to the bill which has not been reported by that committee. The point of order is sustained, and the amendment falls.

AMENDMENT NO. 1456

Mr. BYRD. Senator MCCAIN's amendment would take away from States over $1.7 billion in funds provided through the ISTEA legislation and another $488 million which has been provided to States through annual appropriations. The $1.7 billion proposed for rescission is not within the jurisdiction of the Appropriations Committee. These are funds provided over the life of the ISTEA legislation for specific projects in all 50 States.

Senator MCCAIN's amendment would pull the rug out from the States that have been planning to use this money this year or in the near future. In many cases, States have conducted the necessary environmental impact statements, site planning preparation, and preliminary engineering studies, and are ready to go to construction.

In other words, States have in many cases invested a significant amount of either their own resources or Federal resources to be ready to obligate the highway construction dollars. Many of the projects that would lose money on the McCain amendment were planning to go to construction as early as the upcoming spring construction season.

To withdraw this money at this time would not only be disruptive to a

State's construction plans but would waste the resources already invested in these projects. States cannot immediately go to construction when they receive Federal dollars for a project. There is a long and complex permitting process that must be complied with, such as holding public hearings and obtaining necessary permits, often to comply with Federal regulations, and 2 years go by before a shovel can be put into the ground.

Senator MCCAIN's amendment assumes that these projects are not under construction. In many cases what the Federal listing failed to recognize was that the projects were under construction but had been going forward using State funds. It also fails to recognize that, under the Federal regulations, the State cannot obligate Federal highway funds until all of the resources necessary to complete a usable segment are in hand.

Mr. President, I hope that the Senate will not adopt the amendment. A motion to table may be offered at the time, in which case I hope the Senate will vote to table the amendment.

I ask unanimous consent that there be printed in the RECORD a U.S. Department of Transportation Federal Highway Administration list of the ISTEA projects that are proposed for rescission, and the appropriated projects that are proposed for rescission, and the total proposed rescission for each State on the list.

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

U.S. DEPARTMENT OF TRANSPORTATION FEDERAL HIGHWAY ADMINISTRATION

State	ISTA proposed rescission	Appropriated proposed rescission	Total proposed rescission
Alabama	21,166,624		21,166,624
American Samoa	1,030,400		1,030,400
Arizona	4,777,600	21,554,862	26,342,462
Arkansas	81,080,208	9,850,357	90,930,565
California	132,475,367	13,030,000	145,505,267
Colorado	1,299,200		1,299,200
Connecticut	3,741,730		3,741,730
District of Columbia	9,727,200		9,727,200
Florida	72,156,530	18,154,396	90,310,926
Georgia	27,494,435	7,997,401	35,491,836
Hawaii	2,688,000	5,560,000	8,248,000
Idaho	22,207,997		22,207,997
Illinois	96,366,368	1,928,530	98,294,898
Indiana	37,706,930	31,168,897	68,875,877
Iowa	9,261,510	21,846,723	31,108,233
Kansas	25,567,368	22,125,880	47,693,248
Kentucky	29,498,889	8,750,000	38,248,889
Louisiana	31,219,680	600,000	31,819,680
Maine	14,532,947		14,532,947
Maryland	4,256,000	25,966,667	30,222,667
Massachusetts	2,613,200	5,939,303	8,582,503
Michigan	27,916,809	8,023,000	35,939,809
Minnesota	45,866,498		45,866,498
Mississippi	11,851,649	3,220,000	15,071,649
Missouri	49,978,176	680,000	50,658,176
Montana	6,953,485	3,200,000	10,153,485
Nebraska	10,941,120	2,640,000	13,581,120
Nevada	24,737,029	1,331,280	26,068,309
New Jersey	36,621,726	36,566,872	73,188,598
New Mexico	3,887,149	5,010,191	8,897,340
New York	119,571,386	53,286,509	172,857,895
North Carolina	9,838,400		9,838,400
North Dakota	5,394,780		5,394,730
N. Hampshire	9,235,133	6,656,413	15,891,546
Ohio	66,489,920	7,550,000	74,039,920
Oklahoma	11,083,520	6,722,367	17,805,887
Oregon	11,558,400	3,488,333	15,046,733
Pennsylvania	319,843,651	38,892,158	358,735,809
Rhode Island	10,930,132		10,930,132
South Carolina			
South Dakota	1,612,800	3,295,000	1,908,800
Tennessee	29,925,884		29,925,884
Texas	68,536,170	16,610,125	85,146,295
Utah	3,110,660	11,400,000	14,510,660
Various	448,000		448,000
Vermont	7,570,400	729,413	8,299,813
Virgin Islands	4,154,800		4,154,800
Virginia	49,313,500	4,950,000	54,263,600
Washington	6,095,648		6,095,648
West Virginia	132,032,597	71,850,996	203,833,593
Wisconsin	672,000	10,199,867	10,871,867
Wyoming	5,732,600		5,732,600
Subtotal	1,722,802,255	490,786,540	2,213,588,795
Less: Obligations anticipated through February 7, 1994	(1,532,255)	(2,338,985)	(3,871,240)
Total	1,721,270,000	(488,447,555)	2,209,717,555

Note: Amounts are unobligated balances as of January 10, 1994.

Mr. BYRD. I hope that Senators, in voting, will review this list so that each Senator may see precisely how much money will be rescinded from his State's projects before he votes.

WISE RESCISSION PROPOSAL

Mr. GRAHAM. Mr. President, I am pleased to support the amendment offered by the Senator from Arizona [Mr. MCCAIN]. This amendment would rescind highway demonstration projects which have not begun construction. The list, submitted by President Clinton as part of the 1995 budget, totals over $2.2 billion.

Each dollar which is spent on a demonstration project is taken either from deficit reduction or from a rational allocation process which awards highway funds based on their merits.

This Nation has tremendous infrastructure needs, and our annual transportation appropriations cannot come close to meeting those needs. Fortunately, most Federal highway money is distributed according to a thorough planning process by which States and metropolitan areas prioritize their projects and proceed only with those that top the priority list. In every State and community, high-priority projects go unfunded for a lack of money.

Given these severe constraints, we simply cannot afford to divert Federal funds to the pet projects of Members of Congress. Very few so-called demonstration projects actually can justify the label of demonstrating anything at all other than that one or more Member of Congress was successful in inserting funding for them into a piece of legislation.

Mr. President, I have an article from the February 6 Orlando Sentinel which is an excellent analysis of this issue. The article, written by Mr. Sean Hol-

ton, outlines the history of congressional transportation earmarks and documents their rise in number throughout the last decade. It is my hope that the epilog to the story will be the adoption of the McCain amendment, rescinding funding for $2.2 billion in projects which have yet even to begin construction.

I ask unanimous consent that the text of Mr. Holton's article be printed in the RECORD following my remarks and urge my colleagues to support the amendment.

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

[From the Orlando Sentinel, Feb. 6, 1994]

SPECIAL HIGHWAY PROJECTS BRING HOME THE BACON

(By Sean Holton)

WASHINGTON.—They are called "highway demonstration projects," but the main thing they demonstrate is the power of the pork-barrel kings of Congress.

If you live near a place like Altoona, Pa., you might think of these projects as manna from heaven. If you live someplace else—Florida, say—you might call them highway robbery.

Since 1987, demonstration projects—intended to stimulate innovative road building—have become a wildly popular way for Congress to spend billions of taxpayers' dollars without going through the regular highway program.

And this year, against the advice of their expert accountants, lawmakers are preparing to spend still more.

The money used for demo projects amounts to less than 5 percent of the $20-billion-a-year federal highway program. But transportation experts—including those at the General Accounting Office—say this is money not well spent.

"In 1991 we found that about half of the demonstration projects we reviewed did not appear on state or regional transportation plans," GAO official Kenneth Mead told a congressional committee last year. As such, the demo projects leapfrogged what local transportation officers had set as priorities.

The demo projects give individual lawmakers, generally the most powerful ones, a chance to circumvent established road-building priorities and channel money directly to pet projects in their home states or districts.

The dealing is done out of the public eye, and the results eventually wind up in the fine print of multiyear highway bills and annual spending bills. Powerful lawmakers on committees that control those bills either insert the demo projects for themselves or in a horse trade with a colleague.

Florida, which has less clout than other states on key congressional committees that dole out demo projects, has suffered in the competition, to the tune of at least $143 million since 1991, according to a study by The Orlando Sentinel.

"When you have a person—a member of the House or Senate—with the seniority, then you are going to see some results," said Bill Taylor, who has lobbied in Washington for 23 years on behalf of Florida's Transportation Department. "We lost a hell of a lot of seniority in the worst possible places."

STRINGS ATTACHED

Even the money that Florida has received comes with strings attached.

The dollars are dedicated to many non-priority projects such as the "Mosquito Creek Bridge" near Chattahoochee, or the Interstate 4 interchange near State Road 46A, approved at the insistence of real estate developer Jeno Paulucci in 1987 to benefit the exclusive Heathrow development. A construction date has not been set.

Over the years, the line between demo projects ostensibly intended to be truly innovative and those that are routine has blurred. Now, the money may go for anything from "paving a gravel road to building a multilane highway," according to the GAO.

"Some [demo projects] are probably questionable, and I'm being charitable with that description," said Florida Transportation Secretary Ben Watts. "I think a lot of times the only thing they demonstrate is that you can get a demonstration project."

How much money has been spent this way?

More than $12.3 billion since 1970, according to an analysis of highway administration data by the Sentinel. During that time, Congress has authorized 1,223 separate expenditures for demo projects.

A closer look at the data shows just how huge the recent increase in demo project authorizations has been.

Between 1970 and 1986, the country got by with only 78 demo project authorizations by Congress. In the eight years since, Congress has approved 1,145 more of these expenditures.

No one on Capitol Hill seems to have a good explanation for the increase, except to say that doling out demo projects in tight budget years has become a favorite way for legislative leaders to buy loyalty and support from members.

The banner year came in 1991, when Congress larded a 6-year highway bill and an annual appropriations bill with 679 projects totaling $7.8 billion. Since then, Congress has approved another 233 demo projects worth $978 million and has put out the call for more requests from members this year.

Where does all that money go?

In 1991, $2.4 million went toward the Mosquito Creek Bridge, a county road bridge planned to carry traffic over a set of railroad tracks outside Chattahoochee in the Florida Panhandle. The project isn't a national or even a State priority, but it is in the district of Rep. Pete Peterson, D-Marianna, a member of the House Appropriations Committee.

Another 1991 "demo project" was $14.2 million for a paintjob on the Chicago Skyway, a lightly traveled tollway that the Chicago Tribune once dubbed "the bag lady of Chicago-area highways."

But the lowly bag lady had a very powerful friend: Rep. Dan Rostenkowski, D-Ill., chairman of the tax-writing House Ways and Means Committee, who also wangled $35 million for "various intermodal facilities" at the Chicago Museum of Science & Industry. The facilities turned out to be a parking garage.

State transportation experts acknowledge that not all demo projects are purely pork. Some are desperately needed, but simply too expensive to pay for with regular federal highway assistance.

Thus, Florida's transportation department is supporting a project request for $185 million this year to replace the Fuller Warren Bridge in Jacksonville, where Interstate 95 crosses the St. Johns River.

A TURNABOUT FOR MAINE

In most cases, though, the demo projects are dictionary definition pork barrel; government appropriations for political patronage, as for local improvements to please legislators' constituents.

Consider, for example, this reversal of fortune for the State of Maine during the period studied by the Sentinel:

Between 1970 and 1989, Maine pulled down just $24 million in demo project money—making it 29th among all States. Then in 1989 Maine Democrat George Mitchell became Senate Majority Leader.

Two years later—in the 1991 highway bill—Maine jumped in a single bound to 17th place in the Demo Project Sweepstakes, with $187 million worth of bridge improvements.

But not even Mitchell's performance could top that of Rep. Bud Shuster, R-Pa., who brought home nearly a half-billion dollars in highway demo projects in 1991, according to the highway department data.

Shuster, the ranking Republican on the House Public Works and Transportation Committee which writes highway bills, steered at least $454 million to his district in Altoona. Were it a State unto itself, the district would have ranked fourth in getting highway demo project dollars that year.

"These little piglets that have now become giant hogs," Sen. Bob Graham, D-Fla., said of demo projects in a 1991 speech on the Senate floor.

But being a politician, Graham is not above rounding up a few hogs of his own.

On the day of that speech, he landed a $97.5 million demo project to acquire right-of-way and begin construction on a magnetic levitation train line from Orlando International Airport to International Drive.

HOW FLORIDA LOSES

Florida has garnered $445 million in demonstration projects since 1970 and ranks sixth among all States in the period studied by the Sentinel.

The biggest chunk of that money was $126 million in 1974 for replacing about three dozen decrepit bridges that carry U.S. 1 over the sea to Key West—a project that, were it built today, would cost many times as much, because of inflation.

Since 1991, the State has received $218 million, putting it 10th among the states in demo dollars during that period.

But a look at the fine print, especially since 1991, shows why Florida officials would just as soon do without demo projects.

Over that three-year period, Congress has approved $8.7 billion worth of highway demo projects. Florida's $218 million represents about 2.5 percent of that total.

What if the same $8.7 billion had been put into the regular highway fund instead and allotted according to the standard formula for distributing federal highway dollars among States? Under that scenario, Florida would have received about 4.1 percent of the money—or $361 million.

The difference represents a loss to Florida of $143 million in potential federal highway aid.

Florida is not the only State in that situation: Under the same analysis, California loses $317 million; Texas, $304 million; and Georgia, $135 million. In all, 34 States plus the District of Columbia lose more than they gain because of demonstration projects, according to the Sentinel study.

So which States are the big winners? Under the regular distribution formula, Pennsylvania would get about 4.2 percent, or $371 million, of the demo project money. But thanks to pork barons such as Bud Shuster, Pennsylvania has instead received more than $1 billion in demo project dollars since 1991.

Cross-index the other "winning" States with a "Congressional Directory", and you've got an all-star lineup of Capitol Hill power brokers:

New York, $646 million net gain (Sen. Daniel Patrick Moynihan (D) and Alfonse D'Amato, the ranking Republican on the Senate Appropriations subcommittee on transportation).

West Virginia, $585 million net gain (Sen. Robert Byrd (D), chairman of the Appropriations Committee, and Rep. Nick Rahall (D), the new chairman of the Public Works subcommittee on surface transportation).

Arkansas, $277 million net gain (former Rep. John P. Hammerschmidt, Shuster's predecessor as ranking Republican on the Public Works committee).

CAUTION: PORK AHEAD

More demo projects are in the pipeline this year as part of legislation Congress is considering for designation of a new National Highway System.

Officials of the House Public Works and Transportation Committee refuse to say how many new requests for highway demo projects they had received as of a Jan. 7 deadline.

"We're still tabulating," a committee aide said. "And even when we do, we're not releasing that number."

But all indications are that lawmakers are hoping for a bumper crop: The Florida delegation alone filed requests for 13 projects totaling $630 million and publicly released those proposals last month.

Some demo project opponents such as Graham are counting on President Clinton to call for transferring money from demo projects to regular highway accounts when be submits his budget to Congress on Monday.

"We're unlikely to have the self control to deal with this problem," Graham said of Congress. "It's going to take a presidential hammer to the heads of these little piglets."

WINNERS AND LOSERS

Since 1991, Congress has authorized $8.8 billion worth of highway demonstration projects. States with more political pull in Congress grabbed much bigger shares of that pot than they would have received had the same money been allotted under the standard formula for distributing federal highway dollars. High-growth States such as Florida, Texas and California—which put in more money than they get back, even under the standard formula—lost still more money because of the demo projects.

The biggest winners:

	Standard formula (percent)	Percent demo project share	Dollars gained (millions)
Pennsylvania	4.2	12.0	680.8
New York	5.3	12.6	646.8
West Virginia	.9	7.6	585.2
Arkansas	1.1	4.3	277.5
Maine	.4	2.1	144.4
Illinois	3.4	4.9	131.9

The biggest losers:

	Standard formula (percent)	Percent demo project share	Dollars lost (millions)
Massachusetts	0.1	0.1	523.8
California	9.3	5.8	317.3
Texas	6.4	3.0	304.4
Ohio	3.6	2.0	144.5
Florida	4.1	2.5	143.1
Georgia	2.9	1.4	135.0

Source: Orlando Sentinel computer analysis of Federal Highway Administration and U.S. General Accounting Office data.

VOTE ON AMENDMENT NO. 1456

The PRESIDING OFFICER. The question now is on agreeing to amendment No. 1456 offered by the Senator from Arizona [Mr. MCCAIN].

The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from New Jersey [Mr. BRADLEY] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from Missouri [Mr. DANFORTH], the Senator from Maine [Mr. DURENBERGER], the Senator from Texas [Mrs. HUTCHISON], and the Senator from Oregon [Mr. PACKWOOD] are necessarily absent.

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

The result was announced—yeas 23, nays 72, as follows:

[Rollcall Vote No. 42 Leg.]

YEAS—23

Brown	Gregg	Pressler
Chafee	Helms	Roth
Coverdell	Hollings	Simpson
Dole	Kassebaum	Smith
Faircloth	Lieberman	Thurmond
Gorton	Mack	Wallop
Graham	McCain	Warner
Gramm	Nunn	

NAYS—72

Akaka	Dorgan	Mathews
Baucus	Exon	McConnell
Bennett	Feingold	Metzenbaum
Biden	Feinstein	Mikulski
Bingaman	Ford	Mitchell
Bond	Glenn	Moseley-Braun
Boren	Grassley	Moynihan
Boxer	Harkin	Murkowski
Breaux	Hatch	Murray
Bryan	Hatfield	Nickles
Bumpers	Heflin	Pell
Burns	Inouye	Pryor
Byrd	Jeffords	Reid
Campbell	Johnston	Riegle
Coats	Kempthorne	Robb
Cochran	Kennedy	Rockefeller
Cohen	Kerrey	Sarbanes
Conrad	Kerry	Sasser
Craig	Kohl	Shelby
D'Amato	Lautenberg	Simon
Daschle	Leahy	Specter
DeConcini	Levin	Stevens
Dodd	Lott	Wellstone
Domenici	Lugar	Wofford

NOT VOTING—5

Bradley	Durenberger	Packwood
Danforth	Hutchison	

So the amendment (No. 1456) was rejected.

Mr. LEAHY. Mr. President, I move to reconsider the vote by which the amendment was rejected.

The PRESIDING OFFICER. Without objection, the motion to lay on the table is agreed to.

ORDER OF PROCEDURE

Mr. BROWN. Mr. President, I ask unanimous consent in an effort to expedite the procedures that we vitiate the request for the yeas and nays on my amendment No. 1458.

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

AMENDMENT NO. 1456

Mr. BYRD. Mr. President, does the Senator wish a vote on his amendment?

The PRESIDING OFFICER. The Senate will come to order.

The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, I can briefly comment on the results of the last vote.

The distinguished chairman of the Appropriations Committee was kind enough to send around a list of the amounts of money in these so-called demonstration projects which have been called by the General Accounting Office "highway demonstration project completion costs would greatly exceed authorized Federal and State contributions. The State officials are uncertain whether they will find the money."

In the words of the President himself, "It will eliminate funding provided by annual appropriations acts for all unauthorized highway demonstration projects that are not under construction."

Mr. President, apparently we are afraid to make projects compete based on merit.

Mr. BYRD. Mr. President, may we have order in the Senate for once during this long and hectic day?

The PRESIDING OFFICER. The Senate will be in order.

The Senator from Arizona.

Mr. MCCAIN. Mr. President, I will not belabor the subject except to say that this is the kind of thing that the American people in the ballot booth have rejected time after time—billions, not millions, not tens of millions, not hundreds of millions—billions of dollars, billions of dollars, in projects that are unauthorized, that have no competition associated with it, no scrutiny, no examination, but are placed in appropriations bills directly related to virtues other than merit.

I would like to tell this body I will continue to tell the people of this country about this process. I will continue to fight for a line-item veto. I will continue to urge the President of the United States to bring forth rescissions on appropriations like these because the American people deserve it.

Mr. President, I yield the floor.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. These items were authorized. The ISTEA projects were authorized and the appropriated projects were authorized.

So the distinguished junior Senator from Arizona is simply in error. These projects constitute infrastructure. They represent jobs. They are beneficial to the States and the Nation. They are good from the standpoint of national defense.

Those Senators who voted against the Senator's amendment were voting in the interests of the Nation and in the interest of their respective States. I respect them for that.

I respect the Senator from Arizona for writing to the Appropriations Committee on behalf of the Turquoise Trail Economic Development Highway Project in Arizona. On September 30,

1991, the distinguished Senator wrote to the Appropriations Committee as follows.

As you go to conference with the House on the FY '92 Transportation Appropriations bill, I respectfully urge you to hold firm for the $3 million funding level recommended by the Senate for the Turquoise Trail Economic Development Highway Project.

I know you are aware of the critical need for infrastructure.

That is what we are talking about. That is what Senator MCCAIN was referring to when he wrote to the Appropriations Committee. I respect him for writing on behalf of the project that affects his constituents.

He said:

I know you are aware of the critical need for infrastructure and economic development in Indian country, and I especially appreciate the support you have given the Turquoise Trail project in the past. Indian roads are oftentimes gravel tracks or graded dirt paths which erode with every rainfall. Business development and tourism are hindered by these road conditions, and the economies of the Indian tribes suffer as a result.

The Turquoise Trail is a joint effort of the Navajo and Hopi Indian tribes. It is significant that these Indian nations, which have been embroiled in a bitter land dispute, are working so closely on this project to help overcome their differences and improve the surrounding communities.

Again, I urge you to accept the Senate's recommended $3 million in funding for the Turquoise Trail, and I thank you for your consideration.

Sincerely,

JOHN MCCAIN,
United States Senator.

Also, on May 1991, Mr. MCCAIN wrote to Mr. LAUTENBERG, chairman of the Appropriation Subcommittee on Transportation, as follows:

DEAR FRANK: The purpose of this letter is to request your assistance in providing funds for a critical highway project in Arizona which has a significant federal interest.

I do not blame the Senator for writing that letter. He was doing what his constituents expect him to do.

For over three years, the State of Arizona, along with Maricopa and Pinal Counties, the Ak-Chin and Gila River Indian communities and the private sector through the Maricopa Road Association, have been working to fund a four-lane highway—the new Maricopa Road/State Route 347.

Maricopa County has contributed over $6.5 million, Pinal County almost $14 million and the Arizona Department of Transportation over $12.5 million toward the construction of the roadway to date.

Unfortunately, despite this substantial cooperative effort, there remains a funding gap on the lands of the Gila River Indian Community to complete the project. The Pinal County bond funds cannot be spent on the stretch across the reservation and since the stretch is within another county, Maricopa County funds cannot be spent there. Finally, the ADOT has no additional monies to expend for this segment of the project. Because the funds do not exist to complete the stretch within the reservation, soon there will be an hour-glass effect, where a four-lane road becomes two lanes through the Gila River Indian Community and then back to four lanes south of the reservation.

In order to enable this new highway to fully function as a major regional transportation corridor, $8 million is needed to complete the roadway to four lanes through the Gila River Indian Community. The tribe fully supports this request and needs the road expansion to assist in developing the tribal economy—a significant federal interest.

I recognize the serious constraints within which the committee is operating. I believe, however, that this is a vital project worthy of the committee's support.

Thanks for the consideration. If I may provide you with any additional information, please don't hesitate to contact me.

Sincerely,

JOHN MCCAIN,
United States Senator.

Notice that the Senator wrote those letters because he felt it was his responsibility to write on behalf of his constituents concerning a matter affecting his State. I respect him for that.

But, Mr. President, if a Senator is going to criticize other Senators because they likewise stand up for the interests of their States, their constituents, and infrastructure projects that benefit the Nation, then one should be careful not to ask for favors of the Appropriations Committee on his own behalf.

I want to help the Senator when he has a project that we can help him with. I am not criticizing him for doing what he thinks is best on behalf of his constituents. Likewise, I accord that same courtesy to other Senators whose States would have been adversely affected by the amendment offered by the distinguished Senator from Arizona.

I thought it would be good for the Senate to have this correspondence called to the attention of the Senate, in view of the fact that the Senator from Arizona is quick to criticize other Senators for trying to do something for their own States. He is very considerate of the taxpayers when it comes to infrastructure projects in other States, but he supports such projects in his own State. I do not blame him for supporting projects in his own State. But I think that if we are going to be critical of the Appropriations Committee and of other Senators for supporting road projects in their States, we should have some hesitancy about writing to the Appropriations Committee and requesting support for one's own State projects of the same nature.

I yield the floor.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER (Mr. CAMPBELL). The Senator from Texas is recognized.

Mr. GRAMM. Mr. President, if the Senate voted this afternoon on building a cheese factory on the Moon, I would no doubt vote against it. But if the Senate decided, in its collective lack of wisdom, to build a cheese factory on the Moon, I would want engineers from Texas to design that cheese factory. I would want a construction company from Texas, since we have the best construction companies in the world, to build that cheese factory. If we were going to use milk from earthly cows, I would want milk from Texas cows to be used to make the cheese in the factory on the Moon, and I would want the celestial headquarters for it in Texas. But am I for a cheese factory on the Moon? No.

The point is, if the Senate decides to build such a cheese factory, every Member is obligated, once that decision is made, to try to see that his State is to some degree a beneficiary, since his State or her State is paying part of the cost.

It seems to me that the point of the amendment of the Senator from Arizona was that the President had given us a way of saving money by eliminating the demonstration grants. I remind my colleagues that $26 million of them were in the State of Arizona.

The point is, if we are going to have demonstration grants, if we are going to move outside the merit selection process, if we in Congress are going to decide where to spend the money based on our ability to get projects in the bill, all of us are obligated to participate in that activity.

But, Mr. President, going back to my analogy about the cheese factory on the Moon, I see absolutely nothing inconsistent between being against demonstration projects, but, if the Senate is going to fund them, trying to see that demonstration projects are funded in someone's State. If the Senator from Arizona had listed all of the States here save one, and that had been Arizona, then I think one might raise a question about his amendment.

But the fact that the Senator was going to cut $26 million from his own State, believing that demonstration projects do not represent the best way to make the decision, and that perhaps we should have a merit selection process and that maybe we should break gridlock by supporting our President, it seems to me that on that basis one can agree or disagree with the Senator from Arizona, but one cannot say that there is something inconsistent about the amendment that he has offered.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California [Mrs. BOXER] is recognized.

Mrs. BOXER. Mr. President, I will not take very much time of the Senate. But now I have to rise again, as I did earlier today. We are now talking about cheese factories on the Moon. I want to bring us back to the ground. This is what happened in the Los Angeles region now about a month ago: Fires burning out of control; people thrown out of bed; people losing their homes—and we cannot go back. In Los Angeles City alone, 26,000 homes were red or yellow tagged.

I say to my friends: Please let us get back to the reason we are here today—the emergency supplemental appropriations. Referring to this picture, this is the way the faces of the emergency workers looked on that day. For your information—and you may be interested—they are digging people out of a house that crumbled. I know my colleagues would rather not look at this. Obviously, they would not. And they are fortunate that they can look away. But I have to tell you that these emergency workers cannot forget the dead bodies that came out of this home.

We will have time to debate ISTEA. We will have time to get into these very important matters that Senators wish to raise. But I hope that we will get back to the heart of what brings us here today and pass this bill. And, yes, let us find better ways to pay for emergencies, because whether they happen in Texas, whether they happen in Arizona, whether they happen in Colorado, whether they happen in California, or Kentucky, or New York, or West Virginia, we have to help our fellow Americans.

Thank you very much. I yield the floor.

Mr. SPECTER. Mr. President, I will just have a ccmment or two about the applicability of the pending appropriation for disasters which have occurred in Pennsylvania, where there was an extraordinary earthquake in Berks County, Reading, and where there have been very substantial damages due to severe winter weather as specified in a letter from the Governor of Pennsylvania, Governor Casey, to the President, dated February 2, 1994.

I ask unanimous consent that a copy of Governor Casey's disaster declaration letter, copies of my letter to Senator BYRD and Senator HATFIELD, dated February 2, 1994, together with a copy of a letter dated February 1, 1994, from the Berks County Emergency Management Agency to Congressman TIM HOLDEN be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

COMMONWEALTH OF PENNSYLVANIA,
OFFICE OF THE GOVERNOR,
Harrisburg, PA, February 2, 1994.

Hon. WILLIAM J. CLINTON,
President of the United States, The White House, Washington, DC.

Through: The Federal Emergency Management Agency, Ms. Rita A. Calvan, Director, Region III, Liberty Square Building (Second Floor), 105 South Seventh Street, Philadelphia, PA.

DEAR MR. PRESIDENT: On January 22 1994, I wrote to you in regard to federal assistance to help address the effects of a series of severe storms and earthquakes that caused widespread damages in a number of counties in the Commonwealth of Pennsylvania. Pursuant to the provisions of Section 501 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, Public Law 93-288, as amended, and implemented by 44 CFR Part 206.35, I request that you declare an emergency for the Commonwealth of Pennsylvania due to damages from a series of severe storms that began on January 4, 1994, and continued through January 31, 1994. These storms consisted of snow, rain, freezing rain and ice, coupled with earthquakes and an energy crisis which included power shortages and outages. These events created major threats to public health and safety which resulted from inaccessibility of roads due to extreme record cold, record snowfall and extensive icing. In addition, the Mid-Atlantic grid system experienced one week of voltage reductions and rolling blackouts. Furthermore, earthquakes measuring 4.6, 4.0 and 2.9 on the Richter Scale took place on January 15, 1994, and successive dates.

In response to the situation, I have taken appropriate action under Commonwealth law by declaring a State Disaster Emergency effective January 6, 1994, for the counties of Fayette, Greene, Washington, and Westmoreland which I amended on January 19, 1994, to include all other sixty-two (62) counties of Pennsylvania.

Further, I directed the implementation of the State Emergency Operations plan and authorized Commonwealth agencies to take appropriate actions to assist affected counties in restoring vital public utilities and transportation systems as well as providing other assistance as necessary to protect the public health and safety.

The amount and severity of the cumulative effect of the weather systems required a massive governmental response. At present, response and recovery efforts are still ongoing. I have determined that the cumulative effect of this series of storms and the earthquake are of such severity and magnitude that effective response is beyond the capability of the State and the affected county/local governments. The resources of Pennsylvania's county/local governments and volunteer organizations have been exceeded by the urgent requirements imposed by these sequential periods of severe winter weather and all possible state assistance has been provided.

Supplemental federal emergency assistance is necessary to save lives, to protect property, public health and safety and to lessen the threat of further disasters. I am specifically requesting the full assistance available under 44 CFR Part 206 Paragraph 206.225 and 206.277 to include anti-skid material costs and emergency repairs to public utilities/facilities. I request this assistance be made available to all eligible applicants in accordance with Paragraph 206.222, specifically to include state/county/local governments, mass transit authorities, municipal airports, municipal authorities, schools, hospitals, and eligible private nonprofit organizations.

The following state and local resources have been committed or will be used to alleviate this emergency: all county emergency management staffs, county and municipal road maintenance and snow removal teams, individual county and municipal sub-contractors, and individual county and municipal emergency service agencies. The following state agencies have committed resources and mobilized personnel: Pennsylvania Emergency Management Agency, the Pennsylvania National Guard, the Pennsylvania Department of Transportation, Pennsylvania Department of Aging, Pennsylvania Department of Education, Pennsylvania Energy Office, Pennsylvania Department of Health, Pennsylvania Department of Public Welfare, Pennsylvania Department of Environmental Resources, Fish and Boat Commission, Public Utility Commission, Pennsylvania Turnpike Commission, Pennsylvania State Police, Department of General Services, Department of Corrections, Game Commission, and the State System of Higher Education. A more detailed impact statement is at Enclosure A.

I certify that for this emergency, state and local contributions and expenditures will comply with all applicable cost-sharing requirements of the Stafford Act.

Furthermore, I certify that the Commonwealth of Pennsylvania hereby agrees to:

1. Provide all lands, easements and right-of-way necessary to accomplish the approved work without cost to the United States;

2. Hold and save the United States free from damages due to the requested work, and to indemnify the federal government against any claims arising from such work; and

3. Assist FEMA and applicable federal agencies in all support and local jurisdictional matters.

I intend to designate Joseph L. LaFleur as the State Coordinating Officer for this request. He will work with the Federal Emergency Management Agency and may provide further information or justification on my behalf. I also intend to designate Carl C. Kuehn to fill the position of Governor's Authorized Representative and Karen L. Critchfield as an alternate.

Sincerely,

ROBERT F. CASEY,
Governor.

U.S. SENATE,
Washington, DC, February 2, 1994.

Hon. ROBERT C. BYRD,
Chairman, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR ROBERT: As the full Committee prepares to consider the fiscal year 1994 Supplemental Appropriations bill for emergency assistance for areas struck by recent natural disasters, I urge the Committee's consideration of federal assistance requested by the Commonwealth of Pennsylvania.

I recognize the magnitude of the disaster caused by the January 17th earthquake in Southern California and fully support the Committee's efforts to quickly address the funding needs of that region. In so doing, I wish to bring to the Committee's attention the significance of Pennsylvania's recent disasters due to the very unusual occurrence of three separate earthquakes on January 15, 1994 in Southeastern Pennsylvania and the recent severe cold, record snowfall, and extensive ice conditions throughout the Commonwealth.

Congressman Tim Holden of Pennsylvania's Sixth District and I have met to discuss specific damages to his district as a result of the earthquakes. I am advised that the earthquakes measured 4.6, 4.0 and 2.9 on the Richter Scale, with the 4.6 earthquake the largest on record for the East Coast. Congressman Holden informs me that recent estimates of the damage total $2,645,100 for Berks County alone.

The severe weather during January caused serious, life threatening problems across the entire Commonwealth. Record snow in the southwest, central, and northeast regions of Pennsylvania followed by heavy ice in the east paralyzed the state for days. Further, record arctic cold coupled with wind chill temperatures of 50 below zero forced rolling power blackouts and voltage reductions for over 1.5 million across the Commonwealth. Costs associated with the snow removal are

estimated at $60 million, which does not include the cost to repair infrastructure damaged by the inclement weather.

As a result of the earthquakes and extreme winter storm conditions during January, Pennsylvania recently announced that efforts to respond to the needs of its citizens are beyond the capability of the state and affected local governments. Therefore, the Commonwealth has sought supplemental federal assistance to save lives and protect property from further disaster.

Accordingly, I urge your consideration of the emergency situation facing the Commonwealth of Pennsylvania when preparing the Senate's legislation for supplemental appropriations for disaster assistance in fiscal year 1994. Further, I support efforts to release emergency Low-Income Home Energy Assistance funds to assist States experiencing severe cold weather.

Sincerely,

ARLEN SPECTER.

BERKS COUNTY EMERGENCY MANAGEMENT AGENCY,
Leesport, PA, February 1, 1994.

Hon. TIMOTHY HOLDEN,
6th District Pennsylvania, Longworth Building, Washington, DC.

Attn: Thomas Gajewski.

DEAR CONGRESSMAN HOLDEN: Enclosed are the estimated costs for damages incurred as a result of the earthquakes on January 5, 1994. These are only estimates and should not be used in establishing final costs, since many final assessments cannot be made until the snow/ice have disappeared, and contractors/engineers are able to completely inspect all dwellings, roadways, sewage systems, etc.

If you have any questions or if I can be of any further service to you, please do not hesitate to contact me.

Sincerely,

JOHN E. LOOS,
Director.

Enclosure.

Municipal damage as reported:	
Wyomissing Hills: Streets, sewer lines	$800,000–1,000,000
Spring Township:	
Replacement of Bridge #2	380,000
Road repairs	60,000
Repairs to park pavilion	1,000
Repairs to Sewage Treatment Plant	87,200
Total	528,200
Lower Heidelberg Twp.: Road repair	3,500
Total estimated municipal damage	$1,331,700–1,531,700
Residential damage as reported:	
15 Homes moderate to severe damage—estimated cost	333,400
(Most of these homes assessed value would be approximately	125,000)
173 Homes minor damage—estimated costs	980,000
Total estimated residential damage	1,313,400
Total estimated damage from earthquake	2,645,100

ATTACHMENT A

On January 24, 1994, I requested a State and local survey of the effects on local, county and state agencies. Preliminary assessments as of January 27 indicate severe impacts as follows:

1. Based on information provided to-date, State Agency/Department costs to respond to these situations are in excess of $59,000,000. Of that total, approximately $11,000,000 exceeds budgeted funds, $5,000,000 of which is PennDot's projected shortfall. PennDot also indicates that should the winter season continue as during the last month their projected shortfall could be as high as $30–50 million dollars.

2. Attached are preliminary county totals on winter/ice/snow budgets expenditures. Of the sixty-seven (67) counties, thirteen (13) exceeded their budget by 125%. Of special significance is the fact that most counties are on a calendar fiscal year.

Mr. BYRD. Mr. President, I hope that the Senate will get on with the remaining amendments. There is a bad buildup of weather, and I do not want to be one of those who spends the night in the Capitol. I would like to go home and be with Lady Byrd and Billy Byrd, my little Maltese terrier.

Does Mr. MCCONNELL have an amendment?

Mr. MCCONNELL. I say to my friend from West Virginia, it is my understanding that Senator DOLE's amendment was pending; is that correct?

The PRESIDING OFFICER. The business now pending before the Senate is amendment No. 1459 by Senator DOLE.

Mr. MCCONNELL. It is my understanding that there will be a short time agreement on Senator DOLE's amendment, and I have had an amendment we have run by the Senator's staff. I suggested 15 minutes, which would get us voting very shortly.

I am informed that it is OK with Senator DOLE if I offer my amendment now, if the Senator would like me to go ahead.

Mr. BYRD. Very well.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Dole amendment be temporarily laid aside.

Mr. MCCAIN. I object.

The PRESIDING OFFICER. Objection is heard from the Senator from Arizona.

Mr. MCCAIN. Mr. President, I want to respond to the statement just made by the Senator from West Virginia concerning two letters that I wrote in 1991, more than 3 years ago, on behalf of two native American tribes who are sovereign nations within the State of West Virginia, geographically.

The fact is that it was on behalf of two native American tribes, actually three—Navajo, Hopi, and the Gila River Tribes. The fact that I wrote a letter on behalf of an authorized project has very little relation to $203 million in demonstration projects.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia [Mr. BYRD].

Mr. BYRD. I will be happy for the Senator to have the last word. The Senate has already made its decision and rejected his amendment.

He who the sword of heaven will bear
Should be as holy as severe.

Does the Senator from Kentucky wish to proceed?

Mr. MCCONNELL. Mr. President, I will be happy to go ahead if the chairman would like me to.

Mr. President, I ask unanimous consent that the Dole amendment be temporarily laid aside.

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

AMENDMENT NO. 1461

Mr. MCCONNELL. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL], for himself and Mr. DOLE, proposes an amendment numbered 1461.

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

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

The Senate finds,

That, Investigative reports prepared by the Department of State's Office of Inspector General (OIG) are protected by the Privacy Act, the Freedom of Information Act, and the Inspector General's Act;

That, investigative reports prepared by the State OIG are not publicly releasable without review and redaction of privacy protected information;

That, Congressional committees with legitimate oversight responsibilities have in the past, and may continue to review OIG reports while maintaining the reports' confidential status;

That, the OIG recently has concluded a report on whether the contents of personnel files of Bush Administration political appointees had been improperly released to the public by the staff of the White House Liaison Office;

That, based on this report, the OIG forwarded a prosecutive summary to the Department of Justice outlining criminal violations of the Privacy Act;

That, the Department of Justice declined to prosecute the case; and,

That, the OIG re-opened the inquiry to reinterview key witnesses associated with the search and disclosure of Bush personnel files;

Therefore it is the sense of the Senate, That the Senate has not been provided sufficient information to reach on conclusion about the circumstances surrounding the disclosure of protected Bush Administration files;

The entire report and related annex documents should be made available to the appropriate Congressional offices with legitimate oversight interests;

That the confidentiality of the report should be protected by Congress unless and until the OIG conducts a review and releases the report in accord with relevant statutes;

That the OIG should report in writing to the Majority Leader and the Republican Leader clarifying why such procedures were not observed in the release of the OIG report entitled "Special Inquiry into the Search and Retrieval of William Clinton's Passport File."

That the Attorney General should report in writing to the Majority Leader and the Republican Leader the basis for declining to prosecute the case.

Mr. MCCONNELL. Mr. President, let me explain the amendment. We may not need a time agreement. I will not need but a few moments to describe it. I hope it will pass overwhelmingly.

My amendment deals with the question of the State Department file search by this administration.

I am at a real disadvantage in that I can not discuss why I am so disappointed in the report conducted by the inspector general on the release of Bush appointee files.

That report is appropriately protected by the Privacy Act and unless the IG decides to review, redact, or release its contents I am not free to discuss its scope or conclusions.

What I can say is when I was briefed, the IG told me directly that "There was a clear case of criminal violation of the Privacy Act provable beyond a reasonable doubt and proven in his report."

After my briefing I learned that the IG felt obliged to reinterview key witnesses under oath.

What this tells me is he was either not confident of his initial conclusions which he had officially forwarded to Justice or he was not confident of the previous statements under oath of the witnesses.

In either event, reinterviewing the same witnesses to hear the same story did not and does not address the serious reservations I have about the inquiry.

Without discussing the reports contents, I am concerned that the IG appears to have failed to independently corroborate statements by key senior officials.

He told me point blank that he accepted their sworn statements without further investigation.

Now, I do not know how State's Office of Inspector General operates, but we are a little more thorough in the Ethics Committee, as I know most other committees are.

I do not think any of us fully understand the scope, basis or method of the IG's investigation and given the inconsistencies we ought to have access to the entire record.

That is precisely what I urge in this amendment—that the whole record be made available and I might add protected in accordance with the Privacy Act.

The second point in my amendment asks the IG to explain why it was appropriate to release his entire report on the Clinton passport case in advance of sending the matter to Justice, yet this time, the Privacy Act prohibits its release.

Either it was inappropriate for him to release the report last time or it is inappropriate to withhold the document this time.

I have asked that he establish the standard and reasoning behind his decision in 1992.

Finally, I have asked the Attorney General to explain why Justice declined to prosecute when the IG maintains that there was a provable case of criminal wrongdoing.

Short of a sound, legal explanation, we can only assume politics played a part in this decision.

I want to point out that it is not for lack of trying that we do not understand the basis for the Justice Department decision.

My office has repeatedly tried to contact the lawyer in congressional relations at Justice who is responsible for answering questions on this case but he has failed to return four phone calls.

While I think this issue is controversial, I do not think this amendment is.

By any account, there has been a double standard in the handling of these two cases.

By reviewing the full report, we may come to a better understanding of why one was released and the other withheld.

And, there may be a perfectly sound legal reason why Justice declined to prosecute.

I hope my colleagues will join me in seeking some straightforward answers to these questions.

We have crafted this sense-of-the-Senate amendment in a rather responsible fashion. I hope it will be approved by a very large vote.

I think it would be appropriate to have a rollcall vote on this amendment, Mr. President. Therefore, I ask for the yeas and nays.

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

The yeas and nays were ordered.

Mr. McCONNELL. Mr. President, I yield the floor.

Mr. DOLE. Mr. President, this is a sound amendment. The distinguished Senator from Kentucky has led efforts to bring the facts of the outrageous scandal to public attention. We cannot have a double standard—one for Republican administrations and one for the Democrats. Certain facts are clear: Nearly 200 files of Bush administration political appointees were ransacked, and the contents of some files leaked to the press—a textbook case of criminal violations of the Privacy Act. In this case, it was not justice that was blind, it was the Justice Department. For unknown reasons, the Justice Department decided not to prosecute the individuals responsible for the violations detailed in the inspector general's report.

The IG's report itself raises as many questions as it answers. I cannot address those questions because the inspector general decided not to release the full report. In a letter transmitting a copy of the report to my staff, the IG's office wrote:

> Although the report is unclassified, it is not publicly releasable in its present form and may be entirely exempt from release under provisions of the privacy and freedom of information acts.

This seems to be a newfound dedication to laws protecting privacy on the part of the inspector general. In November 1992, a 104-page report on the alleged search of one passport file was released. No comment about the Privacy Act. No comment about the Freedom of Information Act. No comment about the effect on the lives of individuals named in the report. Just a big press conference where the IG congratulated himself on a job well done. Nobody noticed the IG himself was briefed on the passport search 2 weeks before he decided to begin his investigation.

This amendment recognizes the need to protect elements of IG reports but also that the Senate need more information on this case. Protecting privacy should not be a partisan issue—Republicans' privacy matters as much as Democrats'. I urge my colleagues to support the amendment.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania [Mr. SPECTER] is recognized.

Mr. SPECTER. Mr. President, I have sought recognition for just a moment or two, first to support the amendment which was offered by Senator McCONNELL. I think the reasons for the sense-of-the-Senate resolution is to provide detailed information on the issue of the Bush administration files has been well articulated.

Mr. GRAMM addressed the Chair.

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

Mr. GRAMM. Mr. President, if no one wants to speak on the McConnell amendment, I know several of our colleagues are trying to leave. I had 2 minutes reserved on the Dole amendment. I believe it is pending, is that not right?

The PRESIDING OFFICER. It has been temporarily set aside. The amendment now is the McConnell amendment.

Mr. GRAMM. If no one wants to speak on the McConnell amendment, I can save 2 minutes by going ahead and speaking on the Dole amendment, if no one objects.

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

The Senator may speak on the Dole amendment.

AMENDMENT NO. 1459

Mr. GRAMM. Mr. President, Senator DOLE has offered an amendment that tries to do something related to the California disaster relief that every business and every American family in America has to do, and that is when something bad happens, you have to adjust your spending plans in order to deal with the problem that comes into existence.

All over America, when people's children fall down and break their arms, people do not say, "Well, this is a disaster and, therefore, we don't have to pay our bills." They basically look at

their budgets and they decide, "Well, I was going to replace that old refrigerator this year, but I'm going to wait a year because we had this accident in our household and Johnny was hurt."

All over America, people have to set priorities. And yet every day in the U.S. Senate, something happens and we say, "Well, this is a disaster and, therefore, we do not have to deal with the costs. We will simply pass them along to the next generation."

I am very strongly in favor of helping the people of California. When we had hurricanes in Texas, we have been helped. When we had the hurricanes in Florida and in South Carolina, we helped.

The debate is not about helping. The debate is about paying for the help.

Senator DOLE has offered an amendment. If I were writing the amendment, I might pick other items to cut. I might have slightly different priorities. But the point is, Senator DOLE's amendment offers us a way to help and to do it in a fiscally responsible manner so that we are paying for the help and we are not driving up the deficit.

This one disaster declaration, if we do not pay for it, is going to eliminate more net real cuts in spending than exist in the President's budgets for 1993, 1994, and 1995 combined.

So the issue here is: Do we help by doing what every family and every business in America would have to do if something similar happened to them? Or are we going to do it in a way that says there is a disaster and so, as a result, we do not have to pay our bills? We can simply go out and borrow the money and in the process pass the debt on to somebody else.

So I hope my colleagues who want to help California—and I do want to help California—will support the Dole amendment. I intend to support the disaster relief. We are going to provide it today.

Senator DOLE has given us a way to pay for it. I hope we will take that opportunity and that we will adopt the Dole amendment to help, to be compassionate, but to do it in a fiscally responsible manner.

I think that is the relevant issue here. I hope Senators are persuaded to support the Dole amendment.

AMENDMENT NO. 1461

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, is the pending amendment before the Senate the amendment by Mr. DOLE?

The PRESIDING OFFICER. The Dole amendment has temporarily been set aside.

The McConnell amendment No. 1461 is the pending business.

Mr. BYRD. I ask for the regular order.

The PRESIDING OFFICER. The regular order is the Brown amendment No. 1458.

Does the Senator from West Virginia yield the floor?

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia has the floor.

Mr. BYRD. Did I understand the Chair to say the regular order is the amendment by Mr. BROWN?

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD. I thought we had a voice vote on that, did we not?

Mr. President, I ask that the Senate return to the amendment by Mr. DOLE.

The PRESIDING OFFICER. Will the Senator repeat his request?

Mr. BYRD. I ask unanimous consent the Senate return to the amendment by Mr. DOLE.

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

AMENDMENT NO. 1459

Mr. BYRD. Mr. President, I shall make a point of order against this amendment. I assume Mr. DOLE would like to move to waive the Budget Act, and I will protect him in that, if nobody is here I will move on his behalf.

Mr. President, the pending amendment would delete the emergency designations on all funds in title I of this bill. This would cause $5.6 billion in budget authority and $1.237 billion in outlays to be charged against the VA/HUD Subcommittee's discretionary allocation. Offsets elsewhere in the bill for this subcommittee total $1.6 billion in budget authority and $586 million in outlays. Combining the emergency amounts with the offsets brings a total $4 billion in net new budget authority and $561 million in net new outlays in this bill. By striking the emergency designation, these amounts would be charged against the VA/HUD Subcommittee's allocation.

Before consideration of this bill, the VA/HUD Subcommittee had only $8 million in budget authority and no outlays remaining in its allocation. Therefore, enactment of this amendment would cause the subcommittee to breach its 602(b) allocation.

Mr. President, I therefore make such a point of order under section 602(c) of the Congressional Budget Act that the pending amendment would breach the VA/HUD Subcommittee's allocation.

I ask the Chair not to rule until Mr. DOLE or his designee has had an opportunity to move to waive the Budget Act.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. NICKLES. Mr. President, I move to waive the Budget Act.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is there further debate on the motion to waive?

Mr. BYRD. Vote.

The PRESIDING OFFICER. Is there a further debate?

Hearing none, the question is on agreeing to the motion of the Senator from Oklahoma to waive section 602(b) of the Budget Act for the consideration of the Dole amendment, No. 1459.

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from New Jersey [Mr. BRADLEY] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from Missouri [Mr. DANFORTH], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Texas [Mrs. HUTCHISON], and the Senator from Oregon [Mr. PACKWOOD], are necessarily absent.

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

The result was announced, yeas 43, nays 52, as follows:

[Rollcall Vote No. 43 Leg.]

YEAS—43

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

NAYS—52

Akaka	Glenn	Mitchell
Baucus	Graham	Moseley-Braun
Biden	Harkin	Moynihan
Bingaman	Hatfield	Murray
Boxer	Heflin	Nunn
Breaux	Hollings	Pell
Bryan	Inouye	Pryor
Bumpers	Jeffords	Reid
Byrd	Johnston	Riegle
Campbell	Kennedy	Rockefeller
Daschle	Kerrey	Sarbanes
DeConcini	Kerry	Sasser
Dodd	Lautenberg	Shelby
Dorgan	Leahy	Simon
Exon	Levin	Wellstone
Feingold	Mathews	Wofford
Feinstein	Metzenbaum	
Ford	Mikulski	

NOT VOTING—5

Bradley	Durenberger	Packwood
Danforth	Hutchison	

The PRESIDING OFFICER. On this vote, the yeas are 43, the nays are 52. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. As it pertains to a point of order raised by the

Senator from West Virginia [Mr. BYRD], the Chair would rule the pending amendment violates sections 602(c) and 302(f) of the Congressional Budget Act of 1974. The point is well taken and the amendment falls.

Mr. BYRD. Mr. President, what is the pending question before the Senate?

The PRESIDING OFFICER. The present business is amendment No. 1458 offered by the Senator from Colorado.

Mr. BYRD. I wonder if we could ascertain whether or not there are other amendments to be offered behind the amendment by Mr. MCCONNELL.

Mr. DOLE. No.

Mr. BYRD. No more on the other side?

Mr. DOLE. No. Wait a minute.

Mr. BYRD. Are there any other amendments on this side of the aisle?

Very well. I am informed that there are—am I informed that there are no more amendments requiring rollcall votes after the amendment by Mr. MCCONNELL?

Mr. DOLE. Just that and final passage.

Mr. BYRD. No more amendments?

Mr. DOLE. No.

Mr. BYRD. Mr. President, I ask unanimous consent that following the disposition of the amendment by Mr. MCCONNELL, no more amendments will be in order unless they are accepted on both sides and that the vote then occur after passage of 10 minutes to ascertain if there are any amendments that can be accepted between the two managers, the vote occur on final passage with paragraph 4 of rule XII being waived.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BYRD. Mr. President, I think the majority leader has a proposal with respect to a conference report on this measure if he would like to make it.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MITCHELL. I am not at this moment prepared to deal with the schedule beyond passage of this pending bill because we have to wait and get that cleared on both sides, in discussion with several Senators. But Senators should be aware that there are now only two remaining votes on this bill: Disposition of the McConnell amendment, which will be further debated for a brief period, I understand; and then final passage on the bill.

At that time, I will have had a chance to discuss the matter with the distinguished Republican leader, the managers, and others, and will be in a position to suggest a procedure for further handling of the matter after final passage.

Mr. President, I yield the floor.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts [Mr. KERRY], is recognized.

Mr. KERRY. Mr. President, I just want to take a moment to explain to my colleagues where we are on this amendment of the Senator from Kentucky. I will be very, very brief.

First of all, this is an amendment that has absolutely no linkage, connection, nexus, or rationale for being part of an emergency appropriations for an earthquake. If you live in California, and you are waiting for the U.S. Senate to do something responsible, and to act with the kind of speed that we ought to on this, you would ask why the U.S. Senate is taking up a totally extraneous amendment. That is No. 1.

No. 2, the substance of the amendment, what the Senator from Kentucky is asking us to state as a sense of the Senate, is not, in this Senator's view, an accurate reflection of the facts.

This amendment states in its sense-of-the-Senate that the Senate has not been provided sufficient information to reach a conclusion about the circumstances surrounding the disclosure of protected Bush administration files.

I would say to my colleagues that on the face of it, that is simply not true. The House Foreign Affairs Committee, the House Government Operations Committee, and the House Republican Policy Committee, have all been briefed by the IG personally. The IG has briefed the Senator from Kentucky and his staff. The IG has offered to brief Senate staff on both sides.

I hold in my hand the report of the investigation from the Office of the Inspector General. This provides any Senator with the full ability to make a determination which is absolutely contrary to what is set forth in the amendment by the Senator.

Moreover, the IG has sent a copy of this report to Senator MCCONNELL, to Senator HELMS, to Senator DOLE, to Senator BROWN, to myself, and to Congressman HAMILTON.

In addition, the IG will make this report fully available to the public by tomorrow; positively before the end of the week.

Mr. President, this is an effort to play politics, to somehow shove it to the administration, to simply come to the floor and play more partisan politics on an issue in, frankly, an incorrect manner.

Fair is fair in the processes of the U.S. Senate. I do not think any U.S. Senator should sign onto a sense of the Senate that does not represent accurate facts.

The IG has been public. The IG will be public. The IG has made information available to us. And this has absolutely nothing to do with the earthquake or emergency assistance.

I urge my colleagues to reject it.

I yield the floor.

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER. Senator MCCONNELL is recognized.

Mr. MCCONNELL. Mr. President, I do not want to unduly delay this. We are not under a time agreement.

I thought this was an amendment that would pass by 95 to nothing. I cannot imagine what could be controversial about the amendment that the Senator from Kentucky has offered, first with regard to relevancy. We voted on other amendments that were not entirely germane to the supplemental before us.

So I do not think that is an argument that ought to prevail in the discussion. This is, after all, only a sense-of-the-Senate resolution that asks for three things: First, for the IG to provide the entire report to Congress, stating its confidentiality would be protected; and second, that the IG explain the standard for release of the Clinton report, but why he withheld this particular report; and third, to ask the Justice Department to explain why it declined to prosecute.

With specificity, regarding Senator KERRY's observations, we just learned today for example that in addition to the report that some of us have been provided, the confidential——

Mr. WALLOP. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. MCCONNELL. In addition to the public report, the confidential report. This is a third report sent to the Justice Department, entirely different from what some of us have had access to.

Second, in a meeting with the inspector general, when I asked to see the annexes and determine who had been interviewed, I was told it could not be made available. Yet, the House staff was told they could see it.

On the point the Senator made about full disclosure in the report, I was wondering if Senator KERRY could tell us who has been interviewed. We do not know who has been interviewed.

Mr. KERRY. Let me say to my colleague that though we can spend a lot of time going through each aspect of this and why it is different, the issue is the information is in the report. The IG came and saw the Senator from Kentucky.

Mr. MCCONNELL. I met with him. I am telling Senators, his explanation was completely inadequate. That is what this is all about.

Mr. KERRY. I say to the distinguished Senator that the IG is making the report fully public. The IG has made it clear he is willing to come to any Senator and any Senate staff. The implication of this amendment is that the IG is somehow shielding something or the process is inadequate.

I say to my friend, I am not going to sign onto an amendment where the underlying facts establish a case that does not exist.

For instance, the fourth paragraph says that the IG should report in writing to the majority leader and the Republican leader clarifying why such

procedures would not be observed in this report, entitled "Special Inquiry and the Search and Retrieval of William Clinton's Passport File."

As the Senator knows, I know why this is a different handling here. There was a prosecutive summary because there was a potential initial filing of wrongdoing. And they sent the file to the Justice Department and the Justice Department insisted, because it was a matter of criminal inquiry, that it be held confidential.

That is not a mystery to me, if the Senator is asking the Senate to ratify some notion that this represents some different handling that is somehow suspect. All I am saying to my friend is the information is available, and it is inappropriate for the Senate to pass a sense-of-the-Senate that does not reflect the sense of the Senate.

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. If I may say to the Senator from Massachusetts, the two cases are indistinguishable on the point that he makes. Yet, when President Clinton says files were allegedly searched and the report was made public; when these files were allegedly searched, the reports were not made public. There was a recommendation apparently for criminal prosecution in both cases. So they are indistinguishable on that point, as well.

In short, there is simply no rational objection to oppose this sense-of-the-Senate resolution essentially trying to glean from the IG and from the Justice Department with specificity why one case was handled one way, when the files allegedly searched were of a prominent American, and the case was handled in a different way when the files were allegedly searched for people not so prominent.

What is good for the goose is good for the gander. The Senate is simply saying: Please provide us more of an explanation than you have already.

With regard to the observation of the Senator from Massachusetts that the IG's report was adequate, it was not adequate. I talked with him, I spent an hour with him. I do not see any conceivable harm done by the Senate adopting this sense-of-the-Senate resolution if it would really like to know whether this matter was handled appropriately.

I cannot imagine why any Senator would oppose this resolution. I do not see the need to prolong the debate. But we can if the Senator from Massachusetts would like to.

Mr. KERRY. I do not want to prolong this either, particularly since this is the last issue and colleagues want to leave, and we all understand the impatience here. I respect that. But I do want the RECORD to be accurate.

My colleague has just suggested to the Senate that there is no reason for these cases to be treated differently, that there is somehow something inappropriate or suspect in that. That is not accurate. I want my colleagues to understand the facts here.

This case began as an administrative inquiry, with no immediate evidence of wrongdoing. The violations or potential violations of law were not discovered until the process of the administrative inquiry was underway. At that time, a prosecutive summary was appropriately sent to the Justice Department, and people were dismissed. In the case of Acting Secretary Eagleburger, he personally intervened and made it public because it occurred in the middle of the election. It was a front-page issue at the time, and there was sufficient pressure and visibility that he made a personal decision that it was important to clear the air in that context, and so he made it public without any administrative inquiry or criminal prosecution at the time.

So that is the distinction. In the current case, there were clear violations of the law. So the assistant secretary for the administration did what is appropriate. He sent it to the Justice Department for appropriate action. To come in here now and suggest, as this amendment does, that the administration has been less than forthcoming, or that the administration has somehow not made information availability, it may be the Senator's personal judgment that he does not have enough information, but colleagues ought to see this report, which will be made totally public. Why should the U.S. Senate come here tonight, when we are trying to pass emergency aid for California, and tie ourselves up to tell them to do something that they are going to do? This is called wasted time, wasted action, fundamentally for political purposes.

I respectfully suggest, unless my colleague wants to add something, I am going to move to table.

Mr. MCCONNELL. Madam President, the only one wasting time, I suggest, is the Senator from Massachusetts, who is choosing to debate an issue that I, frankly, am surprised is even in contention. The IG said he forwarded the last case because of criminal violations. The difference is he released his conclusions, in the first case, the Clinton passport case, publicly before sending the report. In addition to that, the IG in this particular instance has indicated that he recommended criminal prosecution. I assume the Senate would like to know why the Justice Department chose not to criminally prosecute.

In any event, I welcome the Senator's motion to table. It seems to me the issue is clear: Do we think this case is over, or do we think the explanation is inadequate?

Madam President, I ask unanimous consent that Senator NICKLES be added as a cosponsor of the amendment.

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

For the information of the Senate, the pending business of the Senate is the Brown amendment No. 1458.

Mr. BYRD. Madam President, I am prepared to move to table the amendment.

Mr. KERRY. Madam President, what is the pending amendment?

The PRESIDING OFFICER. The Brown amendment No. 1458.

Mr. HATFIELD. Will the Senator yield?

Mr. BYRD. Yes.

Mr. HATFIELD. Madam President, I believe a while ago Senator BROWN came to my desk and indicated he was not going to raise that amendment, and then he moved to vitiate the yeas and nays on the amendment. Whether or not it has been formally withdrawn, I do not know. But he verbally indicated to me he was not going to pursue the amendment. I will find out in the meantime.

Mr. BYRD. Madam President, I ask unanimous consent that the pending amendment by Mr. BROWN be temporarily laid aside.

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

AMENDMENT NO. 1461

Mr. BYRD. Is the pending amendment now before the Senate the amendment by Mr. MCCONNELL?

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD. Madam President, I move to table the pending amendment and ask for the yeas and the nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays are ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from New Jersey [Mr. BRADLEY] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from Missouri [Mr. DANFORTH], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Texas [Mrs. HUTCHISON], the Senator from Oklahoma [Mr. NICKLES], and the Senator from Oregon [Mr. PACKWOOD] are necessarily absent.

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

The result was announced—yeas 55, nays 39, as follows:

[Rollcall Vote No. 44 Leg.]

YEAS—55

Akaka	Conrad	Harkin
Baucus	Daschle	Heflin
Biden	DeConcini	Hollings
Bingaman	Dodd	Inouye
Boren	Dorgan	Johnston
Boxer	Exon	Kennedy
Breaux	Feingold	Kerrey
Bryan	Feinstein	Kerry
Bumpers	Ford	Kohl
Byrd	Glenn	Lautenberg
Campbell	Graham	Leahy

Levin	Murray	Sarbanes
Lieberman	Nunn	Sasser
Mathews	Pell	Shelby
Metzenbaum	Pryor	Simon
Mikulski	Reid	Wellstone
Mitchell	Riegle	Wofford
Moseley-Braun	Robb	
Moynihan	Rockefeller	

NAYS—39

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

NOT VOTING—6

Bradley	Durenberger	Nickles
Danforth	Hutchison	Packwood

So the motion to table the amendment (No. 1461) was agreed to.

Mr. BYRD. Madam President, I move to reconsider the vote by which the amendment was tabled.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader, the Senator from Maine.

ORDER OF PROCEDURE

Mr. MITCHELL. May we have order, Madam President? Madam President, if I could have the attention of Senators?

Under the agreement entered into a short time ago, we will vote in just a very few minutes on final passage of this bill. As I have previously stated publicly on several occasions, and I know all Senators agree, we must complete final action on this legislation before departing for the Lincoln Day recess. The House bill differs in some respects from the Senate bill and consequently a conference between the two bodies will be necessary.

Anticipating that we will pass this bill shortly, the conference will begin first thing tomorrow morning. The Members of the conference have been working, their staffs have been working to prepare for that conference even as we consider the bill. And then the bill must go back to the House before it returns to the Senate. The best and most optimistic prospect is that we will get it in the Senate sometime tomorrow evening. If any Senator desires a rollcall vote on the conference report, that is, of course, the right of any one Senator, and we will simply come back into session and all Senators will be required to return—at least those who wish to cast their votes—and pass the conference report.

If, however, it is agreeable to all Senators that we, Senator DOLE and I and the managers, be present and pass the conference report by voice vote, then the rollcall vote we are about to take on final passage of the bill will be the last rollcall vote until February 22 when we return from the Lincoln Day recess.

I would like to accommodate the large number of Senators who have travel schedules and wish to depart following the next vote, but that depends upon all of the Members of the Senate.

I do not want any misunderstanding. Any Senator has a right to ask for a vote, and, if that is the case, we will have a vote either tomorrow night or Saturday, or whenever we get this back from the House of Representatives. That is a decision to be made by the Members of the Senate.

So, first, I inquire of Senators, in terms of an immediate response, if there is a Senator present who will insist upon a recorded vote on adoption of the conference report and that Senator now expresses that view, then we will go ahead and simply say that we will come back in session tomorrow and we will have a rollcall vote tomorrow night, Saturday, or whenever we do that.

If no Senator responds in that manner now, I want to give time for those Senators not present on the floor to respond. I will then ask that they communicate with either myself or Senator DOLE in the time between now and the 10 or 15 minutes or so that will elapse before we vote on final passage of the bill itself.

So my first inquiry is directed to those Senators present on the floor. Is there any Senator present on the floor who will insist upon a recorded vote on the conference report on this legislation when it returns to the Senate tomorrow evening or Saturday?

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Madam President, I say to my colleague, the manager, and to the leader of the Senate, I have no desire to have a vote, but I would like to be permitted to make an inquiry of the manager of the bill, if I may do so at this time.

Mr. MITCHELL. The Senator certainly has that right.

Mr. METZENBAUM. I ask the manager of the bill, is he aware of the fact that there is considerable controversy between the Senator from New York, the Senator from Alaska and myself? There is an amendment that was adopted to extend the statute of limitations with respect to the RTC that is provided in the legislation. It was passed by a vote of 95 to 0. Do we have an assurance, or can we have an assurance, from the manager of the bill that that amendment will, to the total of his ability, remain in the conference report when it returns? I know that you cannot speak for the House.

Mr. D'AMATO. If I might add to that inquiry—actually give some information—I just——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from New York?

Mr. METZENBAUM. I yield.

Mr. D'AMATO. I want to supplement and augment, and I join my colleague from Ohio in his observation. I might point out that the House voted 390 to 1 to instruct their conferees to accept that amendment. Therefore, I think while some might say, "What are you worried about?" there are those slips between the cup and the lip, and I join in asking that, given the overwhelming support of 95 to 0 here and 390 to 1, that we certainly make every effort to insist upon that provision being kept in the bill.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Madam President, both the distinguished Senator from Ohio [Mr. METZENBAUM] and the distinguished Senator from New York [Mr. D'AMATO] know that for them "my affection hath an unknown bottom, like the bay of Portugal." But I am not quite in a position to assure something that I cannot deliver on. I will do my best. I cannot assure them that I will prevail. I do not know what the circumstances will be in the conference.

Mr. METZENBAUM. Madam President, I have worked with the Senator from West Virginia for about 19 years off and on—18 years I guess it is—and I would say when he is determined that something will be in a bill, whether it is on the floor of the Senate, in the Appropriations Committee, or any other committee around here, he always gets his way. If we have the kind of assurance that he will use all of his persuasive powers and the power of his position and all the other facets that are available to him to see that it remains, then it will indeed remain.

And may I ask whether we can get some assurance to that effect, because I think there would be a keen sense of disappointment. It was a matter of considerable controversy between the Senator from New York and myself. It was resolved in this manner. It is a significant matter. It involves the possibility of proceeding against officers and directors of savings and loans that owe the Government hundreds of millions of dollars, actually billions of dollars. So we do not take the matter lightly.

I really would appreciate it if the Senator from West Virginia could give us a little more fulsome statement than the previous response.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Madam President, I just wanted to assure my colleagues, as the majority leader was speaking and referred to the Wellstone squeeze, that I have talked to the majority leader and, from my point of view, if we are going to have a rollcall vote right now, then I certainly would not

call for a rollcall vote on the conference report. It is one or the other.

So I just wish to state that to my colleagues, unless my colleagues are disappointed, in which case we can do it another way.

Mr. DOLE. Which one do you prefer?

Mr. WELLSTONE. I think I prefer the vote tonight, I say to the minority leader, instead of tomorrow.

Mr. MITCHELL. I say to the chairman, let us be clear, if Senators do not now insist on a rollcall vote, there will not be one. The chairman has said he will do his best to try. You have no guarantee. I am going to be here. Senator DOLE is going to be here. Senator BYRD is going to be here. And Senator HATFIELD is going to be here. So it has nothing to do with conveniencing or inconveniencing us. I am not going to accept a request tomorrow night from someone who says, "Gee, I expected this to be different; I thought maybe this would happen," so forth and so on. That is the situation we are in, and Senators have to decide. It is the chairman's response that he will do his best.

Madam President, I ask the managers to proceed. They did want to permit a period of 10 minutes under the order for Senators who have amendments that may be acceptable to both managers—the majority and minority—to come forward with those amendments and then we proceed to final passage.

The PRESIDING OFFICER. The Senator from West Virginia is advised that the Brown amendment No. 1458 remains the pending business.

Mr. MITCHELL. That is right. And my understanding is that there will be a voice vote defeating that amendment that will be forthcoming, and then we will proceed to final passage on the bill.

In the interim, in these 10 minutes, if nobody comes up to me or Senator DOLE and says, "I insist on a rollcall vote," I will make an announcement one way or the other just prior to the vote and then everybody has been on full notice as to the situation and everybody has a right to exercise their rights in any manner each Senator deems appropriate.

Mr. METZENBAUM. So there not be a misinterpretation of my position, I do wish to explore the subject further with the manager of the bill before I am prepared to sign off. If we have to come back, we will have to come back.

Mr. BYRD. I regret that the Senator from Ohio feels he has to explore the matter further with me. I cannot guarantee I will prevail in conference. I do not know what the attitude of the House Members will be. I have said that I will do the best I can.

Mr. METZENBAUM. If the Senator from West Virginia assures us he will do the best he can that it will remain in, that is satisfactory.

Mr. BYRD. "It is like a barber's chair that fits all buttocks."

[Laughter.]

Mr. MITCHELL. I suggest we proceed to the disposition of the Brown amendment. Following that, the managers can take the 10 minutes they have suggested they will take to consider any other amendments. And then, after that, prior to the vote, I will deal with the Republican leader and make another announcement.

Mr. BYRD. Will the majority leader yield?

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. As far as I am concerned, the 10 minutes have expired. And I have in my hand several amendments which I am prepared to offer en bloc as soon as we dispose of the amendment.

Mr. MITCHELL. Could we have a vote on the Brown amendment now?

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to amendment No. 1458 offered by the Senator from Colorado.

The amendment (No. 1458) was rejected.

Mr. MITCHELL. Madam President, I move to reconsider the vote by which the amendment was defeated.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from West Virginia.

AMENDMENT NOS. 1463, 1464, 1465, 1466, AND 1467

Mr. BYRD. I send to the desk a number of amendments which have been agreed to on both sides. I ask unanimous consent that the amendments be considered en bloc, agreed to en bloc, the motion to reconsider be laid on the table, and appropriate statements in explanation of the amendments be included in the RECORD as though read.

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

The PRESIDING OFFICER. The clerk will report the amendments.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD] proposes amendments numbered 1463 through 1467.

Mr. BYRD. Madam President, I am advised there is one additional amendment being cleared on both sides.

The PRESIDING OFFICER. Without objection, the amendments en bloc are agreed to.

The amendments were agreed to as follows:

AMENDMENT NO. 1463

Mr. BYRD offered amendment No. 1463 for Mr. LEVIN.

The amendment is as follows:

In the appropriate place in the bill, add the following new section:

SEC. . TRANSPORTATION GENERAL PROVISION. TO ESTABLISH AN AUXILIARY FLIGHT SERVICE STATION.

The Administrator of the Federal Aviation Administration is directed to establish and operate an Auxiliary Flight Service Station at Marquette, Michigan, no later than May 1, 1994, using available funds.

Mr. LEVIN. Madam President, today I am offering an amendment to direct the Administrator of the Federal Aviation Administration to establish and operate an Auxiliary Flight Service Station at Marquette, Michigan, no later than September 1, 1994, using available funds.

Madam President, this amendment requires no additional funding and is simply instructing the FAA to establish an Auxiliary Flight Service Station that it promised in 1991. We've been waiting since then for this critical weather station and it has yet to be established.

The Marquette Flight Service Station was closed in December 1990. In October 1991, the FAA announced that it would establish an Auxiliary Flight Service Station [XFSS] at Marquette and 30 other sites. The Marquette XFSS was scheduled to be established in August, 1992, but the FAA did not meet the schedule and it was not established.

Marquette is unique because it is the only airport of the 30 promised Auxiliary Flight Service Stations that has had its Flight Service Station closed. Because of the surrounding mountainous terrain and the frequent variations in weather due to this terrain and nearby Lake Superior, this airport is considered difficult to fly in and out of. This makes the establishment of the Auxiliary Flight Service Station in Marquette an urgent matter.

I understand this amendment has been cleared, and I appreciate the committee's cooperation.

AMENDMENT NO. 1464

(Purpose: To provide an appropriation of $40 million ($20 million of which is an advance appropriation for fiscal year 1995) to assure continued NASA contract payments for the commercial mid-deck augmentation module).

Mr. BYRD offered amendment No. 1464 for Mr. BOND.

The amendment is as follows:

On page 84, after line 9, insert the following new paragraph:

For an additional amount for "Research and development", $40,000,000, of which $20,000,000 shall become available for obligation on October 1, 1994: *Provided*, That these funds shall be available for the commercial mid-deck augmentation module, in addition to such amounts as may be subsequently appropriated.

Mr. BOND. Madam President, the amendment would correct an oversight in the bill before us.

In last year's conference report, we provided $45 million for the commercial mid-deck augmentation module [CMAM], or spacehab, which was a reduction of $21.5 million from the requested amount. In making the cut, the conferees made clear that we were aware that the CMAM Program could face difficult financial and technical adjustments due to the lower funding

level. To address that problem, we made clear that we intended to provide additional funding in a supplemental appropriations bill this year.

Let me quote directly from the conference report:

The conferees have agreed, therefore, after further consultations with NASA, to include an advanced fiscal year 1995 appropriation of $40,000,000 in a 1994 supplemental bill.

This amendment would simply fulfill that commitment.

I would point out that it is critical that we live up to our commitments on this program. Spacehab is financed in large part by private bank loans. As a result of the cut in last year's budget, those loans had to be restructured, and the restructuring was undertaken based on the language in the conference report. Failing to provide this funding will not only drive the spacehab company into financial difficulty and possible default, it would deprive the U.S. space program of an important tool.

Spacehab, which provides additional experiment space in the unused middeck portion of the shuttle, is flying today on the current shuttle *Discovery* mission. By all reports, it is performing flawlessly as it did in its maiden voyage last year.

Spacehab represents a valuable opportunity for NASA, because if can provide the flexibility to carry additional experiments on the planned shuttle flights on space station *MIR* as well as those that will support the new space station.

Failing to appropriate this money would send the wrong signal to private companies and to our international partners. It would basically tell them that NASA is not a reliable partner. It would tell companies that space is not a valid investment risk, and it would tell other nations that they should rethink their contributions to the space program. We must not make that mistake.

I urge adoption of the amendment.

AMENDMENT NO. 1465

(Purpose: To amend the National Defense Authorization Act for Fiscal Year 1994)

Mr. BYRD offered amendment No. 1465 for Mr. WARNER and Mr. MACK.

The amendment is as follows:

At the appropriate place, add:

SEC. . Subsection (b) of section 347 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160; 107 Stat. 1626) is amended—

(1) by striking out "section 2774(a)(2)(A) of title 10," and inserting in lieu thereof "section 5584(a)(2)(A) of title 5,"; and

(2) by striking out "section 2774(a)(2) of such title" and inserting in lieu thereof "section 5584(a)(2) of such title".

AMENDMENT NO. 1466

Mr. BYRD offered amendment No. 1466 for Mr. LEAHY.

The amendment is as follows:

On page 92, strike lines 19 through 22.

Mr. LEAHY. Madam President, I am offering an amendment which addresses a crucial component of emergency relief efforts—the Emergency Food Assistance Program [TEFAP].

TEFAP emergency foods are often the first line of defense when disaster strikes.

And yet the rescission title of the committee reported bill cuts the TEFAP by $30 million. Taking food away from California is a big mistake.

John Healy, executive director of the California Emergency Foodlink, sent me a letter saying:

We urge you to take note of the significant impact TEFAP has on feeding hungry people and providing emergency relief in every natural disaster suffered by Californians. When the earthquake hit Los Angeles, the Department of Social Services sent over 600,000 pounds of tuna, powdered milk, juice and other badly needed food supplies from TEFAP stocks.

I was informed by USDA that, as of yesterday, a total of 900,000 pounds of TEFAP foods have been diverted for earthquake assistance.

After Hurricane Andrew devastated Florida and Louisiana these emergency foods were provided by USDA immediately. After Hurricane Hugo hit South Carolina, TEFAP commodities were shipped in.

This network of TEFAP food reserves is one of the first ways the Federal Government can respond to an emergency.

TEFAP commodities are used by USDA in disasters because they are ready to eat, prepackaged in family usable sizes, available in warehouses, and higher in nutrient value—especially protein—than most donated foods.

TEFAP food is especially crucial if grocery stores are destroyed in a disaster. For example, large quantities of TEFAP foods went to Florida after Hurricane Andrew because food could not be purchased in stores, making both cash and food stamps worthless.

Hurricane damage in Florida required 650,000 pounds of TEFAP commodities according to Foylen Bryant, the Florida TEFAP Director.

Given how important the TEFAP program is to emergency relief efforts, it is outrageous that today's bill includes a provision cutting TEFAP by $30 million. I cannot understand how such a cut can be justified given the role the program has just played in this disaster, and how important it has been in previous disasters.

In 1993, $160 million worth of food was distributed by TEFAP. Funding in 1994 was cut in half, to $80 million, despite the President's budget request of $209 million.

Now it is being suggested that we cut TEFAP further—after they have already been allocated.

The TEFAP program stockpiles stores of ready-to-eat foods, ready to be shipped out the moment a disaster hits in any area of our Nation. Without those ready stores, a quick response of emergency food to a disaster site is much more difficult.

Funding TEFAP will help maintain a national network of local food shelves operated largely by volunteers.

TEFAP maintains distribution networks—at the local, State, and national levels—so America can quickly respond to disasters. Funding local food reserves will help maintain that network.

It is my view that USDA and local agencies should be able to respond to any disaster where food is no longer available. TEFAP helps them do just that.

My amendment stops the rescission of $30 million.

Let us keep this national network of emergency food relief. I urge my colleagues to support my amendment to stop the TEFAP rescission.

TEFAP proved its effectiveness in the aftermath of the California earthquake. We should support, not cut, this vital emergency food program.

TEFAP is a great program. Food stamps often run out well before the end of the month, then needy families rely on TEFAP foods.

The elderly often prefer TEFAP to food stamps because of the welfare stigma associated with food stamps. Food stamp processing can take up to 30 days, but TEFAP is much faster. Verification of income is now required for TEFAP but that can usually be completed in one day. Congress imposed verification requirements to avoid providing benefits to families that are not needy.

In a survey taken 2 years ago, Arkansas claimed they needed a 300-percent increase in TEFAP commodities; 10 other States requested a doubling of TEFAP assistance.

TEFAP provides bags of groceries to prevent hunger. Typically TEFAP provides peanut butter, canned meats, canned tuna, and other higher protein foods to low-income families.

In just the past 2 months I have received letters from low-income families, community volunteers, and social service agencies in 14 different States. All are concerned with the drastic cuts in TEFAP this year.

Michael Levenson, assistant director of commodity programs in the State of Washington, called TEFAP "an integral part of the State of Washington's disaster recovery plan."

The Mid Columbia Community Action Council in The Dalles, OR, told me that "TEFAP is critical to our efforts to assist people in crisis," and asked, "Please restore funding to TEFAP."

The Glen Cove Economic Opportunity Council, in Glen Cove, NY, had a similar plea. They wrote: "We urge you to restore funding to the TEFAP program. TEFAP is of great importance to those who are in most need."

A food bank in Cleveland, OH, said that "TEFAP is essential to the people we serve * * * we urge you to restore funding to the TEFAP program."

A recipient of TEFAP emergency food in the State of Colorado wrote to tell me: "[TEFAP] has saved me from going hungry many times. It would really be a loss if it was stopped."

And a community action agency in New Haven, CT, said that "Cuts in the TEFAP funding will mean that many of these families in need will be sent away with nowhere else to go. * * * TEFAP is essential to our caring for the hungry."

Last summer, concerns with shortfalls in TEFAP commodities led me to conduct a survey of all 50 States. States such as Arkansas and Missouri told me that three to six times the current amount of commodities would be necessary to meet the need in those States.

In light of this incredible need and the proven effectiveness of the TEFAP program in getting food to those in need, I urge all my colleagues to support my amendment restoring TEFAP funding. It is truly an essential program in meeting the food needs of families in crisis.

Mr. DECONCINI. Madam President, I am pleased that the Senate has accepted the amendment offered by the distinguished Senator from Vermont which will add $30 million to a critical program which has been slashed 80 percent over the last 7 years. TEFAP—the Emergency Food Assistance Program—is a program that works. It uses surplus commodities to provide groceries to Americans to prevent hunger. TEFAP is distributed through a voluntary emergency food network comprised mainly of churches, food banks, and community action agencies. It is a life-saving program in times of national disasters as well as for Americans needing assistance on a day-to-day basis.

After Hurricane Andrew, Florida required 650,000 pounds of TEFAP commodities. For almost a month after Andrew, food stamps proved worthless since food stores had been destroyed and transportation was nearly impossible. After the Los Angeles earthquake, California received 600,000 pounds of TEFAP commodities. It was a life-line for Californians who otherwise would have gone hungry.

This country needs TEFAP. It is an essential program—and not only in times of emergencies. It is the last stop for hungry people in America; 12 million low-income Americans depend on this program every day of their lives.

TEFAP used to provide over $1 billion in agricultural commodities each year. But since 1987 there have been major reductions in the program. These reductions have come in the face of Hurricane Hugo, Hurricane Andrew, 100-year floods in the Midwest, and now the Los Angeles earthquake.

Chairman LEAHY sent a questionnaire to all the States asking about the need for more TEFAP commodities. The response was overwhelming: Pennsylvania wanted a 100-percent increase, Minnesota a 100-percent increase, New York a 50-percent increase, Florida a 100-percent increase, Texas a 100-percent increase—and the list goes on.

We can add my State to that list. In Arizona, requests for emergency food is at an all-time high. So far this year our food banks have distributed 60 million pounds of food to more than 580,000 needy people. However, cuts to the TEFAP Program have struck a major blow. This year Arizona will distribute only half the amount of TEFAP food we were able to distribute last year.

Madam President, TEFAP is literally a life-line for millions of hungry people throughout America. It can be the only source of food in times of emergencies. I am pleased that the Senate has come to the aid of this program which time and again has proven to be a crucial source of hope to countless Americans at a critical time in their lives.

AMENDMENT NO. 1467

Mr. BYRD offered amendment No. 1467 for himself.

The amendment is as follows:

On page 98, line 19, strike "$107,300,000", and insert in lieu thereof "$97,300,000".

On page 74, line 19 after the word "amount" insert the following: for "Resource Management".

On page 75, line 24 after the word "amount" insert the following: "not to exceed $6,000,000".

On page 75, beginning on line 24, strike beginning with the word "to" through the word "Secretary" on page 75, line 25 (saving the comma).

On page 76, line 1 strike the word "head" and insert in lieu thereof the word "heading".

On page 76, line 5 insert a comma after the word "of".

On page 76, line 6 strike the comma after the word "flows".

Mr. MITCHELL. Madam President, I move to reconsider the vote by which the amendments were agreed to.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Madam President, there is one other matter on which I have had a continuing series of discussions with the Republican leader throughout the day today. It concerns the nomination of Strobe Talbott to be Deputy Secretary of State. That nomination has been reported by the Committee on Foreign Relations, and it is my strong desire and hope that we can complete action on that matter before the Senate departs for the forthcoming recess.

As we all know, under the rules of the Senate, any one Senator or group of Senators have the right to take certain steps which would not enable us to do that. We would then be required to file cloture to bring debate to a conclusion. The cloture motion would ripen at the time we return from session and having the vote. I hope we do not have to go through that.

I inquire of the Republican leader, who is present in the Chamber and with whom I have had a series of private discussions, whether it will be possible to proceed to vote on the nomination of Strobe Talbott to be Deputy Secretary of State?

The PRESIDING OFFICER. The minority leader, the Senator from Kansas.

Mr. DOLE. Madam President, I am constrained to object, but I think with some agreement we can agree to take it up right after we come back. I would indicate we will have approved today 72 nominations, we will be prepared to deal with 72 nominations, but we cannot deal with that one.

Mr. MITCHELL. Madam President, I appreciate the Republican leader's cooperation on the large number of nominations that we hope to complete action on today. I regret very much the decision not to permit a vote on Strobe Talbott's nomination since under the rules the earliest we could obtain a vote would be when we return, and that would be on cloture to terminate debate on the matter. I will discuss with the Republican leader how best we can set that matter up, and we will deal with that before we leave this evening.

Now, more than ample time having passed since I raised the subject of the vote on the conference report, with a large number, a clear majority of the Senators being present, I now inquire again whether any Senator will insist upon a recorded vote on the conference report on the emergency appropriations bill on which we are now about to vote by rollcall on final passage? And as we are all familiar with the auctioneer's call going once, going—

Mr. BAUCUS addressed the Chair.

Mr. MITCHELL. Yes.

Mr. BAUCUS. Reserving the right to object, we are trying to clear an amendment here. I will not object if we can work out some solution to an amendment on which, frankly, we have been working for the last several hours.

I understand now the objection has been cleared, so therefore I will not object.

AMENDMENT NO. 1468

Mr. BYRD. Madam President, I send to the desk an amendment that has been cleared on both sides. I ask unanimous consent that it be agreed to and the motion to reconsider be laid on the table.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:.

The Senator from West Virginia [Mr. BYRD], for Mr. BAUCUS, proposes an amendment numbered 1468.

Mr. BYRD. And that further reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 50, strike all after the word "available" on line 14 through the word "provided" on line 18 and insert in lieu thereof, the following: "until expended: Provided, that such assistance may be made available when the primary beneficiary is agriculture or agribusiness regardless of drainage size: Provided".

Mr. BAUCUS. Madam President, I would like to offer a word of explanation about the amendment just offered by the chairman of the Appropriations Committee, Senator BYRD. This amendment would allow the Soil Conservation Service to use the funds appropriated in this bill to repair levees and other watershed projects, regardless of drainage size. This would allow the SCS to provide needed assistance for levees and other watershed protection facilities damaged during the Midwest floods. The amendment also strikes the amendment adopted last evening, amendment No. 1447, which would have seriously undermined the Corps of Engineers Levee Rehabilitation Program and greatly weakened Federal flood control and rehabilitation policy.

With this amendment, we can provide needed emergency relief while we examine what the appropriate role of the Federal Government is with regard to flood protection and control. The recent unfortunate spate of major disasters has made the need to reexamine our disaster relief policy all the more urgent.

I want to thank Senator BYRD and the Members from the affected States, Senators HARKIN and BOND, for their work in helping craft this amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 1468) was agreed to.

Mr. MITCHELL. Madam President, no Senator having expressed an intention to require a recorded vote on the conference report, we will now then proceed to final passage of this bill, and this will be the last vote, and the conference report——

Mr. D'AMATO. Madam President, before the gavel goes down for the last time——

The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. I am going to attempt in less than 60 seconds to set the record as I see it.

Some may disagree with it. After quite a period of time, through the good offices of Senator MURKOWSKI and Senator METZENBAUM, we have been able to achieve the passage extending the statute of limitations to all those thrift institutions on which the statute might otherwise run out before December 19, 1995. We have managed to accomplish that by a recorded vote of 95 to nothing.

In the House of Representatives today, the conferees were instructed 390 to 1 to accept the Senate position.

Now, I do not want to keep our friends here, but I have to tell you something. I know about a barber chair. It can accommodate all kinds of people and sizes, as the manager of the bill has indicated. I am only suggesting to you that it would be absolutely unacceptable, it seems to me, to the American people, and to all of the Members of the House and the Senate if there were to be an accommodation that somehow would see this legislation not kept in the conference report.

Now, we can enter into little dalliances, et cetera, and I am not so good at verse and never was, and I do not attempt to think that I can keep up with any of my colleagues here, but I have to tell you something. I would like to understand that we are going to keep this in or not report one back. I do not believe that it is unreasonable to get a better assurance than the Senator from Ohio or I have received to date.

Mr. MITCHELL addressed the Chair.

Mr. D'AMATO. Best effort is not good enough for this Senator.

Mr. MITCHELL. Then, Madam President, the chairman has said he will make his best effort. He cannot guarantee the result. If that is not good enough, then let us right now say we will have a recorded vote on the conference report. We will come back tomorrow night and vote. We have now discussed this too long already. Let us make a decision right now. If anybody wants a recorded vote on final passage, say so now.

Mr. DOLE. Madam President, will the Senator yield to me?

Mr. D'AMATO. Yes.

Mr. DOLE. I have been around here quite a while, and I think, I say to my friend from New York, the distinguished chairman of the committee has indicated fairly strongly he will do the best he can. I have seen him do the best he can before, and I have always lost.

So I would think the Senator would be in a very strong position when he gives that message. And I hope that we can—everybody knows if it is not in the conference report, it will be back here next week and we will be voting on it almost daily. I do not think it is in anybody's interest to drop it out now. I hope my colleague from New York would accept that the chairman and the ranking Republican feel the same way. Is that correct?

I know the Senator feels the same way. Is that correct?

Mr. HATFIELD. Yes.

Mr. MITCHELL. Madam President, I want to say that this effort to extend the statute of limitations did not start just recently. It has been going on for a couple of years. We have had a lot of votes on that. A lot of people voted against it.

So we know that if it does not stay in this bill, which we all hope it will, and I support, it is going to be back, and back again. And I am going to support it every time. I hope all the others will support it.

But let us be clear on this. We all understand what is happening here with respect to the statute of limitations. We all understand what is going on.

So the fact is, either you are now going to decide one way or the other. We are going to have a vote or we are not. The chairman has said what any person of common sense, prudence, and good judgment would say. He is going to do the best he can. He cannot guarantee the result. Nobody here could ever say anything other than that. We all understand that. Who can make a guarantee that they cannot possibly be certain that they can carry out? That, I think, ought to be good enough for everybody. If it is not, let us have a vote.

Mr. D'AMATO. Madam President, given the emphatic nature of the presentations, both by the minority leader and the majority leader, my dear friend—and he is a good friend—and the assurance of our manager of the bill that he will give his best effort, I will certainly not call for a recorded vote.

Mr. MITCHELL. Madam President, let us proceed to a vote.

I ask for the yeas and nays on final passage of the bill.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. BAUCUS. Madam President, as the Senate continues consideration of this emergency supplemental bill, I want to make some general observations. While I will vote for this bill, I will do so with great reluctance.

In the last 5 years, we were hit by a number of major disasters. The Loma Prieta earthquake. Hurricanes Andrew and Iniki. The L.A. riots in 1992 and the Midwest floods last summer. Most recently, the Los Angeles area earthquake. The costs of these disasters have gone through the roof.

Madam President, we hear a lot about the need to cut spending. That need is real. And one way to do it is to reexamine our approach to disaster funding.

I sympathize with the victims of the California earthquake. My own State of Montana has experienced natural disasters—the harsh winters, seemingly countless droughts and the devastating wildfires in the Yellowstone region, for example. So I do not suggest that Californians are not suffering tremendously because of this disaster. I am suggesting, though, that we must find a better way to prepare and pay for disasters.

Each year we appropriate disaster relief funds. But we never have enough to cover the actual costs of a major disaster.

That is why we continue to find ourselves appropriating additional funds on an emergency basis. We do not

think ahead. Instead we wait, then just take out our national credit card and run up the bill.

As was stated on the floor this morning, the Senate will soon begin consideration of a balanced budget amendment. It is ironic that many—though not all—of my colleagues who support a balanced budget amendment are the same ones who clamor for Federal emergency assistance following a disaster in their State.

You cannot have it both ways. You cannot support unpaid for emergency spending that contributes to the deficit and then support a constitutional amendment for a balanced budget.

Congress can balance the budget without such a constitutional amendment. But only if we make tough choices. In fact, last month, the Environment and Public Works Committee did just that. The committee made over $137 million in cuts to public buildings projects. It was not easy. It sure was not popular. But it was necessary.

The size of the check for emergency disaster relief is not the only issue. There must be a more concerted effort to mitigate such tragedies at the Federal, State and local levels.

We already have programs in place to minimize the loss of life and property in natural disasters. We have flood insurance. We have earthquake insurance and crop insurance. We have strengthened building codes and seismic retrofitting. These are all good programs. But application and enforcement is spotty or nonexistent.

Madam President, we all watched the Midwest floods this summer. We all watched with sympathy and we helped out. Congress appropriated over $5 billion to pay for the floods and the bill before us today appropriates even more. But few people realize that many who live in the 100-year flood plain do not carry flood insurance. That is irresponsible.

If you choose to live in a flood plain, you should be required to have the necessary insurance protection. Only about 25 percent of property owners in the Midwest flood area were covered by flood insurance. When the flood came, it did not matter. The Federal Government came to the rescue to bail-out the residents who chose not to carry insurance.

The same is true with earthquake insurance. A majority of homeowners in the Los Angeles area did not carry earthquake insurance. As a result, the Federal Government will again pay to rebuild these homes, regardless of whether or not earthquake insurance was purchased.

What incentive is there to buy insurance, if you know the Federal Government will pay when there is a natural disaster? No wonder participation rates for these programs are so dismal.

I realize that it may not just be a case of irresponsibility on the part of homeowners. If high deductibles or premiums make these insurance policies prohibitive, Congress should take a hard look at that as well.

Federal generosity has a limit, Madam President. We need to enforce these programs so that property owners take personal responsibility for their action or inaction.

But it is not just a Federal problem. I urge my colleagues to work with State and local officials and make sure they understand that short-term investments have long-term advantages. As the saying goes, "an ounce of prevention is worth a pound of cure". Many of us breathe a sigh of relief when a disaster misses our State. But we are all in this together as taxpayers.

By creating a task force to look into the costs associated with disasters, the Majority Leader and the Speaker have also recognized that this is an important issue that needs to be examined. I commend them for their action and look forward to working with this task force in the weeks ahead.

FLOOD ASSISTANCE

Mr. HARKIN. Madam President, I rise in support of this important disaster assistance legislation. I commend the President and the distinguished and skillful chairman of the Appropriations Committee for assuring its prompt consideration.

This legislation appropriately responds to the tremendous destruction caused by the major earthquake in southern California. People have lost their homes, possessions, and jobs. The devastation included billions in damage to roads, bridges, and other public buildings. We in the Midwest know all too well what a disaster like this means and the need for a quick and thorough response in order to recover economically and emotionally from it.

I am also pleased that the legislation before us responds to additional unmet needs caused by the great midwest floods this past summer. I want to thank Chairman BYRD, President Clinton, and OMB Director Panetta for their work to make this possible.

As Senator BYRD wisely noted when the flood supplemental appropriations measure was considered last year, we did not at that time understand the full impact of the disaster. Frankly, we still do not have a final determination of the costs involved.

I have been continuing my efforts with Senate BOND and the other Senators from the flood States to determine the needs that still must be met.

On January 31, the President proposed $435.5 million in additional assistance for the Midwest. This included $340.5 million for the Soil Conservation Service to restore levees, stabilize soil around structures and to accelerate some construction in watersheds. This work is crucial if the flood areas are to have a chance of being properly prepared for likely future flooding in the area. The ground is still saturated, and many predict significant flooding this year. The SCS funds will also be used to put land into the wetlands program. It is cheaper to put some land into the program than to restore it or to restore damaged levees: $25 million was provided through the ASCS to help farmers restore their fields, and $70 million was provided for the Corps of Engineers for the restoration of levees.

Also, on January 31, the flood task force made up of State government officials in the affected States provided a partial list of $560 million of the most urgently needed assistance beyond the $435 million requested by the President.

Recognizing the limits on Federal aid, Senators from the affected States worked to scrub those requests. We met with Leon Panetta last week with a considerably pared down list of requests. His staff suggested further reductions after they worked with the Departments on a needs assessment. The President then requested and I offered an amendment in the appropriations markup to provide $250 million in additional CDBG funds for the affected States. In addition, $50 million was added to the "unanticipated needs" account. Those funds can be used for the Midwest, for the earthquake area or for other disasters.

The $250 million in CDBG funds are to be allocated to the Midwest flood will be used for a variety of purposes including: home relocation, in some cases the relocation of whole communities; the modification of sewer systems so they will not act as conduits for flood water. We had whole neighborhoods safely behind levees that held. But, the water came roaring out of the toilets and sinks causing great damage, and the use of funds by local governments for levees and other improvements that will reduce losses in future disasters.

Madam President, I urge quick adoption of this important legislation so that the people of California and the Midwest can fully recover from the natural disasters that have recently beset them.

Mr. COATS. Madam President, it has been said, "Blessed are the young, for they shall inherit the national debt." Today, every child born in America inherits $17,000 in public debt. Today, the total Federal income tax collected each year from west of the Mississippi River does not even cover the interest paid on our debt burden. Today, the Federal Government spends $3 for every $2 it collects. This is the destructive legacy of a Congress without courage. Our budget deficit represents a failure to lead, and that failure is felt in every city, in every community, on every farm, and in every family.

We clearly need to restore fiscal integrity and economic soundness to the

budget process. I am proud to be a cosponsor of the Government downsizing, performance, and accountability act of 1994, introduced today by the Republican leader. This proposal offers real deficit reduction through 50 commonsense recommendations from a range of sources, including the Grace Commission and Vice President GORE's National Performance Review.

Other proposals fall short of real deficit reduction because they fail to reduce the caps on discretionary spending. Our plan cuts Federal spending by more than $50 billion over 5 years and, by lowering the caps, ensures that all of the non-defense savings goes to deficit reduction. It prevents Congress from using its timeworn tactic of using savings from one program to spend more on another, and it reduces the deficit without raising taxes.

Our bill also protects the military from those who would raid its budget to fund pet programs. By reinstating the defense firewall, this plan enables President Clinton to keep the promise he made in his State of the Union Speech not to cut defense spending any further than he already has. The Defense budget has already been cut to the bone. We must end the practice of compromising our national security to pay for the policy enthusiasm of the moment.

Any attempts to reduce the deficit are incomplete without institutional reform. The inclusion of the line item veto in this package ensures that Congress would not be permitted to continue to mortgage our children's future through pork-barrel spending. It would shine the light of debate into the dark corners of the budget process.

This plan is about honoring people who pay their taxes, lead productive lives and are tired of seeing Government waste their hard-earned money. Washington can reduce the deficit without raising taxes; this plan proves it.

Our national deficit is a burden on our children and our grandchildren. This plan eases that burden through reasonable cuts and meaningful savings. It is a chance for Congress to act on its ardent rhetoric about deficit reduction.

FUNDING FOR LIHEAP IN THE SUPPLEMENTAL APPROPRIATION.

Mr. KENNEDY. Madam President, in the aftermath of the severe cold wave last month in the Northeast, emergency aid through the Low Income Home Energy Assistance Program is clearly needed.

The bill before us asks President Clinton to release $300 million of the $600 million available in contingency funds for this program. The bill also requests that the Secretary of the Department of Health and Human Services be permitted to target this funding to the States that are most in need.

I strongly support both of these goals, and I commend Senator BYRD, the chairman of the Appropriations Committee, and Senator HARKIN, the chairman of the Labor and Health and Human Services Subcommittee, for their leadership on this provision. These Senators have been instrumental in ensuring that the LIHEAP Program serves the needs of low-income families. This emergency aid will ease the heavy burden of one of the coldest winters in recent memory.

We need this $300 million emergency appropriation, and we need it as soon as possible. Even before this winter began, the LIHEAP Program was being shortchanged. In fiscal year 1985, $2.1 billion was appropriated to LIHEAP. In fiscal year 1994, LIHEAP received only $1.4 billion, a 30-percent decrease.

In Massachusetts, only 27 percent of those eligible actually receive LIHEAP's aid. Low-income families have had to choose between heating their homes and feeding their children. In 1992, Boston City Hospital released a 3-year study on seasonal changes in weight for low-income children living in Boston. The study identified a relationship that researchers called the heat or eat effect: The number of clinically underweight children going to the hospital's emergency room increased dramatically in the period immediately following the coldest month of the winter. According to the study, "parents know their children will freeze to death before they starve to death." It is disgraceful to force families to make such a choice when it is in our power to prevent it.

Massachusetts is not alone in facing these urgent problems today. The Coalition of Northeast Governors, representing the Northeast States plus New York, Pennsylvania, and New Jersey, and the Association of State LIHEAP Directors, which includes administrators from across the country, have reported that many States will soon exhaust their LIHEAP funds. The winter goes on, but funds to help the poor pay their energy bills have dried up.

This emergency appropriation of $300 million will help the country's poorest families make it through the winter. I commend the committee for its action and I urge the Senate to approve it.

Mr. PRESSLER. Madam President, I rise in reluctant opposition to the rescission provisions in title III of the Senate version of H.R. 3759. On the one hand, I support cuts to offset spending. On the other hand, I must voice strong objection to rescinding funds for the Landsat satellite in the Department of Defense section of the package.

The administration's budget request for fiscal year 1995 contains no funding for the Department of Defense Landsat operations. This does not mean, however, that the administration no longer believes in the important mission of the Landsat satellite to support global climate change research and national security.

The President's National Science and Technology Council this week adopted a proposal to construct, launch, and operate a Landsat 7 system. While not all details of this proposal have been completed, it assumes a transfer of the Department of Defense fiscal year 1994 Landsat funds to NASA to cover a portion of the completion cost of Landsat 7. After the launch of Landsat 7, the National Oceanic and Atmospheric Administration would be responsible for the system's ground operations, including data processing, distribution and archiving at the EROS Data Center in Garretson, SD.

The Landsat program provides critical land remote sensing data for earth science research and a variety of operational applications of importance to national security as well as domestic and international use.

We are in the unfortunate position of considering construction and launch of Landsat 7 prematurely. Earlier this year, Landsat 6 was lost upon launch. One earlier satellite, Landsat 5, continues to operate, but it is beyond its expected lifetime. Data continuity becomes a priority consideration with the loss of Landsat 6, and the limitations of the older satellite. If Congress fails to commit to continuation of this program, we run a real risk of being without land remote sensing data.

NASA is in the middle of developing its Earth observing system data information system, which depends on Landsat data. If we do not build and launch Landsat 7, we will be in the position of trying to replicate some form of the program within 5 years. The cost of trying to build a new program will far exceed what we might spend to continue the current Landsat program.

The other body assumes continuation of the Landsat program in its companion to the measure we are considering today. I urge my colleagues in the strongest possible terms to accept the other body's support of Landsat in conference.

FOOD DONATIONS PROGRAM FOR SELECTED GROUPS

Mr. INOUYE. Madam President, I would like to ask my esteemed colleague, Senator BUMPERS, chairman of the Subcommittee on Agriculture, Rural Development, and Related Agencies, to clarify a point in the rescission package that may affect Indian tribes and needy Indian people of our country. The House-passed bill and the Senate bill contain rescissions directed at the Food Donations Program for Selected Groups within the Agriculture Department's Food and Nutrition Service. Can the chairman expand on the report language which indicates that this rescission will not affect the availability of commodity foods available to Indian reservations?

Mr. BUMPERS. I would be glad to clarify this point for the distinguished chairman of the Indian Affairs Com-

mittee. The funds which are proposed to be rescinded in the Senate bill are, in fact, a portion of the fiscal year 1993 appropriation that carried over to the current fiscal year. The committee has been advised that these funds are not needed to maintain the current program level. Senator INOUYE can assure the Indian tribal governments and Indian people who receive such assistance that the rescission contained in this measure is not intended to diminish the current level of commodity foods available to them.

Mr. LEVIN. Madam President, I would like to engage in a brief colloquy with the distinguished chairman of the Transportation Appropriations Subcommittee, if he is available, on a matter in the bill before us.

Mr. LAUTENBERG. I am happy to discuss the bill with the Senator from Michigan.

Mr. LEVIN. I thank the Senator from New Jersey. The bill that the Appropriations Committee reported makes tangible progress toward responsible deficit reduction. However, I am concerned by one of the rescissions proposed by the committee for the Federal Highway Administration, the Monroe rail consolidation project.

The Monroe rail consolidation project has been included on the committee's proposed rescission list. Yet, this project is ready for construction and is important for southeast Michigan. The criterion that the committee appears to have used in determining if a project's funding should be rescinded is whether or not a project still has unobligated balance from before fiscal year 1991. These balances, in and of themselves, provide no indication of the merit of a project.

The Monroe rail consolidation project is ready for construction and is important for southeast Michigan. The project is necessary for economic and safety reasons. It will eliminate 25 public and private crossings, substantially reducing preventable vehicle/train accidents. Design and engineering is done. Work has been delayed only because the overall costs were underestimated. I ask unanimous consent that a description of the project prepared by the Michigan Department of Transportation be printed in the RECORD following my remarks.

Madam President, I know that without an offset it would be difficult to remedy this on the floor right now, but I would ask the Senator if he would work in conference to preserve the unobligated balances for this project.

Mr. LAUTENBERG. I appreciate the Senator bringing these facts to my attention. I have no intention of pulling the rug out from under those projects that are ready to go. I can assure the Senator from Michigan that I will keep in mind his concerns and the information he has provided as the conference committee considers the proposed rescissions.

Mr. LEVIN. I thank the subcommittee chairman for his assistance. I hope that the conferees on the bill will be able to delete this project from the rescissions list. Those unobligated fiscal year 1990 balances may appear to be free game here in Washington, but the people in Michigan are counting on them.

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

MONROE RAILROAD CONSOLIDATION PROJECT, MONROE COUNTY, MI

1. Identify the State or other qualified recipient responsible for carrying out the project.

The Michigan Department of Transportation (MDOT) will be responsible for administering federal, state and local public funds used in the project; the City of Monroe and the involved railroads, CN North America (CNNA) and Consolidated Railroad Corporation (Conrail), will carry out the project.

2. Describe the design, scope and objectives of the project, including the phase or phases proposed for funding.

The Monroe Railroad Consolidation Project scope consists of consolidating three widely separated mainline tracks in a 7 mile long corridor passing through the City of Monroe into one double track main. The objectives achieved by consolidating these tracks are:

a. Increased grade crossing safety: The project would eliminate 25 of the 31 grade crossings in the corridor.

b. Increased efficiency of the street system: Travel delays on Monroe's street system caused by the movement of trains through the 25 crossings to be closed will be eliminated.

c. Improved air quality: Elimination of automobile idling time at grade crossings will reduce emissions.

d. Improved energy efficiency: The reduced automobile idling time at grade crossings and more stable vehicle operating speeds will reduce motor fuel consumption.

e. Enhanced land use/economic development opportunities: The elimination of two railroad rights-of-way through the city enhances the potential uses for adjacent parcels, and enables consolidation of properties into marketable opportunities for new enterprises and increased employment.

f. Improved residential neighborhood cohesiveness: The neighborhoods severed by the rights-of-way to be eliminated will be reconnected; dwellings now adjacent to the tracks will become more desirable and livable, improving the quality of housing stock in the area.

g. Improved economics for rail freight movement: The railroad companies' costs of crossing and signal maintenance, as well as liability exposure will be eliminated for the 25 crossings to be closed; mainline track maintenance costs will be shared by two railroad companies.

A special Federal appropriation of $2.975 million received in FY 1990 has been used to accomplish feasibility and preliminary engineering studies. The remaining existing funding will be used to finance preparation of the Environmental Assessment, completion of final design, and a small portion of the total cost of construction. New federal funding is sought for the remaining construction costs.

3. Is the project eligible for the use of Federal-aid funds?

The project is eligible for the use of Federal aid funds.

4. What is the total project cost and source of funds?

The total cost to complete the project is estimated (based upon preliminary engineering) at $16,000,000. Sources of funding are as follows:

Federal funds (80%)=12.8 million

Non-federal funds (20%)=3.2 million

Non-federal funds will be provided by Michigan Department of Transportation, the two private railroad companies, and affected local governments.

The federal share consists of the balance of the 1990 federal grant and the additional funding sought in this request, as follows:

Original grant balance	$2,775,000
Present grant request	10,025,000
Total federal funds	12,800,000

5. Will there be private sector funding for a portion of the project and, if so, how much private sector financing is being made available for the project?

A portion of the 20 percent non-federal fund match will be provided by the involved railroads.

6. Will the completion costs for the project exceed the amounts requested for the project?

Estimates of completion costs based upon preliminary engineering completed thus far indicate costs to be within the amount requested.

7. Has early work, such a preliminary engineering and environmental analysis been done on the project?

Preliminary engineering and Phase One Environmental Site Assessment have been completed.

8. What is the proposed schedule and status of work on the project?

Preliminary engineering, by Envirodyne Engineers, was completed and presented to local public officials and the railroads in April, 1993. The proposed plans were generally endorsed by all public and private entities affected. Concern was raised by a neighborhood at the northern limit of the project regarding the location of the crossover track near their residences. Early in 1994, Envirodyne Engineers will be retained to do further work to study alternative crossover locations, and to prepare an Environmental Assessment in compliance with federal requirements. Once Federal approval is granted, final design will commence. The target year for construction is 1995.

9. Is the project included in the metropolitan and/or State transportation improvement plan(s), and if so, scheduled for funding?

The project is included in the regional transportation improvement program prepared by the Southeast Michigan Council of Governments, and therefore is included, by reference, in the state transportation improvement program.

10. Is the project considered by State and/or regional transportation officials as critical to their needs?

The project is seen as very important by local, state, and federal officials.

11. Why have State and/or regional transportation officials not given this project sufficient priority to obtain funding through the normal ISTEA funding process?

State, regional, and local transportation officials have identified the importance of this project. The department has delayed the development of many needed projects due to inadequate funding levels, from both federal authorizations and state transportation revenues.

12. Has the proposed project encountered, or is it likely to encounter, any significant opposition or other obstacles based on environmental or other types of concerns?

Public presentation of the preliminary engineering report in April, 1993, generated a concern regarding location of the northern crossover track. This concern will be addressed as the project moves to final design. There is strong local citizen support for the project. Environmental impacts, if any, will be identified as a result of the Environmental Assessment to be undertaken in 1994.

13. How will the project objectives be attained?

The project objectives will be attained through a project steering committee consisting of representatives from each affected local government, the two railroads, and M•DOT. The committee has functioned on an ad hoc basis since before the first federal grant was obtained, and accounts for the consensus already existing on the consolidation plan for which preliminary engineering has been completed.

Through the continuous communication afforded by the steering committee, the complex technical, operational, and staging aspects of the project will be effectively managed, bringing about as smooth a transition as possible from current operations to joint operations in one corridor.

14. Describe the economic, energy efficiency, environmental, congestion mitigation and safety effects associated with completion of the project.

See #2.

15. Will the project require an additional investment in other infrastructure projects? If so, how will these projects be funded?

This project is a complete project in and of itself. However, its design would permit future rail consolidation continuing from the north limits of this project in northern Monroe County to the downriver area of metropolitan Detroit. Funding for such future work is not being sought at this time.

16. In lieu of the proposed project, what other transportation strategies have been considered by State and local transportation officials?

A 1989 feasibility study recommended a consolidation scheme retaining two of the three track sets. A subsequent consultant study performed by Envirodyne Engineers, Inc. found that with proper design, utilization of only one rail right-of-way through Monroe could provide a level of utility to each railroad equal to that currently existing. (That study indicated that such an approach would incur less than a 10 percent cost increase over the two-track approach while allowing the closure of an additional eight area grade crossings.) If the project under consideration is not approved for federal funding, it is unlikely that any rail consolidation (i.e., the elimination of main line rail corridors) will be undertaken in the Monroe area.

17. Is the authorization requested an increase to a previously authorized amount for this project, or would this be the first authorization for this project? Has this project previously received federal funding, commitments regarding future federal funding (such as an LOI or Full Funding Agreement), or appropriations?

This request is for the funding necessary in addition to the original federal grant in 1990, to carry the project from preliminary engineering through construction.

18. If Highway Trust Fund revenues are not made available for the project, would you support general fund revenues for it?

General fund revenues would be acceptable for the advancement of this project.

NORTHRIDGE EARTHQUAKE

Mrs. BOXER. Madam President, damage caused by the Northridge earthquake has severely impacted the movement of people and goods. Until repairs and reconstruction of damaged facilities are completed, California will need to implement, over time, the necessary transportation management strategies to maximize the movement of people and goods.

Transportation management strategies—including but not limited to construction of detours and modifications to existing roads to increase transportation capacities including development of High Occupancy Vehicle facilities, motorist and public information systems, upgrading and increasing transit services, including increased bus, rail and van pooling services and implementation of an intermodal emergency universal transit pass—are critical to providing alternative services to those services that were lost with the damage to the transportation system. Many of these activities are similar to activities implemented following the Loma Prieta earthquake in 1989.

The Federal Highway Administration issued a memorandum on April 20, 1989, providing guidance for Federal funding eligibility for traffic management activities. That guidance provided that many of the strategies being used would be eligible for normal Federal funding as well as day-to-day operations for highway advisory radio and freeway service patrols during highway construction.

H.R. 3759, the emergency supplemental appropriations bill, does not specifically address the issue of traffic management strategies under the Emergency Relief Program. It is my understanding that these transportation management activities for Emergency Relief Program funding are eligible under the Emergency Relief Program to restore essential traffic service until such time as repairs and reconstruction of transportation facilities, damaged by the earthquake, are completed and reopened to traffic. Is this the understanding of the chairman of the Subcommittee on Transportation and Related Agencies of the Committee on Appropriations?

Mr. LAUTENBERG. Madam President, I agree with Senator BOXER's assessment that activities to restore essential traffic services are eligible activities under the Emergency Relief Program and I urge FHWA to move quickly on this matter.

Mrs. BOXER. I thank Chairman LAUTENBERG for this clarification and his support.

Mr. COHEN. Madam President, I rise today to express my sympathies to the people of southern California. The devastating earthquake which shook the Los Angeles area last month has left many people dead or injured and thousands of others homeless. I intend to support this emergency supplemental which will provide desperately needed relief not only to the victims of this tragic earthquake, but also to the victims of the Midwest floods and the unusually bitter cold temperatures that various regions of the country, including my home State of Main, have experienced this winter.

I am extremely pleased that this legislation includes the directive to President Clinton to release $300 million in emergency funds from the Low Income Home Energy Assistance Program [LIHEAP]. It is up to President Clinton to declare an emergency and release these funds, but I am confident that he will support our call for immediate action.

As we all know, the winter in many parts of the country, but particularly in Maine and other parts of New England, has been unusually cold and shows no signs of abating. In Maine, temperatures have been well below freezing for many weeks.

Let me indicate just how dire the situation is for some of Maine's residents. In Washington and Hancock Counties, among Maine's poorest counties, the average LIHEAP benefit is now only $182 for the whole winter, a reduction of $166 from last year's level. Benefits for many households who heat with oil, kerosene or wood range from $48 to $120 for the entire winter. As you can imagine, this benefit level cannot possibly assist the poor in meeting the energy costs they face as a result of this relentless winter weather. Of those receiving benefits in this area, 74 percent have incomes below 100 percent of the poverty guidelines, with the remaining 26 percent with incomes between 101 and 150 percent of poverty guidelines.

It is critical that emergency fuel funds set aside in the fiscal year 1994 Labor/Health and Human Services appropriations bill be released immediately in order to provide the assistance to these needy citizens. It is for precisely this situation that emergency funds were allocated by Congress in last year's appropriations bill, and I urge the President to take the appropriate action and release the funds to needy areas like Maine.

I also want to speak to the issue of how we fund disaster relief. The Federal Government, in my view, has a responsibility to respond to natural disasters which strike without warning and leave people desperate for such basic necessities as food and shelter. Madam President, my own State of Maine suffered the aftermaths of three natural disasters in 1991 alone, causing substantial damage to public roads and bridges and private property throughout the State. At the same time, however, I firmly believe that we must begin to seriously address the Federal

budget deficit. The Federal Government has been running deficits for more than two decades. The Congress and the President continue to ask Americans to pay higher taxes in an effort to tackle the deficit, but Americans want Congress and the President to cut spending first.

Since 1988, Congress has approved six disaster relief supplemental appropriations bills similar to the one we are considering today. While no one disputes the need for this relief to the victims of natural disasters, these measures have increased our Federal budget deficit by more than $17 billion. The number of natural disasters nationwide has increased in recent years and so has the cost of these disasters as is evidenced by both Hurricane Andrew and the earthquake in California. The early estimates for the California earthquake range between $15 and $30 billion.

While I continue to believe that the Federal Government must provide assistance to disaster victims in times of catastrophic disasters, and do so expeditiously, I firmly believe that we must also face our fiscal responsibilities. If we do not begin to address the deficit now, the problem will only worsen for our children and our grandchildren. As a result, I support the language in this legislation urging the creation of a bipartisan task force to look at the issue of how to pay for disaster relief in the future. During the Senate's debate on this legislation, I also supported amendments to offset the cost of the bill with spending cuts in other Federal programs and find an alternative way to finance disaster assistance in the future. Unfortunately, however, the Senate did not adopt these amendments.

In closing, Madam President, I again want to express my sympathies to the residents of southern California as they begin the difficult process of trying to rebuild their lives in the aftermath of what may be the worst natural disaster this country has ever seen.

Ms. MIKULSKI. Madam President, I strongly support this supplemental appropriations bill to provide much-needed aid to the thousands of victims of the Northridge, CA earthquake, and I commend the chairman of the Appropriations Committee, Senator BYRD, for moving this legislation so quickly.

All of America was gripped by the 6.6 earthquake that struck the San Fernando Valley on the morning of January 17. We watched with horror how people had lost their homes, their communities, and in 57 instances, their very lives, because of this act of nature. Now is the time to get aid to those victims as rapidly as possible.

FEMA tells us that its disaster relief fund is very close to running dry. That means that FEMA will have to withhold providing aid to all disaster victims—not just in California but also victims in the Midwest and other States which have had major disasters—until this bill is signed into law.

Madam President, the Northridge quake is the costliest major natural disaster in modern American history. This legislation will go a long way to helping people recover from that tragedy.

The amounts provided in the VA-HUD chapter reflect the administration's request.

FEMA: for FEMA disaster relief, the bill provides $4.7 billion. In addition, the administration recently released $408 million in contingency funds, for a total of over $5 billion.

These funds will provide for infrastructure repair, emergency transportation requirements, individual and family grants, hazard mitigation, and other disaster-related needs.

The bill also includes $15 million for a post-earthquake investigation.

HUD: For HUD, the bill includes $825 million for various housing and community development programs. For assisted housing account, the bill provides $225 million. Of that, $200 million will be allocated for section 8 housing rental subsidies for low-income families affected by the southern California earthquake. This will help provide housing for an estimated 10,000 families for up to 18 months. Most of the assistance will be used to aid families whose annual earnings are at or below 50 percent of the median income for the greater Los Angeles area. An additional $25 million will be allocated for the modernization of public housing projects damaged in the earthquake.

For the flexible subsidy fund, the bill provides $100 million. These funds will provide money to replace or rehabilitate federally-insured and/or -assisted multifamily housing projects damaged by the January 1994 earthquake in southern California. The Department's initial estimate indicates that 68 of 151 projects located within the earthquake zone, roughly 45 percent of federally-insured and/or assisted inventory, were affected by the quake.

The Committee has included bill language to increase the flexibility of FHA programs for victims of the southern California earthquake. These provisions were not recommended by the House because of concerns about the fact that they are legislative in nature.

And finally, for the CDBG program, the bill provides $500 million. These funds will be disbursed to entitled communities, and the State of California, for expenses resulting from immediate and long-term efforts to recover from the January 1994 southern California earthquake. Up to $75 million of those funds may be transferred to the HOME program for expenses resulting from the earthquake.

VA: The bill provides $66.6 million for the Department of Veterans Affairs. Together with $7 million in unspent disaster funds provided to the Department in a fiscal year 1992 dire emergency supplemental appropriations act, there will be $73.6 million available to VA.

These funds are needed for patient related expenses at six of California's VA facilities, including Sepulveda and West Los Angeles. There was extensive damage at the Sepulveda facility, requiring the facility to be closed and all patients to be moved to other medical facilities. The funds provided will pay for cleanup and minor repairs, transporting patients, additional patient workload, contract personnel, and other expenses.

In closing, Madam President, let me say that I am opposed to budget offsets for this supplemental appropriation.

I do not think it is fair to make the victims of this tragedy wait for aid while Congress haggles over budget cuts. We did not ask the victims of Hurricanes Hugo, Andrew, or Iniki to do that. We did not ask those who suffered from Loma Prieta to do that. And last summer, when floods affected nine different States in the Midwest, we did not do that.

KERREY-GRAHAM AMENDMENT

Mr. KOHL. Madam President, today I rise in support of the Kerrey amendment. The amendment contains specific spending cuts that could save the Government almost $95 billion over the next 5 years.

I will not speak for long today, Madam President. We have had enough speeches about cutting spending. It is time for action.

We all like to talk specifically about our ideas for spending Government money, but when it comes time to talk about reducing the deficit, we suddenly get vague. We are all against the deficit—in abstract. We are all against wasteful Government spending—if we do not go into details about exactly what we mean by wasteful. But there aren't many who want to stand up here and talk specifically about what programs we would cut. I commend Senator KERREY, and the bipartisan groups of Senators who support this plan, for doing just that.

And not only is this amendment specific. It is also even-handed. It cuts entitlements, defense, and domestic spending. No one group, State, or interest bears the brunt of the deficit reduction in this package.

And because the cuts in this package are numerous and specific, there are some items I support strongly, like the proposal to cut Senators' pay by 5 percent. And there are some items I wish were not in the package, like the reduction in Legal Services Corporation. But I support the entire package because I understand—and I hope the entire Senate understands—that we will not pass significant spending cuts until we are all willing to accept some cuts that hurt.

In the past, Madam President, too often we treated Government spending

as if it were a reward for winning public office. We spent taxpayer money as if it were our own. Now it is time to treat Government spending as a responsibility of public office. We have to start spending taxpayer money as if it belonged to the taxpayers who worked hard for it.

I am glad the President has sent us a budget that brings the deficit down—at least for the next 5 years. But we have got to do more. By the year 2000, our deficit will still be over $200 billion, our debt will have topped $6 trillion. Is this the legacy we want to leave to a new generation? Is overwhelming debt piling up year after year a record we can be proud of? No. The answer is no.

Now is the time to take action. Now is the time to start paying back the trillions we have borrowed from future generations. Now is the time to cut spending. I urge my colleagues to support the Kerrey amendment.

FEDERAL BUILDINGS FUND

Mr. DECONCINI. The language contained in the explanatory statement accompanying this bill contained in title II, under the "Federal Buildings Fund" heading, in no way supersedes or alters the actions taken by the Environment and Public Works Committee with respect to the disapproval of funds for certain GSA building projects made available in the fiscal year 1994 Treasury Appropriations Act. For those projects where fiscal year 1994 funds were appropriated but for which a prospectus was not approved by the Environment and Public Works Committee, the funds cannot be expended by the General Services Administration in accordance with the provisions of Public Law 103-123, until such authorization is approved.

Mr. BYRD. Madam President, I ask unanimous consent that an explanatory statement of the recommendations of the Senate Committee on Appropriations on H.R. 3759 be printed in the RECORD.

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

EXPLANATORY STATEMENT OF THE RECOMMENDATIONS OF THE SENATE COMMITTEE ON APPROPRIATIONS ON H.R. 3759, MAKING EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 1994, AND FOR OTHER PURPOSES.

The Committee on Appropriations, to which was referred the bill (H.R. 3759) making emergency supplemental appropriations for the fiscal year ending September 30, 1994, and for other purposes, reported the same to the Senate with an amendment, and submits the following statement in explanation of its recommendations.

BILL HIGHLIGHTS

Title I.—The Committee is recommending fiscal year 1994 emergency supplemental appropriations to cover emergency expenses primarily arising from the consequences of the January 17, 1994, earthquake in southern California. The Committee recommendation totals $10,019,150,000 in budget authority and $1,109,000,000 in loan authority, the same as the President's request. These funds are broken down as follows:

Committee bill, total appropriations	[1] $10,019,150,000
Emergency appropriations	(9,069,150,000)
Contingency appropriations	(950,000,000)
Loan authority	1,109,000,000

[1] Includes subsidy appropriations of $254,750,000.

Major items in this bill include:

FEMA—disaster relief	$4,709,000,000
Small Business Administration (disaster loans)	1,109,000,000
Impact aid	165,000,000
Student financial assistance	80,000,000
Federal-aid highways, emergency relief (trust fund)	1,265,000,000
Direct appropriations	(950,000,000)
Contingency appropriations	(400,000,000)
VA major construction projects	45,600,000
VA medical care	21,000,000
HUD annual contribution for assisted housing	225,000,000
HUD flexible subsidy fund	100,000,000
Community development block grants	500,000,000
Unanticipated needs, contingency appropriations	550,000,000
Department of Defense, humanitarian assistance	1,198,300,000
Department of Agriculture, Midwest flooding	435,500,000
Federal-aid highways, Loma Prieta	315,000,000

EARTHQUAKE SITUATION

In the predawn of January 17, 1994, an earthquake shook southern California causing massive upheaval to many homes, infrastructure, and the nerves of the residents near the epicenter at Northridge in Los Angeles County. Upon receiving initial reports of the damage and destruction caused by the quake the President made available previously appropriated emergency contingency funds of $140,000,000 on January 19, 1994, so that help could begin to flow immediately. On January 22, 1994, an additional $143,000,000 in previously appropriated emergency contingency funds was made available by the President.

After receiving reports from local, State officials as well as members of his Cabinet the President made an initial request for additional emergency Federal assistance totaling $6,178,405,000 on January 26, 1994. After further reports from the field and more recent estimates of the damage the President forwarded a further request of $3,540,745,000 in emergency aid on January 31, 1994. Of this request $1,591,945,000 is for the additional expenses of the Los Angeles earthquake; $1,198,300,000 is for unbudgeted and unexpected Department of Defense humanitarian and peacekeeping activities; $435,500,000 is for expenses related to last summer's floods in the Midwest; and $315,000,000 is for highway repairs resulting from the Loma Prieta earthquake. Therefore, the Committee has considered requests from the President which total $9,719,150,000.

Title II.—On February 7 and 8, 1994, the President submitted fiscal year 1994 supplemental budget requests totaling $1,579,698,000, of which $862,600,000 are for mandatory items. The bill recommended to the Senate includes discretionary appropriations of $115,714,000, a reduction of $601,384,000 below the President's request. In addition to the Committee has recommended the full amount requested by the President for mandatory items.

Mandatory items include $698,000,000 for veterans compensation and pensions; $103,200,000 for veterans readjustment benefits; and $61,400,000 for advances to the unemployment trust fund.

The discretionary items included represent salaries and expense items in various agencies. These discretionary appropriations are all accommodated within each subcommittee's 602(b) allocation and are more than offset by rescissions contained in title III.

Title III.—According to the General Accounting Office, from the enactment of the Congressional Budget and Impoundment Control Act of 1974 through September 20, 1993, Presidents have proposed rescissions totaling $69,629,034,690, of which $21,585,250,366 were agreed to by Congress. In addition, over this same period, congressionally initiated and enacted rescissions total $67,114,961,718. Total rescissions that have been enacted over this period (1974 through September 20, 1993) equal $88,700,212,085, or $19,071,177,395 more spending cuts than have been requested by Presidents.

On November 1, 1993, the President requested 37 rescissions within the jurisdiction of eight subcommittees totaling $1,946,122,724 in budget authority. On February 7, 1994, the President submitted additional rescissions bringing the total of the President's rescission requests to $3,172,183,170 for fiscal year 1994.

The bill as reported recommends rescissions totaling $3,442,677,882 in discretionary spending reductions, $270,494,712 in greater cuts than requested by the President. The bill as reported contains rescissions in the jurisdiction of 12 subcommittees.

While approving, in whole or in part, a substantial amount of rescissions requested, the Committee also recommends a number of rescissions not requested by the President. In some instances, these congressionally initiated rescissions are to be derived from general categories of spending for various agencies. These appropriations are not earmarked by the Congress, but are administered by the various agencies under authority delegated to them in appropriations acts. This delegation of authority to the executive branch is necessary because there are literally thousands of applicants for grants for many Federal programs. Congress is in no position to review and act upon these grant requests. Rather, the authority to carefully screen applicants for Federal funds so as to avoid wasteful and unnecessary spending and to approve only those grants which are of national importance, rests with the executive branch.

EMERGENCY DESIGNATION

Pursuant to the President's request, the Committee recommends language designating all disaster relief funds in this bill as emergency requirements under the terms of the 1990 Budget Enforcement Act. Under this act, appropriations that are designated as emergency requirements by both the President and the Congress are counted as automatic increases to the discretionary spending limits.

The emergency designations in this bill are consistent with past special disaster relief appropriations—in 1993 to cover the disaster costs caused by extensive flooding in the upper Mississippi River area; and in 1992 to cover the costs caused by other natural disasters, such as Hurricane Andrew, Hurricane Iniki, Hurricane Bob, the devastating fires in Oakland, CA, and the State of Washington;

the Northeastern storm that ravaged the New England area; and agricultural disasters such as the California freeze, the Red River Valley, TX, floods, the Kansas drought, the Minnesota/Iowa excessive rainfall, the Southeastern States drought, and the Louisiana/Texas freeze.

In addition, the Congress made emergency appropriations in 1991 at the request of the President to meet over $1,100,000,000 in international commitments and humanitarian needs such as aid to Kurdish refugees and economic support payments to the Governments of Turkey and Israel.

Prior to the 1990 Budget Enforcement Act, special emergency bills were enacted between 1980 and 1990 for large domestic and international disasters such as the Loma Prieta earthquake, Hurricane Hugo, the Mount St. Helen's volcanic eruption, African famine relief, and Italian earthquakes. These needs were all financed in a similar manner to this bill.

The Committee also wishes to note that while circumstances justify these expenditures, the Congress has had an excellent overall record in controlling discretionary spending. In total, over the first 4 years of the discretionary spending limits the Congress has appropriated $36,954,000,000 less than allowed under the statutory caps for discretionary spending.

Total discretionary appropriations—budget authority compared to budget caps

Fiscal year:	
1991	−$209,000,000
1992	−7,649,000,000
1993	−16,262,000,000
1994	−12,834,000,000
Total	−36,954,000,000

TITLE I—EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 1994

CHAPTER 1

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

SOIL CONSERVATION SERVICE

WATERSHED AND FLOOD PREVENTION OPERATIONS

1994 appropriation to date	$241,965,000
1994 supplemental estimate	340,500,000
House allowance	340,500,000
Committee recommendation	340,500,000

COMMITTEE RECOMMENDATIONS

The Committee recommends an additional $340,500,000 for the Emergency Watershed Protection Program through the "Watershed and flood prevention operations" account. This amount is the same as the House allowance and the budget estimate.

These funds will provide additional assistance to areas damaged by the Midwest floods, the southern California earthquake, and other natural disasters to safeguard lives and property. For the affected Midwestern States, funds would be used to repair levees and other flood-retarding structures, as well as to allow additional enrollments into the Emergency Wetlands Reserve Program from willing landowners. In California, funds would be used for erosion control in areas affected by the recent fires.

In addition, bill language provides that not more than $50,000,000 of this amount shall be made available where the primary beneficiary is agriculture and agribusiness regardless of drainage size.

The entire amount requested has been designated by the President and is herein designated by Congress as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985.

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

EMERGENCY CONSERVATION PROGRAM

1994 appropriation to date	
1994 supplemental estimate	$25,000,000
House allowance	25,000,000
Committee recommendation	25,000,000

COMMITTEE RECOMMENDATIONS

The Committee recommends $25,000,000 for the Emergency Conservation Program. This amount is the same as the House allowance and the budget estimate.

These funds will provide additional cost-share assistance to eligible producers for the repair of farmland damaged by the 1993 flooding in the nine affected Midwestern States.

The entire amount requested has been designated by the President and is herein designated by Congress as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985.

COMMODITY CREDIT CORPORATION

The Committee concurs with House bill language to provide that funds previously made available for disaster assistance may be used for orchard and nursery crops affected by the Midwest floods of 1993 and other natural disasters.

The Committee recommends bill language designating the use of funds for these purposes an emergency and making the use of funds for such purposes available only to the extent the President designates such use an emergency under the Balanced Budget and Emergency Deficit Control Act of 1985.

The Committee recommends bill language allowing papayas to be treated like other crops damaged by 1992 disasters, and specifies that use of funds for this purpose is an emergency requirement under the Balanced Budget and Emergency Deficit Control Act of 1985.

CHAPTER 2

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

RELATED AGENCY

SMALL BUSINESS ADMINISTRATION

DISASTER LOANS PROGRAM ACCOUNT

1994 appropriation to date	[1] $216,101,000
1994 supplemental estimate	309,750,000
House allowance	309,750,000
Committee recommendation	309,750,000

[1] Of this amount, $140,000,000 was provided as contingency appropriations.

The Committee recommends an emergency appropriation of $309,750,000 for the Small Business Administration's [SBA] "Disaster Loans Program" account. This is the same as the level requested by the President and provided in the House allowance. Of the funds recommended, $254,750,000 provides credit subsidies for disaster loans and $55,000,000 supports related administrative and processing expenses. Under current OMB credit subsidy rates, the appropriation will support an additional $1,109,000,000 in SBA disaster loans for businesses and homeowners. In conjunction with existing contingency appropriations which the administration recently released, a total of $1,500,000,000 in SBA disaster loans will be available to assist in the recovery from the Los Angeles earthquake.

The Committee also has agreed to bill language proposed by the House which amends section 24 of the Small Business Act which authorizes the SBA natural resources or Tree Planting Program. This amendment provides priority to applicants that have been impacted by major disasters during the previous 3 years.

CHAPTER 3

DEPARTMENT OF DEFENSE—MILITARY

SUPPLEMENTAL REQUEST

The President requested emergency fiscal year 1994 supplemental appropriations in the amount of $1,198,300,000 for the Department of Defense. These funds are requested to cover urgent, unbudgeted, and unforeseen expenses of the Department's humanitarian relief and peacekeeping operations in and around Somalia, Bosnia, Southwest Asia, and Haiti.

SUMMARY OF COMMITTEE RECOMMENDATIONS

The Committee recommends an appropriation of $1,198,300,000 in new budget authority for military personnel, operation and maintenance, and procurement programs of the Department of Defense. This amount is the same as that requested by the President and provided by the House.

These funds will be used to cover only incremental costs associated with ongoing humanitarian, peacekeeping, and peace enforcing operations of the Department, in the amounts and for the purposes listed below:

—*Somalia.*—$424,100,000 is provided to sustain United States military operations in and around Somalia through the planned departure date of March 31, 1994. Funds will be made available to the Army, Navy, and Air Force for combat pay, equipment operations and repair, equipment purchases, and other logistics support.

—*Bosnia.*—$276,700,000 is recommended to cover the full fiscal year 1994 costs of supply airdrops, hospital operations, and other support activities associated with United States humanitarian efforts in Bosnia. These funds also will be used to support U.S. actions to enforce the no-fly zone in this area.

—*Southwest Asia.*—$449,700,000 is recommended for ongoing U.S. military peacekeeping activities in Southwest Asia. Specifically, these funds will be made available to meet the full fiscal year 1994 combat pay, operations, and support costs of Operation Provide Comfort (relief efforts for the Kurdish population living in northern Iraq) and Operation Southern Watch (efforts to enforce the no-fly zone in southern Iraq.)

—*Haiti.*—$47,800,000 is provided to cover unbudgeted fiscal year 1994 incremental expenses of the Navy arising from increased ship operations and flying hours by units assigned to maritime interception operations around Haiti.

Appropriating funds in the amount requested is necessary to maintain the well being of our military forces. The expenses associated with the operations described above were neither anticipated nor provided for in the Fiscal Year 1994 Defense Appropriations Act (Public Law 103–139). Thus, the Department has been forced to redirect funds designated for planned peacetime training activities, equipment maintenance, and other programs in order to support these peacekeeping operations. Without these funds, the ability of our forces to maintain readiness certainly will be degraded. Moreover, the Committee concurs with the House's assessment that these expenses do fully satisfy the criteria used by the Office of Management and Budget to designate spending provisions as emergency in nature.

The specific details of the Committee's recommendations are discussed below.

1994 SUPPLEMENTAL APPROPRIATIONS

MILITARY PERSONNEL

The Committee recommends supplemental appropriations totaling $44,400,000 for military personnel pay and benefits programs.

MILITARY PERSONNEL, ARMY

1994 appropriation to date	$21,296,177,000
1994 supplemental estimate	6,600,000
House allowance	6,600,000
Committee recommendation	6,600,000

The Committee recommends appropriations of $6,600,000 for military personnel, Army to cover unanticipated combat pay and other pay and benefit costs incurred from ongoing humanitarian and peacekeeping operations. This is the same as the amount requested and approved by the House.

MILITARY PERSONNEL, NAVY

1994 appropriation to date	$18,330,950,000
1994 supplemental estimate	19,400,000
House allowance	19,400,000
Committee recommendation	19,400,000

The Committee recommends appropriations of $19,400,000 for military personnel, Navy to cover unanticipated combat pay and other pay and benefit costs incurred from ongoing humanitarian and peacekeeping operations. This is the same as the amount requested and approved by the House.

MILITARY PERSONNEL, AIR FORCE

1994 appropriation to date	$15,823,030,000
1994 supplemental estimate	18,400,000
House allowance	18,400,000
Committee recommendation	18,400,000

The Committee recommends appropriations of $18,400,000 for military personnel, Air Force to cover unanticipated combat pay and other pay and benefit costs incurred from ongoing humanitarian and peacekeeping operations. This is the same as the amount requested and approved by the House.

OPERATION AND MAINTENANCE

Supplemental appropriations totaling $1,106,600,000 are recommended for the Department's operation and maintenance [O&M] accounts. These funds will be used to cover unanticipated expenses of the Department's humanitarian and peacekeeping efforts in Bosnia, Somalia, Southwest Asia, and Haiti. Such expenses are being incurred by the Army, Navy, Air Force, and special forces and include costs of equipment operations and repair, transportation and communications support, supply purchases, subsistence and other logistics support. A table is provided below which identifies amounts to be made available to the military services for specific operations.

FISCAL YEAR 1994 SUPPLEMENTAL O&M APPROPRIATIONS

[In thousands of dollars]

	Somalia	Bosnia	Southwest Asia	Haiti	Total
O&M, Army	305,000	48,100	67,000	.....	420,100
O&M, Navy	22,800	19,800	14,400	47,800	104,800
O&M, Air Force	33,000	198,700	328,400	.....	560,100
O&M, Defensewide	10,100	1,400	10,100	.....	21,600
Total	370,900	268,000	419,900	47,800	1,106,600

OPERATION AND MAINTENANCE, ARMY

1994 appropriation to date	$15,802,057,000
1994 supplemental estimate	420,100,000
House allowance	420,100,000
Committee recommendation	420,100,000

The Committee recommends appropriations of $420,100,000 for operation and maintenance, Army. This is the same as the amount requested and approved by the House.

OPERATION AND MAINTENANCE, NAVY

1994 appropriation to date	$19,860,309,000
1994 supplemental estimate	104,800,000
House allowance	104,800,000
Committee recommendation	104,800,000

The Committee recommends appropriations of $104,800,000 for operation and maintenance, Navy. This is the same as the amount requested and approved by the House.

OPERATION AND MAINTENANCE, AIR FORCE

1994 appropriation to date	$19,093,805,000
1994 supplemental estimate	560,100,000
House allowance	560,100,000
Committee recommendation	560,100,000

The Committee recommends appropriations of $560,100,000 for operation and maintenance, Air Force. This is the same as the amount requested and approved by the House.

OPERATION AND MAINTENANCE, DEFENSEWIDE

1994 appropriation to date	$9,456,801,000
1994 supplemental estimate	21,600,000
House allowance	21,600,000
Committee recommendation	21,600,000

The Committee recommends appropriations of $21,600,000 for operation and maintenance, Defensewide. This is the same as the amount requested and approved by the House.

PROCUREMENT

The Committee recommends funding for various procurement programs in the total amount of $47,300,000. These funds will be used to replace equipment destroyed in support of operations and replenish items reserved for wartime.

AIRCRAFT PROCUREMENT, ARMY

1994 appropriation to date	$1,320,886,000
1994 supplemental estimate	20,300,000
House allowance	20,300,000
Committee recommendation	20,300,000

The Committee recommends appropriations of $20,300,000 for aircraft procurement, Army. This is the same as the amount requested and approved by the House.

OTHER PROCUREMENT, ARMY

1994 appropriation to date	$2,892,766,000
1994 supplemental estimate	200,000
House allowance	200,000
Committee recommendation	200,000

The Committee recommends appropriations of $200,000 for other procurement, Army. This is the same as the amount requested and approved by the House.

OTHER PROCUREMENT, NAVY

Aegis support equipment.—The fiscal year 1994 appropriation for Aegis support equipment included an increase of $5,000,000 only for the continued purchases of Navy standard AN/UYH-16 mass memory storage devices as proposed by the House and a reduction of $5,000,000 in the Aegis Support Equipment Program as proposed by the Senate. The Committee directs the Navy to implement this allocation of funds.

MISSILE PROCUREMENT, AIR FORCE

AMRAAM missile.—For several years the conferees on the Department of Defense appropriations bill have specifically provided authority to procure as many AMRAAM missiles as possible within the funds appropriated, provided it would be shown that any additional missiles procured beyond the budget estimate are needed to meet validated service requirements. The Senate report on H.R. 3116, the Department of Defense appropriation bill, 1994 (S. Rept. 103-153) specifically stated "The Committee recommends providing $469,329,000 for the procurement of as many AMRAAM missiles in fiscal year 1994 as these funds will allow".

It continues to be the intent of the Committee to encourage missile unit cost savings and to achieve inventory requirements in the most efficient manner. Because the Senate language directing the Air Force to buy as many missiles as appropriated funds would allow was not overturned in the conference report or the fiscal year 1994 Defense Appropriations Act, the Committee directs the Department of Defense to comply with the Senate language provisions.

OTHER PROCUREMENT, AIR FORCE

1994 appropriation to date	$7,637,250,000
1994 supplemental estimate	26,800,000
House allowance	26,800,000
Committee recommendation	26,800,000

The Committee recommends appropriations of $26,800,000 for other procurement, Air Force. This is the same as the amount requested and approved by the House.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY

Lightweight torpedo development.—The Fiscal Year 1994 Defense Appropriations Act provided $9,000,000 to ascertain the feasibility of producing hybrid lightweight torpedoes. Use of the funds was restricted until after the Navy reported to the Committees on Appropriations on the programmatic objectives, schedule, technical risks, and annual and total program costs of the hybrid torpedo development program. Additional information provided by the Navy supports the use of $4,000,000 of the funds to perform the studies, analysis, and risk assessment demonstrations in order to submit the report to the Committees. The Committee approves the use of up to $4,000,000 only for these purposes.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE

Space test program.—No funds were provided in the Fiscal Year 1994 Defense Appropriations Act for space shuttle-related and piggyback secondary payload experiments. The Air Force has submitted additional information demonstrating the military utility of accomplishing this work. Based on the revised program plan, the Committee approves the reallocation, from within existing program funds, of $3,580,000 for the space shuttle work and $1,967,000 for the piggyback experiments.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSEWIDE

Electric vehicles.—The Committee recommends the reallocation of funds among the following projects: $3,250,000 for the Los Angeles agile manufacturing project; and $4,000,000 for the California Environmental Vehicle Consortium [CEVCO] project.

GENERAL PROVISIONS

The Committee recommends striking section 302 of the House-passed bill. Section 301 is retained. Section 303 of the House-passed bill is retained and renumbered as section 302.

CHAPTER 4

ENERGY AND WATER DEVELOPMENT

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

FLOOD CONTROL AND COASTAL EMERGENCIES

1994 appropriation to date	$20,000,000
1994 supplemental estimate	70,000,000
House allowance	70,000,000
Committee recommendation	70,000,000

The Committee recommends an appropriation of $70,000,000 to complete repairs to levees damaged in the disastrous floods of 1993 as requested by the President and passed by the House. The additional funding is required based on refined estimates and unforeseen work which the Corps of Engineers was not able to accurately identify at the time.

The entire amount requested has been designated by the President as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

CONSTRUCTION PROGRAM

Safety of dams.—The Bureau of Reclamation has informed the Committee that serious seepage caused by erosion has weakened Ochoco Dam in Oregon. The Bureau has ordered emergency repairs to prevent a catastrophic failure that could endanger the lives and property of over 5,000 downstream residents. Understanding that the repairs at Ochoco Dam are the highest priority in the Safety of Dams Program, the Committee has included a provision in the bill to waive the 60-day waiting period before construction can begin. The Committee understands the Bureau will use existing funds to begin this work.

CHAPTER 5

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

DEPARTMENT OF HEALTH AND HUMAN SERVICES

ADMINISTRATION FOR CHILDREN AND FAMILIES

LOW-INCOME HOME ENERGY ASSISTANCE

The Committee recommendation includes bill language permitting the Secretary of Health and Human Services to target $300,000,000 of existing Low-Income Home Energy Assistance Program [LIHEAP] emergency funds among the States. These funds are intended to help impoverished households cope with extraordinary heating costs due to recent extreme cold weather, which has been particularly severe in New England, Mid-Atlantic, and Midwestern States.

These funds can only be made available if the President submits a formal budget request to Congress designating the entire amount of the request as an emergency defined in the Balanced Budget and Emergency Deficit Control Act of 1985. The Director of the Office of Management and Budget has notified Congress that the administration intends to utilize this procedure to make available at least $100,000,000 due to the recent severe cold weather and has requested bill language to permit targeting of funds to impacted States. The House-passed version of this emergency supplemental appropriations legislation modifies the administration's bill language request to increase the targeting authority to $200,000,000. The President currently has authority to release up to $600,000,000 in emergency LIHEAP funds, through the nationwide statutory allocation formula.

The Committee notes that the regular LIHEAP appropriation of $1,437,408,000 available for the current year serves less than 25 percent of the eligible low-income population. While the law permits assistance to households below 150 percent of the poverty level, more than two-thirds of the funds serve recipients earning less than $8,000, far below the poverty threshold. Applications have been increasing rapidly, severely straining existing funds which provide an average benefit of only $200, a small fraction of heating costs.

The Committee concurs with the House in recommending bill language to extend availability of the regular fiscal 1994 program funding through September 30, 1994, to cover the current funding gap between the fiscal 1994 and 1995 appropriations.

DEPARTMENT OF EDUCATION

IMPACT AID

1994 appropriation to date	$798,208,000
1994 supplemental estimate	165,000,000
House allowance	165,000,000
Committee recommendation	165,000,000

The Committee recommends $165,000,000, the same as the budget request and House allowance, for impact aid disaster assistance under section 7 of Public Law 81-874. These funds will be used for grants to help school districts meet increased operating costs resulting from the January 1994 California earthquake and to compensate for reduced local revenue directly related to the disaster.

STUDENT FINANCIAL ASSISTANCE

1994 appropriation to date	$6,553,566,000
1994 supplemental estimate	80,000,000
House allowance	80,000,000
Committee recommendation	80,000,000

The Committee recommends $80,000,000, the same as the budget request and House allowance, for the Pell Grant Program for increased costs associated with the January 1994 California earthquake. These funds will finance Pell grants to partially meet additional financial needs of postsecondary students during academic years 1993-94 and 1994-95.

In addition, the bill authorizes the Secretary to waive the statutory requirements for the institutional allocation of student aid provided under two of the campus-based student aid programs—work study and Perkins loans. The waiver would allow the Secretary to reallocate unused fiscal year 1993 appropriations under the two programs to institutions enrolling students who have been adversely affected by the earthquake and other disasters, including the Midwest floods of 1993. Flexible reallocation authority already exists for the third campus-based program, the Supplemental Educational Opportunity Grant Program.

The Committee has also included bill language to extend the availability of fiscal year 1992 funds that were reallocated under the three campus-based student aid programs—Federal work-study, Perkins loans, and Federal supplemental opportunity grants. These funds will remain available to institutions for use in award year 1994-95 to assist individuals who have suffered financial harm as a result of the Midwest floods of 1993.

CHAPTER 6

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES

FEDERAL-AID HIGHWAYS

(HIGHWAY TRUST FUND)

1994 appropriation to date	
1994 supplemental estimate	$1,665,000,000
House allowance	1,665,000,000
Committee recommendation	1,665,000,000

The Committee recommends the full amount requested by the administration for the Federal Highway Administration's emergency relief program. Of the funds recommended, $1,350,000,000 is to address those emergency highway needs resulting from the southern California earthquake. In addition to those funds, $315,000,000 is recommended for highway needs resulting from the Loma Prieta earthquake.

The Committee has included the bill language submitted by the administration, which allows California to exceed the annual $100,000,000 emergency relief per State cap, and the provision which sets the Federal share at 100 percent for projects' costs on the Federal-aid highway system that are incurred during the first 180 days from the date of the earthquake.

For fiscal year 1994, the Intermodal Surface Transportation Efficiency Act, Public Law 102-240, provided a total of $100,000,000 in contract authority for emergency relief highway projects.

The Committee has included bill language which would protect the Northridge earthquake relief effort from any shortfalls in funding before enactment of the supplemental appropriations by permitting reimbursement to the State Department of Transportation for costs incurred before additional emergency relief funds are provided by the supplemental appropriations bill. This provision would ensure uninterrupted repairs of damage to the freeway system.

The Committee has also included technical bill language which allows funds already provided to the State of Hawaii to be spent on emergency relief plans for the Island of Kauai, which suffered the greatest damage from Hurricane Iniki. Usually, planning funds are generally designated for metropolitan planning organizations [MPO's]; but Kauai does not have an MPO.

In the wake of the southern California earthquake, the Committee is reminded of the significant cost savings resulting from the seismic retrofitting of highway spans and bridges. In addition, evidence suggests

lives are saved as a result of this retrofitting. The Secretary is directed to provide to the Committees on Appropriations a priority listing of the seismic retrofit needs of bridges and spans along Interstate 5. The report is to be delivered no later than June 1, 1994.

CHAPTER 7

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

DEPARTMENT OF VETERANS AFFAIRS

VETERANS HEALTH ADMINISTRATION

MEDICAL CARE

1994 appropriation to date ...	$15,622,452,000
1994 supplemental estimate	21,000,000
House allowance	21,000,000
Committee recommendation	21,000,000

The Committee has recommended $21,000,000 for the Department of Veterans Affairs "Medical care" account, as requested. Together with $7,000,000 in unspent disaster funds provided to the Department in a Fiscal Year 1992 Dire Emergency Supplemental Appropriations Act (Public Law 102-368), there will be $28,000,000 available in the "Medical care" account for expenses related to the Northridge earthquake.

These funds are needed for patient-related expenses at six of California's VA facilities, including Sepulveda and west Los Angeles. The Committee notes there was extensive damage at the Sepulveda facility, requiring the facility to be closed and all patients to be moved to other medical facilities. The funds provided will pay for clean up and minor repairs, transporting patients, additional patient workload, contract personnel, and other expenses.

Bill language has been included, as requested, providing that not to exceed $802,000 is available for transfer to the "General operating expenses" account, the "Guaranty and indemnity program" account, and the "Vocational rehabilitation loans program" account. These funds will provide for additional vocational rehabilitation subsistence loans, damage assessments for earthquake-damaged homes that are guaranteed by VA loans, and benefits counselors and psychologists at FEMA disaster assistance centers.

The Committee has also added language requested by the administration that designates the entire amount as an emergency, pursuant to the requirements in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DEPARTMENTAL ADMINISTRATION

CONSTRUCTION, MAJOR PROJECTS

1994 appropriation to date ...	$369,000,000
1994 supplemental estimate	45,600,000
House allowance	45,600,000
Committee recommendation	45,600,000

The Committee has provided the administration's request of $45,600,000 for construction, major projects. These funds will provide for restoration of numerous buildings, utility repair, trash and hazardous material disposal, security needs, damage assessment, and other disaster-related needs at the Sepulveda and at the west Los Angeles VA medical centers.

Bill language has been included enabling the Department to transfer such sums as may be necessary to the "Medical care" and "Construction, minor projects" accounts, for these disaster-related needs.

The Committee notes that this appropriation will not provide for rebuilding the main facility (building No. 3) at the Sepulveda VA Medical Center, which incurred major structural damage and may require replacement. The Committee understands that funds may be made available for this purpose through the appropriation for unanticipated needs.

The Committee has added language requested by the administration that designates the entire amount as an emergency, pursuant to the requirements in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

1994 appropriation to date ...	$9,312,900,000
1994 supplemental estimate	225,000,000
House allowance	225,000,000
Committee recommendation	225,000,000

The Committee recommends an appropriation of $225,000,000 for the "Annual contributions for assisted housing" account. This amount is the same as requested by the administration on January 26, 1994, and its supplementary request of February 1, 1994, and is the same as proposed by the House. Of the amounts provided, $200,000,000 will be allocated for section 8 housing rental subsidies for low-income families affected by the southern California earthquake. This will help provide housing for an estimated 10,000 families for up to 18 months. Most of the assistance will be used to aid families whose annual earnings are at or below 50 percent of the median income for the greater Los Angeles area. An additional $25,000,000 will be allocated for the modernization of public housing projects damaged in the earthquake.

Of the amounts provided for rental assistance, $100,000,000 will be used to replenish funds already released for earthquake relief from the Secretary's headquarters reserve. An additional $100,000,000 will augment funds already released.

The Committee has included bill language requested by the administration and carried in recent disaster supplementals that waives any statute or regulation in administering these funds, except those provisions related to nondiscrimination and fair housing, the environment, or labor standards. This language will help provide the affected area with greater flexibility in aiding earthquake victims.

The Committee has also added language requested by the administration that designates the entire amount as an emergency, pursuant to the requirements in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

FLEXIBLE SUBSIDY FUND

1994 appropriation to date	$35,747,000
1994 supplemental estimate	100,000,000
House allowance	100,000,000
Committee recommendation	100,000,000

The Committee recommends an appropriation of $100,000,000 for the flexible subsidy fund. This amount is the same as requested by the administration and that proposed by the House.

These funds will provide money to replace or rehabilitate federally insured and/or assisted multifamily housing projects damaged by the January 1994 earthquake in southern California. The Department's initial estimate indicates that 68 of 151 projects located within the earthquake zone, roughly 45 percent of federally insured and/or assisted inventory, were affected by the quake. These dwellings service approximately 7,500 low- and moderate-income families. Surveys reveal damage to these projects which ranges from broken doors and cracked walls to structural dislocation, serious enough to inhibit their continued use as housing.

The Committee has included bill language requested by the administration that waives any statute or regulation in administering these funds, except those provisions related to nondiscrimination and fair housing, the environment, or labor standards. This language will help provide the affected area with greater flexibility in aiding earthquake victims. The Committee recognizes that subsequent authorization legislation may augment the authority provided in this language, but believes that it is necessary at this time to expedite the use of these funds to aid the people of southern California.

The Committee has added language, requested by the Department in a February 8, 1994 letter to the Committee, to permit section 8 and section 312 projects to be eligible to receive assistance from this flexible subsidy appropriation.

The Committee has also added language requested by the administration that designates the entire amount as an emergency, pursuant to the requirements in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

FEDERAL HOUSING ADMINISTRATION

FHA—GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

The Committee has included bill language, requested by the administration, to increase the flexibility of FHA programs for victims of the southern California earthquake. These changes in Federal law would apply only in those areas covered by a Presidential disaster declaration, and only for the period of time during which the Presidential disaster declaration exists. These provisions were not recommended by the House because of concerns about the fact that they are legislative in nature. The Committee recognizes that subsequent authorization legislation may augment or alter the authority provided in this language. It believes, however, that providing this authority now is necessary to guarantee that homeowners in southern California have the chance to utilize FHA initiatives to rebuild their homes. The Department testified before the Committee on February 3, 1994, that they believed these FHA changes needed to be in place as soon as possible, but no later than March 1, 1994, if homeowners in southern California are to be able to use them to obtain housing lost as a result of the recent earthquake. To accommodate the urgent need for this provision, but still provide the flexibility for the appropriate legislative committees to act on this matter later in the year, the Committee has included language that would sunset the Department's authority to utilize these FHA changes within 18 months after the date of enactment.

The language would include the following changes to current law:

First, the Secretary would be given the discretion to increase the maximum mortgage limit for FHA-insured mortgages on single-family dwellings up to $203,150, the applicable limit for conforming loans of the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation. Such a change is needed to make FHA-insurance programs accessible to disaster victims since the median price of an existing house in the Los Angeles area is in excess of $200,000.

Second, the Secretary would be permitted to provide FHA insurance on loans that pro-

vide up to 100 percent financing of condominiums in disaster areas. Current law restricts such financing to single-family dwellings. This change is necessitated because condominiums are typical in earthquake- and hurricane-prone areas, and current law provides FHA insurance on a portion of the amount of the loan for condominiums.

Third, the Secretary would be given the discretion to provide rehabilitation loan insurance for multifamily dwellings under FHA's 203(k) program at an amount up to $203,150, the applicable limit for conforming loans of the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation. Section 203(k) assistance may be used in connection with the purchase or refinance of a property. Such a change is needed to make FHA-insurance programs accessible to disaster victims since the median price of an existing house in the Los Angeles area is in excess of $200,000.

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT GRANTS

(INCLUDING TRANSFER OF FUNDS)

1994 appropriation to date	$4,400,000,000
1994 supplemental estimate	500,000,000
House allowance	250,000,000
Committee recommendation	500,000,000

The Committee recommends an appropriation of $500,000,000 for community development block grant activities, the same as the administration request and the House allowance. Of these funds, $250,000,000 will be disbursed to entitled communities, and the State of California, for expenses resulting from immediate and long-term efforts to recover from the January 1994 southern California earthquake, and $250,000,000 for activities connected with the 1993 Midwest floods. Funds will be allocated among grantees in the effected areas on the basis of damage estimates and recovery needs once they become available. The additional $250,000,000 for victims of the Midwest floods was requested by the administration as an emergency on February 8, 1994.

Language has been included that would permit the Secretary to transfer up to $75,000,000 of these supplemental CDBG funds to the HOME Program for expenses resulting from the earthquake. Any such transfer is subject to the normal reprogramming guidelines. The Committee has added this additional $25,000,000 in transfers to the HOME Program at the request of the Department, made in a February 8, 1994, letter to the Committee. This change is based upon more accurate estimates of the need for HOME funds in southern California.

Language has also been included that makes clear that CDBG funds may only be used for activities not covered by programs of the Small Business Administration or which are not eligible for reimbursement from FEMA.

While no final damage and recovery estimates are complete, the proposed amount is based upon the best available information to date. For example, in the city of Los Angeles' assessment of the first 75 percent of affected buildings, it found 45,319 damaged, and 11,000 homes determined to be uninhabitable. The final number of uninhabitable dwellings is expected to reach 15,000. Total damage in housing to the city of Los Angeles is expected to be at least $1,582,865,000 based upon current estimates.

HUD has accelerated the obligation of regular fiscal year 1994 CDBG and HOME funds available to the areas affected by the earthquake. These regular funds can be used for disaster needs. These funds used for disaster-related activities would be replenished subsequently with supplemental funds.

The Committee has included bill language requested by the administration and carried in recent disaster supplementals that waives any statute or regulation in administering these funds, except those provisions related to nondiscrimination and fair housing, the environment, or labor standards. This language will help provide the affected area with greater flexibility in aiding earthquake victims.

INDEPENDENT AGENCY

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

1994 appropriation to date	$292,000,000
1994 supplemental estimate	4,709,000,000
House allowance	4,709,000,000
Committee recommendation	4,709,000,000

The Committee has provided $4,709,000,000 for FEMA disaster relief. In addition, the Committee notes that $408,000,000 in contingency funds have been released by the President, for a total of $5,117,000,000.

These funds will provide for infrastructure repair, emergency transportation requirements, individual and family grants, hazard mitigation, and other disaster-related needs following the devastation of the Northridge, CA, earthquake of January 17, 1994. Thousands of homes, schools, businesses, and other facilities have been damaged or destroyed, and the situation has been exacerbated by numerous aftershocks.

The approximate breakdown of the disaster relief fund request, including contingency funds, is as follows: $1,430,000,000 will provide for the repair of public buildings; $325,000,000 will provide for the repair of water systems and other utilities; $315,000,000 will go to repairing and restoring mass transit; $315,000,000 will provide for emergency measures such as the costs of police, fire, and shelter; $200,000,000 will provide for the repair of local roads; $100,000,000 will provide for debris removal; $100,000,000 will provide for law enforcement; $1,339,000,000,000 will provide for human services and individual assistance; $586,000,000 will provide for hazard mitigation; $142,000,000 will provide for administration; and $265,000,000 is available for additional unforeseen needs.

The Committee notes that demand for Federal financial assistance has far exceeded earlier catastrophic disasters. Applications for individual and family grants have already surpassed 295,000, and are expected to grow to 350,000. Following Hurricane Andrew, an earlier disaster of comparable proportions, FEMA received approximately 200,000 applications over a 6-month period. The Committee commends FEMA for the speed with which it has delivered aid to southern California's earthquake victims.

The Committee is concerned about the costs of natural disasters, which have risen steadily over the past several years. The Committee is particularly concerned about the magnitude of uninsured losses because many homeowners who accept the risk of residing in hazard-prone areas have chosen not to purchase insurance for such hazards, especially floods and earthquakes. The Committee directs FEMA to provide a report within 6 months of enactment of this act recommending options to provide incentives to homeowners to purchase insurance for such hazards, and to improve the availability and lower the cost of such insurance.

The Committee has added bill language requested by the administration that designates the entire amount as an emergency, pursuant to the requirements in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

The Committee urges the Federal Emergency Management Agency not to exercise waivers of sections 13(c) and 3(e) of the Federal Transit Act in the administration of transit-related funding in this bill.

EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE

1994 appropriation to date	$212,960,000
1994 supplemental estimate	15,000,000
House allowance	15,000,000
Committee recommendation	15,000,000

The Committee has provided $15,000,000 as requested for emergency management planning and assistance. These funds are required for a postearthquake investigation.

It is expected that expenditure of these funds by the Director of FEMA will be in accordance with section 11 of the Earthquake Hazards Reduction Act, which established a postearthquake investigations program in the U.S. Geological Survey. Section 11 provides that the Survey should coordinate with, and utilize, the Agency, the National Science Foundation, and the National Institute of Standards and Technology, as well as other Federal agencies and private contractors as necessary.

The Committee has added bill language requested by the administration that designates the entire amount as an emergency, pursuant to the requirements in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER 8

EXECUTIVE OFFICE OF THE PRESIDENT

FUNDS APPROPRIATED TO THE PRESIDENT

UNANTICIPATED NEEDS

1994 appropriation to date	$1,000,000
1994 supplemental estimate	50,000,000
House allowance	500,000,000
Committee recommendation	550,000,000

The Committee makes available $550,000,000 as requested by the President for unanticipated needs arising from the earthquake in southern California, the Midwest floods, and other disasters. These funds are available to the President for transfer to other departments and agencies for disaster-related repairs and assistance programs. The funds provided in this account are to give the President the flexibility required to provide financial support to cover the costs of disaster assistance programs for which estimates have not been fully developed. The Committee believes that the funds made available in this account should not be exclusive to the California earthquake and should be available for other disasters including the effects of last year's Midwest flood. Examples of programs which may be eligible for funds through this account are: emergency assistance grants to State and local governments of the Department of Commerce; emergency repairs to health and social services facilities of the Department of Health and Human Services; emergency housing and community development needs of the Department of Housing and Urban Development; assistance to dislocated workers; emergency legal services; and funds for the General Services Administration to establish alternative Federal office space through telecommuting centers and repair of Federal buildings. The Committee expects the Office of Management and Budget to provide quarterly reports on the obligation of funds from this account.

The Committee recognizes that many historic structures have been damaged as a result of the Northridge earthquake. Restoring these structures to their pre-earthquake condition is important to restoring the culture and history of the region. The Committee recommends that a portion of the funds made available out of the funds appropriated to the President for unanticipated needs should be allocated to the National Park Service to evaluate the damage to these historic structures and to provide necessary repairs.

GENERAL PROVISION

The Committee concurs with the House in rejecting the requested general provision to provide authority for the General Services Administration to transfer funds between Federal buildings fund accounts to meet emergency Federal building repair requirements. The Committee notes that the GSA currently has authority in law to transfer funds available in Federal building fund accounts with prior Committee approval, therefore, the requested general provision is unnecessary.

TITLE II—SUPPLEMENTAL APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 1994

CHAPTER 1

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

DEPARTMENT OF AGRICULTURE

EXTENSION SERVICE

1994 appropriation to date	$434,582,000
1994 supplemental estimate	1,400,000
House allowance	
Committee recommendation	1,400,000

COMMITTEE RECOMMENDATIONS

The Committee recommends an additional $1,400,000 for the Extension Service as proposed by the President. These funds would finance an integrated pest management project. The funding would support applied research to find alternative control methods for addressing the severe outbreak of a new late blight fungus strain affecting potatoes.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

1994 appropriation to date	$867,339,000
1994 supplemental estimate	(2,284,000)
House allowance	
Committee recommendation	(2,284,000)

COMMITTEE RECOMMENDATIONS

The Committee recommends an additional $2,284,000 for the Food and Drug Administration, as proposed by the President. This proposal will adjust the amount of fees appropriated, pursuant to section 736(g) of the Federal Food, Drug, and Cosmetic Act.

CHAPTER 2

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

DEPARTMENT OF STATE

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

1994 appropriation to date	$401,607,000
1994 supplemental estimate	670,000,000
House allowance	
Committee recommendation	

The Committee has not recommended an additional $670,000,000 for U.N. peacekeeping arrearages owed by the United States. This supplemental was submitted with the President's budget on February 7, 1994.

Providing these additional funds without a corresponding reduction in budget authority and outlays under the Commerce, Justice, and State, the Judiciary, and Related Agencies Subcommittee's jurisdiction would subject the bill to points of order under the Congressional Budget Act of 1974, as amended. The Committee notes that the administration considered $1,198,300,000 in Department of Defense peacekeeping and peace enforcing appropriations to be emergencies under the Budget Act, while the payment of U.N. peacekeeping arrearages were required to be offset and did not qualify for such treatment.

RELATED AGENCY

OFFICE OF THE U.S. TRADE REPRESENTATIVE

SALARIES AND EXPENSES

1994 appropriation to date	$20,600,000
1994 supplemental estimate	875,000
House allowance	
Committee recommendation	75,000

The Committee has provided an additional $75,000 for salaries and expenses, as requested, to cover the mandatory costs to comply with a court order and resolve the requirements under the court case known as *Armstrong* v. *Executive Office of the President*. These funds will be used to cover the costs of electronic records management activities of the Office of the U.S. Trade Representative. The Committee has not recommended the $875,000 requested by the administration for general trade negotiations.

CHAPTER 3

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES

DEPARTMENT OF THE INTERIOR

U.S. FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

(INCLUDING TRANSFER OF FUNDS)

1994 appropriation to date	$484,313,000
1994 supplemental estimate (by transfer)	(2,100,000)
House allowance	
Committee recommendation (by transfer)	(2,100,000)

These funds are recommended, as proposed by the President, to enable the Fish and Wildlife Service to meet its responsibilities under the Pacific Northwest forest plan. The funds will be used to promulgate a special rule relating to timber harvesting on non-Federal lands, permitted under section 4(d) of the Endangered Species Act. The objective of this rule will be to ease restrictions on timber harvesting, wherever possible, due to changed management practices on Federal lands. Activities to be conducted in association with this rulemaking effort include public hearings, information outreach, and the preparation of a draft environmental impact statement.

CONSTRUCTION

1994 appropriation to date	$73,565,000
1994 supplemental estimate (transfer out)	(−4,000,000)
House allowance	
Committee recommendation (transfer out)	(−4,000,000)

This supplemental request, reflected in the bill language contained under the "Land acquisition" heading, would provide a one-time transfer of $4,000,000 from construction to land acquisition (of funds appropriated in the emergency flood supplemental (Public Law 103–75)) to permit the purchase, on a willing-seller basis, of lands affected by the Midwest floods in lieu of dike or levee reconstruction. A portion of these funds might be used for easements rather than outright acquisition of lands.

LAND ACQUISITION

1994 appropriation to date	$82,655,000
1994 supplemental estimate (by transfer)	(4,000,000)
House allowance	
Committee recommendation (by transfer)	(4,000,000)

The Committee recommends, as proposed by the President, a one-time transfer of $4,000,000 from construction to land acquisition for the purchase, on a willing-seller basis, of lands affected by the Midwest flooding of 1993, to (1) serve as an alternative to the protection of these lands through dike or levee reconstruction, or (2) increase floodplain habitat to offset the effects of less intensive management of Fish and Wildlife Service lands. The possibilities for acquisitions or easements as compared to reconstruction were not known at the time the Midwest flood supplemental (Public Law 103–75) was passed during the summer of 1993.

NATIONAL PARK SERVICE

CONSTRUCTION

1994 appropriation to date	$201,724,000
1994 supplemental estimate	13,102,000
House allowance	
Committee recommendation	13,102,000

The Committee recommends, as proposed by the President, $13,102,000, to replenish construction funds transferred in 1993 to fund emergency repair and rehabilitation actions, as a result of winter storm, flood, and hurricane damage at various park units nationwide. Funds were transferred out of the construction account by the Department using the emergency authorities provided to the Secretary, which also require that a supplemental be requested as soon as possible thereafter, to replenish any budget authority transferred.

The Committee has included language, discussed under the "Land acquisition" heading, to provide for the transfer of up to $6,000,000 in funds previously appropriated for project modifications in the vicinity of Everglades National Park to the "Land acquisition" account to be used for a nonstructural solution to flood control in the area.

LAND ACQUISITION

1994 appropriation to date	$95,250,000
1994 supplemental estimate	1,274,000
House allowance	
Committee recommendation	1,274,000

The Committee recommends, as proposed by the President, $1,274,000 to replenish land acquisition funds transferred in 1993 to fund emergency repair and rehabilitation actions, as a result of winter storm damage at various park units. Funds were transferred from this account by the Department using the emergency authorities provided to the Secretary, which also require that a supplemental be requested as soon as possible thereafter, to replenish any budget authority transferred.

The Committee has modified language proposed by the President, to allow for the transfer of up to $6,000,000 in prior-year unobligated funds for the purpose of providing a grant to the State of Florida, to pursue a nonstructural land acquisition solution to flood control on lands adjacent to the Everglades National Park.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

The Committee has included bill language proposed by the President to provide that

not to exceed $316,111,000 of funds appropriated in the fiscal year 1994 Interior appropriations bill (Public Law 103-138) are for school operations costs of Bureau-funded schools and other education programs, which shall become available for obligation on July 1, 1994, and remain available for obligation until September 30, 1995. The funding for these Indian education programs is provided about 1 year in advance of the actual school year, based on student enrollment projections developed nearly 2 years in advance. Thus, actual enrollment could be greater or less than the estimates used in developing the budget. In the event actual student enrollments are less than projected for the 1994-95 school year, the inclusion of this language change will allow for the possible redirection of funds to other bureau programs which might experience shortfalls during fiscal year 1994. The Committee expects the Bureau and the Department to follow the normal reprogramming procedures should student enrollment be lower than projected and any portion of these funds be proposed for transfer to other program areas. This requirement applies regardless of whether a shift is proposed for education or noneducation purposes.

CONSTRUCTION

1994 appropriation to date	$166,979,000
1994 supplemental estimate	12,363,000
House allowance	
Committee recommendation	12,363,000

The Committee recommends, as proposed by the President, $12,363,000 to replenish BIA construction projects from which funds were transferred in 1993 using the Secretary's emergency authorities to respond to emergency construction and operations associated with flood damage in Arizona and California and to the oilspill in Bethel, AK. The funds transferred came from the facilities improvement and repair program of the Bureau's education construction appropriation.

INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS

The Committee recommends, as proposed by the President, bill language which would amend the fiscal year 1994 Interior appropriations bill (Public Law 103-138) to permit the Bureau of Indian Affairs to use a portion of the $3,000,000 appropriated for payments to trust account holders to reimburse Indian trust fund account holders for losses to their accounts due to differences between their initial claims and amounts subsequently included in judgments or settlement agreements approved by the Department of Justice. Similar language was provided in fiscal year 1993.

TERRITORIAL AND INTERNATIONAL AFFAIRS

COMPACT OF FREE ASSOCIATION

1994 appropriation to date	$22,102,000
1994 supplemental estimate (transfer out)	(−1,700,000)
House allowance	
Committee recommendation (transfer out)	(−1,700,000)

The Committee recommends, as proposed by the President, the one-time transfer of $1,700,000 in funds unobligated since their appropriation in 1986. The funds were provided originally for various Federal services to Palau, including reimbursement to the Department of Education for higher education grants. The Department of Education has since begun providing such grants, without reimbursement, to the U.S. territories and freely associated States (for the duration of their compacts), so these funds are no longer needed for this purpose.

OFFICE OF THE SECRETARY

OILSPILL EMERGENCY FUND

1994 appropriation to date	
1994 supplemental estimate (transfer out)	(−$400,000)
House allowance	
Committee recommendation (transfer out)	(−400,000)

The Committee recommends, as proposed by the President, the one-time transfer of $400,000 in excess of needs of the oilspill emergency program in fiscal year 1994.

DEPARTMENT OF ENERGY

ADMINISTRATIVE PROVISIONS

The Committee has included bill language, as proposed by the President, and included by the House in H.R. 3759, eliminating employment floors in several Department of Energy programs. These floors were established originally in fiscal year 1982 and have been modified several times since then. Absent the statutory floors, the Committee expects the Department to continue to provide adequate personnel resources in support of the program funding levels appropriated for energy conservation, fossil energy, clean coal technology, and the strategic petroleum reserve.

CHAPTER 4

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

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

1994 appropriation to date	$2,899,900,000
1994 supplemental estimate	61,400,000
House allowance	
Committee recommendation	61,400,000

An additional $61,400,000 in entitlement advances are needed to finance benefits related to the extension of the Emergency Unemployment Compensation Act (Public Law 103-6) and the "Federal unemployment benefits and allowance" general funding appropriation account which finances the Trade Adjustment Assistance Program and the costs associated with the North American Free Trade Agreement.

BUREAU OF LABOR STATISTICS

SALARIES AND EXPENSES

1994 appropriation to date	$282,018,000
1994 supplemental estimate	10,100,000
House allowance	
Committee recommendation	10,100,000

The Committee has included the supplemental request of $10,100,000 for the new current population parallel survey. The Committee is concerned that the Department planned to use Employment and Training Administration moneys for BLS activities without prior consultation and notification. Therefore, the Committee advises that it expects prior consultation and notification in advance of any similar action.

DEPARTMENTAL MANAGEMENT

The Committee has deferred, without prejudice, supplemental requests of $1,750,000 for Department of Labor responsibilities under the North American Free Trade Agreement. Of this amount, $1,000,000 is being requested for U.S. contributions to the International Secretariat of the Commission on Labor Cooperation, and $750,000 for the U.S. National Administrative Office, the domestic agency responsible for coordinating U.S. participation in the Labor supplement to NAFTA.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH CARE FINANCING ADMINISTRATION

PROGRAM MANAGEMENT

The Committee has deferred, without prejudice, action on the administration's $15,000,000 supplemental request to establish the Medicare and Medicaid coverage data bank, which was authorized by the Omnibus Budget and Reconciliation Act of 1993.

The Committee encourages the administration, however, to consider transmitting a reprogramming request to finance this initiative within existing resources.

The administration has proposed offset savings of $2,250,000 in the Department of Labor, and $37,500,000 in the Department of Health and Human Services. The Committee has addressed these proposals in title III of the bill.

CHAPTER 5

LEGISLATIVE BRANCH

CONGRESSIONAL OPERATIONS

SENATE

SALARIES, OFFICERS, AND EMPLOYEES

OFFICE OF THE SECRETARY

1994 appropriation to date	$11,715,000
1994 supplemental estimate	450,000
House allowance	(1)
Committee recommendation	450,000

[1] Not considered.

These funds are necessary to provide for the compensation and related costs of the Office of Senate Legal Counsel, Employee/Management Relations. This office was established in May 1993 at the direction of the joint Senate leadership to represent, advise, and assist Senate employing offices in employment matters. The Office of the Secretary absorbed the fiscal 1993 costs of this office but, because no estimate for the office was included in the fiscal 1994 budget, no funds were provided in the fiscal 1994 appropriation act (Public Law 103-69).

CONTINGENT EXPENSES OF THE SENATE

SECRETARY OF THE SENATE

1994 appropriation to date	$1,366,500
1994 supplemental estimate	600,000
House allowance	(1)
Committee recommendation	600,000

[1] Not considered.

These funds are necessary to provide for contract services including the cost of outside counsel and other related expertise for the Office of Senate Legal Counsel, Employee/Management Relations.

CHAPTER 6

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

COAST GUARD

OPERATING EXPENSES

The Committee does not concur in the President's request to rescind excess funds appropriated under Public Law 102-368 for costs arising from the consequences of Hurricane Andrew and Hurricane Iniki. Instead, the Committee proposes to make these funds available for uncompensated Coast Guard operating and acquisition costs arising from the consequences of the Midwest floods. Specifically, the Coast Guard has been required to lease temporary space for the relocation of Base St. Louis and Group Upper Mississippi River. In addition, the Coast Guard is now required to construct a new facility to jointly house these two units. These construction costs were not provided under Public Law 103-75, the emergency supplemental

appropriations bill for Midwest floods. As such, the Committee has included bill language extending the availability of funds provided for the Midwest floods for these purposes, as well as making excess funds from Hurricanes Andrew and Iniki available for these purposes.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

Consistent with the Committee's recommendation regarding operating expenses cited above, the Committee does not concur in the President's proposal to rescind excess funds initially appropriated for the consequences of Hurricanes Andrew and Iniki, and instead has made these funds available for the purpose of uncompensated costs arising from the Midwest floods.

FEDERAL RAILROAD ADMINISTRATION

PENNSYLVANIA STATION REDEVELOPMENT PROJECT

(SUPPLEMENTAL APPROPRIATIONS)

1994 appropriation to date	
1994 supplemental estimate	$10,000,000
House allowance	
Committee recommendation	10,000,000

The Committee has provided a supplemental appropriation of $10,000,000 for the Pennsylvania Station redevelopment project, as requested by the Administration. The current Pennsylvania Station in New York City, is the single most heavily used intermodal transportation facility in the United States. Roughly 500,000 people use the station each day in the process of boarding and disembarking Amtrak trains and utilizing local transit service (including service provided by two of the Nation's largest commuter railroads). The President's budget request for fiscal year 1995 envisions a $100,000,000 total Federal investment toward an ambitious project (currently budgeted at $315,000,000) to relocate the central Amtrak station to the James A. Farley Post Office in New York City. The U.S. Postal Services envisions vacating the eastern portion of the Farley Building by the end of 1994. The administration expects that the cost of the redevelopment project over and above the $100,000,000 Federal investment will be provided by the city and State of New York, as well as private investment.

The Committee has provided the $10,000,000 requested for fiscal year 1994, which will be used for schematic design work, asbestos abatement planning, and the preparation of a preliminary environmental impact statement, as well as structural remediation of the existing Pennsylvania Station and the Farley Building. The Committee is concerned, however, that several questions need to be addressed before construction commences on this project. As such, the Committee has included a provision in the bill prohibiting funds provided for fiscal year 1994 to be used for construction until the Secretary of Transportation has certified in writing to the House and Senate Appropriations Committees that these questions have been satisfactorily addressed. Specifically, these questions include: the financing of safety deficiencies, as well as code compliance deficiencies, including electrical, ventilation, and asbestos abatement problems at the existing station; and the financing of police, utilities, maintenance and lease costs at the current station, once Amtrak has relocated to the Farley Building; as well as the financing of significantly expanded operating costs to the commuter railroads currently utilizing Pennsylvania Station, once Amtrak vacates the building. The Committee expects the Secretary to work with all affected parties to seek a satisfactory agreement on these and other issues, and report on such agreement to the Committee so it can consider funding for project construction in fiscal year 1995.

TRUST FUND SHARE OF NEXT GENERATION RAIL TECHNOLOGY DEVELOPMENT

(SUPPLEMENTAL APPROPRIATIONS)

(HIGHWAY TRUST FUND)

(LIMITATION ON OBLIGATIONS)

1994 appropriation to date	($3,500,000)
1994 supplemental estimate	(4,452,000)
House allowance	
Committee recommendation	(4,452,000)

The Committee has provided a supplemental appropriation of $4,452,000 for the trust fund share of next generation rail technology development, as requested by the President. This supplemental appropriation is made necessary due to the Federal Railroad Administration inadvertently allowing funds provided in fiscal year 1993 for this activity to lapse. Funds will be made available as contracts to projects already identified in 1993 by the Federal Railroad Administration.

CHAPTER 7

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF ADMINISTRATION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

1994 appropriation to date	$24,850,000
1994 supplemental estimate	1,400,000
(By transfer)	(6,000,000)
House allowance	
Committee recommendation	1,030,000
(By transfer)	(6,000,000)

The Committee has provided an additional $7,030,000 for salaries and expenses to cover the costs of complying with and resolving the requirements resulting from *Armstrong* v. *Executive Office of the President*. This amount is $370,000 less than requested and $7,030,000 above the House allowance. These funds will be used to cover the costs of electronic records management activities of the Office of Administration. Of the amount provided, $6,000,000 shall be derived by transfer from Department of Defense, "Research, development, test and evaluation, Air Force" account.

NATIONAL SECURITY COUNCIL

SALARIES AND EXPENSES

1994 appropriation to date	$6,648,000
1994 supplemental estimate	5,650,000
House allowance	
Committee recommendation	5,320,000

The Committee has provided an additional $5,320,000 for salaries and expenses to cover the costs of complying with and resolving the requirements resulting from *Armstrong* v. *Executive Office of the President*. This amount is $330,000 below the request and $5,320,000 above the House allowance. These funds will be used to cover the costs of electronic records management activities of the National Security Council.

CHAPTER 8

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

DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

1994 appropriation to date	$16,828,446,000
1994 supplemental estimate	698,000,000
House allowance	
Committee recommendation	698,000,000

The Committee has provided $698,000,000 for additional compensation and pension costs. The additional costs in this program are attributed to a number of unanticipated events. First, there has been an increase in disability compensation caseload, which will be 19,374 greater than originally estimated, increasing cost by $101,900,000. The additional caseload is attributed to the military downsizing as well as the recent decision to provide compensation to veterans who developed certain diseases following herbicide exposure. In addition, average payments to veterans have increased by $329,100,000 over the original estimate owing to higher average degree of disability than previously anticipated. And finally, a 2.6-percent cost-of-living adjustment, which became effective December 1, 1993, will cost $267,000,000.

READJUSTMENT BENEFITS

1994 appropriation to date	$947,400,000
1994 supplemental estimate	103,200,000
House allowance	
Committee recommendation	103,200,000

The Committee has provided $103,200,000 for readjustment benefits. These funds are necessary to fund increased average benefit payments for chapter 30 basic benefits and vocational rehabilitation training, chapter 31. In addition, there has been an increase of 4,774 trainees above the number originally estimated.

VETERANS HEALTH ADMINISTRATION

MEDICAL ADMINISTRATION AND MISCELLANEOUS OPERATING EXPENSES

(BY TRANSFER)

1994 appropriation to date	$68,500,000
1994 supplemental estimate	
House allowance	
Committee recommendation	
(By transfer)	(3,500,000)

The Committee has provided a transfer of $3,500,000 from the "Medical care" account to the "Medical administration and miscellaneous operating expenses" account in order to prevent a reduction-in-force or furloughs within the Veterans Health Administration central policy and management office operations.

The Committee notes that while headquarters quality assurance functions were transferred from the "Medical care" account to the MAMOE account last year, the fiscal year 1994 budget did not transfer the required resources, owing to budget constraints. In addition, the Committee notes that payroll costs have been significantly higher than estimated. Therefore, the Committee believes the transfer of funds is warranted.

The Committee notes its concern however, that despite the MAMOE shortfall, the Veterans Health Administration recently awarded a $500,000 contract, which was not included in the fiscal year 1994 budget. This contract is providing support to the Department in its efforts to plan for health care reform. While the Committee supports this goal, it does not believe the Department made a prudent decision to award the contract prior to relief being provided to this account. VHA is directed to manage its resources more judiciously in the future.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

The Committee has not included language proposed by the administration that would

legislate certain cost-saving reforms in the subsidies paid to preserve federally subsidized housing developments. This proposal is legislative in nature and the Committee expects any action on it to be addressed by the appropriate legislative committees.

FEDERAL HOUSING ADMINISTRATION

FHA—MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT

(LIMITATION ON GUARANTEED LOANS)

1994 appropriation to date	$64,564,000,000
1994 supplemental estimate	20,000,000,000
House allowance	
Committee recommendation	20,000,000,000

The Committee recommends increasing the guaranteed loan limitation for the FHA mutual mortgage insurance fund [MMIF] by $20,000,000,000 as proposed by the Administration. This is necessary to satisfy expected demand for guaranteed loans which have resulted from current homeowners and new homebuyers seeking to take advantage of the continued low interest rate environment. Higher loan levels would generate increased collection of fees to help increase the MMI fund's capital reserve. No subsidy appropriation is required because the program has a negative subsidy rate under the Federal Credit Reform Act of 1990.

FHA—GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

(LIMITATION ON GUARANTEED LOANS)

1994 appropriation to date	$13,436,205,000
1994 supplemental estimate	2,000,000,000
House allowance	
Committee recommendation	2,000,000,000

The Committee recommends increasing the guaranteed loan limitation for the FHA general and special risk insurance fund by $2,000,000,000 as proposed by the administration. This is necessary to satisfy greater demand for single-family condominium mortgage insurance caused largely by the surge in mortgage refinancing. This increase would generate receipts for the insurance fund by underwriting mortgages low in risk relative to their premiums. No subsidy appropriation is required because the program has a negative subsidy rate under the Federal Credit Reform Act of 1990.

ADMINISTRATIVE PROVISION

The Committee has included an administrative provision that is technical in nature. It permits the use of funds previously appropriated as a special purpose grant to provide assistance for two sugarcane mills in Hawaii to be used to aid community-based and employee-support organizations in the same community.

INDEPENDENT AGENCIES

EXECUTIVE OFFICE OF THE PRESIDENT

COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

1994 appropriation to date	$375,000
1994 supplemental estimate	425,000
House allowance	
Committee recommendation	

The Committee has not recommended an additional appropriation for the Council on Environmental Quality and Office of Environmental Quality. The administration's request would provide for additional staffing for the office.

The Committee has not recommended additional funds for CEQ because no justification has been provided to support the additional staffing. In addition, no offset was proposed by the administration to fund this additional appropriation.

The Committee notes that no funds were requested in the original fiscal year 1994 budget, based on the administration's decision to terminate this office. Despite the lack of any official request from the administration, the conferees on the fiscal year 1994 appropriations bill provided $375,000. Funds were provided in order to provide a minimal staffing level at CEQ for compliance oversight for the National Environmental Policy Act. The Committee understands that authorization legislation to address future NEPA compliance oversight is pending

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

The Committee has included language requested by the administration and recommended by the House that deletes a provision in the regular fiscal year 1994 VA, HUD, and Independent Agencies Appropriations Act that requires the Office of Science and Technology Policy to reimburse other agencies for not less than one-half of the personnel costs of individuals detailed to it.

ENVIRONMENTAL PROTECTION AGENCY

WATER INFRASTRUCTURE/STATE REVOLVING FUNDS

In the fiscal year 1994 appropriation bill, the Committee provided bill language providing up to $500,000,000 for waste water treatment grants to areas with special needs, provided that an authorization be enacted by May 31, 1994, when these funds were to become available. The Committee has included bill language, as requested by the administration, extending this date to September 30, 1994, in order to provide additional time to enact the requisite authorization legislation.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

RESEARCH AND DEVELOPMENT

The Committee has included two provisions requested by the administration to expedite the restructured space station program.

The first lifts the specific statutory limitation on funds made available for the space station program included in Public Law 103-124. This will permit NASA to cover any space station termination costs from within all NASA research and development funds in the event that the program is canceled in fiscal year 1994 at a point in the year at which time there is insufficient funds remaining from the $1,946,000,000 already appropriated for the space station to cover necessary termination expenses. This step is necessary for the agency to proceed with new contractual arrangements with the new space station prime contractor. In providing NASA with this statutory flexibility, however, the Committee wishes to make clear that the cap contained in House Report 103-273 for space station program activities, other than potential termination costs, for fiscal year 1994 of $1,946,000,000 remains in place. No amounts above that level are to be spent on the space stations activities unless approved through the normal reprogramming process by the Committees on Appropriations.

The second provision, which has been transmitted both on November 1, 1993, and February 7, 1994, provides NASA with greater flexibility to proceed to implement the United States-Russia agreement on space cooperation signed by the Vice President and Russian Prime Minister Chernomyrdin that was signed September 2, 1993. The language permits NASA to spend up to $117,200,000 on cooperative activities between the two countries. In approving increasing the amount available for these activities, the Committee expects a detailed description of all activities in connection with this approval by February 15, 1994, including all specific outyear costs associated with these activities.

RESEARCH AND PROGRAM MANAGEMENT

1994 appropriation to date	$1,635,508,000
1994 supplemental estimate	60,000,000
House allowance	
Committee recommendation	60,000,000

The Committee has included $60,000,000 in additional funds for research and program management activities as requested by the administration. No formal request was made before House action on H.R. 3579 or H.R. 3511. These funds are to be allocated as follows: $46,000,000 to fund the locality pay adjustment for civil service employees that was effective in January 1994; and $14,000,000 to fund personnel and compensation benefits required to meet the costs of a higher than anticipated work force. Without these funds, NASA estimates an across-the-board furlough of 10 days for all NASA employees.

NATIONAL SERVICE INITIATIVE

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

The Committee has included bill language consistent with an agreement between it and the Corporation for National and Community Service to provide up to $3,000,000 in fiscal year 1994 to initiate a loan forgiveness demonstration program authorized under section 428 of the Higher Education Act of 1965. The offset for this activity may be taken at the Corporation's discretion, subject to the normal reprogramming guidelines.

GENERAL PROVISIONS—TITLE II

The Committee has inserted a general provision authorizing the Architect of the Capitol to transfer from the appropriation account "Senate Office Buildings", to the Senate appropriation account "Settlements and awards reserve", funds necessary to pay for agreements or awards to specific employees of the Architect, resulting from the Governments Employees Rights Act of 1991.

The Committee has included bill language urging the creation of a bipartisan task force on funding disaster relief. This task force would be charged with developing options and recommendations with regard to prospective mechanisms for financing the provision of disaster assistance and other emergencies in the future.

At present, discretionary funding for disaster assistance and other emergency requirements is governed by the provisions of section 251(b)(2)(D) of the Gramm-Rudman-Hollings Balanced Budget and Emergency Deficit Control Act of 1985, as amended by the Budget Enforcement Act of 1990. That provision reads as follows:

If, for fiscal years 1991-95, appropriations for discretionary accounts are enacted that the President designates as emergency requirements and that the Congress so designates in statute, the adjustment shall be the total of such appropriations in discretionary accounts designated as emergency requirements and the outlays flowing in all years from such appropriations.

The effect of this provision is to exempt Presidentially determined emergency spending from caps on discretionary spending. It should be noted that a Presidential designation is the sine qua non for such exemptions. The criteria for defining emergencies for

purposes of this provision were specified by the Office of Management and Budget shortly after the enactment of the Budget Enforcement Act during Director Richard Darman's tenure. Under this policy, to qualify for designation a given appropriation must be necessary (essential or vital, not merely useful or beneficial) to meet requirements that are sudden (quickly coming into being, not building up over time), urgent (pressing and compelling, requiring immediate attention), unforseen (not predictable or seen beforehand as a coming need), and not permanent (temporary in duration).

Since fiscal year 1988, the Congress has enacted six major disaster relief supplemental appropriation bills that have provided $17,012,000,000 in budget authority for Federal domestic disaster assistance. H.J. Res. 407, Public Law 101-100, which was passed by the Senate on September 28, 1989, by a vote of 100-0, contained $2,827,000,000 for the victims of Hurricane Hugo in North and South Carolina, the Virgin Islands, and Puerto Rico.

H.J. Res 423, Public Law 101-130, which was passed by the Senate on October 25, 1989, by a vote of 97-1, contained $2,682,000,000 for victims of the Loma Prieta earthquake in northern California.

H.J. Res 157, Public Law 102-229, which was passed by the Senate on November 27, 1989, by voice vote, contained $943,000,000 for costs associated with Hurricane Bob.

H.R. 5132, Public Law 102-302, which was passed by the Senate on May 21, 1992, by a vote of 61-36, contained $995,000,000 for victims of the Los Angeles riots, and floods in Chicago which resulted from the collapse of that city's main water tunnel.

H.R. 5620, Public Law 102-368, which was passed by the Senate on September 15, 1992, by a vote of 84-10, contained $4,424,000,000 for the victims of Hurricanes Andrew and Iniki, in Florida, Louisiana, and Hawaii, as well as those of Typhoon Omar on the Territory of Guam.

H.R. 2667, Public Law 103-75, which was passed by the Senate on August 4, 1993, by voice vote, contained $5,141,000,000 for the victims of last summer's Midwest floods.

Clearly the burgeoning costs of this emergency assistance is in increasing tension with the tightening constraints on discretionary spending under the Budget Enforcement Act of 1990 and the President's deficit reduction program as incorporated in the Omnibus Budget Reconciliation Act of 1993. The resolution of this problem, however, must be sought in prospective systematic reforms based upon a thorough analysis of all the issues involved. It is not to be found in ill-considered ad hoc reductions in other important programs. The task force called for in the Committee's language will provide the institutional flexibility needed to conduct the kind of comprehensive review that is required for the development of rational policy in reconciling fiscal constraint with the imperatives of dealing with unanticipated domestic disasters and other emergencies.

The Committee has included a general provision in the bill which relates to the establishment of an Office of the Under Secretary for Enforcement within the Department of the Treasury. Section 105 of Public Law 103-123 required the Secretary of the Treasury to establish an Office of the Under Secretary for Enforcement within the Department of the Treasury by no later than February 15, 1994. The Committee is advised that the Secretary plans to comply with this provision and the Committee applauds that decision. The general provision in this bill would make conforming changes to title 31 of the United States Code to permit the President to nominate, with the advice and consent of the Senate, a third Under Secretary of the Treasury. The provision further amends 5 U.S.C. section 5314 to provide that the new Under Secretary is paid at level III of the Executive Schedule, the same rate of pay as that of Treasury's existing Under Secretaries.

TITLE III—RESCINDING CERTAIN BUDGET AUTHORITY

CHAPTER 1

AGRICULTURE, RURAL DEVELOPMENT, AND RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

ECONOMIC RESEARCH SERVICE

(RESCISSION)

1994 appropriation to date	$55,219,000
1994 rescission request	
House allowance	
Committee recommendation	−4,000,000

COMMITTEE RECOMMENDATIONS

The Committee recommends a rescission of $4,000,000 for the Economic Research Service which takes into consideration the original reduction proposed in the President's 1994 budget. No rescission was proposed by the President.

AGRICULTURAL RESEARCH SERVICE

(RESCISSION)

1994 appropriation to date	$692,469,000
1994 rescission request	−16,233,000
House allowance	−1,000,000
Committee recommendation	

COMMITTEE RECOMMENDATIONS

The Committee recommends no rescission for the Agricultural Research Service. The President recommended a rescission of $16,233,000.

BUILDINGS AND FACILITIES

(RESCISSION)

1994 appropriation to date	$32,743,000
1994 rescission request	−8,460,000
House allowance	
Committee recommendation	

COMMITTEE RECOMMENDATIONS

The Committee recommends no rescission for buildings and facilities of the Agricultural Research Service. The President recommended a rescission of $8,460,000.

COOPERATIVE STATE RESEARCH SERVICE

(RESCISSION)

1994 appropriation to date	$453,736,000
1994 rescission request	−30,002,000
House allowance	−14,279,000
Committee recommendation	−12,463,000

COMMITTEE RECOMMENDATIONS

The Committee recommends a rescission of $12,463,000 for the Cooperative State Research Service. This amount is $17,539,000 less than the President's request (R94-6). Of the amount rescinded, $4,375,000 is a reduction to special research grants, $6,729,000 is a reduction to competitive research grants, and $1,359,000 is a reduction to grants under Federal administration. Each special research grant, each division within the Competitive Research Grants Program, and each category under Federal administration, as specified in House Report 103-212 is to be reduced by the same proportionate amount, that is, 6 percent.

BUILDINGS AND FACILITIES

(RESCISSION)

1994 appropriation to date	$56,874,000
1994 rescission request	−34,000,000
House allowance	−2,897,000
Committee recommendation	−2,897,000

COMMITTEE RECOMMENDATIONS

The Committee recommends a rescission of $2,897,000 for buildings and facilities of the Cooperative State Research Service, $31,103,000 less than the amount proposed by the President (R94-7). A 6-percent reduction is recommended for all facilities funded by the Fiscal Year 1994 Agriculture Appropriations Act with the exception of those facilities slated for completion as specified by House Report 103-212.

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

SALARIES AND EXPENSES

(RESCISSION)

1994 appropriation to date	$730,842,000
1994 rescission request	−12,167,000
House allowance	
Committee recommendation	−12,167,000

COMMITTEE RECOMMENDATIONS

The Committee recommends a rescission of $12,167,000, the same as the amount proposed by the President, for salaries and expenses of the Agricultural Stabilization and Conservation Service (R94-8).

AGRICULTURAL MARKETING SERVICE

MARKETING SERVICES

1994 appropriation to date	$61,614,000
1994 rescission request	
House allowance	−100,000
Committee recommendation	

COMMITTEE RECOMMENDATIONS

The Committee recommends no rescission in this account.

SOIL CONSERVATION SERVICE

CONSERVATION OPERATIONS

(RESCISSION)

1994 appropriation to date	$591,049,000
1994 rescission request	−12,167,000
House allowance	
Committee recommendation	−12,167,000

COMMITTEE RECOMMENDATIONS

The Committee recommends a rescission of $12,167,000, the same as the amount proposed by the President, for conservation operations of the Soil Conservation Service (R94-9).

WATERSHED AND FLOOD PREVENTION OPERATIONS

(RESCISSION)

1994 appropriation to date	$241,965,000
1994 rescission request	
House allowance	
Committee recommendation	−21,158,000

COMMITTEE RECOMMENDATIONS

The Committee recommends the rescission of $21,158,000 of funds available for watershed and flood prevention. No rescission was proposed by the President and the House made no recommendation.

FARMERS HOME ADMINISTRATION

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

(RESCISSION)

1994 appropriation to date	$1,114,729,000
1994 rescission request	−15,654,000
House allowance	−35,000,000
Committee recommendation	−15,654,000

COMMITTEE RECOMMENDATIONS

The Committee recommends a rescission of $15,654,000 in rural housing loan subsidies, the same as the rescission request. Of this amount, $1,515,000 is for section 502 low-income housing loans, $12,443,000 is for section 515 rental housing loans, $1,204,000 is for section 504 housing repair loans, and $483,000 is for section 514 farm labor housing loans. This

rescission reflects the fact that the subsidy budget authority appropriated for fiscal year 1994 is in excess of amounts necessary to fund estimated loan levels included in the appropriations act due to the reestimate of subsidy rates for the first quarter of fiscal year 1994. According to the President, even after this rescission, total rural housing loan obligations should be greater than those estimated in the 1994 appropriations act. The Committee notes that loan levels specified in the appropriations act, pursuant to section 721 of that act, are considered estimates, not limitations. The Committee expects the maximum amount of loans to be obligated in all loan accounts within the confines of the subsidy authority.

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

(RESCISSION)

1994 appropriation to date	$473,589,000
1994 rescission request	−5,094,000
House allowance	
Committee recommendation	−5,094,000

COMMITTEE RECOMMENDATIONS

The Committee recommends the rescission of $5,094,000 in loan subsidies for credit sales of acquired property through the "Agricultural credit insurance fund program" account. This rescission reflects the fact that the subsidy budget authority appropriated for 1994 is in excess of amounts necessary to fund estimated loan levels included in the appropriations act due to the reestimate of subsidy rates for the first quarter of 1994. According to the President, even after this rescission, total farm loan obligations should be greater than those estimated in the 1994 appropriations act. However, credit sales of acquired property would be decreased by $31,000,000 resulting in a program level of $92,783,000, which would still exceed the expected program level of $80,000,000.

RURAL HOUSING VOUCHER PROGRAM

(RESCISSION)

1994 appropriation to date	$25,000,000
1994 rescission request	
House allowance	
Committee recommendation	−25,000,000

COMMITTEE RECOMMENDATIONS

Due to budgetary constraints and the need to make further budget cuts at this time, the Committee recommends that the total amount provided for the Rural Housing Voucher Program be rescinded and that this new program not be started this fiscal year.

RURAL DEVELOPMENT LOAN FUND PROGRAM ACCOUNT

(RESCISSION)

	Loan	Subsidy
1994 appropriation to date	$100,000,000	$56,000,000
1994 rescission request		
House allowance	−35,714,000	−20,000,000
Committee recommendation		

COMMITTEE RECOMMENDATION

The Committee recommends no rescission for this account.

RURAL WATER AND WASTE DISPOSAL GRANTS

(RESCISSION)

1994 appropriation to date	$500,000,000
1994 rescission request	
House allowance	−25,000,000
Committee recommendation	

COMMITTEE RECOMMENDATIONS

The Committee recommends no rescission for this account.

SALARIES AND EXPENSES

(RESCISSION)

1994 appropriation to date	$35,552,000
1994 rescission request	−12,167,000
House allowance	−12,167,000
Committee recommendation	−12,167,000

COMMITTEE RECOMMENDATIONS

The Committee recommends a rescission of $12,167,000, the same as the amount proposed by the President, for salaries and expenses of the Farmers Home Administration (R94–10).

RURAL ELECTRIFICATION ADMINISTRATION

RURAL ELECTRIFICATION AND TELEPHONE LOANS PROGRAM ACCOUNT

(RESCISSION)

1994 appropriation to date	$112,398,000
1994 rescission request	−12,133,000
House allowance	
Committee recommendation	−6,610,000

COMMITTEE RECOMMENDATIONS

The Committee recommends a rescission of $3,222,000 in subsidy authority for the rural telephone 5 percent direct loans. This rescission will reduce the loan level by approximately $25,000,000. The President requested a rescission of $6,445,000 for a corresponding reduction of $50,000,000 in loan authority (R94–11). The Committee does not concur with the President's request to rescind an additional $2,300,000 for direct telephone loans. In addition, the Committee recommends the rescission of $3,388,000 for direct electric loans as proposed by the President. This rescission reflects the fact that the subsidy budget authority appropriated for 1994 is in excess of amounts necessary to fund estimated loan levels included in the appropriations act due to the reestimate of subsidy rates for the first quarter of 1994. According to the President, even after this rescission, total direct electric loan obligations should be greater than those estimated in the 1994 appropriations act.

FOOD AND NUTRITION SERVICE

COMMODITY SUPPLEMENTAL FOOD PROGRAM

(RESCISSION)

1994 appropriation to date	$104,500,000
1994 rescission request	−12,600,000
House allowance	−12,600,000
Committee recommendation	−6,100,000

COMMITTEE RECOMMENDATIONS

For the Commodity Supplemental Food Program [CSFP], the Committee recommends a rescission of $6,100,000, $6,500,000 below the amount proposed by the President (R94–12). In the past, the Committee has directed that unused funds be used to expand elderly caseloads and approve applications for additional CSFP sites. Priority should be given to projects that make best use of available funds. The Department has received requests to expand caseloads as well as new site requests for the women and children as well as the elderly programs. However, the Committee is disappointed that the Department has not granted expansions to the full extent possible. Therefore, a lower rescission is provided to meet current needs and to expand the program as directed.

FOOD DONATIONS PROGRAM FOR SELECTED GROUPS

(RESCISSION)

1994 appropriation to date	$218,641,000
1994 rescission request	
House allowance	−6,000,000
Committee recommendation	−5,200,000

COMMITTEE RECOMMENDATIONS

For the food donations programs, the Committee recommends a rescission of $5,200,000 for the food distribution program on Indian reservations. These funds were carried over into fiscal year 1994 and are not needed to maintain the current program level.

THE EMERGENCY FOOD ASSISTANCE PROGRAM

(RESCISSION)

1994 appropriation to date	$120,000,000
1994 rescission request	
House allowance	
Committee recommendation	−30,000,000

COMMITTEE RECOMMENDATIONS

For the Emergency Food Assistance Program [TEFAP], the Committee recommends a rescission of $30,000,000. Of this amount, $10,000,000 is a reduction to storage and intrastate distribution expenses and $20,000,000 is a reduction to the cost of commodity purchases.

The Emergency Food Assistance Program was established in 1983 as the temporary Emergency Food Assistance Program both to reduce our surplus commodities held in CCC and feed low-income people. Some $50,000,000 was appropriated annually from 1983 to 1988 to cover States' costs of storage and distribution of donated commodities. The program was successful and our surplus commodities were reduced. The Hunger Prevention Act of 1988 provided for the continuation of the program and mandated that USDA purchase commodities for the program.

The Committee has a long history of providing assistance to low-income individuals through a variety of programs, and it continues to do so. The difficult fiscal constraints faced by this Committee and the country have forced us to reevaluate programs and shift funding to those that provide the greatest benefit to the most needy and are more cost effective. The Committee believes the increased funding in Public Law 103–111 for fiscal year 1994 for the following programs better targets the nutritional needs of these individuals.

Congress increased funding for commodity purchases for soup kitchens. Commodities in this program are distributed to established feeding operations and are used to provide hot meals to needy homeless and low-income persons. In cases where the State's allocation of commodities cannot be used by these organizations, the commodities are made available to food banks for distribution.

Congress also increased funding for the Elderly Feeding Program. This program prepares meals which are served in senior citizen centers or delivered to the home-bound elderly. These meals focus on nutrition and the promotion of better health, and targets a growing low-income population.

Funding was also increased for the Commodity Supplemental Food Program [CSFP]. This program provides a monthly food package to certified low-income participants. The commodities in the package are specific to the health and nutritional requirements of the participant. Like the WIC Program, CSFP also has a nutrition education component.

Finally, Congress increased funding for the special supplemental food program for women, infants, and children [WIC]. It received the largest single increase in Public Law 103–111 and is considered the highest priority feeding program.

PUBLIC LAW 480

TITLE I PROGRAM ACCOUNT

(RESCISSION)

1994 appropriation to date	$349,425,000
1994 rescission request	−35,400,000
House allowance	
Committee recommendation	−35,400,000

COMMITTEE RECOMMENDATIONS

The Committee recommends the rescission of $35,400,000 in subsidy costs for title I of

Public Law 480 as proposed by the President. Under this title, USDA provides concession loans (30 year terms, 7 year grace, 2 to 3 percent interest) to developing countries that have agricultural market development potential. The proposal would reduce a portion of the subsidy costs available to support title I loans.

GRANT ACCOUNT—(TITLE I OCEAN FREIGHT DIFFERENTIAL, TITLE II AND TITLE III)

(RESCISSION)

1994 appropriation to date	$1,147,580,000
1994 rescission request	−49,600,000
House allowance	−20,000,000
Committee recommendation	−49,600,000

COMMITTEE RECOMMENDATIONS

The Committee recommends the rescission of $49,600,000 in the Public Law 480 grant account, as proposed by the President. Of this amount $4,600,000 is for ocean freight differential under title I and $45,000,000 is for title III grants.

CHAPTER 2

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

DEPARTMENT OF COMMERCE

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH AND FACILITIES

(RESCISSION)

1994 appropriation to date	$1,694,753,000
1994 rescission request	−6,000,000
Committee recommendation	

The Committee does not recommend rescission of $6,000,000 from the National Oceanic and Atmospheric Administration's operating account as proposed by the administration. The Committee recommends that such savings be more appropriately applied to other Commerce accounts.

CONSTRUCTION

(RESCISSION)

1994 appropriation to date	$109,703,000
1994 rescission request	−4,000,000
Committee recommendation	

The Committee does not recommend rescinding $4,000,000 from the National Oceanic and Atmospheric Administration's "Construction" appropriation account as proposed by the administration. Environmental compliance, facility construction and renovation, and real property maintenance requirements for the agency are far in excess of current appropriation levels, and a rescission of existing funds makes little sense.

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

(RESCISSION)

1994 appropriation to date	$248,590,000
1994 rescission request	−2,000,000
Committee recommendation	−2,000,000

The Committee recommends a rescission of $2,000,000 from the ITA "Operations and administration" account, the same as the President's rescission request (R94-15). The Committee recommends that these funds be rescinded from prior year carryover funds which ITA had intended to use for computer software, trade initiatives, and trade policy information studies.

EXPORT ADMINISTRATION

OPERATIONS AND MAINTENANCE

(RESCISSION)

1994 appropriation to date	$34,747,000
1994 rescission request	
Committee recommendation	−3,000,000

The Committee recommends a rescission of $3,000,000 from the Export Administration's "Operations and maintenance" account. The administration in "A Vision of Change for America" noted that the Export Administration's workload has declined and that the agency's budget should be reduced. Both the House and Senate accordingly approved the President's budget request and policy change. However, the Committee has learned that the Export Administration carried over $3,500,000 in funds from fiscal year 1993 which nullifies the programmatic reduction and policy change proposed and highlighted by the administration. Accordingly, the Committee recommends a rescission of $3,000,000.

MINORITY BUSINESS DEVELOPMENT AGENCY

MINORITY BUSINESS DEVELOPMENT

(RESCISSION)

1994 appropriation to date	$42,100,000
1994 rescission request	
Committee recommendation	−500,000

Public Law 103-121 included $500,000 for a grant to the Catawba Indian Tribe in South Carolina for business and economic development and planning. The Committee recommends rescission of these funds.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

INFORMATION INFRASTRUCTURE GRANTS

(RESCISSION)

1994 appropriation to date	$26,000,000
1994 rescission request	
Committee recommendation	−4,254,000

The Committee recommends a rescission of $4,254,000 from NTIA's Information Infrastructure Grant Program. This appropriation account supports an entirely new administration program which was recommended for funding of $31,000,000 in the Senate version of the fiscal year 1994 Commerce, Justice, and State, the Judiciary, and Related Agencies appropriations bill. In recognition of the administration's desire to reduce appropriations as evidenced by transmittal of rescissions, the Committee believes that the funding level originally proposed in the House version of the fiscal year 1994 bill, $21,746,000, represents a sufficient level of funding for this new program.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT REVOLVING FUND

(RESCISSION)

1994 appropriation to date	
1994 rescission request	
Committee recommendation	−$20,000,000

The Committee recommends a rescission of $20,000,000 from balances in the EDA economic development revolving fund. These funds are excess to projected liabilities in the fund.

THE JUDICIARY

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

DEFENDER SERVICES

(RESCISSION)

1994 appropriation to date	$280,000,000
1994 rescission request	
Committee recommendation	−3,000,000

The Committee recommends a rescission of $3,000,000 from defender services, the same amount recommended by the House of Representatives in H.R. 3400. The projected carryover of unobligated funds in this account from fiscal year 1993 assumed in the conference agreement on the Fiscal Year 1994 Appropriations Act was $18,000,000. The Committee understands the actual carryover is $21,000,000 and recommends a rescission of these unanticipated carryover balances.

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

(RESCISSION)

1994 appropriation to date	$1,704,589,000
1994 rescission request	−600,000
Committee recommendation	−600,000

As proposed by the President (R94-28), the Committee recommends the rescission of $600,000 from diplomatic and consular programs. This amount reflects the estimated savings to be achieved through the implementation of the Vice President's "National Performance Review" proposal to reduce the number of overseas missions with U.S. Marine Corps Guard detachments.

BUYING POWER MAINTENANCE

(RESCISSION)

1994 appropriation to date	
1994 rescission request	−$8,800,000
Committee recommendation	−8,800,000

The Committee recommends a rescission of $8,800,000 from balances in the Department of State buying power maintenance fund as proposed by the President (R94-51). The recovery of the U.S. dollar overseas in selected countries reduces fiscal year 1994 demands on the buying power maintenance fund. The House of Representatives recommended a rescission of $8,800,000 in H.R. 3400.

RELATED AGENCIES

BOARD FOR INTERNATIONAL BROADCASTING

ISRAEL RELAY STATION

(RESCISSION)

1994 appropriation to date	
1994 rescission request	−$1,700,000
Committee recommendation	−1,700,000

The Committee recommends a rescission of $1,700,000 as proposed by the President (R94-65). This rescission is from remaining prior year appropriations which were provided for construction of a shortwave radio facility in Israel. This project has been canceled and $180,000,000 was rescinded during fiscal year 1993. The House of Representatives also proposed rescinding this additional $1,700,000 in H.R. 3400.

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

(RESCISSION)

1994 appropriation to date	$258,900,000
1994 rescission request	−13,100,000
Committee recommendation	−4,100,000

The Committee recommends a rescission of $4,100,000, instead of $13,100,000 as proposed by the President (R94-34). The House and Senate conferees provided $8,000,000 above either the House or Senate versions of H.R. 2519 for staffing and general support of the Small Business Administration during fiscal year 1994. Further, in fiscal year 1993, the SBA identified and reprogrammed $4,000,000 in excess funds for relocation and realignment of agency functions. The Committee-recommended rescission eliminates one-half of the additional funds provided to the Administrator of SBA for general support and agency operations.

STATE JUSTICE INSTITUTE

SALARIES AND EXPENSES

(RESCISSION)

1994 appropriation to date	$13,550,000
1994 rescission request	−6,775,000
Committee recommendation	−3,000,000

The Committee recommends a rescission of $3,000,000 from the State Justice Institute.

The rescission would reduce Federal funding of the Institute but not terminate the program in the second half of 1994 as proposed by the President (R94-35).

Among its activities, the Institute funds grants to study criminal justice programs, supports demonstration projects, sponsors conferences, and provides technical assistance. While these activities serve a useful purpose and benefit the State criminal justice system, the Committee notes that the need to reduce the deficit requires the reduction of Federal funding for some programs. Additionally, the Committee notes that other Federal grant programs, including those of the Department of Justice, can be used to support State criminal justice systems.

U.S. INFORMATION AGENCY

SALARIES AND EXPENSES

(RESCISSION)

1994 appropriation to date	$730,000,000
1994 rescission request	−3,000,000
Committee recommendation	−3,000,000

As proposed by the President (R94-36), the Committee recommends the rescission of $3,000,000 from the U.S. Information Agency "Salaries and expenses" account. This amount reflects the estimated savings to be achieved by the U.S. Information Agency through implementation of the Vice President's "National Performance Review" proposal to restructure its organization and field structure and public diplomacy activities.

NORTH/SOUTH CENTER

(RESCISSION)

1994 appropriation to date	$8,700,000
1994 rescission request	−8,700,000
Committee recommendation	−8,700,000

The Committee recommends a rescission of $8,700,000 from the North/South Center at the University of Miami as proposed by the President (R94-37).

CHAPTER 3

DEPARTMENT OF DEFENSE—MILITARY

The Committee recommends rescissions totaling $305,300,000. With the exception of the specific rescissions recommended in this section of the report, the Committee directs that none of the proposed funding adjustments modify in any way the allocations, guidance, and directions contained in its report on the Department of Defense Appropriations Act, 1994, and in the conference report and joint explanatory statement of the committee of conference on that act. Details of the Committee's recommendations are provided below.

PROCUREMENT

MISSILE PROCUREMENT, ARMY

(RESCISSION)

1994 appropriation to date	$1,094,009,000
1994 rescission request	−48,000,000
Committee recommendation	

COMMITTEE RECOMMENDATIONS

TOW II missile.—The Committee recommends no rescission of funds provided by Congress in fiscal year 1994 for the TOW II missile program as proposed by the President (R94-44).

AIRCRAFT PROCUREMENT, NAVY

(RESCISSION)

1994 appropriation to date	$5,694,420,000
1994 rescission request	−51,700,000
Committee recommendation	

COMMITTEE RECOMMENDATIONS

SH-60 helicopters.—The Committee recommends no rescission of funds provided by Congress in fiscal year 1994 for the SH-60 helicopter program as proposed by the President (R94-45).

SHIPBUILDING AND CONVERSION, NAVY

(RESCISSION)

1994 appropriation to date	$4,183,775,000
1994 rescission request	−50,000,000
Committee recommendation	

COMMITTEE RECOMMENDATIONS

LHD-7 amphibious assault ship.—The Committee recommends no rescission of funds provided by Congress in fiscal year 1994 for advance procurement of the LHD-7 amphibious assault ship as proposed by the President (R94-46).

AIRCRAFT PROCUREMENT, AIR FORCE

(RESCISSION)

1994 appropriation to date	$6,002,953,499
1994 rescission request	−105,600,000
Committee recommendation	−12,800,000

COMMITTEE RECOMMENDATIONS

Advanced tactical airborne reconnaissance system.—The Committee recommends a rescission of $12,800,000 for the advanced tactical airborne reconnaissance system [ATARS], as proposed by the President (R94-47). The ATARS program was terminated and the funds are no longer required.

C-135 modifications.—The Committee recommends no rescission for C-135 modifications as proposed by the President (R94-47).

OTHER PROCUREMENT, AIR FORCE

(RESCISSION)

1994 appropriation to date	$7,588,968,000
1994 rescission request	
Committee recommendation	−27,500,000

COMMITTEE RECOMMENDATIONS

Mobility command and control.—The Committee recommends a rescission of $27,500,000 of the funds appropriated in fiscal year 1994 for mobility command and control equipment. These funds are no longer required to meet mission requirements.

PROCUREMENT, DEFENSEWIDE

(RESCISSION)

1994 appropriation to date	$1,803,639,000
1994 rescission request	
Committee recommendation	−104,500,000

COMMITTEE RECOMMENDATIONS

Landsat-7.—The Committee recommends a rescission of $104,500,000 of the funds appropriated in fiscal year 1994 for the Landsat-7 program. These funds have become excess as a result of the President's decision to cancel the Landsat-7 program in fiscal year 1995.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE

(RESCISSION)

1994 appropriation to date	$12,978,924,000
1994 rescission request	
Committee recommendation	−50,000,000

COMMITTEE RECOMMENDATIONS

Milstar satellite communications system.—The Committee recommends rescission of $50,000,000 from fiscal year 1993 funds for the Milstar satellite communications system.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSEWIDE

(RESCISSION)

1994 appropriation to date	$8,760,050,000
1994 rescission request	−50,000,000
Committee recommendation	−110,500,000

The Committee recommends a rescission of $110,500,000. This amount is $60,500,000 more than proposed for rescission by the President (R94-48).

COMMITTEE RECOMMENDATIONS

Theater missile defense.—The Committee proposes rescission of $26,000,000 designated by BMDO for the LEAP technology demonstration program and the sea-based wide area program.

Advanced research projects agency space programs.—The President's request to rescind $50,000,000 appropriated for ARPA space programs is approved by the Committee (R94-48).

Land remote sensing satellite system.—The Committee proposes rescission of $34,500,000 allocated for the development of the high resolution multispectral imager [HRMSI] within the Landsat 7 program.

CHAPTER 4

ENERGY AND WATER DEVELOPMENT

DEPARTMENT OF DEFENSE-CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

GENERAL INVESTIGATIONS

(RESCISSION)

1994 appropriation to date	$207,540,000
1994 rescission request	−24,970,000
Committee recommendation	−24,970,000

The Committee recommends rescinding $24,970,000, the same amount requested (R94-23). Funds provided under this heading are used for the collection and study of basic information pertaining to river and harbor, flood control, shore protection, and related projects; restudy of authorized projects; miscellaneous investigations; and when authorized by law, surveys and detailed studies and plans and specifications of projects prior to construction.

The Corps is directed to carry out the projects, programs, and directives contained in Public Law 103-126 and the conference report accompanying that act.

CONSTRUCTION, GENERAL

(RESCISSION)

1994 appropriation to date	$1,400,875,000
1994 rescission request	−97,319,000
Committee recommendation	−97,319,000

This account provides for the construction by the Army Corps of Engineers of river and harbor, flood control, shore protection, and related projects authorized by law.

The Committee recommendation would rescind $97,319,000 of appropriated funds. This is the same as the amount requested (R94-24).

The Corps is directed to carry out the projects, programs, and directives contained in Public Law 103-126 and the conference report accompanying that act.

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

CONSTRUCTION PROGRAM

(RESCISSION)

1994 appropriation to date	$464,423,000
1994 rescission request	−16,000,000
Committee recommendation	−40,000,000

An amount of $40,000,000 in unobligated funding carried forward into fiscal year 1994 in the construction program of the Bureau of Reclamation is recommended for rescission. This is $24,000,000 more than the amount requested in rescission proposal R43-27.

The Bureau of Reclamation is directed to carry out the projects, programs, and directives contained in Public Law 103-126 and the conference report accompanying that act.

DEPARTMENT OF ENERGY

ENERGY SUPPLY, RESEARCH, AND DEVELOPMENT

(RESCISSION)

1994 appropriation to date	$3,223,910,000
1994 rescission request	−107,300,000
Committee recommendation	−107,300,000

The administration has proposed to rescind $97,300,000 in the "Energy supply, research, and development activities" account (R94-25). The Committee agrees with the total amount of the rescission but directs that the reduction shall be taken as a general reduction, applied to each program equally, so as not to eliminate or disproportionately reduce any program, project, or activity in the "Energy supply, research, and development activities" account as included in the reports accompanying Public Law 103-126.

R94-49 would eliminate funding for the superconducting magnetic energy storage [SMES] program, for which funds were added in fiscal year 1994 in the energy storage activities within the solar and renewable energy program. The SMES program would continue technology efforts previously funded within the Defense Nuclear Agency to develop SMES as part of a DOD star wars directed-energy weapon system. DOD has not requested funds for the SMES activity in recent years. The program is presented as a dual-use technology with defense and utility applications. However, the President and the Department of Energy believe the current program has no commercially viable prospects in the utility industry.

URANIUM SUPPLY AND ENRICHMENT ACTIVITIES

(RESCISSION)

1994 appropriation to date	[1] $177,092,000
1994 rescission request	−42,000,000
Committee recommendation	−42,000,000

[1] Net appropriation for fiscal year 1994.

The administration has proposed to rescind $42,000,000 as a result of curtailing the atomic vapor laser isotope separation project (R94-25). The Committee agrees that this rescission should be funded from prior-year balances available in the "Uranium supply and enrichment activities" account.

RELATED AGENCY

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

1994 appropriation to date	$520,900,000
1994 rescission request	−12,700,000
Committee recommendation	−12,700,000

This appropriation funds the Nuclear Regulatory Commission [NRC] "Salaries and expenses" account. This account provides for reactor safety and safeguards regulation; reactor special and independent reviews, investigations, and enforcement; reactor safety research; nuclear material and low-level waste safety and safeguards regulation; and high-level nuclear waste regulations.

This proposed rescission reflects savings in the various projects due to actions being taken by the Commission to stream-line the agency and to reduce the cost of operations. The ability of the Commission to accomplish its mission successfully would not be affected by this rescission proposal.

CHAPTER 5

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS

MULTILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL FINANCIAL INSTITUTIONS

CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

(RESCISSION)

1994 appropriation to date	$135,000,000
1994 rescission request	
Committee recommendation	−2,700,000

The Committee recommends a rescission of $2,700,000 from fiscal year 1994 funds made available to the President for the United States contribution to the sixth replenishment of the African Development Fund. The rescission would result in funding for the United States contribution to the African Development Fund at the level contained in the House-passed version of H.R. 2295. The President has not proposed rescission of these funds.

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

AGENCY FOR INTERNATIONAL DEVELOPMENT

DEVELOPMENT ASSISTANCE FUND

(RESCISSION)

1994 appropriation to date	$811,900,000
1994 rescission request	−160,000,000
Committee recommendation	−40,879,000

The Committee recommends a rescission of $40,879,000 from unexpended or unobligated funds made available for the Development Assistance Fund [DAF] for fiscal year 1994 and prior years. The level provided for the DAF in the fiscal 1994 Foreign Operations, Export Assistance and Related Programs Act (Public Law 103-87) already represents a reduction from fiscal 1993 of $225,580,000, a cut of nearly 22 percent. The Committee believes rescission of an additional $160,000,000 in the DAF would cause serious damage to important programs in Central and Latin America and other areas. Therefore, the Committee recommends a rescission of $40,879,000. The President has proposed a rescission of $160,000,000.

OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT FOR REFORM AND DOWNSIZING

(RESCISSION)

1994 appropriation to date	$3,000,000
1994 rescission request	
Committee recommendation	−3,000,000

The Committee recommends a rescission of $3,000,000 from fiscal year 1994 funds made available to the Agency for International Development in a special appropriation for operating expenses to meet the costs of implementation of the recommendations of the report of the "National Performance Review." The Committee recommends that implementation of the AID reform portions of the "National Performance Review" be funded out of the regular AID "Operating expenses" account for fiscal 1994. The President has not proposed a rescission of these funds.

ASSISTANCE FOR THE NEW INDEPENDENT STATES OF THE FORMER SOVIET UNION

(RESCISSION)

1994 appropriation to date	$2,212,820,000
1994 rescission request	
Committee recommendation	−145,000,000

The Committee recommends a rescission of $145,000,000 from the unexpended or unobligated balances of funds made available in fiscal year 1994 and prior years for assistance to the new independent states of the former Soviet Union [NIS]. In fiscal 1994 and prior years more than $3,000,000,000 has been made available for assistance to the NIS. In order to find the funds for the NIS, the Committee has had to recommend substantial cuts in other programs. If further reductions in foreign assistance beyond the $800,000,000 cut already provided in Public Law 103-87 are required, the Committee believes the NIS program should contribute a share. The President has not proposed a rescission of these funds.

ECONOMIC SUPPORT FUND

(RESCISSION)

1994 appropriation to date	$2,364,562,000
1994 rescission request	−90,000,000
Committee recommendation	−32,700,000

The Committee recommends a rescission of $32,700,000 from funds made available from 1987 through 1994 for the Economic Support Fund, $57,300,000 less than requested by the President. This proposed rescission, together with the $203,000,000 of ESF rescinded in Public Law 103-87, would make the fiscal 1994 and prior years' rescissions of ESF total $235,700,000. The Committee's intent in reducing the President's proposed ESF rescission is to ensure that some ESF funds remain available for Central and South American programs. The Committee intends that this rescission will not be taken from the Camp David countries, because of the sensitivity of the peace process. The President proposed a rescission of $90,000,000.

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

FOREIGN MILITARY FINANCING PROGRAM

(RESCISSION)

1994 appropriation to date	$3,149,279,000
1994 rescission request	−65,562,000
Committee recommendation	−91,283,000

The Committee recommends rescissions of $91,283,000 from funds made available to the President for the Foreign Military Financing Program for fiscal 1994 and prior years. Of this amount, $65,562,000 is to come from funds made available in fiscal 1993 and prior years, as proposed by the President, and $25,721,000 is to come from unearmarked funds made available for fiscal 1994. The effect of the proposed rescission is to reduce fiscal 1994 foreign military financing grants to the level in H.R. 2295 as passed by the Senate. The President had proposed a rescission of $65,562,000 from fiscal 1993 and prior years only.

MILITARY ASSISTANCE

(RESCISSION)

1994 appropriation to date	
1994 rescission request	−$438,000
Committee recommendation	−438,000

The Committee recommends rescissions of $438,000 from funds made available to the President for Military Assistance in Public Law 102-391 and prior years. The President had proposed a rescission of $438,000.

CHAPTER 6

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES

DEPARTMENT OF THE INTERIOR

U.S. FISH AND WILDLIFE SERVICE

CONSTRUCTION AND ANADROMOUS FISH

(RESCISSION)

1994 appropriation to date	$73,565,000

1994 rescission request	
House allowance	−3,874,000
Committee recommendation	−3,874,000

The Committee recommends a rescission of $3,874,000 for unobligated funds associated with completion of the Umbarger Dam modifications at the Buffalo Lake National Wildlife Refuge, TX. These funds are available for rescission since the project has been completed at a lower cost than originally estimated.

DEPARTMENT OF THE TREASURY

BIOMASS ENERGY DEVELOPMENT

(RESCISSION)

1994 appropriation to date	
1994 rescission request	−$16,275,000
House allowance	−16,275,000
Committee recommendation	−16,275,000

The Committee recommends a rescission of $16,275,000 for unobligated balances in the "Biomass energy development" account. This amount is excess to the needs of the program which is responsible for administering loan guarantees and assets from alcohol fuel plants, and is derived from previous appropriations and revenues credited to the account.

CHAPTER 7

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION

ADMINISTRATIVE COST REDUCTIONS

The Committee recommends a rescission of $50,000,000 from amounts appropriated for fiscal year 1994 for salaries and expenses and administrative costs of the Departments of Labor, Health and Human Services, and Education. An amount of $4,000,000 would be rescinded from the Department of Labor, $37,500,000 from the Department of Health and Human Services, and $8,500,000 from the Department of Education. The Social Security Administration would be exempted from any reductions in salaries and expenses and administrative costs other than the automation initiative.

The amounts recommended for rescission represent approximately 25 percent of the increases provided over fiscal year 1993 for this purpose. The Committee believes that these reductions can be achieved without causing undue hardship in the executive branch, although it realizes that certain economies and sacrifices will have to be made.

The Committee intends that the reductions be distributed to each appropriation account proportionate to the increase that it received over 1993 for salaries and expenses and administrative costs, as reflected in the individual agency budget justifications. In those cases where appropriations are lower in 1994 than in 1993, no reductions should be taken.

This mechanism shall apply to all relevant accounts with the exception of the National Institutes of Health. With regard to the NIH, the Committee recommends that the reductions in administrative costs by Institute shall be determined by the NIH Director in order to best protect its research programs. The reductions by Institute should be done in consultation with the Appropriations Committees, and the NIH shall notify the Committees of its reductions, prior to implementation. This discretion shall not reduce the National Institute of Health's share of the total administrative cost reductions of the Department of Health and Human Services.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

SOCIAL SECURITY ADMINISTRATION

SUPPLEMENTAL SECURITY INCOME

LIMITATION ON ADMINISTRATIVE EXPENSES

The Committee recommends a rescission of $80,000,000 from the automation initiative for which $300,000,000 was provided in the Fiscal Year 1994 Appropriations Act under the "Limitation on administrative expenses" account. The remaining $220,000,000 for the first year of this initiative will fund approximately one-fifth of the total cost of this 5-year automation project for which the President requested a total of $1,125,000,000.

In addition, $10,909,000 is rescinded in the "Supplemental security income" [SSI] account, which is the amount that would have been reimbursed to the trust funds for the SSI Program share of the $80,000,000 that is proposed for rescission in the "Limitation on administrative expenses" account. Therefore, the net proposed rescission is $80,000,000, of which $10,909,000 is derived from the SSI account.

CHAPTER 8

LEGISLATIVE BRANCH

CONGRESSIONAL OPERATIONS

SENATE

CONTINGENT EXPENSES OF THE SENATE

(RESCISSION)

The Committee recommends a rescission of $1,500,000 from the appropriation account "Sergeant at Arms and Doorkeeper of the Senate". This represents savings in fiscal 1992 funds from completed projects that came in under budget.

HOUSE OF REPRESENTATIVES

(RESCISSION)

The Committee concurs with the House in rescissions totaling $2,985,000 from various accounts in the House of Representatives. In keeping with the longstanding tradition of comity between the Houses on matters pertaining solely to one House, the Committee makes no judgment of the House action.

ARCHITECT OF THE CAPITOL

CAPITOL BUILDINGS AND GROUNDS

CAPITOL BUILDINGS

(RESCISSION)

The Committee has deleted the rescission of $1,000,000 in fiscal year 1993 budget authority and $2,000,000 in fiscal year 1994 budget authority for installation of energy efficient lighting devices in the Capitol complex. Section 122 of Public Law 103-110, the Military Construction Appropriations Act of 1994, authorized the transfer of a parcel of approximately 100 acres at Fort Meade, MD, to the Architect of the Capitol to serve as the site for a long-term storage facility for the legislative branch. The Committee directs the Architect to apply these funds to the costs of maintaining and converting the property and facilities at Fort Meade for this purpose.

The $3,000,000 rescinded by the House will not be required for the energy efficient lighting program.

LIBRARY OF CONGRESS

(RESCISSION)

The Committee recommends a rescission of $1,000,000 in funds available to the Library of Congress under the fiscal year 1994 appropriations act (Public Law 103-69). The Library participated in a retirement-incentive program in fiscal year 1994 during which 234 Library employees paid from appropriated funds in this bill retired. The Librarian is directed to take the rescission amounts from any net savings resulting from this retirement program.

GENERAL ACCOUNTING OFFICE

(RESCISSION)

1994 appropriation to date	$430,815,000
1994 rescission request	
House recommendation	−1,300,000
Committee recommendation	−650,000

The Committee reduces the House recommendation to $650,000 for the General Accounting Office. The reductions to GAO's budget over the past 2 years in combination with the retirement incentives authorized in Public Law 103-69 (the Legislative Branch Appropriations Act, 1994) will cut GAO's work force by at least 450 full-time equivalent positions. This rescission will result in cuts to travel and miscellaneous expenses associated with the positions eliminated.

CHAPTER 9

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION

The Committee recommends rescission of $601,224,000 from Public Law 103-110, the Military Construction Appropriations Act for Fiscal Year 1994. This is the same amount recommended for rescission by the administration. The Committee notes that the Congress previously approved rescissions totaling $277,595,000 when Public Law 103-110 was enacted. The Committee also notes that the Congress reduced the budget request for the fiscal year 1994 Military Construction Appropriations Act by $729,227,000, a reduction of 7 percent from the total administration budget request.

The Committee does not approve the following rescissions recommended by the administration:

R94-16 Military construction, Army	−$116,134,000
R94-17 Military construction, Air Force	−85,094,000
R94-18 Military construction, Army Reserve	−19,807,000
R94-19 Military construction, Naval Reserve	−4,438,000
R94-20 Military construction, Air Force Reserve	−18,759,000
R94-21 Military construction, Army National Guard	−251,854,000
R94-22 Military construction, Air National Guard	−105,138,000

The administration recommended lump-sum rescissions, which, if approved by the Congress would allow the Department of Defense to determine the specific projects which would be canceled. The administration's recommendations, therefore, place in jeopardy projects which have specifically been approved in House and Senate authorization and appropriations bills. These projects were also approved by the administration when the President signed into law the Military Construction Appropriations Act for Fiscal Year 1994. Future military construction rescission requests submitted by the administration should not be in a lump-sum format but should be line item specific, detailing each specific project recommended for rescission.

The Committee has approved the following rescission:

BASE REALIGNMENT AND CLOSURE, PART III

(RESCISSION)

1994 appropriation to date	$1,144,000,000
1994 rescission request	
Committee recommendation	−601,224,000

The Committee has approved a rescission totaling $601,224,000 for the "Base realign-

ment and closure" [BRAC] account, part III. This account is a lump-sum appropriation which provides funds to close and realign military bases. Fiscal year 1994 is the first year BRAC, part III has been funded. The rescission approved by the Committee leaves $542,776,000 appropriated to the account for fiscal year 1994. The Committee notes that the first year funding for BRAC, part I was $500,000,000 and first year funding for BRAC, part II was $331,700,000. Therefore, the amount which remains for part III exceeds the first year funding rate of the prior two base closure and realignment accounts. The Committee is also concerned with the excessively slow obligation rate in the base closure accounts. As the Committee pointed out in its report accompanying H.R. 2446, almost $2,000,000,000 previously appropriated for base closures has yet to be obligated by the military services.

CHAPTER 10

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

PAYMENTS TO AIR CARRIERS

(AIRPORT AND AIRWAYS TRUST FUND)

(RESCISSION)

1994 appropriation to date	$33,423,077
1994 rescission request	−10,067,000
House allowance	−10,068,243
Committee recommendation	−10,067,000

The Committee is recommending the rescission of unobligated balances of contract authority for the essential air services program. The rescission does not affect the provision of services allowed under Public Law 103–122.

RENTAL PAYMENTS

(RESCISSION)

1994 appropriation to date	$149,605,000
1994 rescission request	−1,781,000
House allowance	
Committee recommendation	−1,781,000

The Committee has included, as requested, a rescission of $1,781,000 of funds for rental payments by the Office of the Secretary. This rescission reflects revised requirements for GSA space rental and related services.

COAST GUARD

OPERATING EXPENSES

1994 appropriation to date	$2,586,770,000
1994 rescission request	−5,000,000
House allowance	−5,000,000
Committee recommendation	

The Committee does not concur in the President's request to rescind excess funds appropriated under Public Law 102–368 for costs arising from the consequences of Hurricane Andrew and Hurricane Iniki.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

1994 appropriation to date	$327,500,000
1994 rescission request	−2,000,000
House allowance	−2,000,000
Committee recommendation	

Consistent with the Committee's recommendation regarding operating expenses cited above, the Committee does not concur in the President's proposal to rescind excess funds initially appropriated for the consequences of Hurricanes Andrew and Iniki.

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

(RESCISSION)

1994 appropriation to date	$4,580,518,000
1994 rescission request	−2,750,000
House allowance	−750,000
Committee recommendation	−2,750,000

The Administration has proposed the rescission of $2,750,000 from the Federal Aviation Administration's "Operations" account. The Committee concurs with the Administration's request. The Administration, in its rescission message R94–29, stated that this proposal is consistent with the Vice President's "National Performance Review" proposal.

Funding of $2,000,000 would be rescinded from the mid-America aviation resource consortium, which is a private air traffic controller training program; and $750,000 is rescinded from the vocational technical grants program.

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAYS TRUST FUND)

(RESCISSION)

1994 appropriation to date	$2,120,104,000
1994 rescission request	−40,257,111
House allowance	−29,451,111
Committee recommendation	−65,205,300

The administration has proposed the rescission of $40,257,111 in funding previously provided for the airway science curriculum grant program. Under the administration's proposal, the following funds would be rescinded.

[In thousands of dollars]

Fiscal year available	Amount appropriated	Unobligated	Description
1985–89	$35,795	$2,305	
		1,425	Florida Memorial College.
		880	Unearmarked.
1991	10,000	1,899	Do.
1992	20,000	9,777	
		3,000	Daniel Webster College, NH.
		250	Middle Tennessee State University.
		3,000	Southern University, LA.
		3,527	Unearmarked.
1993	30,000	28,275	
		175	Central Washington State University.
		4,500	Dowling College, NY.
		10,000	Embry-Riddle Aeronautical University.
		2,235	Henderson State University, AR.
		556	Middle Tennessee State University.
		1,925	Southern University, LA.
		6,884	University of Alaska.
Total unobligated balance		40,257	As of September 30, 1993.

The Committee has proposed the rescission of $65,205,300. The money proposed for rescission includes funding provided as early as fiscal year 1985 and as late as fiscal year 1992. The Committee recommends the rescission of the following amounts from the following programs.

Program	Fiscal year available	Amount
Airway science grants	1985–89	$2,305,000
Interim support plan	1990	13,911,000
System engineering support	...do	746,000
Center lease	...do	113,000
Traffic control simulators	...do	2,519,000
Test and evaluation	...do	1,440,000
Part-task trainers	...do	2,534,000
TCAS II system	...do	438,000
B–727 retrofit	...do	217,000
Center lease	...do	98,000
Engineering support	...do	330,000
Interim support plan	1991	20,000,000
B–727 upgrade	...do	581,000
CV–580 upgrade	...do	3,200,000
Airway science grants	...do	1,899,000
Do	1992	3,527,000

The Committee's suggestion is based on the quarterly accounts obligation status report that FAA submits to the Senate and House Committees on Appropriations. The Committee recognizes that some adjustment to the above projects might be necessary and directs the FAA to submit to the House and Senate Committees on Appropriations a list of programs with dollar amounts on how it will meet the target of a $65,205,300 rescission in the "facilities and equipment" account.

GRANTS-IN-AID FOR AIRPORTS

(RESCISSION)

(AIRPORT AND AIRWAYS TRUST FUND)

1994 appropriation to date	$1,690,000,000
1994 rescission request	−488,200,000
House allowance	−488,200,000
Committee recommendation	−488,200,000

The Committee recommends the rescission of $488,200,000 of unobligated contract authority of the airport improvement grant program. This proposal would rescind a portion of the unobligated contract authority that is not available for obligation due to limitations on obligation in annual appropriations acts.

FEDERAL HIGHWAY ADMINISTRATION

(HIGHWAY TRUST FUND)

(RESCISSION)

1994 appropriation to date	$156,362,000
1994 rescission request	−174,968,734
House allowance	−85,774,222
Committee recommendation	−35,696,647

The administration would rescind all unobligated appropriated funds for unauthorized highway demonstration projects that the Federal Highway Administration reports are not under construction (R94-32a).

The Committee proposes the rescission of unobligated appropriated balances of highway projects that are listed below. In addition, the Committee recommends the rescission of the contract authority of highway projects that was provided pursuant to provisions of the Surface Transportation and Uniform Relocation Assistance Act of 1987, and unobligated balances of the bridges on Federal dams program.

Under the Committee's proposal, funds for the following projects would be rescinded:

Title	*Amount*
Bridges on Federal dams	$9,478,139
Hillsboro Bridge, Illinois	378,530
U.S. 20 realignment, Iowa	1,756,709
Des Moines Inner Loop, Iowa	2,792,000
I-70 and 110th St. improvements, Kansas	3,446,600
Center Street extension, Massachusetts	3,360,000
Blackstone River bikeway, Massachusetts	212,032
Rail consolidation, Michigan	2,735,000
I-20/Norrell Rd. interchange, Mississippi	1,620,000
Railroad overpass, New Mexico	1,363,391
Irondequoit Bay outlet bridge, New York	4,249,893
Texarkana Rd., Texas	1,379,960
Relocation of U.S. 35, West Virginia	406,920
STURA of 1987	2,517,473

RIGHT-OF-WAY REVOLVING FUND

(HIGHWAY TRUST FUND)

(RESCISSION)

1994 appropriation to date	$42,500,000
1994 rescission request	
House allowance	
Committee recommendation	−20,000,000

The advanced acquisition of rights-of-way program was established by section 110(a) of the Federal-aid Highway Act of 1956. Section 7 of Public Law 90-495, the Highway Act of 1968, established the revolving fund feature. The Committee recommends the rescission of $20,000,000 of revolving fund balances.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

HIGHWAY TRAFFIC SAFETY GRANTS

(HIGHWAY TRUST FUND)

(RESCISSION)

1994 appropriation to date	$174,000,000
1994 rescission request	
House allowance	−7,056,000
Committee recommendation	−219,750,000

The Committee recommends the rescission of contract authority totaling $219,750,000 for Highway Traffic Safety Grants under the National Highway Traffic Safety Administration.

Rescinded funds will be derived from the following programs:

Section 408 alcohol safety incentive grants	$6,493,000
Section 209 safety, education, and information grants	11,000,000
Section 153 safety belt and motorcycle helmet grants	24,000,000
Section 402 State and community highway safety grants	178,257,000

The levels proposed for rescission represent unobligated contract authority which is not available for obligation in fiscal year 1994.

FEDERAL RAILROAD ADMINISTRATION

RAILROAD RESEARCH AND DEVELOPMENT

(RESCISSION)

1994 appropriation to date	$37,613,000
1994 rescission request	−17,000,000
House allowance	
Committee recommendation	−17,000,000

The Committee concurs in the President's request to rescind $17,000,000 from funds appropriated for fiscal year 1994 for research and analysis in the area of high-speed magnetically levitated ground transportation [maglev]. Shortly after the enactment of the fiscal year 1994 transportation appropriations act, the National Maglev Initiative [NMI], a cooperative effort of the Federal Railroad Administration, U.S. Army Corps of Engineers, and the Department of Energy, completed its report on the technical and market feasibility of maglev. As a result, the Administration recognizes a need of not more than $3,000,000 in fiscal year 1994 for continued study of maglev issues and the initiation of a market feasibility of high-speed ground transportation, as called for in the Intermodal Surface Transportation Efficiency Act [ISTEA].

FEDERAL TRANSIT ADMINISTRATION

DISCRETIONARY GRANTS

(HIGHWAY TRUST FUND)

(RESCISSION)

1994 appropriation to date	$1,785,000,000
1994 rescission request	−50,537,525
House allowance	−40,478,975
Committee recommendation	−808,935

The administration has proposed the rescission of any unobligated funds made available for fiscal year 1991 or earlier under section 3 of the Federal Transit Act, as amended (R94-31). Under the Committee's proposal, the following project would lose previously appropriated funds:

Project	*Amount*
Buffalo, NY, Naval Park Station	$808,935

CHAPTER 11

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT

INTERNAL REVENUE SERVICE

INFORMATION SYSTEMS

(RESCISSION)

1994 appropriation to date	$1,485,917,000
1994 supplemental estimate	
House allowance	
Committee recommendation	(6,400,000)

The Committee has recommended a rescission of $6,400,000 in information systems activities of the Internal Revenue Service. The Committee is advised that IRS has achieved savings in procurement contracts for new automated data processing systems and these savings will be applied to the supplemental costs of ADP requirements for the Executive Office of the President.

RELATED AGENCY

GENERAL SERVICES ADMINISTRATION

FEDERAL BUILDINGS FUND

(LIMITATIONS ON AVAILABILITY OF REVENUE)

(RESCISSION)

The Committee has recommended the rescission of $127,691,000 in obligational authority from many Federal building projects under the control of the General Services Administration [GSA]. This amount is the same as that recommended by the President for rescission in the General Services Administration's Federal buildings fund for fiscal year 1994.

However, the Committee has rejected the administration's proposal to make rescissions in programs, projects and activities funded in the Fiscal Year 1994 Appropriations Act. Instead, the Committee recommends the rescission of a specific amount of funds by project for a series of construction and repair and alterations projects funded in fiscal year 1994 and previous fiscal years. These savings are the result of the "Time-Out and Review" of projects initiated and conducted by GSA in 1994. In many cases, the savings are minimal and should have no impact on the quality of the buildings or original construction or repair objective. GSA indicates that savings can be achieved in many projects by adopting a value-engineering concept. Specifically, the Committee recommends the rescission of funds for the following projects in the following amounts:

Alabama: Montgomery, U.S. courthouse	$5,000,000
Arizona:	
Naco, U.S. border station	74,000
Sierra Vista, U.S. Magistrates Office	1,000,000
California:	
Calexico, U.S. border station	900,000
Menlo Park, U.S. Geological Survey Office and laboratory buildings	783,000
Sacramento, U.S. courthouse and Federal building	3,391,000
Tecate, U.S. border station	165,000
District of Columbia:	
Army Corps of Engineers, headquarters building	11,309,000
Federal Office Building 6	11,100,000
Federal Bureau of Investigation field office	5,679,000
White House remote delivery and vehicle maintenance facility	5,382,000
U.S. Secret Service headquarters	23,274,000
Florida:	
Lakeland, Federal building	4,400,000
Tampa, U.S. courthouse	7,472,000
Iowa: Burlington, parking facility	2,400,000
Massachusetts: Boston, U.S. courthouse	4,076,000
Maryland:	
Bowie, Bureau of Census, computer center	660,000
New Carrollton, IRS	30,100,000
Minnesota: Minneapolis, Federal building and U.S. courthouse	4,197,000
New Hampshire: Concord, U.S. courthouse	867,000
Nevada: Reno, Federal building and U.S. courthouse	875,000
New Jersey: Newark, Federal building, 20 Washington Plaza	327,000
Pennsylvania: Philadelphia, Veterans Affairs Federal Building	1,276,000
Tennessee: Knoxville, U.S. courthouse	800,000
U.S. Virgin Islands: Charlotte Amalie, St. Thomas, U.S. courthouse and annex	2,184,000

GSA FEDERAL BUILDINGS

The Committee has recommended rescissions within the Federal buildings fund totaling $127,691,000, the same amount as requested by the President. However, the President requested a lump sum rescission

without specific reference to individual projects. In a January 27, 1994, report to the Congress, the General Accounting Office noted that section 1012 of the Impoundment Control Act requires the President to report proposed rescissions to the Congress in a special message that provides detailed information concerning the basis and effect of the rescission, including: "any account, department, or establishment of the Government to which such budget authority is available for obligation, and the specific project or governmental functions involved * * *". Therefore, the Committee has recommended project specific reductions, commensurate with the recommendation made by the General Services Administration in its time out and review process.

The Committee directs that all Federal building projects funded in the 1994 Treasury, Postal Service and General Government Appropriations Act, Public Law 103-123, with the exception of those affected by the proposed rescission in this bill, proceed immediately at the funding levels provided.

CHAPTER 12

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

DEPARTMENT OF VETERANS AFFAIRS

DEPARTMENTAL ADMINISTRATION

CONSTRUCTION, MAJOR PROJECTS

1994 appropriation to date	$369,000,000
1994 rescission request	
House allowance	−26,000,000
Committee recommendation	

The Committee does not concur with the House rescission of $26,000,000 from the working reserve of the "Construction, major projects" account. This rescission would virtually deplete the construction working reserve.

The Committee notes that in the fiscal year 1994 appropriation, the working reserve was reduced by approximately $93,000,000. The additional rescission proposed by the House may pose serious problems in managing the construction program. Funds in the working reserve may be required for construction contingencies, unforeseen site conditions, or other variables that could impact project costs.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

HOMEOWNERSHIP AND OPPORTUNITY FOR PEOPLE EVERYWHERE GRANTS (HOPE GRANTS)

(RESCISSION)

1994 appropriation to date	$109,190,000
1994 rescission request	−66,000,000
House allowance	−66,000,000
Committee recommendation	−50,000,000

The Committee recommends a rescission of $50,000,000 in funds appropriated for homeownership and opportunity for people everywhere grants. The reduction should be taken subject to the normal reprogramming guidelines. The House and the administration recommended specific cuts in the HOPE 1 and HOPE 2 programs. None of the funds should be taken from funds provided under this account in Public Law 103-124 for Youthbuild.

The Committee notes that the HOPE Program contains an unobligated balance of funds from fiscal years 1993 and before of approximately $173,000,000, an amount greater than the entire appropriation for the program in the original fiscal year 1994. Even after the rescission, the Department will have more than $232,000,000 for awards under the HOPE Program.

Given the Department's decision to phase out this program, the Committee believes it preferable to rescind a portion of these funds, rather than other higher priority housing programs which have a substantial backlog of need.

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

(RESCISSION)

1994 appropriation to date	$9,312,900,000
1994 rescission request	−180,000,000
House allowance	−25,000,000
Committee recommendation	−325,000,000

The Committee recommends a rescission of $325,000,000 from the "Annual contributions for assisted housing" account. Funds would be taken from funds appropriated for preservation subsidies on units whose owners are eligible to prepay on HUD-insured mortgages.

The Committee has taken this step because the Department has $496,000,000 in unobligated preservation funds that were carried over from fiscal year 1993 into fiscal year 1994. This means that approximately 83 percent of the fiscal year 1993 appropriation was neither obligated or committed. As a result, even with this rescission, the Department will still have funds available for preservation activities in fiscal year 1994 equal to what was appropriated in the Department's regular appropriations bill.

The Committee wishes to note its concern over the slow pace of HUD's obligation of preservation funds. Large annual carryover of preservation funds is becoming a regular occurrence. Given the limited amounts of budget authority already available for discretionary spending, it makes little sense for the Department to receive new appropriations for a program that has not obligated the vast majority of the previous year's funding. Through this rescission, the Committee hopes to provide an incentive for the Department to obligate preservation funds more quickly in the future.

The Committee has denied the two proposed rescissions requested by the administration in the "Annual contributions" account: $130,000,000 from public housing modernization, and $50,000,000 from lead-based paint abatement grants. Both programs are used to tackle perhaps the most serious public health hazard faced by children in the United States today: blood poisoning from the harmful effects of lead paint and lead paint dusts. In addition, modernization funds are used for a host of reconstruction and security measures that are needed to combat crime in housing authorities in rural and urban communities throughout the United States.

As the Committee noted in Senate Report 103-137, the vast majority of public housing modernization funds are now obligated by housing authorities within the period expected in the program's authorization—the first 3½ years after their award by HUD to local housing authorities. The administration's estimate of the backlog of unspent modernization funds is based upon flawed analysis. The overwhelming number of instances of unspent funds is due to inertia by the Department itself, a situation which the new Secretary is desperately trying to remedy.

HUD estimates that the backlog of public housing modernization needs runs in excess of $20,000,000,000. The estimated cost of abating lead from federally assisted nonpublic housing is in excess of $100,000,000,000. Therefore, the Committee believes that the administration's proposed assisted housing rescissions would be harmful in tackling these nagging housing, public health, and public safety problems.

The Committee has not included the reduction of $25,000,000 proposed by the House from section 8 contract amendments. It is unclear at this time if the Department will need these funds to meet current section 8 contractual commitments in fiscal year 1994.

ASSISTANCE FOR THE RENEWAL OF EXPIRING SECTION 8 CONTRACTS

(RESCISSION)

1994 appropriation to date	$4,558,106,000
1994 rescission request	
House allowance	−20,000,000
Committee recommendation	

The Committee does not concur with the recommendation to rescind $20,000,000 from the "Assistance for the renewal of expiring section 8 contracts" account. No rescission in this account was proposed. Since this account was cut in House Report 103-273 by more than $1,000,000,000 below the budget request, the Committee does not believe it should be a source of further reductions at this time.

INDEPENDENT AGENCIES

ENVIRONMENTAL PROTECTION AGENCY

WATER INFRASTRUCTURE/STATE REVOLVING FUNDS

(RESCISSION)

1994 appropriation to date	$2,477,000,000
1994 rescission request	
House allowance	−22,000,000
Committee recommendation	

The Committee does not concur with the House in rescinding $22,000,000 from the "Water infrastructure/State revolving funds" account. The Committee notes that the amount provided for this activity in fiscal year 1994 represented a decrease of $73,000,000 below the fiscal year 1993 level. In addition, the need for waste water treatment construction exceeds $100,000,000,000 nationwide. Finally, the Committee notes that a rescission of $22,000,000 would result in the loss of approximately 1,250 construction-related jobs.

FEDERAL EMERGENCY MANAGEMENT AGENCY

EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE

(RESCISSION)

1994 appropriation to date	$212,960,000
1994 rescission request	
House allowance	−2,000,000
Committee recommendation	

The Committee does not concur with the House in rescinding $2,000,000 from FEMA emergency management planning and assistance. The Committee notes that the amount provided for this account in fiscal year 1994 represented a decrease of $40,000,000 below the fiscal year 1993 budget and $10,000,000 below the original budget fiscal year 1994 estimate. Additional reductions to this account could inhibit the agency's reorganization and ability to respond effectively to disasters.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

RESEARCH AND DEVELOPMENT

(RESCISSION)

1994 appropriation to date	$7,529,300,000
1994 rescission request	−88,000,000
House allowance	−25,000,000
Committee recommendation	−63,000,000

The Committee recommends a rescission of $63,000,000 from funds in the "Research and

development" account. This reduction is needed to offset a portion of the amount provided for a pay supplemental in title II of this bill. The reduction should be taken, in agreement between the Committee and NASA, as follows:

- –$7,000,000 from space station, with $5,000,000 of this amount through delaying the centrifuge procurement.
- –$12,000,000 from space transportation capability development, with a $2,000,000 general reduction and $10,000,000 from the single-engine centaur.
- –$6,200,000 from physics and astronomy, with $2,000,000 as a general reduction and $4,200,000 through applying a portion of the fee recovery from the settlement on the Hubble Space Telescope.
- –$5,800,000 from life and microgravity sciences as a general reduction.
- –$1,000,000 from the mission to planet Earth.
- –$7,000,000 from aeronautics as a general reduction.
- –$5,000,000 from advanced studies on space communications.
- –$19,000,000 as a general reduction.

The Committee notes that all reductions are taken subject to the normal reprogramming guidelines. None of the funds are to be taken from high-priority areas identified in House Report 103–273 or Senate Report 103–137.

SPACE FLIGHT, CONTROL, AND DATA COMMUNICATIONS

(RESCISSION)

1994 appropriation to date	$4,853,500,000
1994 rescission request	–32,000,000
House allowance	
Committee recommendation	–32,000,000

The Committee recommends the rescission of $32,000,000 from space flight, control, and data communications activities. These reductions are needed to offset a portion of the amount provided for a pay supplemental in title II of this bill. The reduction should be taken, in agreement between the Committee and NASA, as follows:

- –$20,000,000 from shuttle operations, including $10,000,000 as a general reduction and $10,000,000 from research operations support.
- –$10,000,000 from launch services and expendable launch vehicle upgrades.
- –$2,000,000 from space communications.

The Committee notes that all reductions are taken subject to the normal reprogramming guidelines. None of the funds are to be taken from high-priority areas identified in House Report 103–273 or Senate Report 103–137.

CONSTRUCTION OF FACILITIES

(RESCISSION)

1994 appropriation to date	$517,700,000
1994 rescission request	–25,000,000
House allowance	–25,000,000
Committee recommendation	–25,000,000

The Committee proposes a rescission of $25,000,000 from activities in the "Construction of facilities" account. This amount should be taken as a general reduction, subject to the normal reprogramming guidelines.

NATIONAL SCIENCE FOUNDATION

ACADEMIC RESEARCH INFRASTRUCTURE

(RESCISSION)

1994 appropriation to date	$110,000,000
1994 rescission request	–10,000,000
House allowance	–10,000,000
Committee recommendation	

The Committee does not concur with the House in recommending a rescission of $10,000,000 in academic research infrastructure activities. The current backlog in repair and renovation needs of scientific facilities at America's colleges and universities is between $6,000,000,000 and $8,000,000,000. As a result, the Committee believes the NSF's modest program to help address this problem, particularly at institutions that do not normally have access to large amounts of Federal research funds, should be preserved.

NATIONAL SERVICE INITIATIVE

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

(RESCISSION)

1994 appropriation to date	$370,000,000
1994 rescission request	
House allowance	–5,000,000
Committee recommendation	

The Committee has not agreed to the recommendation of the House to rescind $5,000,000 of the amounts made available for the national service program. This reduction was not requested and is premature since the national service initiative as envisioned by the last year's authorization is only now beginning.

GENERAL PROVISION

The Committee has reinserted as a general provision, bill language included in the House rescission of funds for the installation of energy efficient lighting devices in the Capitol complex which the Committee bill deletes. This language will bring the Architect of the Capitol under the authority granted heads of agencies in section 155 of the Energy Policy Act of 1992, regarding energy savings performance contracts.

Energy savings companies [ESCO] are companies that agree to finance the cost of retrofitting facilities with more energy efficient lighting and return for a share of the projected savings.

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL

[Amounts in dollars]

Doc. No.	Department or activity	Supplemental estimate	House allowance	Senate Committee recommendation	Senate Committee recommendation compared with (+ or –)	
					Supplemental estimate	House allowance
	TITLE I—EMERGENCY SUPPLEMENTAL APPROPRIATIONS					
	CHAPTER 1					
	DEPARTMENT OF AGRICULTURE					
	Soil Conservation Service					
103–204	Watershed and flood prevention operations	340,500,000	340,500,000	340,500,000		
	Agricultural Stabilization and Conservation Service					
103–204	Emergency conservation program	25,000,000	25,000,000	25,000,000		
	Total, chapter 1: New budget (obligational) authority	365,500,000	365,500,000	365,500,000		
	CHAPTER 2					
	SMALL BUSINESS ADMINISTRATION					
	Disaster loans program account:					
103–199						
103–204	Direct loans subsidy	254,750,000	254,750,000	254,750,000		
103–199						
103–204	(Limitation on direct loans)	(1,109,000,000)	(1,109,000,000)	(1,109,000,000)		
103–199						
103–204	Administrative expenses	55,000,000	55,000,000	55,000,000		
	Total, chapter 2: New budget (obligational) authority	309,750,000	309,750,000	309,750,000		
	CHAPTER 3					
	DEPARTMENT OF DEFENSE—MILITARY					
	Military Personnel					
103–204	Military personnel, Army	6,600,000	6,600,000	6,600,000		
103–204	Military personnel, Navy	19,400,000	19,400,000	19,400,000		
103–204	Military personnel, Air Force	18,400,000	18,400,000	18,400,000		
	Total, military personnel	44,400,000	44,400,000	44,400,000		
	Operation and Maintenance					
103–204	Operation and maintenance, Army	420,100,000	420,100,000	420,100,000		
103–204	Operation and maintenance, Navy	104,800,000	104,800,000	104,800,000		
103–204	Operation and maintenance, Air Force	560,100,000	560,100,000	560,100,000		
103–204	Operation and maintenance, Defense-wide	21,600,000	21,600,000	21,600,000		
	Total, operation and maintenance	1,106,600,000	1,106,600,000	1,106,600,000		

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL—Continued

[Amounts in dollars]

Doc. No.	Department or activity	Supplemental estimate	House allowance	Senate Committee recommendation	Senate Committee recommendation compared with (+ or −)	
					Supplemental estimate	House allowance
	Procurement					
103–204	Aircraft procurement, Army	20,300,000	20,300,000	20,300,000		
103–204	Other procurement Army	200,000	200,000	200,000		
103–204	Other procurement, Air Force	26,800,000	26,800,000	26,800,000		
	Total, procurement	47,300,000	47,300,000	47,300,000		
	Total, chapter 3: New budget (obligational) authority	1,198,300,000	1,198,300,000	1,198,300,000		
	CHAPTER 4					
	DEPARTMENT OF DEFENSE—CIVIL					
	DEPARTMENT OF THE ARMY					
	Corps of Engineers—Civil					
103–204	Flood control and coastal emergencies	70,000,000	70,000,000	70,000,000		
	CHAPTER 5					
	DEPARTMENT OF EDUCATION					
103–199	Impact aid	165,000,000	165,000,000	165,000,000		
103–199	Student financial assistance	80,000,000	80,000,000	80,000,000		
	Total, chapter 5: New budget (obligational) authority	245,000,000	245,000,000	245,000,000		
	CHAPTER 6					
	DEPARTMENT OF TRANSPORTATION					
	Federal Highway Administration					
103–199	Federal-aid highways (highway trust fund):					
103–204	Emergency relief program	1,265,000,000	1,265,000,000	1,265,000,000		
103–199	Contingency appropriations	400,000,000	400,000,000	400,000,000		
	Total, chapter 6:					
	New budget (obligational) authority	1,665,000,000	1,665,000,000	1,665,000,000		
	*COM001*Appropriations	(1,265,000,000)	(1,265,000,000)	(1,265,000,000)		
	Contingency appropriations	(400,000,000)	(400,000,000)	(400,000,000)		
	CHAPTER 7					
	DEPARTMENT OF VETERANS AFFAIRS					
	Veterans Health Administration					
103–199	Medical care	21,000,000	21,000,000	21,000,000		
	Departmental Administration					
103–204	Construction, major projects	45,600,000	45,600,000	45,600,000		
	Total, Department of Veterans Affairs	66,600,000	66,600,000	66,600,000		
	DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT					
	Housing Programs					
103–199						
103–204	Annual contributions for assisted housing	225,000,000	225,000,000	225,000,000		
103–199	Flexible subsidy fund	100,000,000	100,000,000	100,000,000		
	Total, housing programs	325,000,000	325,000,000	325,000,000		
	Community Planning and Development					
103–199						
103–	Community development grants	500,000,000	250,000,000	500,000,000		+250,000,000
	Total, Department of Housing and Urban Development	825,000,000	575,000,000	825,000,000		+250,000,000
	INDEPENDENT AGENCY					
	Federal Emergency Management Agency					
103–199						
103–204	Disaster relief	4,709,000,000	4,709,000,000	4,709,000,000		
103–199	Emergency management planning and assistance	15,000,000	15,000,000	15,000,000		
	Total, Federal Emergency Management Agency	4,724,000,000	4,724,000,000	4,724,000,000		
	Total, chapter 7: New budget (obligational) authority	5,615,600,000	5,365,600,000	5,615,600,000		+250,000,000
	CHAPTER 8					
	FUNDS APPROPRIATED TO THE PRESIDENT					
103–199						
103–204						
103–	Unanticipated needs (contingency appropriations)	550,000,000	500,000,000	550,000,000		+50,000,000
	Total, title I:					
	New budget (obligational) authority	10,019,150,000	9,719,150,000	10,019,150,000		+300,000,000
	Appropriations	(9,069,150,000)	(8,819,150,000)	(9,069,150,000)		(+250,000,000)
	Contingency appropriations	(950,000,000)	(900,000,000)	(950,000,000)		(+50,000,000)
	(Limitation on direct loans)	(1,109,000,000)	(1,109,000,000)	(1,109,000,000)		
	TITLE II—SUPPLEMENTAL APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 1994					
	CHAPTER 1					
	DEPARTMENT OF AGRICULTURE					
---	Agricultural Research Service (by transfer)		(10,068,000)			(−10,068,000)
103–180	Extension Service	1,400,000		1,400,000		+1,400,000
	Rural Development Administration					
---	Salaries and expenses (by transfer)		(4,493,000)			(−4,493,000)
	Food and Drug Administration					
103–180	Salaries and expenses	(2,284,000)		(2,284,000)		(+2,284,000)

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL—Continued

[Amounts in dollars]

Doc. No.	Department or activity	Supplemental estimate	House allowance	Senate Committee recommendation	Senate Committee recommendation compared with (+ or −)	
					Supplemental estimate	House allowance
	Total, chapter 1:					
	New budget (obligational) authority	1,400,000		1,400,000		+1,400,000
	(By transfer)		(14,561,000)			(−14,561,000)
	CHAPTER 2					
	DEPARTMENT OF STATE					
103–180	Contributions for international peacekeeping activities	670,000,000			−670,000,000	
	RELATED AGENCY					
	Office of the United States Trade Representative					
103–180						
103–	Salaries and expenses	875,000		75,000	−800,000	+75,000
	Total, chapter 2: New budget (obligational) authority	670,875,000		75,000	−670,800,000	+75,000
	CHAPTER 3					
	DEPARTMENT OF THE INTERIOR					
	United States Fish and Wildlife Service					
103–180	Resource management (by transfer)	(2,100,000)		(2,100,000)		(+2,100,000)
103–180	Land acquisition (by transfer)	(4,000,000)		(4,000,000)		(+4,000,000)
	Total, United States Fish and Wildlife Service					
	National Park Service					
103–180	Construction	13,102,000		13,102,000		+13,102,000
103–180	Land acquisition and State assistance	1,274,000		1,274,000		+1,274,000
103–	(By transfer)	(6,000,000)		(6,000,000)		(+6,000,000)
	Total, National Park Service	14,376,000		14,376,000		+14,376,000
	Bureau of Indian Affairs					
103–180	Construction	12,363,000		12,363,000		+12,363,000
	Total, chapter 3:					
	New budget (obligational) authority	26,739,000		26,739,000		+26,739,000
	(By transfer)	(12,100,000)		(12,100,000)		(+12,100,000)
	CHAPTER 4					
	DEPARTMENT OF LABOR					
	Employment and Training Administration					
103–180	Advances to the unemployment trust fund	61,400,000		61,400,000		+61,400,000
	Bureau of Labor Statistics					
103–180	Salaries and expenses	10,100,000		10,100,000		+10,100,000
	Departmental Management					
103–180	Salaries and expenses	−2,250,000			+2,250,000	
	Total, Department of Labor	69,250,000		71,500,000	+2,250,000	+71,500,000
	DEPARTMENT OF HEALTH AND HUMAN SERVICES					
103–	Salaries and expenses	15,000,000			−15,000,000	
	Health Care Financing Administration					
103–	Program management	−37,500,000			+37,500,000	
	Total, chapter 4: New budget (obligational) authority	46,750,000		71,500,000	+24,750,000	+71,500,000
	CHAPTER 5					
	CONGRESSIONAL OPERATIONS					
	SENATE					
	Salaries, Officers and Employees					
103–180	Office of the Secretary	450,000		450,000		+450,000
	Contingent Expenses of the Senate					
103–180	Secretary of the Senate	600,000		600,000		+600,000
	Total, chapter 5: New budget (obligational) authority	1,050,000		1,050,000		+1,050,000
	CHAPTER 6					
	DEPARTMENT OF TRANSPORTATION					
	Federal Railroad Administration					
103–180	Penn Station redevelopment project	10,000,000		10,000,000		+10,000,000
103–180	High-speed ground transportation (limitation on obligations)	(4,452,000)		(4,452,000)		(+4,452,000)
	Total, Department of Transportation	10,000,000		10,000,000		+10,000,000
	Total, chapter 6:					
	New budget (obligational) authority	10,000,000		10,000,000		+10,000,000
	(Limitation on obligations)	(4,452,000)		(4,452,000)		(+4,452,000)
	CHAPTER 7					
	EXECUTIVE OFFICE OF THE PRESIDENT AND					
	FUNDS APPROPRIATED TO THE PRESIDENT					
103–	National Security Council	5,650,000		5,320,000	−330,000	+5,320,000
103–	Office of Administration	1,400,000		1,030,000	−370,000	+1,030,000
103–	(By transfer)	(6,000,000)		(6,000,000)		(+6,000,000)
	Total, chapter 7:					
	New budget (obligational) authority	7,050,000		6,350,000	−700,000	+6,350,000
	(By transfer)	(6,000,000)		(6,000,000)		(+6,000,000)

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL—Continued

[Amounts in dollars]

Doc. No.	Department or activity	Supplemental estimate	House allowance	Senate Committee recommendation	Senate Committee recommendation compared with (+ or −)	
					Supplemental estimate	House allowance
	CHAPTER 8					
	DEPARTMENT OF VETERANS AFFAIRS					
	Veterans Benefits Administration					
103–180	Compensation and pensions	698,000,000		698,000,000		+698,000,000
103–180	Readjustment benefits	103,200,000		103,200,000		+103,200,000
	Total, Veterans Benefits Administration	801,200,000		801,200,000		+801,200,000
	Veterans Health Administration					
---	Medical administration and miscellaneous operating expenses (by transfer)			(3,500,000)	(+3,500,000)	(+3,500,000)
	DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT					
	Housing Programs					
103–158	Annual contributions for assisted housing	−45,791,000			+45,791,000	
	Federal Housing Administration:					
103–	FHA—Mutual mortgage insurance program account: (Limitation on guaranteed loans)	(20,000,000,000)		(20,000,000,000)		(+20,000,000,000)
103–	FHA—General and special risk program account: (Limitation on guaranteed loans)	(2,000,000,000)		(2,000,000,000)		(+2,000,000,000)
	INDEPENDENT AGENCIES					
	Executive Office of the President					
103–180	Council on the Environmental Quality and Office of Environmental Quality	425,000			−425,000	
	National Aeronautics and Space Administration					
103–180	Research and program management	60,000,000		60,000,000		+60,000,000
	Total, chapter 8:					
	New budget (obligational) authority	815,834,000		861,200,000	+45,366,000	+861,200,000
	(By transfer)			(3,500,000)	(+3,500,000)	(+3,500,000)
	(Limitation on guaranteed loans)	(22,000,000,000)		(22,000,000,000)		(+22,000,000,000)
	Total, title II:					
	New budget (obligational) authority	1,579,698,000		978,314,000	−601,384,000	+978,314,000
	(By transfer)	(18,100,000)	(14,561,000)	(21,600,000)	(+3,500,000)	(+7,039,000)
	(Limitation on guaranteed loans)	(22,000,000,000)		(22,000,000,000)		(+22,000,000,000)
	(Limitation on obligations)	(4,452,000)		(4,452,000)		(+4,452,000)
	TITLE III—RESCINDING CERTAIN BUDGET AUTHORITY PROPOSED TO BE RESCINDED IN SPECIAL MESSAGES TRANSMITTED TO THE CONGRESS BY THE PRESIDENT ON NOVEMBER 1, 1993, AND FEBRUARY 7, 1994					
	CHAPTER 1					
	DEPARTMENT OF AGRICULTURE					
---	Economic Research Service			−4,000,000	−4,000,000	−4,000,000
103–157	Agricultural Research Service	−16,233,000			+16,233,000	
---	Human Nutrition Information Service		−1,000,000			+1,000,000
103–157	Buildings and facilities	−8,460,000			+8,460,000	
	Total, Agricultural Research Service	−24,693,000	−1,000,000	−4,000,000	+20,693,000	−3,000,000
103–157	Cooperative State Research Service	−30,002,000	−14,279,000	−12,463,000	+17,539,000	+1,816,000
103–157	Buildings and facilities	−34,000,000	−2,897,000	−2,897,000	+31,103,000	
	Total, Cooperative State Research Service	−64,002,000	−17,176,000	−15,360,000	+48,642,000	+1,816,000
	Agricultural Marketing Service					
---	Marketing services		−100,000			+100,000
	Agricultural Stabilization and Conservation Service					
103–157	Salaries and expenses	−12,167,000		−12,167,000		−12,167,000
	Soil Conservation Service					
103–157	Conservation operations	−12,167,000		−12,167,000		−12,167,000
---	Watershed and flood prevention operations			−21,158,000	−21,158,000	−21,158,000
	Total, Soil Conservation Service	−12,167,000		−33,325,000	−21,158,000	−33,325,000
	Farmers Home Administration					
	Rural Housing Insurance Fund Program account:					
	Single-family, low-income housing (sec. 502):					
---	(Loan authorization): Direct		(−174,825,000)			(+174,825,000)
103–	Loan subsidy: Direct	−1,515,000	−35,000,000	−1,515,000		+33,485,000
103–	Rental housing (sec. 515): Loan subsidy	−12,443,000		−12,443,000		−12,443,000
103–	Housing repair (sec. 504): Loan subsidy	−1,204,000		−1,204,000		−1,204,000
103–	Farm labor (sec. 514): Loan subsidy	−483,000		−483,000		−483,000
103–	Agricultural Credit Insurance Fund Program account: Credit sales of acquired property loan subsidy	−5,094,000		−5,094,000		−5,094,000
	Rural Development Loan Fund Program account:					
---	(Loan authorization)		(−35,715,000)			(+35,715,000)
---	Loan subsidy		−20,000,000			+20,000,000
---	Rural housing voucher program			−25,000,000	−25,000,000	−25,000,000
---	Rural water and waste disposal grants		−25,000,000			+25,000,000
103–157	Salaries and expenses	−12,167,000	−12,167,000	−12,167,000		
	Total, Farmers Home Administration	−32,906,000	−92,167,000	−57,906,000	−25,000,000	+34,261,000
	Rural Electrification Administration					
	Rural Electrification and Telephone Loans Program account:					
	Direct loans (telephone):					
103–157	(Loan authorization)	(−50,000,000)		(−25,000,000)	(+25,000,000)	(−25,000,000)
103–157						
103–	Loan subsidy	−8,745,000		−3,222,000	+5,523,000	−3,222,000
103–	Direct loans (electric): Loan subsidy	−3,388,000		−3,388,000		−3,388,000
	Total, Rural Electrification and Telephone Loans Program	−12,133,000		−6,610,000	+5,523,000	−6,610,000
	Food and Nutrition Service					
103–157	Commodity supplemental food program	−12,600,000	−12,600,000	−6,100,000	+6,500,000	+6,500,000

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL—Continued

[Amounts in dollars]

Doc. No.	Department or activity	Supplemental estimate	House allowance	Senate Committee recommendation	Senate Committee recommendation compared with (+ or −)	
					Supplemental estimate	House allowance
---	Food donations programs for selected groups: Needy family program		−6,000,000	−5,200,000	−5,200,000	+800,000
---	The emergency food assistance program			−10,000,000	−10,000,000	−10,000,000
---	Commodity purchases—TEFAP			−20,000,000	−20,000,000	−20,000,000
	Total, Food and Nutrition Service	−12,600,000	−18,600,000	−41,300,000	−28,700,000	−22,700,000
	FOREIGN ASSISTANCE AND RELATED PROGRAMS					
	Public Law 480 Program account:					
103–	Title I—Credit sales: Ocean freight differential	−4,600,000		−4,600,000		−4,600,000
	Title III—Commodity grants:					
103–	Program level	(−45,000,000)	(−20,000,000)	(−45,000,000)		(−25,000,000)
103–	Appropriation	−45,000,000	−20,000,000	−45,000,000		−25,000,000
103–	Loan subsidies	−35,400,000		−35,400,000		−35,400,000
	Total, chapter 1:					
	Rescissions	−255,668,000	−149,043,000	−255,668,000		−106,625,000
	(Loan authorization)	(−50,000,000)	(−210,540,000)	(−25,000,000)	(+25,000,000)	(+185,540,000)
	CHAPTER 2					
	DEPARTMENT OF COMMERCE					
	National Oceanic and Atmospheric Administration					
103–157	Operations, research, and facilities	−6,000,000			+6,000,000	
103–157	Construction	−4,000,000	−3,000,000		+4,000,000	+3,000,000
	Total, National Oceanic and Atmospheric Administration	−10,000,000	−3,000,000		+10,000,000	+3,000,000
	International Trade Administration					
103–157	Operations and administration	−2,000,000		−2,000,000		−2,000,000
	Export Administration					
---	Operations and administration			−3,000,000	−3,000,000	−3,000,000
	Minority Business Development Agency					
---	Minority business development			−500,000	−500,000	−500,000
	National Telecommunications and Information Administration					
---	Information infrastructure grants			−4,254,000	−4,254,000	−4,254,000
	Economic Development Administration					
---	Economic development revolving fund		−29,000,000	−20,000,000	−20,000,000	+9,000,000
	Total, Department of Commerce	−12,000,000	−32,000,000	−29,754,000	−17,754,000	+2,246,000
	THE JUDICIARY					
	Courts of Appeals, District Courts, and Other Judicial Services					
---	Defender services		−3,000,000	−3,000,000	−3,000,000	
	DEPARTMENT OF STATE					
	Administration of Foreign Affairs					
103–157	Diplomatic and consular programs	−600,000		−600,000		−600,000
103–	Buying power maintenance	−8,800,000	−8,800,000	−8,800,000		
---	New diplomatic posts		−1,000,000			+1,000,000
	Total, Department of State	−9,400,000	−9,800,000	−9,400,000		+400,000
	RELATED AGENCIES					
	Board for International Broadcasting					
103–	Israel Relay Station	−1,700,000	−1,700,000	−1,700,000		
	Small Business Administration					
103–157	Salaries and expenses	−13,100,000		−4,100,000	+9,000,000	−4,100,000
	State Justice Institute					
103–157	Salaries and expenses	−6,775,000		−3,000,000	+3,775,000	−3,000,000
	United States Information Agency					
103–157	Salaries and expenses	−3,000,000	−1,177,000	−3,000,000		−1,823,000
---	Educational and cultural exchange programs		−850,000			+850,000
---	Radio construction		−2,000,000			+2,000,000
103–157	North/South Center	−8,700,000		−8,700,000		−8,700,000
	Total, United States Information Agency	−11,700,000	−4,027,000	−11,700,000		−7,673,000
	Total, chapter 2: Rescissions	−54,675,000	−50,527,000	−62,654,000	−7,979,000	−12,127,000
	CHAPTER 3					
	DEPARTMENT OF DEFENSE—MILITARY					
	Procurement					
103–	Missile procurement, Army	−48,000,000			+48,000,000	
103–	Aircraft procurement, Navy	−51,700,000			+51,700,000	
103–	Shipbuilding and conversion, Navy	−50,000,000			+50,000,000	
103–	Aircraft procurement, Air Force	−105,600,000		−12,800,000	+92,800,000	−12,800,000
---	Other procurement, Air Force			−27,500,000	−27,500,000	−27,500,000
---	Procurement, Defense-wide			−104,500,000	−104,500,000	−104,500,000
	Total, procurement	−255,300,000		−144,800,000	+110,500,000	−144,800,000
	Research, Development, Test and Evaluation					
---	Research, development, test and evaluation, Air Force			−50,000,000	−50,000,000	−50,000,000
103–	Research, development, test and evaluation, Defense-wide	−50,000,000		−110,500,000	−60,500,000	−110,500,000
	Total, research, development, test and evaluation	−50,000,000		−160,500,000	−110,500,000	−160,500,000
	Total, chapter 3: Rescissions	−305,300,000		−305,300,000		−305,300,000

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL—Continued

[Amounts in dollars]

Doc. No.	Department or activity	Supplemental estimate	House allowance	Senate Committee recommendation	Senate Committee recommendation compared with (+ or −)	
					Supplemental estimate	House allowance
	CHAPTER 4					
	DEPARTMENT OF DEFENSE—CIVIL					
	Corps of Engineers—Civil					
103–157	General investigations	−24,970,000	−24,970,000	−24,970,000		
103–157	Construction, general	−97,319,000	−97,319,000	−97,319,000		
	Total, Department of Defense—Civil	−122,289,000	−122,289,000	−122,289,000		
	DEPARTMENT OF THE INTERIOR					
	Bureau of Reclamation					
103–157	Construction program	−16,000,000	−16,000,000	−40,000,000	−24,000,000	−24,000,000
	DEPARTMENT OF ENERGY					
103–157						
103–	Energy supply, research and development activities	−107,300,000	−97,300,000	−107,300,000		−10,000,000
103–157	Uranium supply and enrichment activities	−42,000,000	−42,000,000	−42,000,000		
	Total, Department of Energy	−149,300,000	−139,300,000	−149,300,000		−10,000,000
	INDEPENDENT AGENCIES					
	Nuclear Regulatory Commission					
103–	Salaries and expenses	−12,700,000		−12,700,000		−12,700,000
	Total, chapter 4: Rescissions	−300,289,000	−277,589,000	−324,289,000	−24,000,000	−46,700,000
	CHAPTER 5					
	MULTILATERAL ECONOMIC ASSISTANCE					
	FUNDS APPROPRIATED TO THE PRESIDENT					
	International Financial Institutions					
	Contribution to the International Bank for Reconstruction and Development:					
---	Paid-in capital		−27,910,500			+27,910,500
---	(Limitation on callable capital)		(−902,439,500)			(+902,439,500)
	Contribution to the Inter-American Development Bank:					
---	Inter-regional paid-in capital		−16,063,134			+16,063,134
---	(Limitation on callable capital)		(−626,407,732)			(+626,407,732)
	Contribution to the Asian Development Bank:					
---	Paid-in capital		−13,026,366			+13,026,366
---	(Limitation on callable capital)		(−95,438,437)			(+95,438,437)
---	Contribution to the African Development Fund			−2,700,000	−2,700,000	−2,700,000
	Total, contribution for multilateral economic assistance		(−1,681,285,669)	(−2,700,000)	(−2,700,000)	(+1,678,585,669)
	Rescissions		−57,000,000	−2,700,000	−2,700,000	+54,300,000
	(Limitation on callable capital)		(−1,624,285,669)			(+1,624,285,669)
	BILATERAL ECONOMIC ASSISTANCE					
	Agency for International Development					
103–157	Development assistance fund	−160,000,000	−160,000,000	−40,879,000	+119,121,000	+119,121,000
---	Reform and downsizing			−3,000,000	−3,000,000	−3,000,000
103–157	Economic support fund	−90,000,000	−90,000,000	−32,700,000	+57,300,000	+57,300,000
---	Assistance to former republics of the Soviet Union			−145,000,000	−145,000,000	−145,000,000
	Total, Agency for International Development	−250,000,000	−250,000,000	−221,579,000	+28,421,000	+28,421,000
	MILITARY ASSISTANCE					
	Foreign Military Financing Program:					
103–157						
103–	Grants	−65,562,000	−66,000,000	−91,283,000	−25,721,000	−25,283,000
103–	Military assistance	−438,000		−438,000		−438,000
	Total, chapter 5: Rescissions	−316,000,000	−373,000,000	−316,000,000		+57,000,000
	CHAPTER 6					
	DEPARTMENT OF THE INTERIOR					
	United States Fish and Wildlife Service					
---	Construction and anadromous fish		−3,874,000	−3,874,000	−3,874,000	
	DEPARTMENT OF ENERGY					
103–	Biomass energy development	−16,275,000	−16,275,000	−16,275,000		
	Total, chapter 6: Rescissions	−16,275,000	−20,149,000	−20,149,000	−3,874,000	
	CHAPTER 7					
	DEPARTMENT OF LABOR					
---	Salaries and expenses		−4,000,000	−4,000,000	−4,000,000	
	DEPARTMENT OF HEALTH AND HUMAN SERVICES					
---	Salaries and expenses		−37,500,000	−37,500,000	−37,500,000	
	Social Security Administration					
---	Supplemental security income program		−10,909,000	−10,909,000	−10,909,000	
---	Limitation on administrative expenses: Trust funds		(−80,000,000)	(−80,000,000)	(−80,000,000)	
	Total, Department of Health and Human Services		−48,409,000	−48,409,000	−48,409,000	
	DEPARTMENT OF EDUCATION					
---	Departmental Management: Program administration		−8,500,000	−8,500,000	−8,500,000	
	Total, chapter 7:					
	New budget (obligational) authority		−60,909,000	−60,909,000	−60,909,000	
	Rescissions		(−60,909,000)	(−60,909,000)	(−60,909,000)	
	(Limitation on trust funds)		(−80,000,000)	(−80,000,000)	(−80,000,000)	

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL—Continued

[Amounts in dollars]

Doc. No.	Department or activity	Supplemental estimate	House allowance	Senate Committee recommendation	Senate Committee recommendation compared with (+ or −)	
					Supplemental estimate	House allowance
	CHAPTER 8					
	CONGRESSIONAL OPERATIONS					
	SENATE					
	Contingent Expenses of the Senate					
---	Sergeant at Arms and Doorkeeper of the Senate			−1,500,000	−1,500,000	−1,500,000
	HOUSE OF REPRESENTATIVES					
	Salaries and Expenses					
	House Leadership Offices					
---	Salaries and expenses		−253,000	−253,000	−253,000	
	Committee on the Budget (Studies)					
---	Salaries and expenses		−4,000	−4,000	−4,000	
	Allowances and Expenses					
---	Official expenses of Members		−1,004,000	−1,004,000	−1,004,000	
---	Supplies, materials, administrative costs and Federal tort claims		−125,000	−125,000	−125,000	
---	Office equipment		−364,000	−364,000	−364,000	
---	Stenographic reporting of committee hearings		−67,000	−67,000	−67,000	
---	Government contributions		−16,000	−16,000	−16,000	
	Total, allowances and expenses		−1,576,000	−1,576,000	−1,576,000	
	Committee on Appropriations (Studies and Investigations)					
---	Salaries and expenses		−595,000	−595,000	−595,000	
	Standing Committees, Special and Select					
---	Salaries and expenses		−378,000	−378,000	−378,000	
	Salaries, Officers and Employees					
---	Office of the Postmaster		−19,000	−19,000	−19,000	
---	Office of the Historian		−26,000	−26,000	−26,000	
---	House Democratic Steering Committee and Caucus		−73,000	−73,000	−73,000	
---	House Republican Conference		−61,000	−61,000	−61,000	
	Total, salaries, officers and employees		−179,000	−179,000	−179,000	
	Total, House of Representatives		−2,985,000	−2,985,000	−2,985,000	
	ARCHITECT OF THE CAPITOL					
	Capitol Buildings and Grounds					
---	Capitol buildings		−3,000,000			+3,000,000
	Total, congressional operations		−3,000,000			+3,000,000
	LIBRARY OF CONGRESS					
---	Library of Congress		−900,000	−1,000,000	−1,000,000	−100,000
	GENERAL ACCOUNTING OFFICE					
---	General Accounting Office		−1,300,000	−650,000	−650,000	+650,000
	Total, chapter 8: Rescissions		−8,185,000	−6,135,000	−6,135,000	+2,050,000
	CHAPTER 9					
	DEPARTMENT OF DEFENSE—MILITARY					
	Military Construction					
103–157	Military construction, Army	−116,134,000	−22,319,000		+116,134,000	+22,319,000
---	Military construction, Navy		−13,969,000			+13,969,000
103–157	Military construction, Air Force	−85,094,000	−24,787,000		+85,094,000	+24,787,000
---	Military construction, Defensewide		−13,663,000			+13,663,000
103–157	Military construction, Army National Guard	−251,854,000	−7,568,000		+251,854,000	+7,568,000
103–157	Military construction, Air National Guard	−105,138,000	−6,187,000		+105,138,000	+6,187,000
103–157	Military construction, Army Reserve	−19,807,000	−2,551,000		+19,807,000	+2,551,000
103–157	Military construction, Naval Reserve	−4,438,000	−626,000		+4,438,000	+626,000
103–157	Military construction, Air Force Reserve	−18,759,000	−1,862,000		+18,759,000	+1,862,000
	Total, military construction	−601,224,000	−93,532,000		+601,224,000	+93,532,000
---	North Atlantic Treaty Organization Infrastructure		−70,000,000			+70,000,000
---	Base realignment and closure account, part III		−437,692,000	−601,224,000	−601,224,000	−163,532,000
	Total, chapter 9: Rescissions	−601,224,000	−601,224,000	−601,224,000		
	CHAPTER 10					
	DEPARTMENT OF TRANSPORTATION					
	Office of the Secretary					
103–						
---	Payments to air carriers (airport and airway trust fund)	−10,067,000	−10,068,243	−10,067,000		+1,243
103–	Rental payments	−1,781,000		−1,781,000		−1,781,000
	Coast Guard					
103–	Operating expenses	−5,000,000	−5,000,000		+5,000,000	+5,000,000
103–	Acquisition, construction, and improvements	−2,000,000	−2,000,000		+2,000,000	+2,000,000
	Total, Coast Guard	−7,000,000	−7,000,000		+7,000,000	+7,000,000
	Federal Aviation Administration					
103–157	Operations	−2,750,000	−750,000	−2,750,000		−2,000,000
103–157	Facilities and equipment (airport and airway trust fund)	−40,257,111	−29,451,111	−65,205,300	−24,948,189	−35,754,189
103–	Grants-in-aid for airports (airport and airway trust fund)	−488,200,000	−488,200,000	−488,200,000		
	Total, Federal Aviation Administration	−531,207,111	−518,401,111	−556,155,300	−24,948,189	−37,754,189

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL—Continued

[Amounts in dollars]

Doc. No.	Department or activity	Supplemental estimate	House allowance	Senate Committee recommendation	Senate Committee recommendation compared with (+ or −)	
					Supplemental estimate	House allowance
	Federal Highway Administration					
103–157						
---	Federal-aid highways (highway trust fund)	−174,968,734	−85,774,222	−35,696,647	+139,272,087	+50,077,575
---	Right-of-way revolving fund (highway trust fund)			−20,000,000	−20,000,000	−20,000,000
	Total, Federal Highway Administration	−174,968,734	−85,774,222	−55,696,647	+119,272,087	+30,077,575
	National Highway Traffic Safety Administration					
---	Operations and research		−7,056,000			+7,056,000
---	Highway traffic safety grants (highway trust fund)			−219,750,000	−219,750,000	−219,750,000
	Total, National Highway Traffic Safety Administration		−7,056,000	−219,750,000	−219,750,000	−212,694,000
	Federal Railroad Administration					
103–	Railroad research and development	−17,000,000		−17,000,000		−17,000,000
	Federal Transit Administration					
103–157	Discretionary grants (highway trust fund)	−52,037,325	−40,478,975	−808,935	+51,228,390	+39,670,040
	Total, chapter 10: Rescissions	−794,061,170	−668,778,551	−861,258,882	−67,197,712	−192,480,331
	CHAPTER 11					
	DEPARTMENT OF THE TREASURY					
	Internal Revenue Service					
---	Information systems			−6,400,000	−6,400,000	−6,400,000
	GENERAL SERVICES ADMINISTRATION					
103–157						
103–	Federal Buildings Fund: Construction	−127,691,000	−126,022,000	−127,691,000		−1,669,000
	Total, chapter 11: Rescissions	−127,691,000	−126,022,000	−134,091,000	−6,400,000	−8,069,000
	CHAPTER 12					
	DEPARTMENT OF VETERANS AFFAIRS					
	Departmental Administration					
---	Construction, major projects		−26,000,000			+26,000,000
	DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT					
	Housing Programs					
103–	Homeownership and opportunity for people everywhere grants (HOPE grants)	−66,000,000	−66,000,000	−50,000,000	+16,000,000	+16,000,000
103–157	Annual contributions for assisted housing	−180,000,000	−25,000,000	−325,000,000	−145,000,000	−300,000,000
---	Assistance for the renewal of expiring section 8 subsidy contracts		−20,000,000			+20,000,000
	Total, Department of Housing and Urban Development	−246,000,000	−111,000,000	−375,000,000	−129,000,000	−264,000,000
	INDEPENDENT AGENCIES					
	Environmental Protection Agency					
---	Water infrastructure/State revolving funds		−22,000,000			+22,000,000
	Federal Emergency Management Agency					
---	Emergency management planning and assistance		−2,000,000			+2,000,000
	National Aeronautics and Space Administration					
103–	Research and development	−88,000,000	−25,000,000	−63,000,000	+25,000,000	−38,000,000
103–	Space flight, control, and data communications	−32,000,000		−32,000,000		−32,000,000
103–	Construction of facilities	−25,000,000	−25,000,000	−25,000,000		
	Total, National Aeronautics and Space Administration	−145,000,000	−50,000,000	−120,000,000	+25,000,000	−70,000,000
	National Science Foundation					
103–	Academic research infrastructure	−10,000,000	−10,000,000		+10,000,000	+10,000,000
	National Service Initiative					
---	Corporation for national and community service		−5,000,000			+5,000,000
	Total, chapter 12: Rescissions	−401,000,000	−226,000,000	−495,000,000	−94,000,000	−269,000,000
	Total, title III:					
	New budget (obligational) authority	−3,172,183,170	−2,561,426,551	−3,442,677,882	−270,494,712	−881,251,331
	Rescissions	−3,172,183,170	−2,561,426,551	−3,442,677,882	−270,494,712	−881,251,331
	(Limitation on trust funds)		(−80,000,000)	(−80,000,000)	(−80,000,000)	
	(Loan authorization)	(−50,000,000)	(−210,540,000)	(−25,000,000)	(+25,000,000)	(+185,540,000)
	Grand total, all titles:					
	New budget (obligational) authority	8,426,664,830	7,157,723,449	7,554,786,118	−871,878,712	+397,062,669
	Appropriations	(10,648,848,000)	(8,819,150,000)	(10,047,464,000)	(−601,384,000)	(+1,228,314,000)
	Contingency appropriations	(950,000,000)	(900,000,000)	(950,000,000)		(+50,000,000)
	Rescissions	(−3,172,183,170)	(−2,561,426,551)	(−3,442,677,882)	(−270,494,712)	(−881,251,331)
	(By transfer)	(18,100,000)	(14,561,000)	(21,600,000)	(+3,500,000)	(+7,039,000)
	(Limitation on direct loans)	(1,109,000,000)	(1,109,000,000)	(1,109,000,000)		
	(Limitation on guaranteed loans)	(22,000,000,000)		(22,000,000,000)		(+22,000,000,000)
	(Limitation on obligations)	(4,452,000)		(4,452,000)		(+4,452,000)
	(Limitation on trust funds)		(−80,000,000)	(−80,000,000)	(−80,000,000)	
	(Loan authorization)	(−50,000,000)	(−210,540,000)	(−25,000,000)	(+25,000,000)	(+185,540,000)

The PRESIDING OFFICER. The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

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

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from New Jersey [Mr. BRADLEY] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from Missouri [Mr. DANFORTH], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Texas [Mrs. HUTCHISON], and the Senator from Oregon [Mr. PACKWOOD] are necessarily absent.

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

The result was announced—yeas 85, nays 10, as follows:

[Rollcall Vote No. 45 Leg.]

YEAS—85

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

NAYS—10

Brown	Helms	Smith
Faircloth	Kohl	Wallop
Feingold	Nickles	
Gregg	Pressler	

NOT VOTING—5

Bradley	Durenberger	Packwood
Danforth	Hutchison	

So, the bill (H.R. 3759), as amended, was passed.

H.R. 3759

Resolved, That the bill from the House of Representatives (H.R. 3759) entitled "An Act making emergency supplemental appropriations for the fiscal year ending September 30, 1994, and for other purposes", do pass with the following amendment:

Strike out all after the enacting clause and insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to provide emergency supplemental appropriations for the fiscal year ending September 30, 1994, and for other purposes, namely:

TITLE I—EMERGENCY SUPPLEMENTAL APPROPRIATIONS

CHAPTER 1

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

DEPARTMENT OF AGRICULTURE

SOIL CONSERVATION SERVICE

WATERSHED AND FLOOD PREVENTION OPERATIONS

For an additional amount for "Watershed and flood prevention operations" to repair damage to the waterways and watersheds resulting from the Midwest floods and California fires of 1993 and other natural disasters, and for other purposes, $340,500,000, to remain available until expended: Provided, That such assistance may be made available when the primary beneficiary is agriculture or agribusiness regardless of drainage size: Provided further, That such amounts are designated by Congress as emergency requirements pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That if the Secretary determines that the cost of land and levee restoration exceeds the fair market value of an affected cropland, the Secretary may use sufficient amounts from funds provided under this heading to accept bids from willing sellers to enroll such cropland inundated by the Midwest floods of 1993 in any of the affected States in the Wetlands Reserve Program, authorized by subchapter C of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3837).

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

EMERGENCY CONSERVATION PROGRAM

For an additional amount for "Emergency conservation program" for expenses resulting from the Midwest floods and California fires of 1993 and other natural disasters, $25,000,000, to remain available until September 30, 1995: Provided, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

COMMODITY CREDIT CORPORATION

Funds made available in Public Law 103-75 for the Commodity Credit Corporation shall be available to fund the costs of replanting, reseeding, or repairing damage to commercial trees and seedlings, including orchard and nursery inventory as a result of the Midwest Floods of 1993 or other natural disasters: Provided, That the use of these funds for these purposes is designated by Congress as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 and that such use shall be available only to the extent the President designates such use an emergency requirement pursuant to such Act.

The second proviso of the matter under the heading "DISASTER ASSISTANCE" under the heading "COMMODITY CREDIT CORPORATION" of chapter I of the Supplemental Appropriations Act of 1993 (Public Law 103-50; 107 Stat. 241) is amended by inserting before the colon at the end the following: ", including payments to producers for the 1993, 1994, and 1995 crops of papaya if (1) the papaya would have been harvested if the papaya plants had not been destroyed, and (2) the papaya plants would not have produced fruit for a lifetime total of more than 3 crop years based on normal cultivation practices". Payments under this paragraph shall be made only to the extent that claims for the payments are filed not later than the date that is 60 days after the date of enactment of this Act: Provided, That the use of funds for this purpose is designated by Congress as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 and that such use shall be available only to the extent the President designates such use an emergency requirement pursuant to such Act.

Funds made available in Public Law 103-75 for the Commodity Credit Corporation shall be made available to fund crop loss disaster assistance as under the provisions of Public Law 101-624 for 1993 losses of nursery stock and inventory being grown for commercial sale, if such stock or inventory would mormally have been sold in 1993, 1994 or 1995: Provided, That the use of these funds for these purposes is designated by Congress as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 and that such use shall be available only to the extent the President designates such use an emergency requirement pursuant to such Act.

CHAPTER 2

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

RELATED AGENCY

SMALL BUSINESS ADMINISTRATION

DISASTER LOANS PROGRAM ACCOUNT

For an additional amount for emergency expenses resulting from the January 1994 earthquake in Southern California and other disasters, $309,750,000, to remain available until expended, of which up to $55,000,000 may be transferred to and merged with the appropriations for "Salaries and expenses" for associated administrative expenses: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

ADMINISTRATIVE PROVISION

Section 24 of the Small Business Act (15 U.S.C. 651) is amended in subsection (a) by striking the period at the end thereof and by inserting in lieu thereof the following: ", and shall give priority to a proposal to restore an area determined to be a major disaster by the President on a date not more than three years prior to the fiscal year for which the application is made.".

CHAPTER 3

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for "Military Personnel, Army", $6,600,000: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

MILITARY PERSONNEL, NAVY

For an additional amount for "Military Personnel, Navy", $19,400,000: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for "Military Personnel, Air Force", $18,400,000: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for "Operation and Maintenance, Army", $420,100,000: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for "Operation and Maintenance, Navy", $104,800,000: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget

and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Operation and Maintenance, Air Force", $560,100,000: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for "Operation and Maintenance, Defense-Wide", $21,600,000: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For an additional amount for "Aircraft Procurement, Army", $20,300,000, to remain available for obligation until September 30, 1996: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OTHER PROCUREMENT, ARMY

For an additional amount for "Other Procurement, Army", $200,000, to remain available for obligation until September 30, 1996: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for "Other Procurement, Air Force", $26,800,000, to remain available for obligation until September 30, 1996: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

GENERAL PROVISIONS—CHAPTER 3

SEC. 301. Notwithstanding sections 607 and 630 of the Foreign Assistance Act of 1961 (22 U.S.C. 2357 and 22 U.S.C. 2390), reimbursements received from the United Nations for expenses of the Department of Defense charged to the appropriations provided by this Act shall be deposited to the miscellaneous receipts of the Treasury.

SEC. 302. Funds appropriated in this chapter shall only be obligated and expended to fund the incremental and associated costs of the Department of Defense incurred in connection with the ongoing United States operations relating to Somalia; the ongoing United States humanitarian airdrops, hospital operations, and enforcement of the no-fly zone relating to Bosnia; the ongoing United States operations relating to Southwest Asia; and the ongoing United States operations supporting the maritime interception operations relating to Haiti.

CHAPTER 4

ENERGY AND WATER DEVELOPMENT

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for "Flood control and coastal emergencies", $70,000,000, to remain available until expended: Provided, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

The prohibition against obligating funds for construction until sixty days from the date the Secretary transmits a report to the Congress in accordance with section 5 of the Reclamation Safety of Dams Act of 1978 (43 U.S.C. 509) is waived for the Crooked River Project, Ochoco Dam, Oregon, to allow for an earlier start of emergency repair work.

CHAPTER 5

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

DEPARTMENT OF HEALTH AND HUMAN SERVICES

ADMINISTRATION FOR CHILDREN AND FAMILIES

LOW-INCOME HOME ENERGY ASSISTANCE

Of the amounts provided under this heading in Public Law 103-112 and designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, subject to the terms and conditions specified in Public Law 103-112, $300,000,000, if designated by the President as an emergency, may be allotted by the Secretary of the Department of Health and Human Services, as she determines is appropriate, to any one or more of the jurisdictions funded under title XXVI of the Omnibus Budget Reconciliation Act of 1981, to meet emergency needs.

The second paragraph under this heading in Public Law 102-394 is amended as follows: strike "June 30, 1994" and insert "September 30, 1994".

DEPARTMENT OF EDUCATION

IMPACT AID

For carrying out disaster assistance activities resulting from the January 1994 earthquake in Southern California and other disasters as authorized under section 7 of Public Law 81-874, $165,000,000, to remain available through September 30, 1995: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

STUDENT FINANCIAL ASSISTANCE

For an additional amount for "Student financial assistance" for payment of awards made under title IV, part A, subpart 1 of the Higher Education Act of 1965, as amended, $80,000,000, to remain available through September 30, 1995: Provided, That notwithstanding sections 442(e) and 462(j) of such Act, the Secretary may reallocate, for use in award year 1994-1995 only, any excess funds returned to the Secretary of Education under the Federal Work-Study or Federal Perkins Loan programs from award year 1993-1994 to assist individuals who suffered financial harm from the January 1994 earthquake in Southern California and other disasters: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That fiscal year 1992 Federal Work-Study and Federal Perkins Loan funds that were reallocated to institutions for use in award year 1993-1994, pursuant to Public Law 103-75, and fiscal year 1992 Federal Supplemental Educational Opportunity Grant funds that were reallocated to institutions by the Secretary for use in award year 1993-1994, pursuant to section 413D(e) of the Higher Education Act of 1965, as amended, to assist individuals who suffered financial harm as a result of the Midwest floods of 1993 shall remain available for use in award year 1994-1995 by institutions that received such reallocations.

CHAPTER 6

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES

FEDERAL HIGHWAY ADMINISTRATION

FEDERAL-AID HIGHWAYS

EMERGENCY RELIEF PROGRAM

(HIGHWAY TRUST FUND)

For the Emergency Fund authorized by 23 U.S.C. 125 to cover expenses arising from the January 1994 earthquake in Southern California and other disasters, $950,000,000; and in addition $400,000,000, which shall be available only to the extent an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress, all to be derived from the Highway Trust Fund and to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the limitation on obligations per State in 23 U.S.C. 125(b) shall not apply to projects relating to such earthquake: Provided further, That notwithstanding 23 U.S.C. 120(e), the Federal share for any project on the Federal-aid highway system related to such earthquake shall be 100 percent for the costs incurred in the 180 day period beginning on the date of the earthquake: Provided further, That project costs incurred prior to implementation of this bill and subsequent to the January 17, 1994, Northridge Earthquake, that are funded from other than Federal Emergency Relief funds that were otherwise eligible for Emergency Relief funding, are approved for Emergency Relief funds and such costs regardless of initial funding sources are to be reimbursed with Emergency Relief funds: Provided further, That notwithstanding any other provision of law, of the funds made available by the Dire Emergency Supplemental Appropriations Act, 1992 (Public Law 102-368) under "Federal Highway Administration, Metropolitan Planning (Highway Trust Fund)," $337,000 of the funds received by Hawaii shall be made available by the State of Hawaii directly to the County of Kauai, Hawaii, for conducting comprehensive reviews of transportation infrastructure needs incurred in connection with Hurricane Iniki, and, these funds shall remain available until expended.

In addition, for emergency expenses resulting from the Loma Prieta earthquake of October 17, 1989, as authorized by 23 U.S.C. 125, $315,000,000, to be derived from the Highway Trust Fund and to remain available until expended: Provided, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER 7

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

DEPARTMENT OF VETERANS AFFAIRS

VETERANS HEALTH ADMINISTRATION

MEDICAL CARE

For an additional amount for emergency expenses resulting from the January 1994 earthquake in Southern California, $21,000,000, to remain available until expended, of which not to exceed $802,000 is available for transfer to Gen-

eral Operating Expenses, the Guaranty and Indemnity Program Account, and the Vocational Rehabilitation Loans Program Account: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CONSTRUCTION, MAJOR PROJECTS

For an additional amount for "Construction, major projects" for emergency expenses resulting from the January 1994 earthquake in Southern California and other disasters, $45,600,000, to remain available until expended, of which such sums as may be necessary may be transferred to the "Medical care" and "Construction, minor projects" accounts: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

For an additional amount under this head, $225,000,000, to remain available until December 31, 1995, of which $200,000,000 shall be for rental assistance under the section 8 existing housing certificate program (42 U.S.C. 1437f) and the housing voucher program under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)), and $25,000,000 shall be for the modernization of existing public housing projects pursuant to section 14 of the United States Housing Act of 1937 (42 U.S.C. 1437l): Provided, That these funds shall be used first to replenish amounts used from the headquarters reserve established pursuant by section 213(d)(4)(A) of the Housing and Community Development Act of 1974, as amended, for assistance to victims of the January 1994 earthquake in Southern California: Provided further, That any amounts remaining after the headquarters reserve has been replenished shall be available under such programs for additional assistance to victims of the earthquake referred to above: Provided further, That in administering these funds, the Secretary may waive or specify alternative requirements for any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or any use by the recipient of these funds, except for the requirements relating to fair housing and nondiscrimination, the environment, and labor standards, upon finding that such waiver is required to facilitate the obligation and use of such funds and would not be inconsistent with the overall purpose of the statute or regulation: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

FLEXIBLE SUBSIDY FUND

For emergency assistance to owners of eligible multifamily housing projects damaged by the January 1994 earthquake in Southern California who are either insured or formerly insured under the National Housing Act, as amended, or otherwise eligible for assistance under section 201(c) of the Housing and Community Development Amendments of 1978, as amended (12 U.S.C. 1715z-1a), in the program of assistance for troubled multifamily housing projects under the Housing and Community Development Amendments of 1978, as amended, $100,000,000, to remain available until September 30, 1995: Provided, That assistance to an owner of a multifamily housing project assisted, but not insured under the National Housing Act, may be made if the project owner and the mortgagee have provided or agreed to provide assistance to the project in a manner as determined by the Secretary of Housing and Urban Development: Provided further, That assistance is for the repair of damage or the recovery of losses directly attributable to the Southern California earthquake of 1994: Provided further, That in administering these funds, the Secretary may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or any use by the recipient of these funds, except for statutory requirements relating to fair housing and nondiscrimination, the environment, and labor standards, upon finding that such waiver is required to facilitate the obligation and use of such funds, and would not be inconsistent with the overall purpose of the statute or regulation: Provided further, That after assisting economically viable FHA insured projects, to the extent funds remain available the Secretary may provide assistance to economically viable projects assisted with a loan made under section 312 of the National Housing Act of 1964 and projects assisted under section 8 of the United States Housing Act of 1937 but not insured under the National Housing Act: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

FEDERAL HOUSING ADMINISTRATION

FHA—GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

For higher mortgage limits and improved access to mortgage insurance for victims of the January 1994 earthquake in Southern California and other disasters, title II of the National Housing Act, as amended, is further amended, as follows:

(1) In section 203(h), by—

(A) striking out "section 102(2) and 401 of the Disaster Relief and Emergency Assistance Act" and inserting "Robert T. Stafford Disaster Relief and Emergency Assistance Act"; and

(B) adding the following new sentence at the end thereof: "In any case in which the single family residence to be insured under this subsection is within a jurisdiction in which the President has declared a major disaster to have occurred, the Secretary is authorized, for a temporary period not to exceed 18 months from the date of such Presidential declaration, to enter into agreements to insure a mortgage which involves a principal obligation of up to 100 percent of the dollar limitation determined under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act for single family residence, and not in excess of 100 percent of the appraised value.".

(2) In section 203(k), by adding at the end thereof the following new paragraph:

"(6) The Secretary is authorized, for a temporary period not to exceed 18 months from the date on which the President has declared a major disaster to have occurred, to enter into agreements to insure a rehabilitation loan under this subsection which involves a principal obligation of up to 100 percent of the dollar limitation determined under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act for a residence of the applicable size, if such loan is secured by a structure and property that are within a jurisdiction in which the President has declared such disaster, pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act, and if such loan otherwise conforms to the loan-to-value ratio and other requirements of this subsection.".

(3) In section 234(c), by inserting after "203(b)(2)" in the third sentence the phrase: "or pursuant to section 203(h) under the conditions described in section 203(h)".

Eligibility for loans made under the authority granted by the preceding paragraph shall be limited to persons whose principal residence was damaged or destroyed as a result of a Presidentially declared major disaster event: Provided, That the provisions under this heading shall be effective only for the 18 month period following the date of enactment of this Act.

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT GRANTS

For an additional amount for "Community development grants", as authorized under title I of the Housing and Community Development Act of 1974, for emergency expenses resulting from the January 1994 earthquake in Southern California or the Midwest Floods of 1993, $500,000,000, to remain available until September 30, 1996 for all activities eligible under such title I except those activities reimbursable by the Federal Emergency Management Agency (FEMA) or available through the Small Business Administration (SBA): Provided, That from this amount, the Secretary may transfer up to $75,000,000 to the "HOME investment partnerships program", as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act, as amended (Public Law 101-625), to remain available until expended, as an additional amount for such emergency expenses for all activities eligible under such title II except activities reimbursable by FEMA or available through SBA: Provided further, That the recipients of amounts under this appropriation, including the foregoing transfer (if any), shall use such amounts first to replenish amounts previously obligated under their Community Development Block Grant or HOME programs, respectively, in connection with the Southern California earthquake of January 1994: Provided further, That in administering these funds, the Secretary may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or any use by the recipient of these funds, except for statutory requirements relating to fair housing and nondiscrimination, the environment, and labor standards, upon finding that such waiver is required to facilitate the obligation and use of such funds, and would not be inconsistent with the overall purpose of the statute or regulation: Provided further, That with respect to funds made available by this head that are proposed to be used by recipients affected by the Midwest floods of 1993 for the purpose of hazard mitigation through flood plain real property acquisition or relocation, the Secretary shall secure assurances from grantees that such activities will be subject to the requirements of sections 3 and 4 of the Hazard Mitigation and Relocation Assistance Act of 1993 (Public Law 103-181, 107 Stat. 2054-2056): Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

INDEPENDENT AGENCY

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

For an additional amount for "Disaster Relief" for the January 1994 earthquake in Southern California and other disasters, $4,709,000,000 to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE

For an additional amount for "Emergency Management Planning and Assistance", to

carry out activities under the Earthquake Hazards Reduction Act of 1977, as amended (42 U.S.C. 7701 et seq.) $15,000,000, to remain available until expended, to study the January 1994 earthquake in Southern California in order to enhance seismic safety throughout the United States: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER 8

FUNDS APPROPRIATED TO THE PRESIDENT

UNANTICIPATED NEEDS

For an additional amount for emergency expenses resulting from the January 1994 earthquake in Southern California, the Midwest Floods and other disasters, $550,000,000, to remain available until expended: Provided, That these funds may be transferred to any authorized Federal governmental activity to meet the requirements of such disasters: Provided further, That the entire amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress: Provided further, That the President's request shall specifically identify programs, projects and activities to be funded and no funds shall be available for 15 days after the submission of the request: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

This title may be cited as the "Emergency Supplemental Appropriations Act of 1994".

TITLE II—SUPPLEMENTAL APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 1994

CHAPTER 1

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

DEPARTMENT OF AGRICULTURE

EXTENSION SERVICE

For an additional amount for "Extension Service," $1,400,000, to remain available until September 30, 1995, of which up to $750,000 may be transferred to the Cooperative State Research Service.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses" from fees collected pursuant to section 736 of the Federal Food, Drug, and Cosmetic Act, not to exceed $2,284,000, to remain available until expended: Provided, That fees derived from applications received during fiscal year 1994 shall be credited to the appropriation current in the year in which fees are collected and subject to the fiscal year 1994 limitation.

CHAPTER 2

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

RELATED AGENCY

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

SALARIES AND EXPENSES

For an additional amount for salaries and expenses, $75,000, to remain available until expended, for electronic records management activities to comply with Armstrong against Executive Office of the President.

CHAPTER 3

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES

DEPARTMENT OF THE INTERIOR

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Resource Management" to carry out the Forest Plan in the Pacific Northwest, $2,100,000, of which $400,000 shall be derived by transfer from the "Oil spill emergency fund" and $1,700,000 shall be derived by transfer from the "Compact of Free Association".

LAND ACQUISITION

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Land acquisition" for the acquisition of land or interests in land, from willing sellers, in the Midwest area flooded in 1993, $4,000,000, to remain available until expended, to be derived by transfer from amounts appropriated to the United States Fish and Wildlife Service under the heading "Construction" in Public Law 103-75, to be used for nonstructural measures to meet flood damage control and fish and wildlife habitat restoration objectives.

NATIONAL PARK SERVICE

CONSTRUCTION

For an additional amount for "Construction," to replenish funds used for emergency actions related to storm damaged facilities within National Park System areas, $13,102,000, to remain available until expended.

LAND ACQUISITION AND STATE ASSISTANCE

For an additional amount for "Land acquisition and state assistance," $1,274,000, to be derived from the Land and Water Conservation Fund, to remain available until expended, to replenish funds used for emergency actions related to storm damaged facilities within National Park System areas; and in addition, an additional amount not to exceed $6,000,000, to remain available until expended, to be derived by transfer from balances under the heading "Construction," for project modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989, to be available for Federal assistance to the State of Florida for acquisition of lands or interests therein adjacent to, or affecting the restoration of, natural water flows to Everglades National Park and Florida Bay.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

The paragraph under this heading in Public Law 103-138 is amended by inserting the words "not to exceed" before the amount "$316,111,000".

CONSTRUCTION

For an additional amount for "Construction," $12,363,000, to remain available until expended.

INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS

The paragraph under this heading in Public Law 103-138 is amended by adding the following before the last period: ", and (3) to reimburse Indian trust fund account holders for loss(es) to their respective accounts where the claim for said loss(es) has been reduced to a judgment or settlement agreement approved by the Department of Justice".

DEPARTMENT OF ENERGY

ADMINISTRATIVE PROVISIONS, DEPARTMENT OF ENERGY

Section 303 of Public Law 97-257, as amended, is repealed.

The seventh proviso under the head "Clean Coal Technology" in Public Law 101-512, and the seventh proviso under the head "Clean Coal Technology" in Public Law 102-154, both concerning Federal employment, are repealed.

CHAPTER 4

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

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

For an additional amount for "Advances to the unemployment trust fund and other funds," $61,400,000, to remain available until September 30, 1995.

BUREAU OF LABOR STATISTICS

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses" for the current population parallel survey, $10,100,000: Provided, That an amount equal to the amount obligated in the "Training and employment services" account for this purpose upon the date of enactment of this Act shall be transferred from this account and merged into the "Training and employment services" account.

CHAPTER 5

LEGISLATIVE BRANCH

CONGRESSIONAL OPERATIONS

SENATE

SALARIES, OFFICERS AND EMPLOYEES

For an additional amount for "Office of the Secretary", $450,000.

CONTINGENT EXPENSES OF THE SENATE

SECRETARY OF THE SENATE

For an additional amount for expenses of the "Office of the Secretary of the Senate", $600,000.

CHAPTER 6

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

COAST GUARD

OPERATING EXPENSES

Of funds provided under this heading under Public Law 103-75, $4,000,000 shall, in combination with funds made available under this heading under Public Law 102-368, be made available for operating, acquisition, construction, and improvement costs associated with the Midwest floods, and shall remain available until expended.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

Of the funds made available under this heading under Public Law 102-368, $2,000,000 shall be made available for costs associated with the Midwest floods, and shall remain available until expended.

FEDERAL RAILROAD ADMINISTRATION

PENNSYLVANIA STATION REDEVELOPMENT PROJECT

For grants to the National Railroad Passenger Corporation, $10,000,000, to remain available until expended, for engineering and design activities to enable the James A. Farley Post Office in New York City to be used as a train station and commercial center: Provided, That the Secretary may retain from these funds such amounts as the Secretary shall deem appropriate to undertake the environmental and historic preservation analyses associated with this project: Provided further, That no funds provided under this head shall be available for construction until the Secretary submits a report to the House and Senate Committees on Appropriations regarding the financing of necessary improvements to the existing Pennsylvania Station and the financing of the operating and capital

costs accruing to the commuter rail authorities operating in said station as a result of this redevelopment project.

TRUST FUND SHARE OF NEXT GENERATION RAIL TECHNOLOGY DEVELOPMENT

(HIGHWAY TRUST FUND)

The obligation limitation for the "High-Speed Ground Transportation" program in Public Law 103-122 is amended by deleting "$3,500,000" and inserting "$7,952,000".

GENERAL PROVISION

Section 310(c)(3) of the Department of Transportation and Related Agencies Appropriations Act, 1994, is amended by—

(a) inserting "6005," after "6001,"; and

(b) inserting ": Provided, That notwithstanding any other provision of law, amounts made available under section 6005 of Public Law 102-240 shall be subject to the obligation limitation for Federal-aid highways and highway-safety construction programs under the head 'Federal-Aid Highways' in this Act" after "section 104(a) of title 23, United States Code".

CHAPTER 7

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF ADMINISTRATION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for salaries and expenses for the costs of electronic communications records management activities for compliance with and resolution of Armstrong v. Executive Office of the President, $7,030,000, to remain available until expended, of which $6,000,000 shall be derived by transfer from Department of Defense, "Research, Development, Test and Evaluation, Air Force."

NATIONAL SECURITY COUNCIL

SALARIES AND EXPENSES

For necessary expenses for salaries and expenses for the costs of electronic communications records management activities for compliance with and resolution of Armstrong v. Executive Office of the President, $5,320,000, to remain available until expended.

CHAPTER 8

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

DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

For an additional amount for "Compensation and pensions," $698,000,000, to remain available until expended.

READJUSTMENT BENEFITS

For an additional amount for "Readjustment benefits," $103,200,000, to remain available until expended.

VETERANS HEALTH ADMINISTRATION

MEDICAL ADMINISTRATION AND MISCELLANEOUS OPERATING EXPENSES

(BY TRANSFER)

For an additional amount for "Medical administration and miscellaneous operating expenses", $3,500,000, to be derived by transfer from amounts appropriated under the head "Medical care" in Public Law 103-124.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

FEDERAL HOUSING ADMINISTRATION

FHA—MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT

During fiscal year 1994, the limitation on commitments to guarantee loans to carry out the purposes of section 203(b) of the National Housing Act, as amended, is increased by an additional loan principal of not to exceed $20,000,000,000.

FHA—GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

The limitation on commitments during fiscal year 1994 to guarantee loans authorized by sections 238 and 519 of the National Housing Act, as amended (12 U.S.C. 1715z-3(b) and 1735c(f), is increased by an additional loan principal, any part of which is to be guaranteed, of not to exceed $2,000,000,000.

ADMINISTRATIVE PROVISIONS

Of the $260,000,000 earmarked in Public Law 102-389, in the 14th proviso under the head Annual Contributions for Assisted Housing, for special purpose grants (106 Stat. 1571, 1584), $1,300,000 made available for continued assistance to two sugarcane mills on the Hilo-Hamakua Coast of Hawaii shall also be available to community-based and employee-support organizations along the Hamakua Coast, to address social and economic needs in such area.

INDEPENDENT AGENCIES

ENVIRONMENTAL PROTECTION AGENCY

WATER INFRASTRUCTURE STATE REVOLVING FUNDS

Of the funds made available under this heading in Public Law 103-124, the $500,000,000 earmarked to not become available until May 31, 1994, shall instead not become available until September 30, 1994.

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

The proviso under this heading in Public Law 103-124 is repealed.

COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

For an additional amount for "Council on Environmental Quality and Office of Environmental Quality", $300,000.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

RESEARCH AND DEVELOPMENT

For an additional amount for "Research and development", $40,000,000, of which $20,000,000 shall become available for obligation on October 1, 1994: Provided, That these funds shall be available for the commercial mid-deck augmentation module, in addition to such amounts as may be subsequently appropriated.

The second proviso under this heading in Public Law 103-124 is amended to read as follows: "Provided further, That of the funds provided under this heading, for the redesigned Space Station, (1) not to exceed $160,000,000 shall be for termination costs connected only with Space Station Freedom contracts, (2) not to exceed $172,000,000 shall be for space station operations and utilization capability development, and (3) not to exceed $99,000,000 shall be for supporting development:".

The fifth and sixth provisos under this heading in Public Law 103-124 are deleted and the fourth proviso thereunder is amended to read: "Provided further, That of the funds made available under this heading, not to exceed $117,200,000 shall be available for activities to support cooperative space ventures between the United States and the Republic of Russia outlined in the joint agreement of September 2, 1993:".

RESEARCH AND PROGRAM MANAGEMENT

For an additional amount for "Research and program management," $60,000,000.

NATIONAL SERVICE INITIATIVE

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

From the amounts appropriated to the Corporation for National and Community Service in Public Law 103-124, up to $3,000,000 may be made available for a demonstration program for Stafford Loan Forgiveness authorized under section 428 of the Higher Education Act of 1965 (20 U.S.C. 1078).

GENERAL PROVISIONS

SEC. 2001. (a) Section 1205(a)(1) of the Supplemental Appropriations Act of 1993 is amended by inserting before the semicolon the following: "and amounts transferred by the Architect of the Capitol from funds appropriated to the Architect".

(b) Section 1205(b) of such Act is amended—

(1) by striking "and payments" and inserting ", payments"; and

(2) by inserting before the period at the end the following: ", and payments pursuant to Senate Resolution 139, 103d Congress, agreed to August 4, 1993".

(c) Section 1205 of such Act is amended by adding at the end the following:

"(d) In case of an award under section 307 of Public Law 102-166, a payment pursuant to an agreement under section 310 of such Public Law, or a payment pursuant to Senate Resolution 139, 103d Congress, agreed to August 4, 1993, to an employee described in section 301(c)(1)(B) of such Public Law, to an applicant for a position described in section 301(c)(1)(C) of such Public Law that is to be occupied by such an employee, or to an individual described in section 301(c)(1)(D) of such Public Law who was formerly such an employee, the Architect of the Capitol, at the direction of the Secretary of the Senate, shall transfer to the account established by subsection (a), from funds that are appropriated to the Architect of the Capitol under the heading 'CAPITOL BUILDINGS AND GROUNDS' under the subheading 'SENATE OFFICE BUILDINGS' and that are otherwise available for obligation at the time the award is ordered or the agreement is entered into, an amount sufficient to pay such award or make such payment.".

(d) The amendments made by this section shall be effective on and after October 1, 1992.

SEC. 2002. (a) The Senate finds that—

(1) historically it is the policy of the Federal Government to provide financial and other assistance to the victims of natural disasters;

(2) since fiscal year 1988, the Congress has enacted 6 major disaster relief supplemental appropriations Acts providing a total of $17,012,000,000 in budget authority for Federal disaster assistance for domestic disasters;

(3) the provision of Federal disaster assistance reflects the traditions and values of the American people who have always been willing to provide help to those who have been victimized by catastrophic events and forces beyond their control;

(4) the unprecedented growth in the cost of disaster assistance needs to be reconciled with the restraints imposed on discretionary spending and with the deficit reduction goals of the Budget Enforcement Act of 1990 and the Omnibus Budget Reconciliation Act of 1993, under which significant progress is being made in reducing the Federal deficit; and

(5) a prospective policy should be developed for anticipating and funding disaster needs and other emergencies in keeping with continuing fiscal constraints on the Federal Government.

(b) It is the sense of the Senate that—

(1) there should be established in the Senate a Bipartisan Task Force on Funding Disaster Relief; and

(2) the Task Force should—

(A) consult with the Senate committees with jurisdiction over disaster relief programs;

(B) compile information on the history of Federal disaster relief and recovery funding;

(C) evaluate the types and amounts of Federal financial assistance provided to individuals, State and local governments, and nonprofit or-

ganizations after disasters strike, as well as relevant insurance coverage and loss experience;

(D) consider the relationship between funding disaster relief and complying with the deficit control requirements of the Budget Enforcement Act of 1990, the Omnibus Budget Reconciliation Act of 1993, and other deficit control provisions enacted prior to 1990; and

(E) report its findings, options, and recommendations to the Senate with regard to the consideration of future disaster assistance funding requests prior to the convening of the 104th Congress.

SEC. 2003. (a) AMENDMENT TO TITLE 31.—Section 301(d) of title 31, United States Code, is amended by inserting "an Under Secretary for Enforcement," after "2 Under Secretaries,".

(b) AMENDMENT TO TITLE 5.—Section 5314 of title 5, United States Code, is amended by striking "Under Secretary of the Treasury (or Counselor)." and striking "Under Secretary of the Treasury for Monetary Affairs." and inserting in lieu thereof, "Under Secretaries of the Treasury (3).".

SEC. 2004. Of the funds made available for the purpose of defraying expenses for the automation of fingerprint identification services under the heading "SALARIES AND EXPENSES" under the heading "FEDERAL BUREAU OF INVESTIGATION" in title I of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1994 (Public Law 103-121), $20,000,000 shall be available (to remain available until expended) to hire 500 employees to carry out the automation of fingerprint identification services without regard to any employment ceiling imposed by the President or by law.

TITLE III—RESCINDING CERTAIN BUDGET AUTHORITY

CHAPTER 1

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

DEPARTMENT OF AGRICULTURE

ECONOMIC RESEARCH SERVICE

(RESCISSION)

Of the funds made available under this heading in Public Law 103-111, $4,000,000 are rescinded.

COOPERATIVE STATE RESEARCH SERVICE

(RESCISSION)

Of the funds made available under this heading in Public Law 103-111, $12,463,000 are rescinded, including $4,375,000 of contracts and grants for agricultural research under the Act of August 4, 1965, as amended; $6,729,000 for competitive research grants under section 2(b) of the Act of August 4, 1965; and $1,359,000 for necessary expenses of Cooperative State Research Service activities.

BUILDINGS AND FACILITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-111, $2,897,000 are rescinded.

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-111, $12,167,000 are rescinded.

SOIL CONSERVATION SERVICE

CONSERVATION OPERATIONS

(RESCISSION)

Of the funds made available under this heading in Public Law 103-111, $12,167,000 are rescinded.

WATERSHED AND FLOOD PREVENTION OPERATIONS

(RESCISSION)

Of the funds made available under this heading in Public Law 103-111, $21,158,000 are rescinded.

FARMERS HOME ADMINISTRATION

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

Of the amounts provided under this heading for the cost of credit sales of acquired property direct loans in Public Law 103-111, $5,094,000 are rescinded.

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

Of the amounts provided under this heading in Public Law 103-111, the following amounts are rescinded: for the cost of low-income housing section 502 direct loans, $1,515,000; for the cost of section 515 rental housing loans, $12,443,000; for the cost of section 504 housing repair loans, $1,204,000; for the cost of section 514 farm labor housing loans, $483,000.

RURAL HOUSING VOUCHER PROGRAM

(RESCISSION)

Of the funds made available under this heading in Public Law 103-111, $25,000,000 are rescinded.

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-111, $12,167,000 are rescinded.

RURAL ELECTRIFICATION ADMINISTRATION

RURAL ELECTRIFICATION AND TELEPHONE LOANS PROGRAM ACCOUNT

(RESCISSION)

Of the amounts provided under this heading in Public Law 103-111, the following amounts are rescinded: for the cost of 5 percent rural electrification direct loans, $3,388,000; for the cost of 5 percent rural telephone direct loans, $3,222,000.

FOOD AND NUTRITION SERVICE

COMMODITY SUPPLEMENTAL FOOD PROGRAM

(RESCISSION)

Of the funds made available under this heading in Public Law 102-341, $6,100,000 are rescinded.

FOOD DONATIONS PROGRAM FOR SELECTED GROUPS

(RESCISSION)

Of the funds made available under this heading in Public Law 103-111, $5,200,000 are rescinded.

PUBLIC LAW 480 PROGRAM ACCOUNT

(RESCISSION)

Of the funds made available under this heading in Public Law 103-111 for title III, $45,000,000 are rescinded, and of the amounts made available for ocean freight differential costs, $4,600,000 are rescinded.

Of the funds made available under this heading in Public Law 103-111 for the cost of direct credit agreements, including the cost of modifying credit agreements, $35,400,000 are rescinded.

CHAPTER 2

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

DEPARTMENT OF COMMERCE

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

(RESCISSION)

Of the funds made available under this heading, $2,000,000 are rescinded.

EXPORT ADMINISTRATION

OPERATIONS AND ADMINISTRATION

(RESCISSION)

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

MINORITY BUSINESS DEVELOPMENT AGENCY

MINORITY BUSINESS DEVELOPMENT

(RESCISSION)

Of the funds made available for the Catawba Indian Tribe in Public Law 103-121, $500,000 are rescinded.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

INFORMATION INFRASTRUCTURE GRANTS

(RESCISSION)

Of the funds made available under this heading in Public Law 103-121, $4,254,000 are rescinded.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT REVOLVING FUND

(RESCISSION)

From unobligated balances available under this heading, $20,000,000 are rescinded.

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

(RESCISSION)

Of the funds made available under this heading in Public Law 103-121, $600,000 are rescinded.

BUYING POWER MAINTENANCE

(RESCISSION)

Of the balances in the Buying power maintenance account, $8,800,000 are rescinded.

THE JUDICIARY

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

DEFENDER SERVICES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-121, $3,000,000 are rescinded.

RELATED AGENCIES

BOARD FOR INTERNATIONAL BROADCASTING

ISRAEL RADIO RELAY STATION

(RESCISSION)

Of the balances available under this heading, $1,700,000 are rescinded.

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-121, $4,100,000 are rescinded.

STATE JUSTICE INSTITUTE

SALARIES AND EXPENSES

(RESCISSION)

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

UNITED STATES INFORMATION AGENCY

SALARIES AND EXPENSES

(RESCISSION)

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

NORTH/SOUTH CENTER

(RESCISSION)

Of the funds made available under this heading, $8,700,000 are rescinded.

CHAPTER 3

DEPARTMENT OF DEFENSE

PROCUREMENT

AIRCRAFT PROCUREMENT, AIR FORCE

(RESCISSION)

Of the funds made available under this heading in Public Law 102-396, $12,800,000 are rescinded.

OTHER PROCUREMENT, AIR FORCE

(RESCISSION)

Of the funds made available under this heading in Public Law 103-139, $27,500,000 are rescinded.

PROCUREMENT, DEFENSE-WIDE

(RESCISSION)

Of the funds made available under this heading in Public Law 103-139, $104,500,000 are rescinded.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

(RESCISSION)

Of the funds made available under this heading in Public Law 102-396, $50,000,000 are rescinded.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

(RESCISSION)

Of the funds made available under this heading in Public Law 103-139, $110,500,000 are rescinded.

CHAPTER 4

ENERGY AND WATER DEVELOPMENT

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

GENERAL INVESTIGATIONS

(RESCISSION)

Of the amounts made available under this heading in Public Law 102-377 and prior years Energy and Water Development Acts, $24,970,000 are rescinded.

CONSTRUCTION, GENERAL

(RESCISSION)

Of the amounts made available under this heading in Public Law 102-377 and prior years Energy and Water Development Acts, $97,319,000 are rescinded.

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

CONSTRUCTION PROGRAM

(RESCISSION)

Of the amounts made available under this heading in Public Laws 102-27, 102-368, 102-377 and prior years Energy and Water Development Acts, $40,000,000 are rescinded.

DEPARTMENT OF ENERGY

ENERGY SUPPLY RESEARCH AND DEVELOPMENT ACTIVITIES

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103-126, $97,300,000 are rescinded: Provided, That the reduction shall be taken as a general reduction, applied to each program equally, so as not to eliminate or disproportionately reduce any program, project or activity in the Energy Supply, Research and Development Activities account as included in the reports accompanying Public Law 103-126.

Of the funds made available under this heading for superconducting magnetic energy storage in Public Law 103-126, $10,000,000 are rescinded.

URANIUM SUPPLY AND ENRICHMENT ACTIVITIES

(RESCISSION)

Of the amounts made available under this heading in Public Law 102-377 and prior years' Energy and Water Development Appropriations Acts, $42,000,000 are rescinded.

RELATED AGENCY

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-126, $12,700,000 are rescinded.

CHAPTER 5

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS

MULTILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL FINANCIAL INSTITUTIONS

CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

(RESCISSION)

Of the funds made available under this heading in Public Law 103-87, for the United States contribution to the sixth replenishment of the African Development Fund, $2,700,000 are rescinded.

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

AGENCY FOR INTERNATIONAL DEVELOPMENT

DEVELOPMENT ASSISTANCE FUND

(RESCISSION)

Of the unexpended or unobligated balances of funds (including earmarked funds) made available for fiscal year 1994 and prior fiscal years to carry out the provisions of sections 103 through 106 of the Foreign Assistance Act of 1961, $40,879,000 are rescinded.

OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT

(RESCISSION)

Of the funds made available under this heading in Public Law 103-87, for expenses related to the implementation of the recommendations of the Report of the National Performance Review, $3,000,000 are rescinded.

ASSISTANCE FOR THE NEW INDEPENDENT STATES OF THE FORMER SOVIET UNION

(RESCISSION)

Of the unexpended or unobligated balances of funds made available under this heading and title VI of Public Law 103-87, and prior Acts making appropriations for foreign operations, export financing, and related programs, for assistance for the new independent states of the former Soviet Union, $145,000,000 are rescinded.

INTERNATIONAL SECURITY ASSISTANCE

ECONOMIC SUPPORT FUND

(RESCISSION)

Of the unexpended or unobligated balances of funds (including earmarked funds) made available for fiscal years 1987 through 1994 to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961, $32,700,000 are rescinded.

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

FOREIGN MILITARY FINANCING PROGRAM

(RESCISSIONS)

Of the funds made available under this heading (including earmarked funds) in Public Law 102-391 and prior appropriations acts, for grants to carry out the provisions of section 23 of the Arms Export Control Act, $65,562,000 are rescinded.

Of the funds made available under this heading in Public Law 103-87, for grants to carry out the provisions of section 23 of the Arms Export Control Act, $25,721,000 are rescinded: Provided, That such rescission shall be derived only from nonearmarked amounts.

MILITARY ASSISTANCE

(RESCISSION)

Of the funds made available (including earmarked funds) under this heading in Public Law 102-391 and prior appropriations acts, $438,000 are rescinded.

CHAPTER 6

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES

DEPARTMENT OF THE INTERIOR

UNITED STATES FISH AND WILDLIFE SERVICE

CONSTRUCTION AND ANADROMOUS FISH

(RESCISSION)

Of the funds made available under this heading in Public Law 100-446 and Public Law 102-154, $3,874,000 are rescinded.

DEPARTMENT OF THE TREASURY

BIOMASS ENERGY DEVELOPMENT

(RESCISSION)

Of the funds available under this heading, $16,275,000 are rescinded.

CHAPTER 7

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

DEPARTMENT OF LABOR

(RESCISSION)

Of the amounts appropriated in Public Law 103-112 for salaries and expenses and administrative costs of the Department of Labor, $4,000,000 are rescinded.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

(RESCISSION)

Of the amounts appropriated in Public Law 103-112 for salaries and expenses and administrative costs of the Department of Health and Human Services (except the Social Security Administration), $37,500,000 are rescinded.

SOCIAL SECURITY ADMINISTRATION

SUPPLEMENTAL SECURITY INCOME PROGRAM

(RESCISSION)

Of the amounts appropriated in the first paragraph under this heading in Public Law 103-112, $10,909,000 are rescinded.

LIMITATION ON ADMINISTRATIVE EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-112 to invest in a state-of-the-art computing network, $80,000,000 are rescinded.

DEPARTMENT OF EDUCATION

DEPARTMENTAL MANAGEMENT

PROGRAM ADMINISTRATION

(RESCISSION)

Of the amounts appropriated in Public Law 103-112 for salaries and expenses and administrative costs of the Department of Education, $8,500,000 are rescinded.

CHAPTER 8

LEGISLATIVE BRANCH

CONGRESSIONAL OPERATIONS

SENATE

CONTINGENT EXPENSES OF THE SENATE

(RESCISSION)

Of the funds made available for the Senate under the heading "Sergeant at Arms and Doorkeeper of the Senate" in Public Law 102-90, $1,500,000 are rescinded.

HOUSE OF REPRESENTATIVES

SALARIES AND EXPENSES

(RESCISSION)

Of the amounts made available under this heading in Public Law 101-520, $633,000 are rescinded in the amounts specified for the following headings and accounts:

"ALLOWANCES AND EXPENSES", $633,000, as follows:

"Official Expenses of Members", $128,000; "supplies, materials, administrative costs and Federal tort claims", $125,000; "net expenses of

purchase, lease and maintenance of office equipment", $364,000; and "Government contributions to employees' life insurance fund, retirement funds, Social Security fund, Medicare fund, health benefits fund, and worker's and unemployment compensation", $16,000.

Of the amounts made available under this heading in Public Law 102-90, $2,352,000 are rescinded in the amounts specified for the following headings and accounts:

"HOUSE LEADERSHIP OFFICES", $253,000;

"COMMITTEE ON THE BUDGET (STUDIES)", $4,000;

"STANDING COMMITTEES, SPECIAL AND SELECT", $378,000;

"ALLOWANCES AND EXPENSES", $943,000, as follows:

"Official Expenses of Members", $876,000; and "stenographic reporting of committee hearings", $67,000;

"COMMITTEE ON APPROPRIATIONS (STUDIES AND INVESTIGATIONS)", $595,000;

"SALARIES, OFFICERS AND EMPLOYEES", $179,000, as follows:

"Office of the Postmaster", $19,000; "for salaries and expenses of the Office of the Historian", $26,000; "the House Democratic Steering and Policy Committee and the Democratic Caucus", $73,000; and "the House Republican Conference", $61,000.

LIBRARY OF CONGRESS

(RESCISSION)

Of the amounts made available under this heading in Public Law 103-69, $1,000,000 are rescinded.

GENERAL ACCOUNTING OFFICE

(RESCISSION)

Of the amounts made available under this heading in Public Law 103-69, $650,000 are rescinded.

CHAPTER 9

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION

BASE REALIGNMENT AND CLOSURE ACCOUNT, PART III

(RESCISSION)

Of the funds made available under this heading in Public Law 103-110, $601,224,000 are rescinded.

CHAPTER 10

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

PAYMENTS TO AIR CARRIERS

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION)

Of the funds available for programs authorized under section 419 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1389), $10,067,000 are rescinded.

RENTAL PAYMENTS

(RESCISSION)

Of the funds made available under this heading in Public Law 103-122, $1,781,000 are rescinded.

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

(RESCISSION)

Of the funds made available under this heading in Public Law 103-122, $2,750,000 are rescinded.

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAYS TRUST FUND)

(RESCISSION)

Of the available balances under this heading, $65,205,300 are rescinded.

GRANTS-IN-AID FOR AIRPORTS

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION)

Of the unobligated balances authorized under section 14 of Public Law 91-258 as amended, $488,200,000 are rescinded.

FEDERAL HIGHWAY ADMINISTRATION

(HIGHWAY TRUST FUND)

(RESCISSION)

Of the funds made available for specific highway projects, $23,701,035 are rescinded: Provided, That of the amounts made available for Federal-aid highways pursuant to provisions of the Surface Transportation and Uniform Relocation Assistance Act of 1987, $2,517,473 are rescinded: Provided further, That of the authority made available for bridges on Federal dams pursuant to section 320 of title 23, United States Code, $9,478,139 are rescinded: Provided further, That this rescission shall not apply to any emergency relief project under section 125 of title 23, United States Code.

RIGHT-OF-WAY REVOLVING FUND

(HIGHWAY TRUST FUND)

(RESCISSION)

Of the unobligated balances authorized under section 108 of title 23, United States Code, and section 7 of Public Law 90-495, $20,000,000 are rescinded.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

HIGHWAY TRAFFIC SAFETY GRANTS

(HIGHWAY TRUST FUND)

(RESCISSION)

Of the funds available for programs authorized under 153, 402, and 408 of title 23, United States Code, and section 209 of Public Law 95-599, as amended, $219,750,000 are rescinded.

FEDERAL RAILROAD ADMINISTRATION

RAILROAD RESEARCH AND DEVELOPMENT

(RESCISSION)

Of the funds made available under this heading in Public Law 103-122, $17,000,000 are rescinded.

FEDERAL TRANSIT ADMINISTRATION

DISCRETIONARY GRANTS

(RESCISSION)

(HIGHWAY TRUST FUND)

Of the funds made available under this heading in Public Law 99-190, $808,935 are rescinded.

CHAPTER 11

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT

DEPARTMENT OF THE TREASURY

INTERNAL REVENUE SERVICE

INFORMATION SYSTEMS

(RESCISSION)

Of the amount made available under this heading in Public Law 103-123, $6,400,000 are rescinded.

RELATED AGENCY

GENERAL SERVICES ADMINISTRATION

FEDERAL BUILDINGS FUND

(LIMITATIONS ON AVAILABILITY OF REVENUE)

(RESCISSION)

Of the funds made available under this heading in Public Law 103-123, the Independent Agencies Appropriations Act, 1994, and from available unobligated balances from previous appropriations acts, $127,691,000 are rescinded for the following projects in the following amounts:

Alabama:

Montgomery, U.S. Courthouse, $5,000,000.

Arizona:

Naco, U.S. Border Station, $74,000.

Sierra Vista, U.S. Magistrates Office, $1,000,000: Provided, That up to $1,000,000 shall be made available for such project from funds made available in Public Law 103-123 for non-prospectus construction projects.

California:

Calexico, U.S. Border Station, $900,000.

Menlo Park, U.S. Geological Survey Office and Laboratory Buildings, $783,000.

Sacramento, U.S. Courthouse and Federal Building, $3,391,000.

Tecate, U.S. Border Station, $165,000.

District of Columbia:

Army Corps of Engineers, Headquarters Building, $11,309,000.

Federal Office Building No. 6, $11,100,000.

Federal Bureau of Investigation, Field Office, $5,679,000.

White House remote delivery and vehicle maintenance facility, $5,382,000.

U.S. Secret Service, Headquarters, $23,274,000.

Florida:

Lakeland, Federal Building, $4,400,000.

Tampa, U.S. Courthouse, $7,472,000.

Iowa:

Burlington, Parking Facility, $2,400,000.

Massachusetts:

Boston, U.S. Courthouse, $4,076,000.

Maryland:

Bowie, Bureau of Census, Computer Center, $660,000.

New Carrollton, Internal Revenue Service, $30,100,000.

Minnesota:

Minneapolis, Federal Building and U.S. Courthouse, $4,197,000.

New Hampshire:

Concord, U.S. Courthouse, $867,000.

Nevada:

Reno, Federal Building and U.S. Courthouse, $875,000.

New Jersey:

Newark, Federal Building, 20 Washington Plaza, $327,000.

Pennsylvania:

Philadelphia, Veterans Affairs Federal Building, $1,276,000.

Tennessee:

Knoxville, U.S. Courthouse, $800,000.

United States Virgin Islands:

Charlotte Amalie, St. Thomas, U.S. Courthouse and Annex, $2,184,000.

CHAPTER 12

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

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

HOMEOWNERSHIP AND OPPORTUNITY FOR PEOPLE EVERYWHERE GRANTS (HOPE GRANTS)

(RESCISSION)

Of the amounts provided under this heading in Public Law 103-124, an additional $50,000,000 are rescinded.

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

(RESCISSION)

Of the amounts earmarked under this heading in Public Law 103-124, $325,000,000 are rescinded: Provided, That the $541,000,000 earmarked in the sixth proviso under this heading shall be reduced accordingly.

INDEPENDENT AGENCIES

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-124, $770,000 are rescinded.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

RESEARCH AND DEVELOPMENT

(RESCISSION)

Of the funds made available under this heading in Public Law 103-124, $63,000,000 are rescinded.

SPACE FLIGHT, CONTROL, AND DATA COMMUNICATIONS

(RESCISSION)

Of the funds made available under this heading in Public Law 103-124, $32,000,000 are rescinded.

CONSTRUCTION OF FACILITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-124, $25,000,000 are rescinded.

TITLE IV—GENERAL PROVISIONS

SEC. 401. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 402. The Architect of the Capitol shall be considered the agency for the purposes of the election in section 801(b)(2)(B) of the National Energy Conservation Policy Act and the head of the agency for purposes of subsection (b)(2)(C) of such section.

PROHIBITION OF BENEFITS FOR INDIVIDUALS NOT LAWFULLY WITHIN THE UNITED STATES

SEC. 403. None of the funds made available in this Act may be used to provide any benefit or assistance to any individual in the United States when it is known to a Federal entity or official to which the funds are made available that—

(1) the individual is not lawfully within the United States;

(2) the direct Federal assistance or benefit to be provided is other than search and rescue; emergency medical care; emergency mass care; emergency shelter; clearance of roads and construction of temporary bridges necessary to the performance of emergency tasks and essential community services; warning of further risks or hazards; dissemination of public information and assistance regarding health and safety measures; the provision of food, water, medicine, and other essential needs, including movement of supplies or persons; and reduction of immediate threats to life, property and public health and safety;

(3) temporary housing assistance provided in this Act may be made available to individuals and families for a period of up to 90 days without regard to the requirements of subsection (4);

(4) immediately upon the enactment of this Act, other than for the purposes set forth in subsections (2) and (3) of this section, any Federal entity or official who makes available funds under this Act shall take reasonable steps to determine whether any individual or company seeking to obtain such funds is lawfully within the United States; and

(5) the implementation of this section shall not require the publication or implementation of any intervening regulations.

SEC. 404. (a) STUDY BY COMPTROLLER GENERAL.—The Comptroller General of the United States shall conduct a study regarding Federal laws, unfunded Federal mandates, and other Federal regulatory requirements, that may prevent or impair the ability of State and local authorities to rebuild expeditiously the areas devastated by the January 1994 earthquake in Southern California. In conducting the study, the Comptroller General shall consult with State and local officials of California.

(b) REPORT.—Not later than 30 days after the date of the enactment of this Act, the Comptroller General shall submit to the Congress a report setting forth findings and recommendations as a result of the study conducted under subsection (a). The report shall include—

(1) an identification of the specific Federal laws, unfunded Federal mandates, and other Federal regulatory requirements, referred to in subsection (a);

(2) an analysis of the manner in which such laws, mandates, and other requirements may prevent or impair the ability of State and local authorities to rebuild expeditiously the areas devastated by the January 1994 earthquake in Southern California; and

(3) recommended forms of, and appropriate time periods for, relief from such laws, mandates, and other requirements.

SEC. 405. In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products, and that notice of this provision be given to each recipient of assistance covered under this Act.

SEC. 406. EXTENSION OF RTC CIVIL STATUTE OF LIMITATIONS.

Section 21A(b)(14)(C) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(b)(14)(C)) is amended by striking clause (i) and inserting in lieu thereof the following:

"(i) the period beginning on the date the claim accrues (as determined pursuant to section 11(d)(14)(B) of the Federal Deposit Insurance Act) and ending on December 31, 1995 or ending on the date of the termination of the Corporation pursuant to section 21A(m)(1), whichever is later; or".

SEC. 407. REPEALS.

Except for subsection (b) of section 3508, sections 3508 and 3509 of the Three Affiliated Tribes and Standing Rock Sioux Tribe Equitable Compensation Act are repealed effective October 30, 1992.

SEC. 408. It is the sense of the Congress that the Department of Defense should proceed with construction of a new facility for the Walter Reed Army Institute of Research at Forest Glen, Maryland, not later than 45 days after enactment of this Act.

SEC. 409. (a) Section 223(d)(4) of the Social Security Act (42 U.S.C. 423(d)(4)) is amended by inserting the following after the first sentence: "If an individual engages in a criminal activity to support substance abuse, any proceeds derived from such activity shall demonstrate such individual's ability to engage in substantial gainful activity.".

(b) Section 1614(a)(3)(D) of the Social Security Act (42 U.S.C. 1382(a)(3)(D)) is amended by inserting the following after the first sentence: "If an individual engages in a criminal activity to support substance abuse, any proceeds derived from such activity shall demonstrate such individual's ability to engage in substantial gainful activity.".

(c) The amendments made by this section shall apply to disability determinations conducted on or after the date of the enactment of this Act.

SEC. 410. TRANSPORTATION GENERAL PROVISION TO ESTABLISH AN AUXILIARY FLIGHT SERVICE STATION.

The Administrator of the Federal Aviation Administration is directed to establish and operate an Auxiliary Flight Service Station at Marquette, Michigan, no later than September 1, 1994, using available funds.

SEC. 411. Subsection (b) of section 347 of the National Defense Authorization Act for fiscal year 1994 (Public Law 103-160; 107 Stat. 1626) is amended—

(1) by striking out "section 2774(a)(2)(A) of title 10," and inserting in lieu thereof "section 5584(a)(2)(A) of title 5,"; and

(2) by striking out "section 2774(a)(2) of such title" and inserting in lieu thereof "section 5584(a)(2) of such title".

Mr. KERREY. Madam President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senate insists on its amendment and requests a conference with the House on the disagreeing votes of the two Houses on H.R. 3759, and the Chair is authorized to appoint conferees on the part of the Senate.

The Presiding Officer appointed Mr. BYRD, Mr. INOUYE, Mr. HOLLINGS, Mr. JOHNSTON, Mr. LEAHY, Mr. SASSER, Mr. DECONCINI, Mr. BUMPERS, Mr. LAUTENBERG, Mr. HARKIN, Ms. MIKULSKI, Mr. REID, Mr. KERREY, Mr. KOHL, Mrs. MURRAY, Mrs. FEINSTEIN, Mr. HATFIELD, Mr. STEVENS, Mr. COCHRAN, Mr. D'AMATO, Mr. SPECTER, Mr. DOMENICI, Mr. NICKLES, Mr. GRAMM, Mr. BOND, Mr. GORTON, Mr. MCCONNELL, Mr. MACK, and Mr. BURNS conferees on the part of the Senate.

Mr. BYRD. Madam President, for the information of conferees, the conference on the supplemental appropriations bill will convene in the morning at 10 o'clock in room SC-5.

I yield the floor.

Mrs. BOXER. Madam President, I will not take much time of the Senate. I just feel it is a moment for me to say thank you, on behalf of Senator FEINSTEIN and myself, to every single Member of this Senate who voted for that emergency supplemental appropriation. I know many of my colleagues wanted certain amendments to be agreed to. I know many tried to get them passed. I know many did not even offer them because they saw the hour was growing late and they could tell from the Senators from California that our people were getting a little nervous as they watched us debate on other matters.

Senator FEINSTEIN would be here herself saying thank you but she is at the moment speaking with the Governor, and I am sure the Governor is most grateful for this bipartisan action, as is Mayor Riordan of Los Angeles, and the mayors from all the areas in southern California.

The people of California have an indomitable spirit, as do the people all across this great country. But sometimes our spirit is tested and, when you see you cannot get back into your home, and you wonder if you ever will be able to, and you watch this debate, you hope we will help. Your spirit surely drags when you worry that we will not reach the point that we send this over to the conference.

We reached that point. We had some tough debates. A couple of times I brought out some pictures from the

earthquake to try to remind us why we were really debating this. I can only say, from the bottom of my heart, this means a whole lot to us. I think we are going to rebuild southern California. We are going to get back on our feet. We are going to help now to add to this economic recovery which has eluded us thus far.

Again, I say to my friends from both sides of the aisle how much this vote means to me and to Senator FEINSTEIN and to all the people, the 31 million people, of California.

I thank the Chair and yield the floor.

Mrs. FEINSTEIN. Madam President, I would like to join with my colleague, Senator BOXER, in saying thank you to my colleagues. I particularly would like to thank Senator BYRD for the excellent way in which he protected the State of California in this supplemental appropriation. I think it puts us on the road to recovery. It is a major step forward and, in a State with a budget that is deeply troubled, there is no way the State of California, and there is no way the people of the State, could have handled this problem.

What the earthquake does point out to me, particularly, is the fact that only 25 percent of the people who own homes had earthquake insurance. When asked why, the reason that came back was, "Well, the premiums are so high and the deductible is so high, we did not think it was worthwhile for us to get earthquake insurance."

I think what this points out is the real need for Federal legislation, perhaps as an amendment to Senator INOUYE's bill, that will provide Federal incentives for private insurance to be provided in a national pool to people in disaster-prone areas.

There certainly is going to be no end to hurricanes, floods, and earthquakes. If you add up the sum total of what was spent on this since I have been here, almost $10 billion in this supplemental, the Loma Prieta supplemental of almost $4 billion, the supplemental for the floods, you see very fast that it is the amount, just about, of the stimulus package that went down. So, in essence, we stimulate by providing emergency disaster relief. To me that does not seem to make very good sense.

So I think there is a very real need for us to work on a plan. I would like to be part of it, to work on a plan that, in essence, is going to be able to provide some lower deductible and lower premium for earthquake, disaster, flood, or hurricane insurance to people who need it throughout America.

But for tonight at least, California can take this first healing step, let the contracts that are necessary, and FEMA can itself have the funds not only to fund the Midwest with the $600 million that is in this supplemental, but also the State of California.

It was a long day. It was a trying day for those of us from the State, but it was a day that eventually produced a result.

Madam President, I would like to thank you, I would like to thank all my colleagues for their vote in the affirmative. It is greatly appreciated by the people of our State. Thank you. I yield the floor.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER (Mr. KERREY). The Republican leader.

Mr. DOLE. Mr. President, could I proceed as if in morning business?

The PRESIDING OFFICER. Without objection, the Senator may proceed.

Mr. DOLE. Mr. President, media reports this evening indicate that the cease-fire in Sarajevo has already been broken—that heavy artillery shells and machinegun fire struck the city only hours after the U.N.-brokered ceasefire had gone into effect.

We will be waiting and watching to see whether and how the United Nations and NATO respond to this attack if it is verified. We will be watching to see if the pattern of international inaction has truly been broken. The time for talking is over.

As I stated earlier today, I support NATO's long overdue decision to launch air strikes in the event that the Bosnian Serbs do not withdraw their heavy weapons within 10 days, or if the shelling of Sarajevo continues. I am pleased that the President has finally moved the alliance forward even in this limited way. And I hope that this time NATO will follow through on its threats.

However, it seems to me that NATO air strikes would receive greater support here at home if the U.S. Congress is formally on board with the President's decision. That can best be achieved if the Congress discusses the matter and passes a resolution supporting this course of action.

This is not just a matter of getting the Congress on board, it is a matter of getting the American people on board—explaining what our interests are and how this NATO action advances those interests. Recent opinion polls suggest that public support—which appears to narrowly favor NATO action—will be greater if Congress supports this action.

Indeed, our experience during the Gulf war was that the support of the American people for Desert Storm dramatically increased after Congress passed an authorizing resolution.

But, another benefit of seeking congressional approval is the opportunity for all Members of Congress to make their views known. Not everyone in the Senate shares my views—although I do believe that a majority of my colleagues do support the President's decision.

And those who do not share that view or share the President's view certainly should have an opportunity to express their views.

I talked to the distinguished Senator from Arizona and the distinguished Senator from Georgia who both have very strong reservations about this course of action. We are not going to have the opportunity unless there is a request and authorization for a resolution of approval of the President's plan to have that debate.

RTC FOOT-DRAGGING

Mr. DOLE. Mr. President, last month, I joined with my distinguished colleague from New York, Senator D'AMATO, in asking both Attorney General Reno and the interim chief executive officer of the Resolution Trust Corporation, Roger Altman, to enter into agreements tolling the civil statute of limitations with respect to Madison Guaranty Savings & Loan. We have already taken action on this bill, so maybe that will not be necessary if it is left in the conference report.

As Senator D'AMATO has explained, the RTC has a 5-year period in which to bring a civil suit for fraud, starting from the date it becomes the conservator or receiver of a failed institution. Since Madison Guaranty was taken over by Federal regulators in February 1989, it appears that the statute of limitations will expire later this month. Once the statute expires, the RTC—and the American people—are out of luck.

Unfortunately, Mr. Altman's response to our request was evasive at best. According to Mr. Altman:

> The RTC will vigorously pursue all appropriate remedies using standard procedures in such cases, which could include seeking agreements to toll the statute of limitations.

Notice the choice of words: It is not would seek these tolling agreements. It is could seek the agreements. Nothing firm. No commitments.

Mr. Altman's unwillingness to state unequivocally that the RTC will enter into tolling agreements waiving the civil statute of limitations cannot be explained by saying that the RTC needs more time to investigate Madison. The RTC took over Madison in 1989, nearly 5 years ago. In fact, the RTC knows enough about Madison that it made a criminal referral to the Justice Department as early as October 1992.

Yesterday, the Senate tried to sidestep Mr. Altman's stonewall by passing legislation extending the limitations period. While this extension may help remove some of the legal obstacles to a full investigation of Madison, it does not resolve the political problem created by Mr. Altman's evasiveness. I do not know his reason for not being more forthcoming, but I am glad the Senate has taken this action.

In addition to his responsibilities at the RTC, Mr. Altman is also the Deputy Secretary of Treasury, the No. 2 person in the Treasury Department and a political appointee. While the Senate

has confirmed Mr. Altman for the Treasury post, he has not received Senate confirmation for the top job at the RTC. In fact, Mr. Altman has not been officially nominated, even though he has held the RTC post for almost a full year.

Mr. Altman's tenure at the RTC was lengthened last December when Stanley Tate, who had been nominated to head the RTC, withdrew his name from consideration. In explaining his withdrawal, Mr. Tate claimed that he had discovered examples of RTC mismanagement, but had been told by Senior Treasury officials that "if I revealed too much, or put people in high places on the defensive, I had better be prepared for a barrage of new allegations and accusations about me and even about my family. I was further advised that these accusations would be made up, even outright lies."

Now, Mr. President, I do not know whether Mr. Tate's charges are in fact true. But I do know that the RTC should act with independence, insulated from the rough-and-tumble of politics. With a multibillion-dollar budget and with its law enforcement responsibilities, this insulation is critical. And that is why the Senate confirmation process is critical too—to ask the tough questions and to get assurances from the nominee that political considerations will take a back seat in his or her decisionmaking.

Unfortunately, Mr. Altman has given none of these assurances. And, in fact, it is fair to speculate that politics may be the driving force behind his statute-of-limitations stonewall.

Mr. Altman is a longtime friend of the President, a former classmate of the President at Georgetown University, and a significant fundraiser during the 1992 campaign.

Whether Mr. Altman can separate his personal friendship with the President from his RTC responsibilities is still an open question. But what is not an open question is that Mr. Altman should step aside and let someone else do the RTC job, if he is unwilling to do the job himself. And I do not see why he ought to be permitted to do so, why we should wait a full year—I can see why we wait a full year. It seems to me it ought to be filled.

And if Mr. Altman wants to keep the RTC position, he should now recuse himself from any matter related to the Whitewater/Madison guaranty affair.

Mr. President, I have one final comment: According to a story appearing in yesterdays' Washington Times, the shredding machines are working overtime down in Little Rock. the Washington Times states that employees of the Rose law firm—the former law firm of the First Lady, associate attorney general Webster Hubbell, and the late Vince Foster—have admitted shredding—that is right, shredding—documents relating to the Whitewater matter. If this shocking story is true, and it has been denied by the Rose law firm, we have gone beyond simple bureaucratic foot-dragging and moved into the realm of obstruction of justice.

I am pleased that independent counsel Robert Fiske has publicly stated that he will investigate the alleged shredding incident. It is my hope Mr. Fiske will act promptly and take whatever legal steps may be necessary to ensure that the integrity of the Whitewater documents are not compromised.

The PRESIDING OFFICER. The Senator from Kentucky.

MORNING BUSINESS

Mr. FORD. Mr. President, I ask unanimous consent we now have a period for morning business with Senators allowed to speak therein for up to 10 minutes.

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

BOSNIA

Mr. COVERDELL. Mr. President, I rise to strongly endorse the comments made by the Republican leader in calling for a congressional resolution with regard to the tragic circumstances in Bosnia. This morning we had a very eloquent presentation in the Foreign Relations Committee from the distinguished Senator from West Virginia on the subject of definition of the utilization of armed forces in the post-cold-war era. This subject came before the committee, at least briefly. There was discussion in the committee about the need for more congressional consultation and more congressional participation in the utilization of armed forces in this new world.

I am among those Senators who do not believe that the armed forces of the United States, the men and women of the United States serving our country, should be subjected to a hostile environment by another commander, foreign commander, or the United Nations. I am perfectly comfortable with the peacekeeping concept, such as we have in Macedonia, where we have U.S. personnel serving under a U.N. commander. But the situation we discovered for ourselves, I think imprudently, in Somalia, I think was a very flawed concept. We saw the consequences of it. There are some striking similarities as we approach these difficult times in Bosnia.

It was the Secretary General prompting the change of the mission in Somalia. We even had a circumstance where the President of the United States indicated to us that he was unclear about the fact the mission had been changed.

In this morning's New York Times it says, talking about the situation in Bosnia, "Formally it will be up to the U.N. Secretary General, Boutros-Boutros Ghali, to order the first strike." Of course, everyone suggests after that it moves on to NATO. But I do not know what his military credentials are to order the first strike. If that involves U.N. military personnel, I think it moves us back into this very murky and very unclear relationship between the United States, which is defining its modern role in the new world, and the United Nations, which is busily defining its own role—and I am not comfortable with the direction I have seen of late from the United Nations.

In fact, more and more we see a direction not of peacekeeping but of a peacemaking; not of monitoring an agreement between warring parties but of imposing a decision made in the policymaking of the United Nations on the warring parties. That is a very, very different circumstance that we are setting before the world. I see these very tracks that left us in such an uncomfortable position in Somalia beginning to appear again in Bosnia.

I hope this Senate, and I hope the Congress of the United States, will engage, as has been suggested today, in a resolution that causes it to be a participant in this process and that contributes to the clarification, when the United Nations is involved, as it relates to American men and women in the military in a hostile situation.

I yield the floor.

DISABILITY DRUG ABUSE PREVENTION AND REHABILITATION ACT OF 1994

Mr. COHEN. Mr. President, today I am announcing a legislative package on behalf of myself and Senators DOLE, KASSEBAUM, THURMOND, D'AMATO, and LUGAR to reform the Social Security disability process and to stop taxpayers' dollars from fueling the addictions of illegal drug users and other substance abusers.

Absurd as it must seem to hard-working Americans, who see more and more of their paychecks going to taxes, and to severely disabled persons who truly need assistance, we are now paying over a billion dollars a year in disability payments to drug addicts and alcoholics—many of whom are using taxpayer dollars to buy more drugs and alcohol.

This legislative package is the result of an investigation of the SSI and SSDI programs that was conducted by the Minority Staff of the Senate Special Committee on Aging and the General Accounting Office.

Our investigation found that the current policy of allowing addicts and alcoholics to use disability payments to turn around and buy more drugs and drink seriously undermines our efforts to combat crime, promote preventive health care and reform our welfare sys-

tem. Far from encouraging rehabilitation, the current laxity of the Social Security Administration in enforcing the statutory treatment requirement hurts the addicts themselves by perpetuating drug and alcohol abuse.

Our investigation revealed that the word on the street is that SSI gives easy cash for drugs and alcohol. For example,

The director of a homeless shelter in Denver has called SSI "suicide on the installment plan" because the program provides ready cash to addicts and alcoholics with no strings attached for follow-up or treatment. He maintains that the first day of every month is considered "Christmas Day" by many of the alcoholics and addicts who use the money for illegal drugs and alcohol, fail to enter treatment programs, and then either stay on the street or return to homeless shelters for food and shelter once their disability benefit has been spent on drugs.

A mental health worker specializing in chemical dependency told the committee that his caseload of illegal drug users was about "99.5 per cent" SSI recipients. He said that he has witnessed several deaths of SSI recipients from drug overdoses, "yet their checks just keep coming."

In our investigation, we heard several allegations that the current disability process has spawned a cottage industry of clinics, attorney representatives, and doctors who help abusers get on the disability rolls.

We also found that lump sum disability benefits of thousands of dollars are being paid to substance abusers who are using these funds to buy drugs and alcohol. Even more astounding is that benefits are awarded to claimants even in cases where the SSA or the administrative law judge hearing the case is directly told that the claimant is engaged in criminal activity, such as drug dealing, to support his or her addiction.

Let's try to explain that one to the American taxpayer.

Mr. President, in establishing substance abuse as a disability which qualifies for benefits under the SSI programs, Congress placed two conditions on the payment of benefits to substance abusers: first, the substance abuser must receive treatment; and second, a third party, such as a friend or relative, must collect the benefits on behalf of the substance abuser.

Unfortunately, both of these protections have failed. For example, up until last month, the SSA had set up programs to monitor and enforce the treatment requirement in only 18 states. In fact, 26 States have never had an agency approved by SSA to monitor treatment.

Fewer than one-third of the approximately 250,000 drug addicts and alcoholics are required to get treatment or have someone else collect their benefits for them.

Of the $1.4 billion in benefits flowing to drug addicts and alcoholics on the SSI and disability programs, less than $320 million of these payments are even covered by these protections. So, over $1.1 billion in payments are exposed to widespread abuse—with no controls in place. Maine, for example, has never had an agency approved by SSA to monitor treatment.

There are widespread problems in the collection of payments by third parties on behalf of the drug and alcohol abusers—in fact, we found cases where the bartender, the local drug dealer, or another addict was appointed as the guardian of the payments.

The legislative package we are announcing today addresses many of these problems by strengthening the enforcement of the current law, extending those protections to the SSDI program, and by reforming the disability programs so that it is not life-time maintenance for substance abusers.

Mr. President, I urge my colleagues to join me in sponsoring this legislation and request unanimous consent that the following explanation of the legislation be included in the CONGRESSIONAL RECORD.

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

SENATOR COHEN'S PROPOSED LEGISLATION TO REFORM THE SSI AND DI PROGRAMS

Extend current statutory Supplemental Security Income (SSI) disability treatment and representative payee requirements to recipients of Social Security Disability (SSDI) benefits:

Currently, the SSI disability program imposes two special statutory requirements on drug addicts and alcoholics who qualify for the program on the basis of their substance addiction. First, in order to prevent benefits from being used to fuel addition, all cash payments must be paid to a "representative payee" rather than directly to the beneficiary. Second, these beneficiaries must participate in a substance abuse treatment program approved by the Social Security Administration as a condition of eligibility, and must also demonstrate that they are in compliance with the terms and conditions of treatment in order to retain their eligibility.

Even though the SSDI program provided $380 million in benefits to drug addicts and alcoholics in 1993, the SSDI places no requirements of treatment or representative payee as conditions of receiving the benefits. The proposed legislation extends these treatment and representative payee requirements to SSDI beneficiaries who qualify for the program on the basis of their substance abuse.

Extend current conditions of treatment and third-party payment of benefits to all SSI/SSDI recipients who are substance abusers regardless of whether the substance abuse is the primary or secondary basis for disability:

The Social Security Administration does not classify individuals who have substance addiction as a secondary impairment as subject to the treatment and representative payee requirements. In other words, substance abusers who have other impairments which are independent of their addiction, and whose addiction is not material to the finding of their disability, are not considered formal substance abusers and are not required to seek treatment or have a representative payees. The effect of this distinction is that SSI payments are being made to a large class of substance abusers who are not subject to any controls to ensure that they attend treatment or do not use their benefits to buy drugs or alcohol.

This agency policy is contrary to the language of the Social Security Act which provides that the treatment and payee requirements should apply to all disability recipients who are addicts and alcoholics.

The legislation would expressly extend these requirements to beneficiaries in both programs who have a secondary impairment of addiction or alcoholism.

Reform the representative payee program:

A "representative payee" is a third party who assists in managing the funds of a substance abuser to ensure that benefits are not used for drugs or alcohol. Currently, a representative payee can be a friend, relative, social service agency, or anyone else selected by the Social Security Administration (SSA).

Recent reports by the Minority Staff of the Senate Special Committee on Aging and the Inspector General of Health and Human Services found that the current representative payee system is not working to protect against abuse of payments to substance abusers. Responsible representative payees are difficult to find, particularly for drug and alcohol abusers. Family members are often unable to resist pressure or even threats of abuse if benefits are not turned over. Some representative payees are drug or alcohol abusers themselves, and there are numerous cases where liquor store operators and bartenders have even been approved by the SSA to serve as representative payees.

The legislation would limit the designation of representative payees to government agencies, state licensed or certified facilities, or state-bonded and licensed community-based nonprofit agencies.

Prohibit the payment of lump-sum benefits to drug addicts and alcoholics:

Since it frequently takes a year or longer to be awarded benefits for SSI and DI, and, because benefits are retroactive to the date of initial application, lump sums as high as $15,000 to $20,000 can be awarded to substance abusers. Despite existing representative payee requirements, the Aging Committee Minority Staff investigation uncovered disturbing evidence that many lump sums are often used immediately to buy more drugs or alcohol with life-threatening or even fatal consequences for the claimant.

Therefore, the legislation would prohibit the payment of lump sum disability benefits to substance abusers and would require that these funds be held in trust to be managed for them while they are in rehabilitation.

Require SSA to establish Referral Monitoring Agencies in every state:

To enforce the treatment requirements for drug addicts and alcoholics, the Social Security Administration has entered into agreements with state agencies or private firms to refer these beneficiaries to treatment facilities and to monitor them on a regular basis in order to ensure compliance with the law. These agencies are known as "Referral Monitoring Agencies."

The Aging Committee Minority staff investigation revealed that the SSA has failed to give adequate priority to the statutory requirement that drug addicts and alcoholics receive treatment. Despite the tripling of the numbers of these individuals receiving benefits from 1990 to 1993, the SSA had established RMA's for only 18 states as of August 1993. Despite a recent contract award covering 29 additional states and the District of

Columbia, seven states still do not have an RMA.

Therefore, the legislation requires SSA to establish RMAs in every state within one year of enactment, and to report these periodically to Congress on the effectiveness of the RMAs.

Clarify that proceeds from illegal activities such as drug dealing constitute substantial gainful activity and are therefore a basis for denying benefits:

The 7th Circuit Court of Appeals recently upheld the denial of SSI benefits on the grounds that illegal activity can constitute substantial gainful activity for purposes of denying SSI payments. However, other courts have found that active drug dealing is not enough to deny benefits. The 9th Circuit Court of Appeals ruled this month, for example, that a heroin addict who sold drugs to support his habit could not be denied benefits due to this illegal activity. This interpretation of the current law allows claimants in some areas of the country to legally receive benefits while dealing drugs or actively engaging in other criminal activities.

Therefore, the legislation clarifies that any criminal activity undertaken to support substance abuse would be prima facie evidence of substantial gainful activity, and thus preclude awarding of either SSDI or SSI disability benefits.

In order to ensure adequate treatment for SSI and DI recipients, priority will be given for treatment for such recipients in programs of the Substance Abuse Mental Health Services Administration:

In light of a requirement that SSI and DI substance abusers receive treatment, this would assure adequate treatment sites.

Revision of disability definition and procedures regarding substance abusers.

In order to improve monitoring and enforcement of treatment requirements, the legislation will revise the definition of disability and its application to substance abusers. The goal of these revisions will be to limit disability benefits for substance abusers to the time such individuals are actually disabled.

Study the feasibility of replacing cash benefits with a voucher system for substance abusers:

The Aging Committee Minority Staff Report found that the current system of awarding cash benefits to substance abusers perpetuates addiction and undermines treatment efforts. The legislation will require a study of the feasibility of providing voucher in lieu of cash payments to substance abusers.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendar No. 564, 620, 621, 623 to and including 628, 630 to and including 691.

I might say, Mr. President, Calendar No. 649 is Joe Russell Mullins, of Kentucky; calendar No. 660 is Charles William Logsdon, of Kentucky; and all nominations placed on the Secretary's desk in the Foreign Service.

I further ask unanimous consent that the nominees be confirmed en bloc; that any statements appear in the RECORD as if read; that upon the confirmation, the motion to reconsider be laid upon the table en bloc; that the President be immediately notified of the Senate's action; and that the Senate return to legislative session.

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

The nominations considered and confirmed en bloc are as follows:

THE JUDICIARY

Nancy Gertner, of Massachusetts, to be U.S. District Judge for the District of Massachusetts.

MISSISSIPPI RIVER COMMISSION

The following-named officer for appointment to be a member and president of the Mississippi River Commission, under the provisions of Section 2 of an Act of Congress, approved June 1879 (21 Stat. 37) (33 U.S.C. 642):

To be a Member and President of the Mississippi River Commission: Brig. Gen. Eugene S. Witherspoon, [redacted], U.S. Army.

FEDERAL EMERGENCY MANAGEMENT AGENCY

Richard Thomas Moore, of Massachusetts, to be an Associate Director of the Federal Emergency Management Agency.

DEPARTMENT OF COMMERCE

William W. Ginsberg, of Connecticut, to be an Assistant Secretary of Commerce.

DEPARTMENT OF STATE

Sandra Louise Vogelgesang, of Ohio, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Nepal.

David Nathan Merrill, of Maryland, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the People's Republic of Bangladesh.

Wesley William Egan, Jr., of North Carolina, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Hashemite Kingdom of Jordan.

Robert H. Pelletreau, Jr., of Connecticut, to be an Assistant Secretary of State, vice Edward P. Djerejian.

Esther Peterson, of the District of Columbia, to be a Representative of the United States of America to the Forty-eighth Session of the General Assembly of the United Nations.

AFRICAN DEVELOPMENT BANK

Alice Marie Dear, of New York, to be United States Director of the African Development Bank for a term of five years. (New Position)

EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT

James H. Scheuer, of New York, to be U.S. Director of the European Bank for Reconstruction and Development.

UNITED STATES INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Jill B. Buckley, of Washington, to be an Assistant Administrator of the Agency for International Development.

Thomas A. Dine, of Ohio, to be an Assistant Administrator of the Agency for International Development.

DEPARTMENT OF THE TREASURY

Mary Ellen Withrow, of Ohio, to be Treasurer of the United States.

DEPARTMENT OF AGRICULTURE

Frederick Gilbert Slabach, of Mississippi, to be an Assistant Secretary of Agriculture.

ASSASSINATION RECORDS REVIEW BOARD

Kermit L. Hall, of Oklahoma, to be a Member of the Assassination Records Review Board. (New Position)

John R. Tunheim, of Minnesota, to be a Member of the Assassination Records Review Board. (New Position)

William L. Joyce, of New Jersey, to be a Member of the Assassination Records Review Board. (New Position)

Anna K. Nelson, of the District of Columbia, to be a Member of the Assassination Records Review Board. (New Position)

Henry F. Graff, of New York, to be a Member of the Assassination Records Review Board. (New Position)

POSTAL RATE COMMISSION

Edward Jay Gleiman, of Maryland, to be a Commissioner of the Postal Rate Commission for the term expiring October 16, 1998.

THE JUDICIARY

Thomas I. Vanaskie, of Pennsylvania, to be U.S. District Judge for the Middle District of Pennsylvania vice a new position created by Public Law 101-650, approved December 1, 1990.

Tucker L. Melancon, of Louisiana, to be U.S. District Judge for the Western District of Louisiana.

Michael A. Ponsor, of Massachusetts, to be U.S. District Judge for the District of Massachusetts.

Lesley Brooks Wells, of Ohio, to be U.S. District Judge for the Northern District of Ohio.

Majorie O. Rendell, of Pennsylvania, to be U.S. District Judge for the Eastern District of Pennsylvania.

DEPARTMENT OF JUSTICE

Michael David Skinner, of Louisiana, to be U.S. Attorney for the Western District of Louisiana for the term of 4 years.

James J. Molinari, of California, to be U.S. Marshal for the Northern District of California for the term of 4 years.

Joe Russell Mullins, of Kentucky, to be U.S. Marshal for the Eastern District of Kentucky for the term of 4 years.

John Patrick McCaffrey, of New York, to be U.S. Marshal for the Western District of New York for the term of 4 years.

Phylliss Jeanette Henry, of Iowa, to be U.S. Marshal for the Southern District of Iowa for the term of 4 years.

Charles M. Adkins, of West Virginia, to be U.S. Marshal for the Southern District of West Virginia for the term of 4 years.

Don Carlos Nickerson, of Iowa, to be U.S. Attorney for the Southern District of Iowa for the term of 4 years.

Stephen John Rapp, of Iowa, to be U.S. Attorney for the Northern District of Iowa for the term of 4 years.

G. Ronald Dashiell, of Washington, to be U.S. Marshal for the Eastern District of Washington for the term of 4 years.

Nancy J. McGillivray-Shaffer, of Massachusetts, to be U.S. Marshal for the District of Massachusetts for the term of 4 years.

Donald R. Moreland, of Florida, to be U.S. Marshal for the District of Florida for the term of 4 years.

Brian C. Berg, of North Dakota, to be U.S. Marshal for the District of North Dakota for the term of 4 years.

Floyd A. Kimbrough, of Missouri, to be U.S. Marshal for the Eastern District of Missouri for the term of 4 years.

Charles William Logsdon, of Kentucky, to be U.S. Marshal for the Western District of Kentucky for the term of 4 years.

James Marion Hughes, Jr., of Oklahoma, to be U.S. Marshal for the Northern District of Oklahoma for the term of 4 years.

John Steven Sanchez, of New Mexico, to be U.S. Marshal for the District of New Mexico for the term of 4 years vice Alfonso Solis.

James V. Serio, Jr., of Louisiana, to be U.S. Marshal for the Eastern District of Louisiana for the term of 4 years. (Reappointment)

Wesley Joe Wood, of Tennessee, to be U.S. Marshal for the Western District of Tennessee for the term of 4 years.

Stephen Simpson Gregg, of California, to be U.S. Marshal for the Southern District of California for the term of 4 years.

Conrad S. Patillo, of Arkansas, to be U.S. Marshal for the Eastern District of Arkansas for the term of 4 years.

Hugh Dinsmore Black, Jr., of Arkansas, to be U.S. Marshal for the Western District of Arkansas for the term of 4 years.

Robert Dale Ecoffey, of South Dakota, to be U.S. Marshal for the District of South Dakota for the term of 4 years.

Rosa Maria Melendez, of Washington, to be U.S. Marshal for the Western District of Washington for the term of 4 years.

Robert James Moore, of Alabama, to be U.S. Marshal for the Southern District of Alabama for the term of 4 years.

James Robert Oakes, of Louisiana, to be U.S. Marshal for the Western District of Louisiana for the term of 4 years.

Cleveland Vaughn, of Nebraska, to be U.S. Marshal for the District of Nebraska for the term of 4 years.

Richard Rand Rock II, of Kansas, to be U.S. Marshal for the District of Kansas for the term of 4 years.

Rebecca Aline Betts, of West Virginia, to be U.S. Attorney for the Southern District of West Virginia for the term of 4 years.

Robert Charles Bundy, of Alaska, to be U.S. Attorney for the District of Alaska for the term of 4 years.

Larry Herbert Colleton, of Florida, to be U.S. Attorney for the Middle District of Florida for the term of 4 years.

Harry Donival Dixon, Jr., of Georgia, to be U.S. Attorney for the Southern District of Georgia for the term of 4 years.

David Lee Lillehaug, of Minnesota, to be U.S. Attorney for the District of Minnesota for the term of 4 years.

Daniel J. Horgan, of Florida, to be U.S. Marshal for the Southern District of Florida for the term of 4 years. (Reappointment)

Patrick J. Wilkerson, of Oklahoma, to be U.S. Marshal for the Western District of Oklahoma for the term of 4 years.

James Lamar Wiggins, of Georgia, to be U.S. Attorney for the Middle District of Georgia for the term of 4 years.

Paul Michael Gagnon, of New Hampshire, to be U.S. Attorney for the District of New Hampshire for the term of 4 years.

Mark Timothy Calloway, of North Carolina, to be U.S. Attorney for the Western District of North Carolina for the term of 4 years.

James Douglas, Jr., of Michigan, to be U.S. Marshal for the Eastern District of Michigan for the term of 4 years.

William Stephen Strizich, of Montana, to be U.S. Marshal for the District of Montana for the term of 4 years.

Terrence Edward Delaney, of Illinois, to be U.S. Marshal for the Southern District of Illinois for the term of 4 years.

Janice McKenzie Cole, of North Carolina, to be U.S. Attorney for the Eastern District of North Carolina for the term of 4 years.

James Howard Benham, of Idaho, to be U.S. Marshal for the District of Idaho for the term of 4 years.

Michael Hayes Dettmer, of Michigan, to be U.S. Attorney for the Western District of Michigan for the term of 4 years.

Stephen Lawrence Hill, of Missouri, to be U.S. Attorney for the Western District of Missouri for the term of 4 years.

Alan D. Lewis, of Pennsylvania, to be U.S. Marshall for the Eastern District of Pennsylvania for the term of 4 years.

Nominations placed on the Secretary's desk

IN THE FOREIGN SERVICE

Foreign Service nominations beginning Robert John Mcanneny, and ending Harold Edward Zappia, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 26, 1994.

Foreign Service nominations beginning Victor B. Olason, and ending Emi Lynn Yamauchi, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 26, 1994.

Foreign Service nominations beginning Suzanne K. Hale, and ending Lyle J. Sebranek, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 26, 1994.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

GOALS 2000: EDUCATE AMERICA ACT

The text of H.R. 1804 entitled "An Act to improve learning and teaching by providing a national framework for education reform; to promote the research, consensus building, and systemic changes needed to ensure equitable educational opportunities and high levels of educational achievement for all American students; to provide a framework for reauthorization of all Federal education programs; to promote the development and adoption of a voluntary national system of skill standards and certifications; and for other purposes", as passed by the Senate on February 8, 1994, is as follows:

H.R. 1804

Resolved, That the bill from the House of Representatives (H.R. 1804) entitled "An Act to improve learning and teaching by providing a national framework for education reform; to promote the research, consensus building, and systemic changes needed to ensure equitable educational opportunities and high levels of educational achievement for all American students; to provide a framework for reauthorization of all Federal education programs; to promote the development and adoption of a voluntary national system of skill standards and certifications; and for other purposes", do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—Titles I through IV of this Act may be cited as the "Goals 2000: Educate America Act".

(b) TABLE OF CONTENTS.—The table of contents is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Purpose.
Sec. 3. Definitions.

TITLE I—NATIONAL EDUCATION GOALS

Sec. 101. Purpose.
Sec. 102. National education goals.

TITLE II—NATIONAL EDUCATION REFORM LEADERSHIP, STANDARDS, AND ASSESSMENTS

PART A—NATIONAL EDUCATION GOALS PANEL

Sec. 201. Purpose.
Sec. 202. National education goals panel.
Sec. 203. Duties.
Sec. 204. Powers of the goals panel.
Sec. 205. Administrative provisions.
Sec. 206. Director and staff; experts and consultants.
Sec. 207. Early childhood assessment.

PART B—NATIONAL EDUCATION STANDARDS AND IMPROVEMENT COUNCIL

Sec. 211. Purpose.
Sec. 212. National Education Standards and Improvement Council.
Sec. 213. Duties.
Sec. 214. Annual reports.
Sec. 215. Powers of the council.
Sec. 216. Administrative provisions.
Sec. 217. Director and staff; experts and consultants.
Sec. 218. Opportunity-to-learn development grants.

PART C—LEADERSHIP IN EDUCATIONAL TECHNOLOGY

Sec. 221. Purposes.
Sec. 222. Federal leadership.
Sec. 223. Office of Educational Technology.
Sec. 224. Uses of funds.
Sec. 225. Non-Federal share.
Sec. 226. Office of Training Technology Transfer.

PART D—AUTHORIZATION OF APPROPRIATIONS

Sec. 231. Authorization of appropriations.

TITLE III—STATE AND LOCAL EDUCATION SYSTEMIC IMPROVEMENT

Sec. 301. Findings.
Sec. 302. Purpose.
Sec. 303. Authorization of appropriations.
Sec. 304. Allotment of funds.
Sec. 305. State applications.
Sec. 306. State improvement plans.
Sec. 307. Secretary's review of applications; payments.
Sec. 308. State use of funds.
Sec. 309. Subgrants for local reform and professional development.
Sec. 310. Availability of information and training.
Sec. 311. Waivers of statutory and regulatory requirements.
Sec. 312. Progress reports.
Sec. 313. National leadership.
Sec. 314. Assistance to the outlying areas and to the Secretary of the Interior.
Sec. 315. Clarification regarding State standards and assessments.
Sec. 316. State planning for improving student achievement through integration of technology into the curriculum.

TITLE IV—MISCELLANEOUS

Sec. 401. Public schools.
Sec. 402. Construction.
Sec. 403. Kalid Abdul Mohammed.
Sec. 404. Prohibition on Federal mandates, direction, and control.
Sec. 405. School prayer.
Sec. 406. Daily silence for students.
Sec. 407. Funding for the Individuals With Disabilities Education Act.
Sec. 408. National Board for Professional Teaching Standards.
Sec. 409. Forgiveness of certain overpayments.
Sec. 410. Study of Goals 2000 and students with disabilities.
Sec. 411. Mentoring, peer counseling and peer tutoring.

Sec. 412. Content and performance standards.
Sec. 413. State-sponsored higher education trust fund savings plan.
Sec. 414. Amendments to sumer youth employment and training program.
Sec. 415. State and local government control of education.
Sec. 416. Protection of pupils.
Sec. 417. Contraceptive devices.
Sec. 418. Educational agencies not denied funds for adopting constitutional policy relative to prayer in schools.

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SEC. 2. PURPOSE.

It is the purpose of this Act to provide a framework for meeting the National Education Goals described in title I of this Act by—

(1) promoting coherent, nationwide, systemic education reform;

(2) improving the quality of teaching and learning in the classroom;

(3) defining appropriate and coherent Federal, State, and local roles and responsibilities for education reform;

(4) establishing valid, reliable, and fair mechanisms for—

(A) building a broad national consensus on United States education reform;

(B) assisting in the development and certification of high-quality, internationally competitive content and student performance standards;

(C) assisting in the development and certification of opportunity-to-learn standards; and

(D) assisting in the development and certification of high-quality assessment measures that reflect the internationally competitive content and student performance standards;

(5) supporting new initiatives at the Federal, State, local, and school levels to provide equal educational opportunity for all students to meet high standards; and

(6) providing a framework for the reauthorization of all Federal education programs by—

(A) creating a vision of excellence and equity that will guide all Federal education and related programs;

(B) providing for the establishment of high-quality, internationally competitive content and student performance standards that all students, including disadvantaged students, students with diverse racial, ethnic, and cultural backgrounds, students with disabilities, students with limited-English proficiency, and academically talented students, will be expected to achieve;

(C) providing for the establishment of high quality, internationally competitive opportunity-to-learn standards that all States, local educational agencies, and schools should achieve;

(D) encouraging and enabling all State educational agencies and local educational agencies to develop comprehensive improvement plans that will provide a coherent framework for the implementation of reauthorized Federal education and related programs in an integrated fashion that effectively educates all children;

(E) providing resources to help individual schools, including schools serving students with high needs, develop and implement comprehensive improvement plans; and

(F) promoting the use of technology to enable all students to achieve the National Education Goals.

SEC. 3. DEFINITIONS.

As used in this Act (other than in titles V and IX)—

(1) the term "all children" means children from all backgrounds and circumstances, including disadvantaged children, children with diverse racial, ethnic, and cultural backgrounds, children with disabilities, children with limited-English proficiency, children who have dropped out of school, and academically talented children;

(2) the term "all students" means students from a broad range of backgrounds and circumstances, including disadvantaged students, students with diverse racial, ethnic, and cultural backgrounds, students with disabilities, students with limited-English proficiency, students who have dropped out of school, and academically talented students;

(3) the term "assessment" means the overall process and instrument used to measure student attainment of content standards, except that such term need not include the discrete items that comprise each assessment;

(4) the term "content standards" means broad descriptions of the knowledge and skills students should acquire in a particular subject area;

(5) the term "Governor" means the chief executive of the State;

(6) the term "intergenerational mentoring program" means a program that—

(A) matches adult mentors, with a particular emphasis on older mentors, with elementary and secondary school age children for the purposes of sharing experience and skills;

(B) is operated by a nonprofit organization or governmental agency;

(C) provides opportunities for older individuals to be involved in the design and operation of the program; and

(D) has established, written mechanisms for screening mentors, orienting mentors and proteges, matching mentors and proteges, and monitoring mentoring relationships;

(7) the terms "interoperable" and "interoperability" refers to the ability to easily exchange data with, and connect to, other hardware and software in order to provide the greatest accessibility for all students;

(8) the term "local educational agency" has the meaning given such term in section 1471(12) of the Elementary and Secondary Education Act of 1965, except that such term may include a public school council if such council is mandated by State law;

(9) the term "opportunity-to-learn standards" means the conditions of teaching and learning necessary for all students to have a fair opportunity to learn, including ways of measuring the extent to which such standards are being met;

(10) the term "outlying areas" means Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, Palau (until the effective date of the Compact of Free Association with the Government of Palau), and the Freely Associated States;

(11) the term "performance standards" means concrete examples and explicit definitions of what students have to know and be able to do to demonstrate that such students are proficient in the skills and knowledge framed by content standards;

(12) the term "public telecommunication entity" has the same meaning given to such term in section 397(12) of the Communications Act of 1934;

(13) the term "related services" includes the types of services described in section 602(17) of the Individuals with Disabilities Education Act;

(14) the term "school" means a public school that is under the authority of the State educational agency or a local educational agency or, for the purpose of carrying out section 314(b), a school that is operated or funded by the Bureau of Indian Affairs;

(15) the term "Secretary", unless otherwise specified, means the Secretary of Education;

(16) the term "State" means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico;

(17) the term "State educational agency" has the same meaning given such term in section 1471(23) of the Elementary and Secondary Education Act of 1965; and

(18) the term "technology" means the latest state-of-the-art technology products and services, such as closed circuit television systems, educational television or radio programs and services, cable television, satellite, copper and fiber optic transmission, computer, video and audio laser and CD-ROM disks, and video and audio tapes, or other technologies.

TITLE I—NATIONAL EDUCATION GOALS

SEC. 101. PURPOSE.

It is the purpose of this title to establish National Education Goals.

SEC. 102. NATIONAL EDUCATION GOALS.

The Congress declares the National Education Goals are as follows:

(1) SCHOOL READINESS.—

(A) GOAL.—By the year 2000, all children in America will start school ready to learn.

(B) OBJECTIVES.—The objectives for the goal described in subparagraph (A) are that—

(i) all children, including disadvantaged and disabled children, will have access to high-quality and developmentally appropriate preschool programs that help prepare children for school;

(ii) every parent in the United States will be a child's first teacher and devote time each day to helping such parent's preschool child learn, and parents will have access to the training and support parents need; and

(iii) children will receive the nutrition, physical activity experiences, and health care needed to arrive at school with healthy minds and bodies, and the number of low-birthweight babies will be significantly reduced through enhanced prenatal health systems.

(2) SCHOOL COMPLETION.—

(A) GOAL.—By the year 2000, the high school graduation rate will increase to at least 90 percent.

(B) OBJECTIVES.—The objectives for the goal described in subparagraph (A) are that—

(i) the Nation must dramatically reduce its high school dropout rate, and 75 percent of high school students who do drop out of school will successfully complete a high school degree or its equivalent; and

(ii) the gap in high school graduation rates between United States students from minority backgrounds and their nonminority counterparts will be eliminated.

(3) STUDENT ACHIEVEMENT AND CITIZENSHIP.—

(A) GOAL.—By the year 2000, United States students will leave grades 4, 8, and 12 having demonstrated competency over challenging subject matter including English, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography, and every school in the United States will ensure that all students learn to use their minds well, so students may be prepared for responsible citizenship, further learning, and productive employment in our Nation's modern economy.

(B) OBJECTIVES.—The objectives for the goal described in subparagraph (A) are that—

(i) the academic performance of elementary and secondary students will increase significantly in every quartile, and the distribution of minority students in each quartile will more closely reflect the student population as a whole;

(ii) the percentage of students who demonstrate the ability to reason, solve problems, apply knowledge, and write and communicate effectively will increase substantially;

(iii) all students will be involved in activities that promote and demonstrate good citizenship, good health, community service, and personal responsibility;

(iv) all students will have access to physical education and health education to ensure all students are healthy and fit;

(v) the percentage of students who are competent in more than one language will substantially increase; and

(vi) all students will be knowledgeable about the diverse heritage of our Nation and about the world community.

(4) MATHEMATICS AND SCIENCE.—

(A) GOAL.—By the year 2000, United States students will be first in the world in mathematics and science achievement.

(B) OBJECTIVES.—The objectives for the goal described in subparagraph (A) are that—

(i) mathematics and science education, including the metric system of measurement, will be strengthened throughout the educational system, especially in the early grades;

(ii) the number of teachers with a substantive background in mathematics and science will increase by 50 percent from the number of such teachers in 1992; and

(iii) the number of United States undergraduate and graduate students, especially women and minorities, who complete degrees in mathematics, science, and engineering will increase significantly.

(5) ADULT LITERACY AND LIFELONG LEARNING.—

(A) GOAL.—By the year 2000, every adult United States citizen will be literate and will possess the knowledge and skills necessary to compete in a global economy and exercise the rights and responsibilities of citizenship.

(B) OBJECTIVES.—The objectives for the goal described in subparagraph (A) are that—

(i) every major United States business will be involved in strengthening the connection between education and work;

(ii) all workers will have the opportunity to acquire the knowledge and skills, from basic to highly technical, needed to adapt to emerging new technologies, work methods, and markets through public and private educational, vocational, technical, workplace, or other programs;

(iii) the number of quality programs, including programs at libraries, that are designed to serve more effectively the needs of the growing number of part-time and mid-career students, will increase substantially;

(iv) the proportion of qualified students, especially minorities, who enter college, who complete at least 2 years of college, and who complete their degree programs, will increase substantially; and

(v) the proportion of college graduates who demonstrate an advanced ability to think critically, communicate effectively, and solve problems will increase substantially.

(6) SAFE, DISCIPLINED, AND ALCOHOL- AND DRUG-FREE SCHOOLS.—

(A) GOAL.—By the year 2000, every school in the United States will be free of drugs, firearms, alcohol, and violence and will offer a disciplined environment conducive to learning.

(B) OBJECTIVES.—The objectives for the goal described in subparagraph (A) are that—

(i) every school will implement a firm and fair policy on use, possession, and distribution of drugs and alcohol;

(ii) parents, businesses, governmental and community organizations will work together to ensure that schools provide a healthy environment and are a safe haven for all children;

(iii) every school district will develop a sequential, comprehensive kindergarten through twelfth grade drug and alcohol prevention education program;

(iv) drug and alcohol curriculum should be taught as an integral part of sequential, comprehensive health education;

(v) community-based teams should be organized to provide students and teachers with needed support; and

(vi) every school should work to eliminate sexual harassment.

(7) PARENTAL PARTICIPATION.—

(A) GOAL.—By the year 2000, every school will promote partnerships that will increase parental involvement and participation in promoting the social, emotional and academic growth of children.

(B) OBJECTIVES.—The objectives for the Goal established under subparagraph (A) are that—

(i) every State will develop policies to assist local schools and school districts to establish programs for increasing partnerships that respond to the varying needs of parents and the home, including parents of children who are disadvantaged or bilingual, or parents of children with disabilities;

(ii) every school will actively engage parents and families in a partnership which supports the academic work of children at home and shared educational decision-making at school; and

(iii) parents and families will help to ensure that schools are adequately supported and will hold schools and teachers to high standards of accountability.

(8) TEACHER EDUCATION AND PROFESSIONAL DEVELOPMENT.—

(A) GOAL.—By the year 2000, the Nation's teaching force will have access to programs for the continued improvement of their professional skills and the opportunity to acquire the knowledge and skills needed to instruct and prepare all American students for the next century.

(B) OBJECTIVES.—The objectives for the goal established under subparagraph (A) are that—

(i) all teachers will have access to preservice teacher education and continuing professional development activities that will provide such teachers with the knowledge and skills needed to teach to an increasingly diverse student population with a variety of educational, social, and health needs;

(ii) all teachers will have continuing opportunities to acquire additional knowledge and skills needed to teach challenging subject matter and to use emerging new methods, forms of assessment, and technologies;

(iii) States and school districts will create integrated strategies to attract, recruit, prepare,

retrain, and support the continued professional development of teachers, administrators, and other educators, so that there is a highly talented work force of professional educators to teach challenging subject matter; and

(iv) partnerships will be established, whenever possible, among local educational agencies, institutions of higher education, parents, and local labor, business, and professional associations to provide and support programs for the professional development of educators.

TITLE II—NATIONAL EDUCATION REFORM LEADERSHIP, STANDARDS, AND ASSESSMENTS

PART A—NATIONAL EDUCATION GOALS PANEL

SEC. 201. PURPOSE.

It is the purpose of this part to establish a bipartisan mechanism for—

(1) building a national consensus for education improvement;

(2) reporting on progress toward achieving the National Education Goals;

(3) periodically reviewing the goals and objectives described in title I and recommending adjustments to such goals and objectives, as needed, in order to guarantee education reform that continues to provide guidance for quality, world class education for all students; and

(4) reviewing and approving the voluntary national content standards, voluntary national student performance standards and voluntary national opportunity-to-learn standards certified by the National Education Standards and Improvement Council, as well as the criteria for the certification of such standards, and the criteria for the certification of State assessments or systems of assessments certified by such Council.

SEC. 202. NATIONAL EDUCATION GOALS PANEL.

(a) ESTABLISHMENT.—There is established in the executive branch a National Education Goals Panel (hereafter in this title referred to as the "Goals Panel").

(b) COMPOSITION.—The Goals Panel shall be composed of 18 members (hereafter in this part referred to as "members"), including—

(1) two members appointed by the President;

(2) eight members who are Governors, 3 of whom shall be from the same political party as the President and 5 of whom shall be of the opposite political party of the President, appointed by the Chairperson and Vice Chairperson of the National Governors' Association, with the Chairperson and Vice Chairperson each appointing representatives of such Chairperson's or Vice Chairperson's respective political party, in consultation with each other;

(3) four Members of the Congress, of whom—

(A) one member shall be appointed by the Majority Leader of the Senate from among the Members of the Senate;

(B) one member shall be appointed by the Minority Leader of the Senate from among the Members of the Senate;

(C) one member shall be appointed by the Majority Leader of the House of Representatives from among the Members of the House of Representatives; and

(D) one member shall be appointed by the Minority Leader of the House of Representatives from among the Members of the House of Representatives; and

(4) four members of State legislatures appointed by the President of the National Conference of State Legislatures, of whom 2 shall be of the same political party as the President of the United States.

(c) SPECIAL APPOINTMENT RULES.—

(1) IN GENERAL.—The members appointed pursuant to subsection (b)(2) shall be appointed as follows:

(A) If the Chairperson of the National Governors' Association is from the same political party as the President, the Chairperson shall appoint 3 individuals and the Vice Chairperson of such association shall appoint 5 individuals.

(B) If the Chairperson of the National Governors' Association is from the opposite political party as the President, the Chairperson shall appoint 5 individuals and the Vice Chairperson of such association shall appoint 3 individuals.

(2) SPECIAL RULE.—If the National Governors' Association has appointed a panel that meets the requirements of subsections (b) and (c), except for the requirements of paragraph (4) of subsection (b), prior to the date of enactment of this Act, then the members serving on such panel shall be deemed to be in compliance with the provisions of such subsections and shall not be required to be reappointed pursuant to such subsections.

(d) TERMS.—The terms of service of members shall be as follows:

(1) PRESIDENTIAL APPOINTEES.—Members appointed under subsection (b)(1) shall serve at the pleasure of the President.

(2) GOVERNORS.—Members appointed under paragraph (2) of subsection (b) shall serve a 2-year term, except that the initial appointments under such paragraph shall be made to ensure staggered terms with one-half of such members' terms concluding every 2 years.

(3) CONGRESSIONAL APPOINTEES AND STATE LEGISLATORS.—Members appointed under paragraphs (3) and (4) of subsection (b) shall serve for 2-year terms.

(e) DATE OF APPOINTMENT.—The initial members shall be appointed not later than 60 days after the date of enactment of this Act.

(f) INITIATION.—The Goals Panel may begin to carry out its duties under this part when 10 members of the Goals Panel have been appointed.

(g) VACANCIES.—A vacancy on the Goals Panel shall not affect the powers of the Goals Panel, but shall be filled in the same manner as the original appointment.

(h) TRAVEL.—Each member may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for each day the member is engaged in the performance of duties for the Goals Panel away from the home or regular place of business of the member.

(i) CHAIRPERSON.—

(1) IN GENERAL.—The members shall select a Chairperson from among the members described in paragraph (2) of subsection (b).

(2) TERM AND POLITICAL AFFILIATION.—The Chairperson of the Goals Panel shall serve a 1-year term and shall alternate between political parties.

SEC. 203. DUTIES.

(a) IN GENERAL.—The Goals Panel shall—

(1) report on the progress the Nation and the States are making toward achieving the National Education Goals described in title I, including issuing an annual national report card;

(2) submit to the President nominations for appointment to the National Education Standards and Improvement Council in accordance with subsections (b) and (c) of section 212;

(3) review and approve (or explain why approval is withheld) the—

(A) criteria developed by the National Education Standards and Improvement Council for the certification of content and student performance standards, assessments or systems of assessments, and opportunity-to-learn standards; and

(B) voluntary national content standards, voluntary national student performance standards and voluntary national opportunity-to-learn standards certified by such Council;

(4) report on promising or effective actions being taken at the national, State, and local levels, and in the public and private sectors, to achieve the National Education Goals; and

(5) help build a nationwide, bipartisan consensus for the reforms necessary to achieve the National Education Goals.

(b) NATIONAL REPORT CARD.—

(1) IN GENERAL.—The Goals Panel shall annually prepare and submit to the President, the Secretary, the appropriate committees of the Congress, and the Governor of each State a national report card that shall—

(A) report on the progress of the United States toward achieving the National Education Goals; and

(B) identify actions that should be taken by Federal, State, and local governments to enhance progress toward achieving the National Education Goals.

(2) FORM; DATA.—National report cards shall be presented in a form, and include data, that is understandable to parents and the general public.

SEC. 204. POWERS OF THE GOALS PANEL.

(a) HEARINGS.—

(1) IN GENERAL.—The Goals Panel shall, for the purpose of carrying out this part, conduct such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Goals Panel considers appropriate.

(2) REPRESENTATION.—In carrying out this part, the Goals Panel shall conduct hearings to receive reports, views, and analyses of a broad spectrum of experts and the public on the establishment of voluntary national content, voluntary national student performance standards, voluntary national opportunity-to-learn standards, and State assessments or systems of assessments described in section 213(e).

(b) INFORMATION.—The Goals Panel may secure directly from any department or agency of the Federal Government information necessary to enable the Goals Panel to carry out this part. Upon request of the Chairperson of the Goals Panel, the head of any such department or agency shall furnish such information to the Goals Panel to the extent permitted by law.

(c) POSTAL SERVICES.—The Goals Panel may use the United States mail in the same manner and under the same conditions as departments and agencies of the Federal Government.

(d) GIFTS; USE OF FACILITIES.—The Goals Panel may—

(1) accept, administer, and utilize gifts or donations of services, money, or property, whether real or personal, tangible or intangible; and

(2) use the research, equipment, services, and facilities of any department, agency or instrumentality of the Federal Government, or of any State or political subdivision thereof with the consent of such department, agency, instrumentality, State or subdivision, respectively.

(e) ADMINISTRATIVE ARRANGEMENTS AND SUPPORT.—

(1) IN GENERAL.—The Secretary shall provide to the Goals Panel, on a reimbursable basis, such administrative support services as the Goals Panel may request.

(2) CONTRACTS AND OTHER ARRANGEMENTS.—The Secretary shall, to the extent appropriate, and on a reimbursable basis, make contracts and other arrangements that are requested by the Goals Panel to help the Goals Panel compile and analyze data or carry out other functions necessary to the performance of the Goals Panel's responsibilities.

SEC. 205. ADMINISTRATIVE PROVISIONS.

(a) MEETINGS.—The Goals Panel shall meet on a regular basis, as necessary, at the call of the Chairperson of the Goals Panel or a majority of the members of the Goals Panel.

(b) QUORUM.—A majority of the members shall constitute a quorum for the transaction of business.

(c) VOTING AND FINAL DECISIONS.—

(1) IN GENERAL.—No individual may vote, or exercise any of the duties or powers of a member of the Goals Panel, by proxy.

(2) FINAL DECISIONS.—

(A) In making final decisions of the Goals Panel with respect to the exercise of its duties and powers the Goals Panel shall operate on the principle of consensus among the members of the Goals Panel.

(B) If a vote of the membership of the Goals Panel is required to reach a final decision with respect to the exercise of its duties and powers, then such final decision shall be made by a three-fourths vote of the members of the Goals Panel who are present and voting.

(d) PUBLIC ACCESS.—The Goals Panel shall ensure public access to the proceedings of the Goals Panel (other than proceedings, or portions of proceedings, relating to internal personnel and management matters) and shall make available to the public, at reasonable cost, transcripts of such proceedings.

SEC. 206. DIRECTOR AND STAFF; EXPERTS AND CONSULTANTS.

(a) DIRECTOR.—The Chairperson of the Goals Panel, without regard to the provisions of title 5, United States Code, relating to the appointment and compensation of officers or employees of the United States, shall appoint a Director to be paid at a rate not to exceed the rate of basic pay payable for level V of the Executive Schedule.

(b) APPOINTMENT AND PAY OF EMPLOYEES.—

(1) IN GENERAL.—(A) The Director may appoint not more than 4 additional employees to serve as staff to the Goals Panel without regard to the provisions of title 5, United States Code, governing appointments in the competitive service.

(B) The employees appointed under subparagraph (A) may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, but shall not be paid a rate that exceeds the maximum rate of basic pay payable for GS-15 of the General Schedule.

(2) ADDITIONAL EMPLOYEES.—The Director may appoint additional employees to serve as staff to the Goals Panel in accordance with title 5, United States Code.

(c) EXPERTS AND CONSULTANTS.—The Goals Panel may procure temporary and intermittent services of experts and consultants under section 3109(b) of title 5, United States Code.

(d) STAFF OF FEDERAL AGENCIES.—Upon the request of the Goals Panel, the head of any department or agency of the United States may detail any of the personnel of such department to the Goals Panel to assist the Goals Panel in carrying out its responsibilities under this part.

SEC. 207. EARLY CHILDHOOD ASSESSMENT.

(a) IN GENERAL.—The Goals Panel shall support the work of its Resource and Technical Planning Groups on School Readiness (hereafter in this subsection referred to as the "Groups") to improve the methods of assessing the readiness of all children for school.

(b) ACTIVITIES.—The Groups shall—

(1) develop a model of elements of school readiness that address a broad range of early childhood developmental needs, including the needs of children with disabilities;

(2) create clear guidelines regarding the nature, functions, and uses of early childhood assessments, including norm-referenced assessments and assessment formats that are appropriate for use in culturally and linguistically diverse communities, based on model elements of school readiness;

(3) monitor and evaluate early childhood assessments, including the ability of existing assessments to provide valid information on the readiness of children for school; and

(4) monitor and report on the long-term collection of data on the status of young children to improve policy and practice, including the need for new sources of data necessary to assess the broad range of early childhood developmental needs.

(c) ADVICE.—The Groups shall advise and assist the Congress, the Secretary, the Goals Panel, and others regarding how to improve the assessment of young children and how such assessments can improve services to children.

(d) REPORT.—The Goals Panel shall provide reports on the work of the Groups to the Congress, the Secretary, and the public.

PART B—NATIONAL EDUCATION STANDARDS AND IMPROVEMENT COUNCIL

SEC. 211. PURPOSE.

It is the purpose of this part to establish a mechanism to—

(1) certify voluntary national content standards and voluntary national student performance standards that define what all students should know and be able to do;

(2) certify challenging State content standards and challenging State student performance standards submitted by States on a voluntary basis, if such standards are comparable in rigor and quality to the voluntary national content standards and voluntary national student performance standards certified by the National Education Standards and Improvement Council;

(3) certify voluntary national opportunity-to-learn standards that describe the conditions of teaching and learning necessary for all students to have a fair opportunity to achieve the knowledge and skills described in the voluntary national content standards and the voluntary national student performance standards certified by the National Education Standards and Improvement Council;

(4) certify comprehensive State opportunity-to-learn standards submitted by States on a voluntary basis that—

(A) describe the conditions of teaching and learning necessary for all students to have a fair opportunity to learn; and

(B) address the elements described in section 213(c)(3); and

(5) certify assessments or systems of assessments submitted by States or groups of States on a voluntary basis, if such assessments or systems—

(A) are aligned with and support State content standards certified by such Council; and

(B) are valid, reliable, and fair when used for their intended purposes.

SEC. 212. NATIONAL EDUCATION STANDARDS AND IMPROVEMENT COUNCIL.

(a) ESTABLISHMENT.—There is established in the executive branch a National Education Standards and Improvement Council (hereafter in this part referred to as the "Council").

(b) COMPOSITION.—The Council shall be composed of 19 members (hereafter in this part referred to as "members") appointed by the President from nominations submitted by the Goals Panel.

(c) QUALIFICATIONS.—

(1) IN GENERAL.—The members of the Council shall include—

(A) five professional educators appointed from among elementary and secondary classroom teachers, preschool educators, related services personnel, and other school-based professionals, State or local educational agency administrators, or other educators;

(B) four representatives of business and industry or postsecondary educational institutions, including at least 1 representative of business and industry who is also a member of the National Skill Standards Board established pursuant to title V;

(C) five representatives of the public, appointed from among representatives of advocacy, civil rights, and disability groups, parents, civic leaders, tribal governments, or State or local education policymakers (including members of State or local school boards); and

(D) five education experts, appointed from among experts in measurement and assessment, curriculum, school finance and equity, or school reform.

(2) NOMINATIONS.—The Goals Panel shall submit to the President at least 15 nominations for each of the 4 categories of appointment described in subparagraphs (A) through (D) of paragraph (1).

(3) REPRESENTATION.—To the extent feasible, the membership of the Council shall—

(A) be geographically representative of the United States and reflect the diversity of the United States with respect to race, ethnicity, gender and disability characteristics; and

(B) include persons from each of the 4 categories described in subparagraphs (A) through (D) of paragraph (1) who have expertise in the education of subgroups of students who are at risk of school failure.

(d) TERMS.—

(1) IN GENERAL.—Members shall be appointed for 3-year terms, with no member serving more than 2 consecutive terms.

(2) INITIAL TERMS.—The President shall establish initial terms for members of 1, 2, or 3 years in order to establish a rotation in which one-third of the members are selected each year.

(e) DATE OF APPOINTMENT.—The initial members shall be appointed not later than 120 days after the date of enactment of this Act.

(f) INITIATION.—The Council shall begin to carry out the duties of the Council under this part when all 19 members have been appointed.

(g) RETENTION.—In order to retain an appointment to the Council, a member shall attend at least two-thirds of the scheduled meetings, and hearings when appropriate, of the Council in any given year.

(h) VACANCY.—A vacancy on the Council shall not affect the powers of the Council, but shall be filled in the same manner as the original appointment.

(i) COMPENSATION.—Members who are not regular full-time employees of the United States, while attending meetings or hearings of the Council, may be provided compensation at a rate fixed by the Secretary, but not exceeding the maximum rate of basic pay payable for GS-15 of the General Schedule.

(j) TRAVEL.—Each member of the Council may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for each day the member is engaged in the performance of duties for the Council away from the home or regular place of business of the member.

(k) OFFICERS.—The members shall select officers of the Council from among the members. The officers of the Council shall serve for 1-year terms.

(l) CONFLICT OF INTEREST.—No member, staff, expert, or consultant assisting the Council shall be appointed to the Council—

(1) if such member, staff, expert, or consultant has a fiduciary interest in an educational assessment; and

(2) unless such member, staff, expert, or consultant agrees that such member, staff, expert, or consultant, respectively, will not obtain such an interest for a period of 2 years from the date of termination of such member's service on the Council.

SEC. 213. DUTIES.

(a) VOLUNTARY NATIONAL CONTENT STANDARDS; VOLUNTARY NATIONAL STUDENT PERFORMANCE STANDARDS.—

(1) IN GENERAL.—The Council, upon recommendation from a working group on voluntary national content standards, shall—

(A) identify areas in which voluntary national content standards need to be developed;

(B) certify voluntary national content standards and voluntary national student perform-

ance standards that define what all students should know and be able to do; and

(C) forward such voluntary national content standards and voluntary national student performance standards to the Goals Panel for approval.

(2) CRITERIA.—(A) The Council, upon recommendation from a working group on voluntary national content standards and voluntary national student performance standards, shall—

(i) identify and develop criteria to be used for certifying the voluntary national content standards and voluntary national student performance standards; and

(ii) before applying such criteria, forward such criteria to the Goals Panel for approval.

(B) The criteria developed by the Council shall address—

(i) the extent to which the proposed standards are internationally competitive and comparable to the best standards in the world;

(ii) the extent to which the proposed voluntary national content standards and voluntary national student performance standards reflect the best available knowledge about how all students learn and about how a content area can be most effectively taught;

(iii) the extent to which the proposed voluntary national content standards and voluntary national student performance standards have been developed through an open and public process that provides for input and involvement of all relevant parties, including teachers, related services personnel, and other professional educators, employers and postsecondary education institutions, curriculum and subject matter specialists, parents, secondary school students, and the public; and

(iv) other factors that the Council deems appropriate.

(C) In developing the criteria, the Council shall work with entities that are developing, or have already developed, content standards, and any other entities that the Council deems appropriate, to identify appropriate certification criteria.

(b) VOLUNTARY STATE CONTENT STANDARDS; VOLUNTARY STATE STUDENT PERFORMANCE STANDARDS.—The Council may certify challenging State content standards and challenging State student performance standards presented on a voluntary basis by a State or group of States, if such standards are comparable in rigor and quality to the voluntary national content standards and voluntary national student performance standards certified by the Council.

(c) VOLUNTARY NATIONAL OPPORTUNITY-TO-LEARN STANDARDS.—

(1) IN GENERAL.—The Council, upon recommendation from a working group on voluntary national opportunity-to-learn standards, shall certify exemplary, voluntary national opportunity-to-learn standards that will establish a basis for providing all students a fair opportunity to achieve the knowledge and skills described in the voluntary national content standards certified by the Council. In carrying out the preceding sentence the Council and the working group are authorized to consider proposals for voluntary national opportunity-to-learn standards from groups other than those that receive grants under section 218.

(2) REQUIREMENT.—The voluntary national opportunity-to-learn standards shall be sufficiently general to be used by any State without unduly restricting State and local prerogatives regarding instructional methods to be employed.

(3) ELEMENTS ADDRESSED.—The voluntary national opportunity-to-learn standards certified by the Council shall address—

(A) the quality and availability of curricula, instructional materials, and technologies;

(B) the capability of teachers to provide high-quality instruction to meet diverse learning needs in each content area;

(C) the extent to which teachers and administrators have ready and continuing access to professional development, including the best knowledge about teaching, learning, and school improvement;

(D) the extent to which curriculum, instructional practices, and assessments are aligned to content standards;

(E) the extent to which school facilities provide a safe and secure environment for learning and instruction and have the requisite libraries, laboratories, and other resources necessary to provide an opportunity-to-learn; and

(F) other factors that the Council deems appropriate to ensure that all students receive a fair opportunity to achieve the knowledge and skills described in the voluntary national content standards and the voluntary national student performance standards certified by the Council.

(4) ADDITIONAL DUTIES.—In carrying out this subsection, the Council shall—

(A) identify what other countries with rigorous content standards do to—

(i) provide their children with opportunities to learn;

(ii) prepare their teachers; and

(iii) provide continuing professional development opportunities for their teachers; and

(B) develop criteria to be used for certifying the voluntary national opportunity-to-learn standards and, before applying such criteria, forward such criteria to the Goals Panel for approval.

(5) RECOMMENDATIONS AND COORDINATION.—The Council shall assist in the development of the voluntary national opportunity-to-learn standards by—

(A) making recommendations to the Secretary regarding priorities and selection criteria for each grant awarded under section 218; and

(B) coordinating with each consortium receiving a grant under section 218 to ensure that the opportunity-to-learn standards the consortium develops for all students are of high quality and are consistent with the criteria developed by the Council for the certification of such standards.

(6) APPROVAL.—The Council shall forward the voluntary national opportunity-to-learn standards that the Council certifies to the Goals Panel for approval.

(d) VOLUNTARY STATE OPPORTUNITY-TO-LEARN STANDARDS.—The Council may certify comprehensive State opportunity-to-learn standards presented on a voluntary basis by a State that—

(1) describe the conditions of teaching and learning necessary for all students to have a fair opportunity to learn; and

(2) address the elements described in section 213(c)(3).

(e) ASSESSMENTS.—

(1) IN GENERAL.—(A) The Council shall certify, for a period not to exceed 5 years, an assessment of a single subject area or a system of assessments involving several subject areas presented on a voluntary basis by a State or group of States if such assessment or system of assessments—

(i) is aligned with such State's or group of States' challenging State content standards certified by the Council;

(ii) involves multiple measures of student performance; and

(iii) provides for—

(I) the participation of all students with diverse learning needs in such assessment or system; and

(II) the adaptations and accommodations necessary to permit such participation.

(B) Assessments or systems of assessments shall be certified for the purpose of—

(i) exemplifying for students, parents, and teachers the kinds and levels of achievement that should be expected, including the identification of student performance standards;

(ii) improving classroom instruction and improving the learning outcomes for all students;

(iii) informing students, parents, and teachers about student progress toward such standards;

(iv) measuring and motivating individual students, schools, districts, States, and the Nation to improve educational performance; and

(v) assisting education policymakers in making decisions about education programs.

(2) IMPLEMENTATION.—(A)(i) The Council shall develop, and not sooner than 3 years nor later than 4 years after the date of enactment of this Act, begin utilizing, criteria for the certification of an assessment or a system of assessments in accordance with this subsection.

(ii) The Council shall not certify an assessment or system of assessments for a period of 3 years beginning on the date of enactment of this Act, if such assessment or system will be used to make decisions regarding graduation, grade promotion, or retention of students.

(iii) Before utilizing the criteria described in clause (i), the Council shall forward such criteria to the Goals Panel for approval.

(B) The certification criteria described in this paragraph shall address the extent to which an assessment or a system of assessments—

(i)(I) is aligned with a State's or a group of States' challenging State content standards, if such State or group has challenging State content standards that have been certified by the Council; and

(II) will support effective curriculum and instruction;

(ii) is to be used for a purpose for which such assessment or system is valid, reliable, fair, and free of discrimination; and

(iii) includes all students, especially students with disabilities or with limited-English proficiency.

(C) In determining appropriate certification criteria under this paragraph, the Council shall—

(i) consider standards and criteria being developed by other national organizations and recent research on assessment;

(ii) recommend needed research;

(iii) encourage the development and field testing of assessments or systems of assessments; and

(iv) provide a public forum for discussing, debating, and building consensus for the criteria to be used for the certification of assessments or systems of assessments.

(D) Prior to determining the certification criteria described in this paragraph, the Council shall take public comment on its proposed certification criteria.

(f) PERFORMANCE OF DUTIES.—In carrying out its responsibilities under this title, the Council shall—

(1) work with Federal and non-Federal departments, agencies, or organizations that are conducting research, studies, or demonstration projects to determine internationally competitive education standards and assessments, and may establish subject matter and other panels to advise the Council on particular content, student performance, and opportunity-to-learn standards and on assessments or systems of assessments;

(2) establish cooperative arrangements with the National Skill Standards Board to promote the coordination of the development of content and student performance standards under this title with the development of skill standards described in title V;

(3) recommend studies to the Secretary that are necessary to carry out the Council's responsibilities;

(4) inform the public about what constitutes high quality, internationally competitive, con-

tent, student performance, and opportunity-to-learn standards, and assessments or systems of assessments;

(5) on a regular basis, review and update criteria for certifying content, student performance, and opportunity-to-learn standards, and assessments or systems of assessments; and

(6) periodically recertify, as appropriate, the voluntary national content standards, the voluntary national student performance standards, and the voluntary national opportunity-to-learn standards.

(g) CONSTRUCTION.—Nothing in this Act shall be construed to—

(1) require any State to have standards certified pursuant to subsection (b) or (d) in order to participate in any Federal program; or

(2) create a legally enforceable right for any person against a State, local educational agency, or school based on a standard or assessment certified by the Council or the criteria developed by the Council for such certification.

SEC. 214. ANNUAL REPORTS.

Not later than 1 year after the date the Council concludes its first meeting, and each year thereafter, the Council shall prepare and submit a report regarding its work to the President, the Secretary, the appropriate committees of the Congress, the Governor of each State, and the Goals Panel.

SEC. 215. POWERS OF THE COUNCIL.

(a) HEARINGS.—

(1) IN GENERAL.—The Council shall, for the purpose of carrying out its responsibilities, conduct such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Council considers appropriate.

(2) LOCATION.—In carrying out this part, the Council shall conduct public hearings in different geographic areas of the United States, both urban and rural, to receive the reports, views, and analyses of a broad spectrum of experts and the public on the establishment of voluntary national content standards, voluntary national student performance standards, voluntary national opportunity-to-learn standards, and assessments or systems of assessments described in section 213(e).

(b) INFORMATION.—The Council may secure directly from any department or agency of the Federal Government information necessary to enable the Council to carry out this part. Upon request of the Chairperson of the Council, the head of such department or agency shall furnish such information to the Council to the extent permitted by law.

(c) POSTAL SERVICES.—The Council may use the United States mail in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(d) GIFTS; USE OF FACILITIES.—The Council may—

(1) accept, administer, and utilize gifts or donations of services, money, or property, whether real or personal, tangible or intangible; and

(2) use the research, equipment, services, and facilities of any department, agency, or instrumentality of the United States, or of any State or political subdivision thereof with the consent of such department, agency, instrumentality, State or subdivision, respectively.

(e) ADMINISTRATIVE ARRANGEMENTS AND SUPPORT.—

(1) IN GENERAL.—The Secretary shall provide to the Council, on a reimbursable basis, such administrative support services as the Council may request.

(2) CONTRACTS AND OTHER ARRANGEMENTS.—The Secretary, to the extent appropriate and on a reimbursable basis, shall enter into contracts and other arrangements that are requested by the Council to help the Council compile and analyze data or carry out other functions necessary to the performance of the Council's responsibilities.

SEC. 216. ADMINISTRATIVE PROVISIONS.

(a) MEETINGS.—The Council shall meet on a regular basis, as necessary, at the call of the Chairperson of the Council or a majority of its members.

(b) QUORUM.—A majority of the members shall constitute a quorum for the transaction of business.

(c) VOTING.—The Council shall take all action of the Council by a majority vote of the total membership of the Council, ensuring the right of the minority to issue written views. No individual may vote or exercise any of the powers of a member by proxy.

(d) PUBLIC ACCESS.—The Council shall ensure public access to its proceedings (other than proceedings, or portions of proceedings, relating to internal personnel and management matters) and shall make available to the public, at reasonable cost, transcripts of such proceedings.

SEC. 217. DIRECTOR AND STAFF; EXPERTS AND CONSULTANTS.

(a) DIRECTOR.—The Chairperson of the Council, without regard to the provisions of title 5, United States Code, relating to the appointment and compensation of officers or employees of the United States, shall appoint a Director to be paid at a rate not to exceed the rate of basic pay payable for level V of the Executive Schedule.

(b) APPOINTMENT AND PAY OF EMPLOYEES.—

(1) IN GENERAL.—(A) The Director may appoint not more than 4 additional employees to serve as staff to the Council without regard to the provisions of title 5, United States Code, governing appointments in the competitive service.

(B) The employees appointed under subparagraph (A) may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, but shall not be paid a rate that exceeds the maximum rate of basic pay payable for GS-15 of the General Schedule.

(2) ADDITIONAL EMPLOYEES.—The Director may appoint additional employees to serve as staff of the Council consistent with title 5, United States Code.

(c) EXPERTS AND CONSULTANTS.—The Council may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(d) STAFF OF FEDERAL AGENCIES.—Upon the request of the Council, the head of any department or agency of the Federal Government may detail any of the personnel of such department or agency to the Council to assist the Council in carrying out its duties under this part.

SEC. 218. OPPORTUNITY-TO-LEARN DEVELOPMENT GRANTS.

(a) OPPORTUNITY-TO-LEARN DEVELOPMENT GRANTS.—

(1) IN GENERAL.—The Secretary is authorized to award more than one grant, on a competitive basis, to consortia of individuals and organizations to enable such consortia to develop voluntary national opportunity-to-learn standards, and a listing of model programs for use, on a voluntary basis, by States in—

(A) assessing the capacity and performance of individual schools; and

(B) developing appropriate actions to be taken in the event that the schools fail to achieve such standards.

(2) COMPOSITION OF CONSORTIUM.—To the extent possible, each consortium described in paragraph (1) shall include the participation of—

(A) Governors (other than Governors serving on the Goals Panel);

(B) chief State school officers;

(C) teachers, especially teachers involved in the development of content standards, and related services personnel;

(D) principals;

(E) superintendents;

(F) State and local school board members;

(G) curriculum and school reform experts;

(H) parents;

(I) State legislators;

(J) representatives of businesses;

(K) representatives of higher education;

(L) representatives of regional accrediting associations;

(M) representatives of advocacy groups; and

(N) secondary school students.

(b) APPLICATIONS.—Each consortium that desires to receive a grant under this subsection shall submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may require.

(c) AWARD CONSIDERATION.—In establishing priorities and selection criteria for awarding more than one grant under this section, the Secretary shall give serious consideration to the recommendations made by the Council pursuant to section 213(c)(5)(A).

PART C—LEADERSHIP IN EDUCATIONAL TECHNOLOGY

SEC. 221. PURPOSES.

It is the purpose of this part to promote achievement of the National Education Goals and—

(1) to provide leadership at the Federal level, through the Department of Education, by developing a national vision and strategy—

(A) to infuse technology and technology planning into all educational programs and training functions carried out within school systems at the State and local level;

(B) to coordinate educational technology activities among the related Federal and State departments or agencies, industry leaders, and interested educational and parental organizations;

(C) to establish working guidelines to ensure maximum interoperability nationwide and ease of access for the emerging technologies so that no school system will be excluded from the technological revolution; and

(D) to ensure that Federal technology-related policies and programs facilitate the use of technology in education;

(2) to promote awareness of the potential of technology for improving teaching and learning;

(3) to support State and local efforts to increase the effective use of technology for education;

(4) to demonstrate ways in which technology can be used to improve teaching and learning, and to help ensure that all students have an equal opportunity to meet challenging State education standards;

(5) to ensure the availability and dissemination of knowledge (drawn from research and experience) that can form the basis for sound State and local decisions about investment in, and effective uses of, educational technology;

(6) to promote high-quality professional development opportunities for teachers and administrators regarding the integration of technology into instruction and administration;

(7) to promote the effective uses of technology in existing Federal education programs, such as chapter 1 of title I of the Elementary and Secondary Education Act of 1965 and vocational education programs; and

(8) to monitor, and disseminate information regarding, advancements in technology to encourage the development of effective educational uses of technology.

SEC. 222. FEDERAL LEADERSHIP.

(a) ACTIVITIES AUTHORIZED.—

(1) IN GENERAL.—In order to provide Federal leadership that promotes higher student achievement through the use of technology in education and to achieve the purposes of this

part, the Secretary, in consultation with the Office of Science and Technology Policy, the National Science Foundation, the Department of Commerce, the Department of Energy, the National Aeronautics and Space Administration, and other appropriate Federal departments or agencies, may carry out activities designed to achieve the purposes of this part.

(2) TRANSFER OF FUNDS.—For the purpose of carrying out coordinated or joint activities to achieve the purposes of this part, the Secretary may accept funds from, and transfer funds to, other Federal departments or agencies.

(b) NATIONAL LONG-RANGE TECHNOLOGY PLAN.—

(1) IN GENERAL.—The Secretary shall develop and publish within 12 months of the date of enactment of this Act, and update when the Secretary determines appropriate, a national long-range plan that supports the overall national technology policy and carries out the purposes of this part.

(2) PLAN REQUIREMENTS.—The Secretary shall—

(A) develop the national long-range plan in consultation with other Federal departments or agencies, State and local education practitioners and policymakers, experts in technology and the educational applications of technology, representatives of a distance learning consortia, representatives of telecommunications partnerships receiving assistance under the Star Schools Program Assistance Act, and providers of technology services and products;

(B) transmit such plan to the President and to the appropriate committees of the Congress; and

(C) publish such plan in a form that is readily accessible to the public.

(3) CONTENTS OF THE PLAN.—The national long-range plan shall describe the Secretary's activities to promote the purposes of this part, including—

(A) how the Secretary will encourage the effective use of technology to provide all students the opportunity to achieve challenging State content standards and challenging State student performance standards, especially through programs administered by the Department of Education;

(B) joint activities in support of the overall national technology policy with other Federal departments or agencies, such as the Office of Science and Technology Policy, the National Endowment for the Humanities, the National Endowment for the Arts, the National Aeronautics and Space Administration, the National Science Foundation, and the Departments of Commerce, Energy, Health and Human Services, and Labor—

(i) to promote the use of technology in education, and training and lifelong learning, including plans for the educational uses of a national information infrastructure; and

(ii) to ensure that the policies and programs of such departments or agencies facilitate the use of technology for educational purposes, to the extent feasible;

(C) how the Secretary will work with educators, State and local educational agencies, and appropriate representatives of the private sector to facilitate the effective use of technology in education;

(D) how the Secretary will promote—

(i) higher achievement of all students through the integration of technology into the curriculum;

(ii) increased access to the benefits of technology for teaching and learning for schools with a high concentration of children from low-income families;

(iii) the use of technology to assist in the implementation of State systemic reform strategies;

(iv) the application of technological advances to use in education; and

(v) increased opportunities for the professional development of teachers in the use of new technologies;

(E) how the Secretary will determine, in consultation with appropriate individuals, organizations, industries, and agencies, the feasibility and desirability of establishing guidelines to facilitate an easy exchange of data and effective use of technology in education;

(F) how the Secretary will utilize the outcomes of the evaluation undertaken pursuant to section 908 of the Star Schools Program Assistance Act to promote the purposes of this part; and

(G) the Secretary's long-range measurable goals and objectives relating to the purposes of this part.

(c) ASSISTANCE.—The Secretary shall provide assistance to the States to enable such States to plan effectively for the use of technology in all schools throughout the State in accordance with the purpose and requirements of section 316.

SEC. 223. OFFICE OF EDUCATIONAL TECHNOLOGY.

(a) AMENDMENT TO THE DEPARTMENT OF EDUCATION ORGANIZATION ACT.—Title II of the Department of Education Organization Act (20 U.S.C. 3411 et seq.) is amended by adding at the end the following new section:

"OFFICE OF EDUCATIONAL TECHNOLOGY

"SEC. 216. There shall be in the Department of Education an Office of Educational Technology, to be administered by the Director of Educational Technology. The Director of Educational Technology shall report directly to the Secretary and shall perform such additional functions as the Secretary may prescribe. Such Office shall be established in accordance with section 405A of the General Education Provisions Act.".

(b) AMENDMENT TO THE GENERAL EDUCATION PROVISIONS ACT.—Part A of the General Education Provisions Act (20 U.S.C. 1221c et seq.) is amended by inserting after section 405 the following new section:

"SEC. 405A. OFFICE OF EDUCATIONAL TECHNOLOGY.

"(a) ESTABLISHMENT.—The Secretary shall establish an Office of Educational Technology (hereafter in this section referred to as the 'Office').

"(b) FUNCTIONS OF THE OFFICE.—The Director of the Office of Educational Technology (hereafter in this section referred to as the 'Director'), through the Office, shall—

"(1) in support of the overall national technology policy and in consultation with other Federal departments or agencies which the Director determines appropriate, provide leadership to the Nation in the use of technology to promote achievement of the National Education Goals and to increase opportunities for all students to achieve challenging State content and challenging State student performance standards;

"(2) review all programs and training functions administered by the Department and recommend policies in order to promote increased use of technology and technology planning throughout all such programs and functions;

"(3) review all relevant programs supported by the Department to ensure that such programs are coordinated with and support the national long-range technology plan developed pursuant to this Act; and

"(4) perform such additional functions as the Secretary may require.

"(c) PERSONNEL.—The Director is authorized to select, appoint, and employ such officers and employees as may be necessary to carry out the functions of the Office, subject to the provisions of title 5, United States Code (governing appointments in the competitive service), and the provisions of chapter 51 and subchapter III of chapter 53 of such title (relating to classification and General Schedule pay rates.

"(d) EXPERTS AND CONSULTANTS.—The Secretary may obtain the services of experts and consultants in accordance with section 3109 of title 5, United States Code.".

(c) COMPENSATION OF THE DIRECTOR.—Section 5315 of title 5, United States Code, is amended by adding at the end the following:

"Director of the Office of Educational Technology.".

SEC. 224. USES OF FUNDS.

(a) IN GENERAL.—The Secretary shall use funds appropriated pursuant to the authority of section 231(d) for activities designed to carry out the purpose of this part, including—

(1) providing assistance to technical assistance providers to enable such providers to improve substantially the services such providers offer to educators regarding the educational uses of technology, including professional development;

(2) consulting with representatives of industry, elementary and secondary education, higher education, and appropriate experts in technology and the educational applications of technology, in carrying out the activities assisted under this part;

(3) research on, and the development of, guidelines to facilitate maximum interoperability, efficiency and easy exchange of data for effective use of technology in education;

(4) research on, and the development of, educational applications of the most advanced and newly emerging technologies;

(5) the development, demonstration, and evaluation of applications of existing technology in preschool education, elementary and secondary education, training and lifelong learning, and professional development of educational personnel;

(6) the development and evaluation of software and other products, including multimedia television programming, that incorporate advances in technology and help achieve the National Education Goals, challenging State content standards and challenging State student performance standards;

(7) the development, demonstration, and evaluation of model strategies for preparing teachers and other personnel to use technology effectively to improve teaching and learning;

(8) the development of model programs that demonstrate the educational effectiveness of technology in urban and rural areas and economically distressed communities;

(9) research on, and the evaluation of, the effectiveness and benefits of technology in education giving priority to research on, and evaluation of, such effectiveness and benefits in elementary and secondary schools;

(10) a biannual assessment of, and report to the public regarding, the uses of technology in elementary and secondary education throughout the United States upon which private businesses and Federal, State and local governments may rely for decisionmaking about the need for, and provision of, appropriate technologies in schools, which assessment and report shall use, to the extent possible, existing information and resources;

(11) conferences on, and dissemination of information regarding, the uses of technology in education;

(12) the development of model strategies to promote gender equity in the use of technology;

(13) encouraging collaboration between the Department of Education and other Federal agencies in the development, implementation, evaluation and funding of applications of technology for education, as appropriate; and

(14) such other activities as the Secretary determines will meet the purposes of this part.

(b) SPECIAL RULES.—

(1) IN GENERAL.—The Secretary shall carry out the activities described in subsection (a) directly or by grant or contract.

(2) GRANTS AND CONTRACTS.—Each grant or contract under this part shall be awarded—

(A) on a competitive basis; and

(B) pursuant to a peer review process.

SEC. 225. NON-FEDERAL SHARE.

(a) IN GENERAL.—Subject to subsections (b) and (c), the Secretary may require any recipient of a grant or contract under this part to share in the cost of the activities assisted under such grant or contract, which non-Federal share shall be announced through a notice in the Federal Register and may be in the form of cash or in-kind contributions, fairly valued.

(b) INCREASE.—The Secretary may increase the non-Federal share that is required of a recipient of a grant or contract under this part after the first year such recipient receives funds under such grant or contract.

(c) MAXIMUM.—The non-Federal share required under this section shall not exceed 50 percent of the cost of the activities assisted pursuant to a grant or contract under this part.

SEC. 226. OFFICE OF TRAINING TECHNOLOGY TRANSFER.

(a) TRANSFER.—

(1) IN GENERAL.—The Office of Training Technology Transfer as established under section 6103 of the Training Technology Transfer Act of 1988 (20 U.S.C. 5093) is transferred to the Office of Educational Technology.

(2) TECHNICAL AMENDMENT.—The first sentence of section 6103(a) of the Training Technology Transfer Act of 1988 (20 U.S.C. 5093(a)) is amended by striking "Office of Educational Research and Improvement" and inserting "Office of Educational Technology".

(b) AUTHORIZATION OF APPROPRIATIONS.—The Training Technology Transfer Act of 1988 (20 U.S.C. 5091 et seq.) is amended by adding at the end the following new section:

"SEC. 6108. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated $3,000,000 for fiscal year 1995, and such sums as may be necessary for each of the fiscal years 1996 through 1999, to carry out this chapter.".

PART D—AUTHORIZATION OF APPROPRIATIONS

SEC. 231. AUTHORIZATION OF APPROPRIATIONS.

(a) NATIONAL EDUCATION GOALS PANEL.—There are authorized to be appropriated $3,000,000 for fiscal year 1994, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out part A.

(b) NATIONAL EDUCATION STANDARDS AND IMPROVEMENT COUNCIL.—There are authorized to be appropriated $3,000,000 for fiscal year 1994, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out part B.

(c) OPPORTUNITY-TO-LEARN DEVELOPMENT GRANTS.—There are authorized to be appropriated $1,000,000 for fiscal year 1994, and such sums as may be necessary for fiscal year 1995, to carry out section 219.

(d) LEADERSHIP IN EDUCATIONAL TECHNOLOGY.—There are authorized to be appropriated $5,000,000 for the fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1998, to carry out part C.

TITLE III—STATE AND LOCAL EDUCATION SYSTEMIC IMPROVEMENT

SEC. 301. FINDINGS.

The Congress finds that—

(1) all students can learn to high standards and must realize their potential if the United States is to prosper;

(2) the reforms in education from 1977 through 1992 have achieved some good results, but such reform efforts often have been limited to a few schools or to a single part of the educational system;

(3) leadership must come from teachers, related services personnel, principals, and parents in individual schools, and from policymakers at the local, State, tribal, and national levels, in order for lasting improvements in student performance to occur;

(4) simultaneous top-down and bottom-up education reform is necessary to spur creative and innovative approaches by individual schools to help all students achieve internationally competitive standards;

(5) strategies must be developed by communities and States to support the revitalization of all local public schools by fundamentally changing the entire system of public education through comprehensive, coherent, and coordinated improvement;

(6) parents, teachers and other local educators, and business, community, and tribal leaders, must be involved in developing system-wide improvement strategies that reflect the needs of their individual communities;

(7) all students are entitled to teaching practices that are in accordance with accepted standards of professional practice and that hold the greatest promise of improving student performance;

(8) all students are entitled to participate in a broad and challenging curriculum and to have access to resources sufficient to address other education needs;

(9) State and local education improvement efforts must incorporate strategies for providing students and families with coordinated access to appropriate social services, health care, nutrition, early childhood education, and child care to remove preventable barriers to learning and enhance school readiness for all students;

(10) States and local educational agencies, working together, must immediately set about developing and implementing such system-wide improvement strategies if our Nation is to educate all children to meet their full potential and achieve the National Education Goals described in title I;

(11) State and local systemic improvement strategies must provide all students with effective mechanisms and appropriate paths to the work force as well as to higher education;

(12) businesses should be encouraged—

(A) to enter into partnerships with schools;

(B) to provide information and guidance to schools based on the needs of area businesses for properly educated graduates in general and on the need for particular workplace skills that the schools may provide;

(C) to provide necessary education and training materials and support; and

(D) to continue the lifelong learning process throughout the employment years of an individual;

(13) the appropriate and innovative use of technology, including distance learning, can be very effective in helping to provide all students with the opportunity to learn and meet high standards;

(14) Federal funds should be targeted to support State and local initiatives, and to leverage State and local resources for designing and implementing system-wide education improvement plans; and

(15) quality education management services are being utilized by local educational agencies and schools through contractual agreements between local educational agencies or schools and such businesses.

SEC. 302. PURPOSE.

It is the purpose of this title to—

(1) improve the quality of education for all students by supporting a long-term, broad-based effort to provide coherent and coordinated improvements in the system of education throughout our Nation at the State and local levels;

(2) provide new authorities and funding for our Nation's school systems;

(3) not replace or reduce funding for existing Federal education programs; and

(4) ensure that no State or local educational agency will reduce its funding for education or for education reform on account of receiving any funds under this title.

SEC. 303. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $400,000,000 for the fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1998, to carry out this title.

SEC. 304. ALLOTMENT OF FUNDS.

(a) RESERVATIONS OF FUNDS.—From funds appropriated pursuant to the authority of section 303 in each fiscal year, the Secretary—

(1) shall reserve a total of 1 percent to provide assistance, in amounts determined by the Secretary—

(A) to the outlying areas;

(B) to the Secretary of the Interior to benefit Indian students in schools operated or funded by the Bureau of Indian Affairs; and

(C) to the Alaska Federation of Natives in cooperation with the Alaska Native Education Council to benefit Alaska Native students; and

(2) may reserve a total of not more than 4 percent for—

(A) national leadership activities under subsections (a), (b) and (d) of section 313; and

(B) the costs of peer review of State improvement plans and applications under this title.

(b) STATE ALLOTMENTS.—From the amount appropriated under section 303 and not reserved under subsection (a) in each fiscal year the Secretary shall make allotments to State educational agencies as follows:

(1) 50 percent of such amount shall be allocated in accordance with the relative amounts each State would have received under chapter 1 of title I of the Elementary and Secondary Education Act of 1965 for the preceding fiscal year if funds under such chapter in such preceding fiscal year were not reserved for the outlying areas.

(2) 50 percent of such amount shall be allocated in accordance with the relative amounts each State would have received under part A of chapter 2 of title I of the Elementary and Secondary Education Act of 1965 for the preceding fiscal year if funds under such chapter in such preceding fiscal year were not reserved for the outlying areas.

(c) REALLOTMENTS.—If the Secretary determines that any amount of a State educational agency's allotment for any fiscal year under subsection (b) will not be needed for such fiscal year by the State, the Secretary shall reallot such amount to other State educational agencies that need additional funds, in such manner as the Secretary determines is appropriate.

(d) MAINTENANCE OF EFFORT.—Each recipient of funds under this title, in utilizing the proceeds of an allotment received under this title, shall maintain the expenditures of such recipient for the activities assisted under this title at a level equal to not less than the level of such expenditures maintained by such recipient for the fiscal year preceding the fiscal year for which such allotment is received, except that provisions of this section shall not apply in any fiscal year in which the amount appropriated to carry out this title is less than the amount appropriated to carry out this title in the preceding fiscal year.

(e) SUPPLEMENT NOT SUPPLANT.—Each recipient of funds under this title, may use the proceeds of an allotment received under this title only so as to supplement and, to the extent practicable, increase the level of funds that would, in the absence of such Federal funds, be

made available from non-Federal sources for the activities assisted under this title.

SEC. 305. STATE APPLICATIONS.

(a) APPLICATION.—

(1) IN GENERAL.—Each State educational agency that desires to receive an allotment under this title shall submit an application to the Secretary at such time and in such manner as the Secretary may determine.

(2) ADDITIONAL INFORMATION.—In addition to the information described in subsections (b) and (c), each such application shall include—

(A) an assurance that the State educational agency will cooperate with the Secretary in carrying out the Secretary's responsibilities under section 313, and will comply with reasonable requests of the Secretary for data related to the State's progress in developing and implementing its State improvement plan under this title;

(B) an assurance that State law provides adequate authority to carry out each component of the State's improvement plan developed, or to be developed, under section 306, or that such authority will be sought; and

(C) such other assurances and information as the Secretary may require.

(b) FIRST YEAR.—A State educational agency's application for the first year of assistance under this title shall—

(1) describe the process by which the State educational agency will develop a school improvement plan that meets the requirements of section 306; and

(2) describe how the State educational agency will use funds received under this title for such year, including how such agency will make subgrants to local educational agencies in accordance with section 309(a), and how such agency will use funds received under this title for education preservice programs and professional development activities in accordance with section 309(b).

(c) SUBSEQUENT YEARS.—A State educational agency's application for the second year of assistance under this title shall—

(1) cover the second through fifth years of the State's participation;

(2) include a copy of the State's improvement plan that meets the requirements of section 306, or if the State improvement plan is not complete, a statement of the steps the State will take to complete the plan and a schedule for doing so; and

(3) include an explanation of how the State educational agency will use funds received under this title, including how such agency will make subgrants to local educational agencies in accordance with section 309(a), and how such agency will use such funds received under this title for education preservice programs and professional development activities in accordance with section 309(b).

SEC. 306. STATE IMPROVEMENT PLANS.

(a) BASIC SCOPE OF PLAN.—Any State educational agency that desires to receive an allotment under this title after its first year of participation shall develop and implement a State improvement plan for the improvement of elementary and secondary education in the State.

(b) PLAN DEVELOPMENT.—

(1) IN GENERAL.—A State improvement plan under this title shall be developed by a broad-based State panel in cooperation with the State educational agency and the Governor. The panel shall include—

(A) the Governor and the chief State school officer, or their designees;

(B) the chairperson of the State board of education and the chairpersons of the appropriate authorizing committees of the State legislature, or their designees;

(C) school teachers, related services personnel, principals, and administrators who have successfully improved student performance; and

(D) representatives of teachers' organizations, organizations serving young children, parents, secondary school students, business and labor leaders, community-based organizations of demonstrated effectiveness, institutions of higher education, private, nonprofit elementary and secondary schools, local boards of education, State and local officials, tribal agencies, as appropriate, and others.

(2) APPOINTMENT.—The Governor and the chief State school officer shall each appoint half the members of the panel and shall jointly select the Chairperson of the panel and the representative of a private, nonprofit elementary and secondary school described in paragraph (1)(D).

(3) REPRESENTATION.—The membership of the panel shall be geographically representative of the State and reflect the diversity of the population of the State with regard to race, ethnicity, gender and disability characteristics.

(4) CONSULTATION.—The panel shall consult the Governor, the chief State school officer, the State board of education, and relevant committees of the State legislature in developing the State improvement plan.

(5) OUTREACH.—The panel shall be responsible for conducting a statewide, grassroots outreach process, including conducting public hearings, to involve educators, related services personnel, parents, local officials, tribal government officials, as appropriate, individuals representing private nonprofit elementary and secondary schools, community and business leaders, citizens, children's advocates, secondary school students, and others with a stake in the success of students and their education system, and who are representative of the diversity of the State and the State's student population, including students of limited-English proficiency, American Indian, Alaska Native, and Native Hawaiian students, and students with disabilities, in the development of the State improvement plan and in a continuing dialogue regarding the need for and nature of challenging standards for students and local and State responsibilities for helping all students achieve such standards in order to assure that the development and implementation of the State improvement plan reflects local needs and experiences and does not result in a significant increase in paperwork for teachers.

(6) PROCEDURE AND APPROVAL.—The panel shall develop a State improvement plan, provide opportunity for public comment, and submit such plan to the State educational agency for approval.

(7) SUBMISSION.—The State educational agency shall submit the original State improvement plan developed by the panel and the State improvement plan modified by such agency, together with an explanation of any changes made by such agency to the plan developed by the panel, to the Secretary for approval.

(8) MATTERS NOT UNDER THE JURISDICTION OF THE STATE EDUCATIONAL AGENCY.—If any portion of a State improvement plan addresses matters that, under State or other applicable law, are not under the authority of the State educational agency, the State educational agency shall obtain the approval of, or changes to, such portion, with an explanation thereof, from the Governor or other official responsible for that portion before submitting such plan to the Secretary.

(9) MONITORING; REVISIONS; REPORTING.—After approval of the State improvement plan by the Secretary, the panel shall be informed of progress on such plan by the State educational agency, and such agency, in close consultation with teachers, principals, administrators, advocates and parents in local educational agencies and schools receiving funds under this title, shall monitor the implementation and operation of such plan. The panel shall review such plan, and based on the progress described in the preceding sentence, determine if revisions to such plan are appropriate and necessary. The panel shall periodically report such determination to the public.

(c) TEACHING, LEARNING, STANDARDS, AND ASSESSMENTS.—Each State improvement plan shall establish strategies for meeting the National Education Goals described in title I by improving teaching and learning and students' mastery of basic and advanced skills to achieve a higher level of learning and academic accomplishment in English, math, science, United States history, geography, foreign languages and the arts, civics, government, economics, physics, and other core curricula, and such strategies shall involve broad-based and ongoing classroom teacher input, such as—

(1) a process for developing or adopting challenging State content standards and challenging State student performance standards for all students;

(2) a process for providing assistance and support to local educational agencies and schools to strengthen the capacity and responsibility of such agencies and schools to provide all of their students the opportunity to meet challenging State content standards and challenging State student performance standards;

(3) a process for developing or recommending instructional materials and technology to support and assist local educational agencies and schools to provide all of their students the opportunity to meet the challenging State content standards and challenging State student performance standards;

(4) a process for developing and implementing a valid, fair, nondiscriminatory, and reliable assessment or system of assessments—

(A) which assessment or system shall—

(i) be aligned with such State's content standards;

(ii) involve multiple measures of student performance;

(iii) provide for—

(I) the participation of all students with diverse learning needs in such assessment or system; and

(II) the adaptations and accommodations necessary to permit such participation;

(iv) be consistent with relevant, nationally recognized professional and technical standards for such assessment or system;

(v) be capable of providing coherent information about student attainments relative to the State content standards; and

(vi) support effective curriculum and instruction; and

(B) which process shall provide for monitoring the implementation of such assessment, system or set and the impact of such assessment, system or set on improved instruction for all students; and

(5) a process for improving the State's system of teacher and school administrator preparation and licensure, and of continuing professional development programs, including the use of technology at both the State and local levels, so that all teachers, related services personnel, and administrators develop the subject matter and pedagogical expertise needed to prepare all students to meet the challenging standards described in paragraph (1).

(d) OPPORTUNITY-TO-LEARN STRATEGIES.—Each State improvement plan shall establish strategies for providing all students with an opportunity to learn.

(e) ACCOUNTABILITY AND MANAGEMENT.—Each State plan shall establish strategies for improved accountability and management of the education system of the State.

(f) PARENTAL AND COMMUNITY SUPPORT AND INVOLVEMENT.—Each State improvement plan shall describe comprehensive strategies to in-

volve communities, including community representatives such as parents, businesses, institutions of higher education, libraries, cultural institutions, employment and training agencies, health and human service agencies, intergenerational mentoring programs, and other public and private nonprofit agencies that provide nonsectarian social services, health care, child care, early childhood education, and nutrition to students, in helping all students meet the challenging State standards.

(g) MAKING THE IMPROVEMENTS SYSTEM-WIDE.—In order to help provide all students throughout the State the opportunity to meet challenging State content standards and challenging State student performance standards, each State improvement plan shall describe the various strategies for ensuring that all local educational agencies and schools within the State are involved in developing and implementing needed improvements within a specified period of time.

(h) PROMOTING BOTTOM-UP REFORM.—Each State improvement plan shall include strategies for ensuring that comprehensive, systemic reform is promoted from the bottom up in communities, local educational agencies, and schools, and is guided by coordination and facilitation from State leaders.

(i) BENCHMARKS AND TIMELINES.—Each State improvement plan shall include specific benchmarks of improved student performance and of progress in implementing such plan, and timelines against which the progress of the State in carrying out such plan, including the elements described in subsections (c) through (h), can be measured.

(j) PEER REVIEW AND SECRETARIAL APPROVAL.—

(1) IN GENERAL.—(A) The Secretary shall review, within a reasonable period of time, each State improvement plan prepared under this section, and each application submitted under section 305, through a peer review process involving the assistance and advice of State and local education policymakers, educators, classroom teachers, related services personnel, experts on educational innovation and improvement, parents, advocates, and other appropriate individuals. Such peer review process shall be representative of the diversity of the United States with regard to geography, race, ethnicity, gender and disability characteristics. Such peer review process shall include at least 1 site visit to each State.

(B) Notwithstanding the provisions of subparagraph (A), in the first year that a State educational agency submits an application for assistance under this title the Secretary shall not be required to—

(i) review such application through a peer review process; and

(ii) conduct a site visit.

(2) APPROVAL OF PLAN.—The Secretary shall approve a State improvement plan if—

(A) such plan is submitted to the Secretary not later than 2 years after the date the State educational agency receives its first allotment under section 304(b); and

(B) the Secretary determines, after considering the peer reviewers' comments, that such plan—

(i) reflects a widespread commitment within the State; and

(ii) holds reasonable promise of helping all students.

(3) DISAPPROVAL.—The Secretary shall not disapprove a State's plan, or any State application submitted under section 305, before offering the State—

(A) an opportunity to revise such plan or application; and

(B) a hearing.

(k) AMENDMENTS TO PLAN.—

(1) IN GENERAL.—Each State educational agency shall periodically review its State improvement plan and revise such plan, as appropriate, in accordance with the process described in subsection (b).

(2) REVIEW.—The Secretary shall review any major amendment to a State improvement plan and shall not disapprove any such amendment before offering a State educational agency—

(A) an opportunity to revise such amendment; and

(B) a hearing.

(l) PREEXISTING STATE PLANS AND PANELS.—

(1) IN GENERAL.—If a State has developed a comprehensive and systemic State improvement plan to help all students meet challenging State content standards and challenging State student performance standards, or any component of such plan, that meets the intent and purposes of section 302, the Secretary shall approve such plan or component notwithstanding that such plan was not developed in accordance with subsection (b), if—

(A) the Secretary determines that such approval would further the purposes of State systemic education improvement; and

(B) such plan ensures broad-based input from various education, political, community, and other appropriate representatives.

(2) SPECIAL RULE.—(A) If, before the date of enactment of this Act, a State has made substantial progress in developing a plan that meets the intent and purposes of section 302, but was developed by a panel that does not meet the requirements of paragraphs (1) through (3) of subsection (b), the Secretary shall, at the request of the Governor and the State educational agency, treat such panel as meeting such requirements for all purposes of this title if the Secretary determines that there has been substantial public and educator involvement in the development of such plan.

(B) If a State has not developed a State improvement plan but has an existing panel which such State would like to use for the purpose of developing such plan, then the Secretary shall, at the request of the Governor and the State educational agency, treat such panel as meeting the requirements of paragraphs (1) through (3) of subsection (b) for all purposes of this title if—

(i) the Secretary determines that such existing panel is serving a similar such purpose; and

(ii) the composition of such existing panel would ensure broad-based input from various education, political, community, and other appropriate representatives.

SEC. 307. SECRETARY'S REVIEW OF APPLICATIONS; PAYMENTS.

(a) FIRST YEAR.—The Secretary shall approve the State educational agency's initial year application under section 305(b) if the Secretary determines that—

(1) such application meets the requirements of this title; and

(2) there is a substantial likelihood that the State will be able to develop and implement an education improvement plan that complies with section 306.

(b) SECOND THROUGH FIFTH YEARS.—The Secretary shall approve the State educational agency's renewal application under section 305(c)(1) in the second through fifth years of participation only if—

(1)(A) the Secretary has approved the State improvement plan under section 306(j); or

(B) the Secretary determines that the State has made substantial progress in developing its State improvement plan and will implement such plan not later than the end of the second year of participation; and

(2) the application meets the other requirements of this title.

(c) PAYMENTS.—For any fiscal year for which a State has an approved application under this title, the Secretary shall provide an allotment to the State educational agency in the amount determined under section 304(b).

SEC. 308. STATE USE OF FUNDS.

(a) FIRST YEAR.—In the first year for which a State educational agency receives an allotment under this title, such agency—

(1) if the amount appropriated pursuant to the authority of section 303 for such year is equal to or greater than $200,000,000, shall use at least 75 percent of such allotted funds to award subgrants—

(A) to local educational agencies for the development or implementation of local improvement plans in accordance with section 309(a); and

(B) to improve educator and related services personnel preservice programs and for professional development activities consistent with the State improvement plan and in accordance with section 309(b);

(2) if the amount appropriated pursuant to the authority of section 303 for such year is equal to or greater than $100,000,000, but less than $200,000,000, shall use at least 50 percent of such allotted funds to award subgrants described in subparagraphs (A) and (B) of paragraph (1);

(3) if the amount appropriated pursuant to the authority of section 303 for such year is less than $100,000,000, may use such allotted funds to award subgrants described in subparagraphs (A) and (B) of paragraph (1); and

(4) shall use any such allotted funds not used in accordance with paragraphs (1), (2), and (3) to develop, revise, expand, or implement a State improvement plan described in section 306.

(b) SUCCEEDING YEARS.—Each State educational agency that receives an allotment under this title for any year after the first year of participation shall—

(1) use at least 85 percent of such allotment funds in each such year to make subgrants—

(A) for the implementation of the State improvement plan and of local improvement plans in accordance with section 309(a); and

(B) to improve educator and related services personnel preservice programs and for professional development activities that are consistent with the State improvement plan in accordance with section 309(b); and

(2) shall use the remainder of such allotted funds for State activities designed to implement the State improvement plan, such as—

(A) supporting the development or adoption of challenging State content standards, challenging State student performance standards, comprehensive State opportunity-to-learn standards, and assessment tools linked to the standards, including activities assisted—

(i) through consortia of States; or

(ii) with the assistance of the National Education Standards and Improvement Council established under part B of title II;

(B) supporting the implementation of high-performance management and organizational strategies, such as site-based management, shared decisionmaking, or quality management principles, to promote effective implementation of such plan;

(C) supporting the development and implementation, at the local educational agency and school building level, of improved human resource development systems for recruiting, selecting, mentoring, supporting, evaluating and rewarding educators;

(D) providing special attention to the needs of minority, disabled, and female students, including instructional programs and activities that encourage such students in elementary and secondary schools to aspire to enter and complete postsecondary education or training;

(E) supporting innovative and proven methods of enhancing a teacher's ability to identify student learning needs, and motivating students to develop higher order thinking skills, discipline, and creative resolution methods, including significantly reducing class size and promoting instruction in chess;

(F) supporting the development, at the State or local level, of performance-based accountability and incentive systems for schools;

(G) outreach to and training for parents, tribal officials, organizations serving young children, classroom teachers, related services personnel, and other educators, and the public, related to education improvement;

(H) providing technical assistance and other services to increase the capacity of local educational agencies and schools to develop and implement systemic local improvement plans, implement new assessments or systems of assessments described in the State improvement plan developed in accordance with section 306, and develop curricula consistent with the challenging State content standards and challenging State student performance standards;

(I) promoting mechanisms for increasing public school choice, including information and referral programs which provide parents information on available choices and other initiatives to promote the establishment of innovative new public schools, including magnet schools and charter schools;

(J) supporting activities relating to the planning of, start-up costs associated with, and evaluation of, projects under which local educational agencies or schools contract with private management organizations to reform a school;

(K) supporting intergenerational mentoring programs; and

(L) collecting and analyzing data; and

(M) supporting the development, at the State or local level, of school-based programs that restore discipline and reduce violence in schools and communities, such as community mobilization programs.

(c) LIMIT ON ADMINISTRATIVE COSTS.—A State educational agency that receives an allotment under this title in any fiscal year shall use not more than 4 percent of such allotment in such year, or $100,000, whichever is greater, for administrative expenses, which administrative expenses shall not include the expenses related to the activities of the panel established under section 306(b)(1).

(d) SPECIAL RULE.—Any new public school established under this title—

(1) shall be nonsectarian;

(2) shall not be affiliated with a nonpublic sectarian school or religious institution; and

(3) shall operate under the authority of a State educational agency or local educational agency.

SEC. 309. SUBGRANTS FOR LOCAL REFORM AND PROFESSIONAL DEVELOPMENT.

(a) SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES.—

(1) IN GENERAL.—(A) Each State educational agency, through a competitive process, shall make subgrants to local educational agencies to carry out the authorized activities described in paragraph (4).

(B) Each subgrant described in subparagraph (A) shall be for a project of sufficient duration and of sufficient size, scope, and quality to carry out the purpose of this title effectively.

(2) APPLICATION REQUIRED.—Each local educational agency desiring to receive a subgrant under this subsection shall submit an application to the State educational agency that—

(A) is developed by a broad-based panel, appointed by the local educational agency, that is representative of the diversity of the students and community to be served with regard to race, language, ethnicity, gender, disability and socioeconomic characteristics, and includes teachers, related services personnel, secondary school students, parents, school administrators, business representatives, early childhood educators, representatives of community-based organizations, and others, as appropriate, and is approved by the local educational agency, including any modifications the local educational agency deems appropriate;

(B) includes, in the application submitted for the second year of participation, a comprehensive local improvement plan for school district-wide education improvement, directed at enabling all students to meet high academic standards, including specific goals and benchmarks, and includes a strategy for—

(i) ensuring that all students have a fair opportunity to learn;

(ii) improving teaching and learning;

(iii) improving governance and management;

(iv) generating and maintaining parental and community involvement; and

(v) expanding improvements throughout the local educational agency;

(C) describes how the local educational agency will encourage and assist schools to develop and implement comprehensive school improvement plans that focus on helping all students meet high academic standards and that address each element of the local educational agency's local improvement plan described in subparagraph (B);

(D) describes how the local educational agency will implement specific programs aimed at ensuring improvements in school readiness and the ability of students to learn effectively at all grade levels by identifying the most pressing needs facing students and their families with regard to social services, health care, nutrition, and child care, and entering into partnerships with public and private nonprofit agencies to increase the access of students and families to coordinated nonsectarian services in a school setting or at a nearby site;

(E) describes how the subgrant funds will be used by the local educational agency, and the procedures to be used to make funds available to schools in accordance with paragraph (4)(A);

(F) identifies, with an explanation, any State or Federal requirements that the local educational agency believes impede educational improvement and that such agency requests be waived in accordance with section 311, which requests shall promptly be transmitted to the Secretary by the State educational agency; and

(G) contains such other information as the State educational agency may reasonably require.

(3) MONITORING.—The panel described in paragraph (2)(A), after approval of the local educational agency's application by the State educational agency, shall be informed of progress on such plan by the local educational agency, and the local educational agency shall monitor the implementation and effectiveness of the local improvement plan in close consultation with teachers, related services personnel, principals, administrators, and parents from schools receiving funds under this title, as well as assure that implementation of the local improvement plan does not result in a significant increase in paperwork for teachers. The panel shall review such plan and based on the progress described in the preceding sentence, determine if revisions to the local improvement plan should be recommended to the local educational agency. The panel shall periodically report such determination to the public.

(4) AUTHORIZED ACTIVITIES.—A local educational agency that receives a subgrant under this subsection—

(A) in the first year such agency receives the subgrant shall use—

(i) not more than 25 percent of the subgrant funds to develop a local improvement plan or for any local educational agency activities approved by the State educational agency that are reasonably related to carrying out the State or local improvement plans, including the establishment of innovative new public schools; and

(ii) not less than 75 percent of the subgrant funds to support individual school improvement initiatives related to providing all students in the school the opportunity to meet high academic standards; and

(B) in subsequent years, shall use the subgrant funds for any activities approved by the State educational agency that are reasonably related to carrying out the State or local improvement plans (including the establishment of innovative new public schools), except that at least 85 percent of such funds shall be made available to individual schools to develop and implement comprehensive school improvement plans designed to help all students meet high academic standards.

(b) SUBGRANTS FOR PRESERVICE TEACHER EDUCATION AND PROFESSIONAL DEVELOPMENT ACTIVITIES.—

(1) IN GENERAL.—(A) Each State educational agency, through a competitive, peer review process, shall make subgrants to a local educational agency, or a consortium consisting of local educational agencies, institutions of higher education, or nonprofit education organizations, or any combination thereof, in order to—

(i) improve preservice teacher and related services personnel education programs in accordance with the State improvement plan; and

(ii) support continuing, sustained professional development activities for educators in accordance with the State improvement plan.

(B) Each State educational agency awarding subgrants under subparagraph (A) shall give priority to awarding such subgrants to—

(i) a local educational agency or consortium serving a greater number or percentage of disadvantaged students than the statewide average of such number or percentage; or

(ii) a consortium that has a demonstrated record of working with school districts, such as a consortium that—

(I) prepares and screens teacher interns in professional development school sites;

(II) focuses on upgrading teachers' knowledge of content areas; or

(III) targets preparation and continued professional development of teachers of students with limited-English proficiency and students with disabilities.

(C) In order to be eligible to receive a subgrant described in subparagraph (A), a consortium shall include at least 1 local educational agency.

(2) APPLICATION.—A local educational agency or consortium that desires to receive a subgrant under this subsection shall submit an application to the State educational agency that—

(A) describes how the local educational agency or consortium will use the subgrant to improve teacher preservice and school administrator education programs or to implement educator and related services personnel professional development activities in accordance with the State improvement plan;

(B) identifies the criteria to be used by the local educational agency or consortium to judge improvements in preservice education or the effects of professional development activities in accordance with the State improvement plan; and

(C) contains any other information that the State educational agency determines is appropriate.

(3) AUTHORIZED ACTIVITIES.—A recipient of a subgrant under this subsection shall use the subgrant funds for activities supporting—

(A) the improvement of preservice teacher education and school administrator programs so that such programs equip educators with the subject matter and pedagogical expertise necessary for preparing all students to meet challenging standards; or

(B) the development and implementation of new and improved forms of continuing and sus-

tained professional development opportunities for teachers, related services personnel, principals, and other educators at the school or school district level that equip such individuals with such expertise, and with other knowledge and skills necessary for leading and participating in continuous education improvement.

(c) SPECIAL AWARD RULES.—

(1) IN GENERAL.—(A) Each State educational agency shall award at least 65 percent of subgrant funds under subsection (a) in each fiscal year to local educational agencies that have a greater percentage or number of disadvantaged children than the statewide average percentage or number for all local educational agencies in the State.

(B) At least 50 percent of the subgrant funds made available by a local educational agency to individual schools under subsection (a) in any fiscal year shall be made available to schools with a special need for assistance, as indicated by a high number or percentage of students from low-income families, low student achievement, or other similar criteria developed by the local educational agency.

(2) WAIVER.—The State educational agency may waive the requirement of paragraph (1)(A) if such agency does not receive a sufficient number of applications from local educational agencies in the State to enable the State educational agency to comply with such requirement.

SEC. 310. AVAILABILITY OF INFORMATION AND TRAINING.

Proportionate to the number of children in a State or in a local educational agency who are enrolled in private elementary or secondary schools—

(1) a State educational agency or local educational agency which uses funds under this title to develop goals, challenging State content standards or challenging State student performance standards, curricular materials, and assessments or systems of assessments shall, upon request, make information related to such goals, standards, materials, and assessments or systems available to private schools; and

(2) a State educational agency or local educational agency which uses funds under this title for teacher and administrator training shall provide in the State improvement plan described in section 306 for the training of teachers and administrators in private schools located in the geographical area served by such agency.

SEC. 311. WAIVERS OF STATUTORY AND REGULATORY REQUIREMENTS.

(a) WAIVER AUTHORITY.—

(1) IN GENERAL.—Except as provided in subsection (c), the Secretary may waive any statutory or regulatory requirement applicable to any program or Act described in subsection (b) for a State educational agency, local educational agency, or school, if—

(A) and only to the extent that, the Secretary determines that such requirement impedes the ability of the State, or of a local educational agency or school in the State, to carry out the State or local improvement plan;

(B) the State educational agency has waived, or agrees to waive, similar requirements of State law;

(C) in the case of a statewide waiver, the State educational agency—

(i) provides all local educational agencies in the State with notice and an opportunity to comment on the State educational agency's proposal to seek a waiver; and

(ii) submits the local educational agencies' comments to the Secretary; and

(D) in the case of a local educational agency waiver, the local educational agency provides parents, community groups, and advocacy or civil rights groups with the opportunity to comment on the proposed waiver.

(2) APPLICATION.—(A)(i) To request a waiver, a local educational agency or school that receives funds under this Act, or a local educational agency or school that does not receive funds under this Act but is undertaking school reform efforts and has an education reform plan approved by the State, shall transmit an application for a waiver under this section to the State educational agency. The State educational agency then shall submit approved applications for a waiver under this section to the Secretary.

(ii) A State educational agency requesting a waiver under this section shall submit an application for such waiver to the Secretary.

(B) Each application submitted to the Secretary under subparagraph (A) shall—

(i) describe the purposes and overall expected outcomes of the request for a waiver and how progress for achieving such outcomes will be measured;

(ii) identify each Federal program to be involved in the request for a waiver and each Federal statutory or regulatory requirement to be waived;

(iii) describe each State and local requirement that will be waived; and

(iv) demonstrate that the State has made a commitment to waive related requirements pertaining to the State educational agency, local educational agency or school.

(3) TIMELINESS.—The Secretary shall act promptly on a waiver request and shall provide a written statement of the reasons for granting or denying such request.

(4) DURATION.—

(A) IN GENERAL.—Each waiver under this section may be for a period not to exceed 5 years.

(B) EXTENSION.—The Secretary may extend the period described in subparagraph (A) if the Secretary determines that the waiver has been effective in enabling the State or affected local educational agencies to carry out their reform plans.

(b) INCLUDED PROGRAMS.—The statutory or regulatory requirements subject to the waiver authority of this section are any such requirements under the following programs or Acts:

(1) Chapter 1 of title I of the Elementary and Secondary Education Act of 1965, including Even Start.

(2) Part A of chapter 2 of title I of the Elementary and Secondary Education Act of 1965.

(3) The Dwight D. Eisenhower Mathematics and Science Education Act.

(4) The Emergency Immigrant Education Act of 1984.

(5) The Drug-Free Schools and Communities Act of 1986.

(6) The Carl D. Perkins Vocational and Applied Technology Education Act.

(c) WAIVERS NOT AUTHORIZED.—The Secretary may not waive any statutory or regulatory requirement of the programs or Acts described in subsection (b)—

(1) relating to—

(A) maintenance of effort;

(B) comparability of services;

(C) the equitable participation of students and professional staff in private schools;

(D) parental participation and involvement; and

(E) the distribution of funds to States or to local educational agencies; and

(2) unless the underlying purposes of the statutory requirements of each program or Act for which a waiver is granted continue to be met to the satisfaction of the Secretary.

(d) TERMINATION OF WAIVERS.—The Secretary shall periodically review the performance of any State, local educational agency, or school for which the Secretary has granted a waiver and shall terminate the waiver if the Secretary determines that the performance of the State, the local educational agency, or the school in the area affected by the waiver has been inadequate to justify a continuation of the waiver.

(e) FLEXIBILITY DEMONSTRATION.—

(1) SHORT TITLE.—This subsection may be cited as the "Education Flexibility Partnership Demonstration Act".

(2) PROGRAM AUTHORIZED.—

(A) IN GENERAL.—The Secretary shall carry out an education flexibility demonstration program under which the Secretary authorizes not more than 6 eligible States to waive any statutory or regulatory requirement applicable to any program or Act described in subsection (b), other than requirements described in subsection (c), for such eligible State or any local educational agency or school within such State.

(B) AWARD RULE.—In carrying out subparagraph (A), the Secretary shall select for participation in the demonstration program described in subparagraph (A) three eligible States that each have a population of 3,500,000 or greater and three eligible States that each have a population of less than 3,500,000, determined in accordance with the most recent decennial census of the population performed by the Bureau of the Census.

(C) DESIGNATION.—Each eligible State participating in the demonstration program described in subparagraph (A) shall be known as an "Ed-Flex Partnership State".

(3) ELIGIBLE STATE.—For the purpose of this subsection the term "eligible State" means a State that—

(A) has developed a State improvement plan under section 306 that is approved by the Secretary; and

(B) waives State statutory or regulatory requirements relating to education while holding local educational agencies or schools within the State that are affected by such waivers accountable for the performance of the students who are affected by such waivers.

(4) STATE APPLICATION.—(A) Each eligible State desiring to participate in the education flexibility demonstration program under this subsection shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require. Each such application shall demonstrate that the eligible State has adopted an educational flexibility plan for such State that includes—

(i) a description of the process the eligible State will use to evaluate applications from local educational agencies or schools requesting waivers of—

(I) Federal statutory or regulatory requirements described in paragraph (2)(A); and

(II) State statutory or regulatory requirements relating to education; and

(ii) a detailed description of the State statutory and regulatory requirements relating to education that the eligible State will waive.

(B) The Secretary may approve an application described in subparagraph (A) only if the Secretary determines that such application demonstrates substantial promise of assisting the eligible State and affected local educational agencies and schools within such State in carrying out comprehensive educctional reform and otherwise meeting the purposes of this Act, after considering—

(i) the comprehensiveness and quality of the educational flexibility plan described in subparagraph (A);

(ii) the ability of such plan to ensure accountability for the activities and goals described in such plan;

(iii) the significance of the State statutory or regulatory requirements relating to education that will be waived; and

(iv) the quality of the eligible State's process for approving applications for waivers of Federal statutory or regulatory requirements de-

scribed in paragraph (2)(A) and for monitoring and evaluating the results of such waivers.

(5) LOCAL APPLICATION.—(A) Each local educational agency or school requesting a waiver of a Federal statutory or regulatory requirement described in paragraph (2)(A) and any relevant State statutory or regulatory requirement from an eligible State shall submit an application to such State at such time, in such manner, and containing such information as such State may reasonably require. Each such application shall—

(i) indicate each Federal program affected and the statutory or regulatory requirement that will be waived;

(ii) describe the purposes and overall expected outcomes of waiving each such requirement;

(iii) describe for each school year specific, measurable, educational goals for each local educational agency or school affected by the proposed waiver; and

(iv) explain why the waiver will assist the local educational agency or school in reaching such goals.

(B) An eligible State shall evaluate an application submitted under subparagraph (A) in accordance with the State's educational flexibility plan described in paragraph (4)(A).

(C) An eligible State shall not approve an application for a waiver under this paragraph unless—

(i) the local educational agency or school requesting such waiver has developed a local reform plan that is applicable to such agency or school, respectively; and

(ii) the waiver of Federal statutory or regulatory requirements described in paragraph (2)(A) will assist the local educational agency or school in reaching its educational goals.

(6) MONITORING.—Each eligible State participating in the demonstration program under this subsection shall annually monitor the activities of local educational agencies and schools receiving waivers under this subsection and shall submit an annual report regarding such monitoring to the Secretary.

(7) DURATION OF FEDERAL WAIVERS.—(A) The Secretary shall not approve the application of an eligible State under paragraph (4) for a period exceeding 5 years, except that the Secretary may extend such period if the Secretary determines that the eligible State's authority to grant waivers has been effective in enabling such State or affected local educational agencies or schools to carry out their local reform plans.

(B) The Secretary shall periodically review the performance of any eligible State granting waivers of Federal statutory or regulatory requirements described in paragraph (2)(A) and shall terminate such State's authority to grant such waivers if the Secretary determines, after notice and opportunity for hearing, that such State's performance has been inadequate to justify continuation of such authority.

(f) RESULTS-ORIENTED ACCOUNTABILITY.—In deciding whether to extend a request for a waiver under this section the Secretary shall review the progress of the State educational agency, local educational agency or school receiving a waiver to determine if such agency or school has made progress toward achieving the outcomes described in the application submitted pursuant to subsection (a)(2)(B)(i).

SEC. 312. PROGRESS REPORTS.

(a) STATE REPORTS TO THE SECRETARY.—Each State educational agency that receives an allotment under this title shall annually report to the Secretary—

(1) on the State's progress in meeting the State's goals and plans;

(2) on the State's proposed activities for the succeeding year; and

(3) in summary form, on the progress of local educational agencies in meeting local goals and plans.

(b) SECRETARY'S REPORTS TO CONGRESS.—By April 30, 1996, and every 2 years thereafter, the Secretary shall 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 describing—

(1) the activities assisted under, and outcomes of, grants or contracts under paragraph (2) of section 313(b), including—

(A) a description of the purpose, uses, and technical merit of assessments evaluated with funds awarded under such paragraph; and

(B) an analysis of the impact of such assessments on the performance of students, particularly students of different racial, gender, ethnic, or language groups and individuals with disabilities;

(2) the activities assisted under, and outcomes of, allotments under this title; and

(3) the effect of waivers granted under section 311, including—

(A) a listing of all State educational agencies, local educational agencies and schools seeking and receiving waivers;

(B) a summary of the State and Federal statutory or regulatory requirements that have been waived, including the number of waivers sought and granted under each such statutory or regulatory requirement;

(C) a summary of waivers that have been terminated, including a rationale for the terminations; and

(D) recommendations to the Congress regarding changes in statutory or regulatory requirements, particularly those actions that should be taken to overcome Federal statutory or regulatory impediments to education reform.

(c) TECHNICAL AND OTHER ASSISTANCE REGARDING SCHOOL FINANCE EQUITY.—

(1) TECHNICAL ASSISTANCE.—(A) From the national leadership funds reserved in section 304(a)(2)(A), the Secretary is authorized to make grants to, and enter into contracts and cooperative agreements with, State educational agencies and other public and private agencies, institutions, and organizations to provide technical assistance to State and local educational agencies to assist such agencies in achieving a greater degree of equity in the distribution of financial resources for education among local educational agencies in the State.

(B) A grant, contract or cooperative agreement under this subsection may support technical assistance activities, such as—

(i) the establishment and operation of a center or centers for the provision of technical assistance to State and local educational agencies;

(ii) the convening of conferences on equalization of resources within local educational agencies, within States, and among States; and

(iii) obtaining advice from experts in the field of school finance equalization.

(2) DATA.—Each State educational agency or local educational agency receiving assistance under the Elementary and Secondary Education Act of 1965 shall provide such data and information on school finance as the Secretary may require to carry out this subsection.

(3) MODELS.—The Secretary is authorized, directly or through grants, contracts, or cooperative agreements, to develop and disseminate models and materials useful to States in planning and implementing revisions of the school finance systems of such States.

SEC. 313. NATIONAL LEADERSHIP.

(a) TECHNICAL ASSISTANCE AND INTEGRATION OF STANDARDS.—From funds reserved in each fiscal year under section 304(a)(2)(A), the Secretary may, directly or through grants or contracts—

(1) provide technical assistance to States, local educational agencies, and tribal agencies developing or implementing school improvement plans, in a manner that ensures that such assistance is broadly available; or

(2) support model projects to integrate multiple content standards, if—

(A) such standards are certified by the National Education Standards and Improvement Council and approved by the National Goals Panel for different subject areas, in order to provide balanced and coherent instructional programs for all students; and

(B) such projects are appropriate for a wide range of diverse circumstances, localities (including both urban and rural communities), and populations.

(b) INNOVATIVE PROGRAMS; ASSESSMENT; EVALUATION.—From not more than 50 percent of the funds reserved in each fiscal year under section 304(a)(2)(A), the Secretary, directly or through grants or contracts, shall—

(1) provide urban and rural local educational agencies, schools, or consortia thereof, with assistance for innovative or experimental programs in systemic education reform that are not being undertaken through grants provided under section 309(a), giving special consideration or priority to local educational agencies, schools, or consortia thereof that serve large numbers or concentrations of economically disadvantaged students, including students of limited-English proficiency; or

(2) provide a State or local educational agency, nonprofit organization or consortium thereof with assistance to help defray the cost of developing, field testing and evaluating an assessment or system of assessments with a priority on grants or contracts for limited-English proficiency students or students with disabilities, if—

(A) such assessment or system—

(i) is to be used for some or all of the purposes described in section 213(e)(1)(B); and

(ii) is aligned to State content standards certified by the National Education Standards and Improvement Council; and

(B) such agency, organization or consortium—

(i) examines the validity, reliability, and fairness of such assessment or system, for the particular purposes for which such assessment or system was developed; and

(ii) devotes special attention to how such assessment or system treats all students, especially with regard to the race, gender, ethnicity, disability and language proficiency of such students.

(c) DATA AND DISSEMINATION.—The Secretary shall—

(1) gather data on, conduct research on, and evaluate systemic education improvement, including the programs authorized by this title; and

(2) disseminate research findings and other information on outstanding examples of systemic education improvement in States and local communities through existing dissemination systems within the Department of Education, including through publications, electronic and telecommunications mediums, conferences, and other means.

SEC. 314. ASSISTANCE TO THE OUTLYING AREAS AND TO THE SECRETARY OF THE INTERIOR.

(a) OUTLYING AREAS.—

(1) IN GENERAL.—Funds reserved for the outlying areas in each fiscal year under section 304(a)(1)(A) shall be made available to, and expended by, such areas, under such conditions and in such manner as the Secretary determines will best meet the purposes of this title.

(2) INAPPLICABILITY OF PUBLIC LAW 95–134.—The provisions of Public Law 95–134, permitting the consolidation of grants to the Insular Areas, shall not apply to funds received by such areas under this title.

(b) SECRETARY OF THE INTERIOR.—The funds reserved by the Secretary for the Secretary of the Interior under section 304(a)(1)(B) shall be

made available to the Secretary of the Interior pursuant to an agreement between the Secretary and the Secretary of the Interior containing such terms and assurances, consistent with this title, as the Secretary determines will best achieve the purpose of this title.

(c) SECRETARY OF DEFENSE.—The Secretary shall consult with the Secretary of Defense to ensure that, to the extent practicable, the purposes of this title are applied to the Department of Defense schools.

SEC. 315. CLARIFICATION REGARDING STATE STANDARDS AND ASSESSMENTS.

Notwithstanding any other provision of this title, standards, assessments, and systems of assessments described in a State improvement plan submitted in accordance with section 306 shall not be required to be certified by the Council.

SEC. 316. STATE PLANNING FOR IMPROVING STUDENT ACHIEVEMENT THROUGH INTEGRATION OF TECHNOLOGY INTO THE CURRICULUM.

(a) PURPOSE.—It is the purpose of this section to assist each State to plan effectively for improved student learning in all schools through the use of technology as an integral part of the State improvement plan described in section 306.

(b) PROGRAM AUTHORIZED.—

(1) AUTHORITY.—The Secretary shall award grants in accordance with allocations under paragraph (2) to each State educational agency that, as part of its application under section 305, requests a grant to develop (or continue the development of), and submits as part of the State improvement plan described in section 306, a systemic statewide plan to increase the use of state-of-the-art technologies that enhance elementary and secondary student learning and staff development in support of the National Education Goals and challenging standards.

(2) FORMULA.—From the amount appropriated pursuant to the authority of subsection (f) in each fiscal year, each State educational agency with an application approved under section 305 shall receive a grant under paragraph (1) in such year in an amount determined on the same basis as allotments are made to State educational agencies under subsections (b) and (c) of section 304 for such year, except that each such State shall receive at least 1½ percent of the amount appropriated pursuant to such authority or $75,000, whichever is greater.

(3) DURATION.—A State educational agency may receive assistance under this section for not more than 2 fiscal years.

(c) PLAN OBJECTIVES.—Each State educational agency shall use funds received under this section to develop and, if the Secretary has approved the systemic statewide plan, to implement such plan. Such plan shall have as its objectives—

(1) the promotion of higher student achievement through the use of technology in education;

(2) the participation of all schools and school districts in the State, especially those schools and districts with a high percentage of disadvantaged students;

(3) the development and implementation of a cost-effective, high-speed, statewide, interoperable, wide-area-communication educational technology support system for elementary and secondary schools within the State, particularly for such schools in rural areas; and

(4) the promotion of shared usage of equipment, facilities, and other technology resources by adult learners during after-school hours.

(d) PLAN REQUIREMENTS.—At a minimum, each systemic statewide plan shall—

(1) be developed by a task force that—

(A) includes among its members experts in the educational use of technology and representatives of the State panel described in section 306(b); and

(B) ensures that such plan is integrated into the State improvement plan described in section 306;

(2) be developed in collaboration with the Governor, representatives of the State legislature, the State board of education, institutions of higher education, appropriate State agencies, local educational agencies, public and private telecommunication entities, parents, public and school libraries, students, adult literacy providers, and leaders in the field of technology, through a process of statewide grassroots outreach to local educational agencies and schools in the State;

(3) identify and describe the requirements for introducing state-of-the-art technologies into the classroom and school library in order to enhance educational curricula, including the installation and ongoing maintenance of basic connections, hardware and the necessary support materials;

(4) describe how the application of advanced technologies in the schools will enhance student learning, provide greater access to individualized instruction, promote the strategies described in section 306(d), and help make progress toward the achievement of the National Education Goals;

(5) describe how the ongoing training of educational personnel will be provided;

(6) describe the resources necessary, and procedures, for providing ongoing technical assistance to carry out such plan;

(7) provide for the dissemination on a statewide basis of exemplary programs and practices relating to the use of technology in education;

(8) establish a funding estimate (including a statement of likely funding sources) and a schedule for the development and implementation of such plan;

(9) describe how the State educational agency will assess the impact of implementing such plan on student achievement and aggregate achievement for schools;

(10) describe how the State educational agency and local educational agencies in the State will coordinate and cooperate with business and industry, and with public and private telecommunications entities;

(11) describe how the State educational agency will promote the purchase of equipment by local educational agencies that, when placed in schools, will meet the highest possible level of interoperability and open system design;

(12) describe how the State educational agency will consider using existing telecommunications infrastructure and technology resources;

(13) describe how the State educational agency will apply the uses of technology to meet the needs of children from low-income families; and

(14) describe the process through which such plan will be reviewed and updated periodically.

(e) REPORTS.—Each State educational agency receiving a grant under this section shall submit a report to the Secretary within 1 year of the date such agency submits to the Secretary its systemic statewide plan under this section. Such report shall—

(1) describe the State's progress toward implementation of the provisions of such plan;

(2) describe any revisions to the State's long-range plans for technology;

(3) describe the extent to which resources provided pursuant to such plan are distributed among schools to promote the strategies described in section 306(d); and

(4) include any other information the Secretary deems appropriate.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $10,000,000 for fiscal year 1994, and such sums as may be necessary for fiscal year 1995, to carry out this section.

TITLE IV—MISCELLANEOUS

SEC. 401. PUBLIC SCHOOLS.

Except as provided in section 310, nothing in this Act shall be construed to authorize the use of funds under title III of this Act to directly or indirectly benefit any school other than a public school.

SEC. 402. CONSTRUCTION.

Nothing in this Act shall be construed—

(1) to supersede the provisions of section 103 of the Department of Education Organization Act;

(2) to require the teaching of values or the establishment of school-based clinics as a condition of receiving funds under this Act;

(3) to mandate limitations or class size for a State, local educational agency or school;

(4) to mandate a Federal teacher certification system for a State, local educational agency or school;

(5) to mandate teacher instructional practices for a State, local educational agency or school;

(6) to mandate equalized spending per pupil for a State, local educational agency or school;

(7) to mandate national school building standards for a State, local educational agency or school;

(8) to mandate curriculum content for a State, local educational agency or school; and

(9) to mandate any curriculum framework, instructional material, examination, assessment or system of assessments for private, religious, or home schools.

SEC. 403. KALID ABDUL MOHAMMED.

It is the sense of the Senate that the speech made by Mr. Khalid Abdul Mohammed at Kean College on November 29, 1993, was false, anti-Semitic, racist, divisive, repugnant and a disservice to all Americans and is therefore condemned.

SEC. 404. PROHIBITION ON FEDERAL MANDATES, DIRECTION, AND CONTROL.

Nothing in this Act shall be construed to authorize an officer or employee of the Federal Government to mandate, direct, or control a State, local educational agency, or school's curriculum, program of instruction, or allocation of State or local resources or mandate a State or any subdivision thereof to spend any funds or incur any costs not paid for under this Act.

SEC. 405. SCHOOL PRAYER.

No funds made available through the Department of Education under this Act, or any other Act, shall be available to any State of local educational agency which has a policy of denying, or which effectively prevents participation in, constitutionality protected prayer in public schools by individuals on a voluntary basis. Neither the United States nor any State nor any local educational agency shall require any person to participate in prayer or influence the form or content of any constitutionality protected prayer in such public schools.

SEC. 406. DAILY SILENCE FOR STUDENTS.

It is the sense of the Senate that local educational agencies should encourage a brief period of daily silence for students for the purpose of contemplating their aspirations; for considering what they hope and plan to accomplish that day; for considering how their own actions of that day will effect themselves and others around them, including their schoolmates, friends and families; for drawing strength from whatever personal, moral or religious beliefs or positive values they hold; and for such other introspection and reflection as will help them develop and prepare them for achieving the goals of this Act.

SEC. 407. FUNDING FOR THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.

(a) The Senate finds that—

(1) the Individuals with Disabilities Education Act was established with the commitment of forty percent Federal funding but currently receives only eight percent Federal funding;

(2) this funding shortfall is particularly burdensome to school districts and schools in low-income areas which serve higher than average proportions of students with disabilities and have fewer local resources to contribute; and

(3) it would cost the Federal Government approximately $10,000,000,000 each year to fully fund the Individuals with Disabilities Education Act.

(b) It is the sense of the Senate that the Federal Government should provide States and communities with adequate resources under the Individuals with Disabilities Education Act as soon as reasonably possible, through the reallocation of funds within the current budget monetary constraints.

SEC. 408. NATIONAL BOARD FOR PROFESSIONAL TEACHING STANDARDS.

Section 551 of the Higher Education Act of 1965 (20 U.S.C. 1107) is amended—

(1) in paragraph (1) of subsection (b), by striking "the Federal share of";

(2) in subparagraph (B) of subsection (e)(1), by striking "share of the cost of the activities of the Board is" and inserting "contributions described in subsection (f) are"; and

(3) by amending subsection (f) to read as follows:

"(f) MATCHING FUNDS REQUIREMENT.—

"(1) IN GENERAL.—The Secretary shall not provide financial assistance under this subpart to the Board unless the Board agrees to expend non-Federal contributions equal to $1 for every $1 of the Federal funds provided pursuant to such financial assistance.

"(2) NON-FEDERAL CONTRIBUTIONS.—The non-Federal contributions described in paragraph (1)—

"(A) may include all non-Federal funds raised by the Board on or after January 1, 1987; and

"(B) may be used for outreach, implementation, administration, operation, and other costs associated with the development and implementation of national teacher assessment and certification procedures under this subpart.".

SEC. 409. FORGIVENESS OF CERTAIN OVERPAYMENTS.

(a) IN GENERAL.—Notwithstanding section 1401 of the Elementary and Secondary Education Act of 1965 or any other provision of law—

(1) the allocation of funds appropriated for fiscal year 1993 under the Department of Education Appropriations Act, 1993, to Colfax County, New Mexico under section 1005 of the Elementary and Secondary Education Act of 1965, and any other allocations or grants for such fiscal year resulting from such allocation to such county under any program administered by the Secretary of Education, shall be deemed to be authorized by law; and

(2) in any program for which allocations are based on fiscal year 1993 allocations under section 1005 of such Act, the fiscal year 1993 allocations under such section deemed to be authorized by law in accordance with paragraph (1) shall be used.

(b) Notwithstanding subsection (a)(1) of this section, in carrying out section 1403(a) of the Elementary and Secondary Education Act of 1965 for fiscal year 1994, the amount allocated to Colfax County, New Mexico under section 1005 of such Act for fiscal year 1993 shall be deemed to be the amount that the Secretary determines would have been allocated under such section 1005 had the correct data been used for fiscal year 1993.

SEC. 410. STUDY OF GOALS 2000 AND STUDENTS WITH DISABILITIES.

(a) STUDY REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Education shall make appropriate arrangements with the National Academy of Sciences to conduct a comprehensive study of the inclusion of children with disabilities in GOALS 2000 school reform activities.

(2) DEFINITION.—For purposes of this section, the term "children with disabilities" has the same meaning given such in the Individuals with Disabilities Education Act.

(b) STUDY COMPONENTS.—The study conducted under subsection (a) shall include—

(1) an evaluation of the National Education Goals and objectives, curriculum reforms, standards, and other programs and activities intended to achieve those goals;

(2) a review of the adequacy of assessments and measures used to gauge progress towards meeting National Education Goals and any national and State standards, and an examination of other methods or accommodations necessary or desirable to collect data on the educational progress of children with disabilities, and the costs of such methods and accommodations;

(3) an examination of what incentives or assistance might be provided to States to develop improvement plans that adequately address the needs of children with disabilities;

(4) the relation of Goals 2000 to other Federal laws governing or affecting the education of children with disabilities; and

(5) such other issues as the National Academy of Sciences considers appropriate.

(c) STUDY PANEL MEMBERSHIP.—Any panel constituted in furtherance of the study to be conducted under subsection (a) shall include consumer representatives.

(d) FINDINGS AND RECOMMENDATIONS.—The Secretary of Education shall request the National Academy of Sciences to submit an interim report of its findings and recommendations to the President and Congress not later than 12 months, and a final report not later than 24 months, from the date of the completion of procurement relating to the study.

(e) FUNDING.—From such accounts as the Secretary deems appropriate, the Secretary shall make available $600,000 for fiscal year 1994, and such sums as may be necessary for fiscal year 1995, to carry out this section. Amounts made available under this subsection shall remain available until expended.

SEC. 411. MENTORING, PEER COUNSELING AND PEER TUTORING.

(a) CONGRESSIONAL FINDINGS.—The Congress finds that—

(1) Mentoring, peer counseling and peer tutoring programs provide role models for children and build self-esteem;

(2) Mentoring, peer counseling and peer tutoring programs promote learning and help students attain the necessary skills they need to excel academically;

(3) Mentoring, peer counseling, and peer tutoring programs provide healthy and safe alternatives to involvement in drugs, gangs or other violent activities; and

(4) Mentoring, peer counseling, and peer tutoring programs promote school, community and parental involvement in the livelihood and well-being of our children.

(b) SENSE OF THE CONGRESS.—Therefore, it is the Sense of the Congress that Federal education programs that provide assistance to elementary and secondary education students should include authorizations for establishing mentoring, peer counseling and peer tutoring programs.

SEC. 412. CONTENT AND PERFORMANCE STANDARDS.

It is the sense of the Senate that because high academic standards are the key to excellence for all students and a focus on results is an important direction for education reform, it is the sense of the Senate that States should develop their own content and performance standards in academic subject areas as an essential part of their State reform plan.

SEC. 413. STATE-SPONSORED HIGHER EDUCATION TRUST FUND SAVINGS PLAN.

It is the sense of the Senate that—

(1) individuals should be encouraged to save to meet the higher education costs of their children;

(2) an effective way to encourage those savings is through State-sponsored higher education trust fund savings plans; and

(3) an effective way for the Federal Government to assist such plans is to amend the Federal tax laws to provide that—

(A) no tax is imposed on the earnings on contributions to the plans if the earnings are used for higher education costs,

(B) State organizations sponsoring the plans are exempt from Federal taxation, and

(C) any charitable gift to the plans are tax-deductible and are distributed to recipients on a pro rata basis.

SEC. 414. AMENDMENTS TO SUMMER YOUTH EMPLOYMENT AND TRAINING PROGRAM.

(a) PROGRAM DESIGN.—

(1) ACADEMIC ENRICHMENT AUTHORIZED.—Paragraph (1) of section 253(a) of the Job Training Partnership Act is amended by inserting "academic enrichment" after "remedial education,".

(2) REQUIRED SERVICES AND DESIGN.—

(A) Subsection (c) of such section 253 is amended by adding at the end the following new paragraphs:

"(3) BASIC EDUCATION AND PREEMPLOYMENT TRAINING.—The programs under this part shall provide, either directly or through arrangements with other programs, each of the following services to a participant where the assessment and the service strategy indicate such services are appropriate:

"(A) Basic and Remedial Education.

"(B) Preemployment and Work Maturity Skills Training.

"(4) INTEGRATION OF WORK AND LEARNING.—

"(A) WORK EXPERIENCE.—Work experience provided under this part, to the extent feasible, shall include contextual learning opportunities which integrate the development of general competencies with the development of academic skills.

"(B) CLASSROOM TRAINING.—Classroom training provided under this part shall, to the extent feasible, include opportunities to apply knowledge and skills relating to academic subjects to the world of work.".

(B) Section 253 of the Job Training Partnership Act is further amended by adding at the end the following new subsection:

"(e) EDUCATIONAL LINKAGES.—In conducting the program assisted under this part, service delivery areas shall establish linkages with the appropriate educational agencies responsible for service to participants. Such linkages shall include arrangements to ensure that there is a regular exchange of information relating to the progress, problems and needs of participants, including the results of assessments of the skill levels of participants.".

(C) Section 254 of the Job Training Partnership Act is amended by adding at the end the following new subsection:

"(c) PROHIBITION ON PRIVATE ACTIONS.—Nothing in this part shall be construed to establish a right for a participant to bring an action to obtain services described in the assessment or service strategy developed under section 253(c).".

(b) TRANSFER OF FUNDS TO YEAR ROUND PROGRAM.—Section 256 of the Job Training Partnership Act is amended by striking "10 percent" and inserting "20 percent".

SEC. 415. STATE AND LOCAL GOVERNMENT CONTROL OF EDUCATION.

(a) FINDINGS.—

(1) Congress is interested in promoting State and local government reform efforts in education;

(2) In Public Law 96–88 the Congress found that education is fundamental to the development of individual citizens and the progress of the Nation;

(3) In Public Law 96–88 the Congress found that in our Federal system the responsibility for education is reserved respectively to the States and the local school systems and other instrumentalities of the States;

(4) In Public Law 96–88 the Congress declared the purpose of the Department of Education was to supplement and complement the efforts of States, the local school systems, and other instrumentalities of the States, the private sector, public and private educational institutions, public and private nonprofit educational research institutions, community based organizations, parents and schools to improve the quality of education;

(5) The establishment of the Department of Education, Congress intended to protect the rights of State and local governments and public and private educational institutions in the areas of educational policies and administration of programs and to strengthen and improve the control of such governments and institutions over their own educational programs and policies;

(6) Public Law 96–88 specified that the establishment of the Department of Education shall not increase the authority of the Federal Government over education or diminish the responsibility for education which is reserved to the States and local school systems and other instrumentalities of the States;

(7) Public Law 96–88 specified that no provision of a program administered by the Secretary or by any other officer of the Department shall be construed to authorize the Secretary or any such officer to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any educational institution, school, or school system, over any accrediting agency or association or over the selection or content of library resources, textbooks, or other instructional materials by any educational institution or school system, now therefore

(b) REAFFIRMATION.—The Congress agrees and reaffirms that the responsibility for control of education is reserved to the States and local school systems and other instrumentalities of the States and that no action shall be taken under the provisions of this Act by the Federal Government which would, directly or indirectly, impose standards or requirements of any kind through the promulgation of rules, regulations, provision of financial assistance and otherwise, which would reduce, modify, or undercut State and local responsibility for control of education.

SEC. 416. PROTECTION OF PUPILS.

Section 439 of the General Education Provisions Act is amended to read as follows:

"PROTECTION OF PUPIL RIGHTS

"SEC. 439. (a) All instructional materials, including teacher's manuals, films, tapes, or other supplementary material which will be used in connection with any survey, analysis, or evaluation as part of any applicable program shall be available for inspection by the parents or guardians of the children.

"(b) No student shall be required, as part of any applicable program, to submit to a survey, analysis, or evaluation that reveals information concerning:

"(1) political affiliations;

"(2) mental and psychological problems potentially embarrassing to the student or his family;

"(3) sex behavior and attitudes;

"(4) illegal, anti-social, self-incriminating and demeaning behavior;

"(5) critical appraisals of other individuals with whom respondents have close family relationships;

"(6) legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers; or

"(7) income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program),

without the prior consent of the student (if the student is an adult or emancipated minor), or in the case of an unemancipated minor, without the prior written consent of the parent.

"(c) Educational agencies and institutions shall give parents and students effective notice of their rights under this section.

"(d) ENFORCEMENT.—The Secretary shall take such action as the Secretary determines appropriate to enforce this section, except that action to terminate assistance provided under an applicable program shall be taken only if the Secretary determines that—

"(1) there has been a failure to comply with such section; and

"(2) compliance with such section cannot be secured by voluntary means.

"(e) OFFICE AND REVIEW BOARD—The Secretary shall establish or designate an office and review board within the Department of Education to investigate, process, review, and adjudicate violations of the rights established under this section.".

SEC. 417. CONTRACEPTIVE DEVICES.

The Department of Health and Human Services and the Department of Education shall ensure that all federally funded programs which provide for the distribution of contraceptive devices to unemancipated minors develop procedures to encourage, to the extent practical, family participation in such programs.

SEC. 418. EDUCATIONAL AGENCIES NOT DENIED FUNDS FOR ADOPTING CONSTITUTIONAL POLICY RELATIVE TO PRAYER IN SCHOOLS.

Notwithstanding any other provision of this Act, no funds made available through the Department of Education under this Act, or any other Act, shall be denied to any State or local educational agency because it has adopted a constitutional policy relative to prayer in public school.

TITLE V—NATIONAL SKILL STANDARDS BOARD

SEC. 501. SHORT TITLE.

This title may be cited as the "National Skill Standards Act of 1994".

SEC. 502. PURPOSE.

It is the purpose of this title to establish a National Board to serve as a catalyst in stimulating the development and adoption of a voluntary national system of skill standards and of assessment and certification—

(1) that will serve as a cornerstone of the national strategy to enhance work force skills;

(2) that will result in increased productivity, economic growth, and American economic competitiveness; and

(3) that can be used, consistent with civil rights laws—

(A) by the Nation, to ensure the development of a high skills, high quality, high performance work force, including the most skilled front-line work force in the world;

(B) by industries, as a vehicle for informing training providers and prospective employees of skills necessary for employment;

(C) by employers, to assist in evaluating the skill levels of prospective employees and to assist in the training of current employees;

(D) by labor organizations, to enhance the employment security of workers by providing portable credentials and skills;

(E) by workers, to—

(i) obtain certifications of their skills to protect against dislocation;

(ii) pursue career advancement; and

(iii) enhance their ability to reenter the work force;

(F) by students and entry level workers, to determine the skill levels and competencies needed to be obtained in order to compete effectively for high wage jobs;

(G) by training providers and educators, to determine appropriate training services to be offered by the providers and educators;

(H) by Government, to evaluate whether publicly funded training assists participants to meet skill standards where such standards exist and thereby protect the integrity of public expenditures; and

(I) to facilitate linkages between other components of the work force investment strategy, including school-to-work transition and job training programs.

SEC. 503. ESTABLISHMENT OF NATIONAL BOARD.

(a) IN GENERAL.—There is established a National Skill Standards Board (hereafter referred to in this title as the "National Board").

(b) COMPOSITION.—

(1) IN GENERAL.—The National Board shall be composed of 28 members (appointed in accordance with paragraph (3)), of whom—

(A) one member shall be the Secretary of Labor;

(B) one member shall be the Secretary of Education;

(C) one member shall be the Secretary of Commerce;

(D) one member shall be the Chairperson of the National Education Standards and Improvement Council established pursuant to section 212(a);

(E) eight members shall be representatives of business (including representatives of small employers and representatives of large employers) selected from among individuals recommended by recognized national business organizations or trade associations;

(F) eight members shall be representatives of organized labor selected from among individuals recommended by recognized national labor federations; and

(G)(i) four members shall be certified human resource professionals;

(ii) three members shall be representatives of educational institutions (including vocational-technical institutions); and

(iii) one member shall be a representative of nongovernmental organizations with a demonstrated history of successfully protecting the rights of racial, ethnic or religious minorities, women, persons with disabilities, or older persons.

(2) SPECIAL REQUIREMENTS.—The members described in subparagraph (G) of paragraph (1) shall have expertise in the area of education and training. The members described in subparagraphs (E), (F), and (G) of paragraph (1) shall, in the aggregate, represent a broad cross-section of occupations and industries.

(3) APPOINTMENT.—The membership of the National Board shall be appointed as follows:

(A) Twelve members (four from each class of members described in subparagraphs (E), (F), and (G) of paragraph (1)) shall be appointed by the President.

(B) Six members (two from each class of members described in subparagraphs (E), (F), and (G) of paragraph (1)) shall be appointed by the Speaker of the House of Representatives. Of the members so appointed, three members (one from each class of members described in subparagraphs (E), (F), and (G) of paragraph (1)) shall be selected from recommendations made by the Majority Leader of the House of Representatives and three members (one from each class of mem-

bers described in subparagraphs (E), (F), and (G) of paragraph (1)) shall be selected from recommendations made by the Minority Leader of the House of Representatives.

(C) Six members (two from each class of members described in subparagraphs (E), (F), and (G) of paragraph (1)) shall be appointed by the President pro tempore of the Senate. Of the members so appointed, three members (one from each class of members described in subparagraphs (E), (F), and (G) of paragraph (1)) shall be selected from recommendations made by the Majority Leader of the Senate and three members (one from each class of members described in subparagraphs (E), (F), and (G) of paragraph (1)) shall be selected from recommendations made by the Minority Leader of the Senate.

(4) EX OFFICIO NONVOTING MEMBERS.—The members of the National Board specified in subparagraphs (A), (B), (C), and (D) of paragraph (1) shall be ex officio, nonvoting members of the National Board.

(5) TERM.—Each member of the National Board appointed under subparagraph (E), (F), or (G) of paragraph (1) shall be appointed for a term of 4 years, except that of the initial members of the Board appointed under such subparagraphs—

(A) twelve members shall be appointed for a term of 3 years (four from each class of members described in subparagraphs (E), (F), and (G) of paragraph (1)), of whom—

(i) two from each such class shall be appointed in accordance with paragraph (3)(A);

(ii) one from each such class shall be appointed in accordance with paragraph (3)(B); and

(iii) one from each such class shall be appointed in accordance with paragraph (3)(C); and

(B) twelve members shall be appointed for a term of 4 years (four from each class of members described in subparagraphs (E), (F), and (G) of paragraph (1)), of whom—

(i) two from each such class shall be appointed in accordance with paragraph (3)(A);

(ii) one from each such class shall be appointed in accordance with paragraph (3)(B); and

(iii) one from each such class shall be appointed in accordance with paragraph (3)(C).

(6) VACANCIES.—Any vacancy in the National Board shall not affect its powers, but shall be filled in the same manner as the original appointment.

(c) CHAIRPERSON AND VICE CHAIRPERSONS.—

(1) CHAIRPERSON.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the National Board, by majority vote, shall elect a Chairperson once every 2 years from among the members of the National Board.

(B) INITIAL CHAIRPERSON.—The first Chairperson of the National Board shall be elected, by a majority vote of the National Board, from among the members who are representatives of business (as described in subparagraph (E) of subsection (b)(1)) and shall serve for a term of 2 years.

(2) VICE CHAIRPERSONS.—The National Board, by majority vote, shall annually elect 3 Vice Chairpersons (each representing a different class of the classes of members described in subparagraphs (E), (F), and (G) of subsection (b)(1) and each of whom shall serve for a term of 1 year) from among its members appointed under subsection (b)(3).

(d) COMPENSATION AND EXPENSES.—

(1) COMPENSATION.—Members of the National Board who are not full-time employees or officers of the Federal Government shall serve without compensation.

(2) EXPENSES.—The members of the National Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57, title 5, United States Code, while away from their homes or regular places of business in the performance of services for the National Board.

(e) EXECUTIVE DIRECTOR AND STAFF.—

(1) EXECUTIVE DIRECTOR.—The Chairperson of the National Board shall appoint an Executive Director who shall be compensated at a rate determined by the National Board not to exceed the rate of pay for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(2) STAFF.—The Executive Director may appoint and compensate such additional staff as may be necessary to enable the Board to perform its duties. The Executive Director may fix the compensation of the staff without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the staff may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(f) GIFTS.—The National Board is authorized, in carrying out this title, to accept and employ or dispose of in furtherance of the purposes of this title, any money or property, real, personal, or mixed, tangible or intangible, received by gift, devise, bequest, or otherwise, and to accept voluntary and uncompensated services notwithstanding the provisions of section 1342 of title 31, United States Code.

(g) AGENCY SUPPORT.—

(1) USE OF FACILITIES.—The National Board may use the research, equipment, services and facilities of any agency or instrumentality of the United States with the consent of such agency or instrumentality.

(2) STAFF OF FEDERAL AGENCIES.—Upon the request of the National Board, the head of any Federal agency of the United States may detail to the National Board, on a reimbursable basis, any of the personnel of such Federal agency to assist the National Board in carrying out this title. Such detail shall be without interruption or loss of civil service status or privilege.

(h) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the National Board may procure temporary and intermittent services of experts and consultants under section 3109(b) of title 5, United States Code.

(i) TERMINATION OF THE COMMISSION.—Section 14(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply with respect to the termination of the National Board.

SEC. 504. FUNCTIONS OF THE NATIONAL BOARD.

(a) IDENTIFICATION OF OCCUPATIONS.—The National Board, after extensive public consultation, shall identify broad clusters of major occupations that involve one or more than one industry in the United States.

(b) ESTABLISHMENT OF VOLUNTARY PARTNERSHIPS TO DEVELOP STANDARDS.—

(1) IN GENERAL.—For each of the occupational clusters identified pursuant to subsection (a), the National Board shall encourage and facilitate the establishment of voluntary partnerships to develop a skill standards system in accordance with subsection (d).

(2) REPRESENTATIVES.—Such voluntary partnerships shall include the full and balanced participation of—

(A)(i) representatives of business (including representatives of large employers and representatives of small employers) who have expertise in the area of work force skill requirements, and who are recommended by national business organizations or trade associations representing employers in the occupation or industry for which a standard is being developed; and

(ii) representatives of trade associations that have received grants from the Department of Labor or the Department of Education to establish skill standards prior to the date of enactment of this title;

(B) employee representatives who—

(i) have expertise in the area of work force skill requirements; and

(ii) shall be—

(I) individuals recommended by recognized national labor organizations representing employees in the occupation or industry for which a standard is being developed; and

(II) such individuals who are nonmanagerial employees with significant experience and tenure in such occupation or industry as are appropriate given the nature and structure of employment in the occupation or industry; and

(C) representatives of—

(i) educational institutions;

(ii) community-based organizations;

(iii) State and local agencies with administrative control or direction over education or over employment and training;

(iv) other policy development organizations with expertise in the area of work force skill requirements; or

(v) nongovernmental organizations with a demonstrated history of successfully protecting the rights of racial, ethnic, or religious minorities, women, persons with disabilities, or older persons.

(3) EXPERTS.—The partnerships described in paragraph (2) may also include other individuals who are independent, qualified experts in their fields.

(c) RESEARCH, DISSEMINATION, AND COORDINATIONS.—In order to support the activities described in subsections (b) and (d), the National Board shall—

(1) conduct work force research relating to skill standards and make the results of such research available to the public, including the voluntary partnerships described in subsection (b);

(2) identify and maintain a catalog of skill standards used by other countries and by States and leading firms and industries in the United States;

(3) serve as a clearinghouse to facilitate the sharing of information on the development of skill standards and other relevant information among representatives of occupations and industries identified pursuant to subsection (a), and among education and training providers;

(4) develop a common nomenclature relating to skill standards;

(5) encourage the development and adoption of curricula and training materials, for attaining the skill standards endorsed pursuant to subsection (d), that provide for structured work experiences and related study programs leading to progressive levels of professional and technical certification;

(6) provide appropriate technical assistance to voluntary partnerships involved in the development of standards and systems described in subsection (b); and

(7) facilitate coordination among voluntary partnerships that meet the requirements of subsection (b)(2) in order to promote the development of a coherent national system of voluntary skill standards.

(d) ENDORSEMENT OF SKILL STANDARDS SYSTEMS.—

(1) IN GENERAL.—The National Board, after public review and comment, shall endorse skill standards systems relating to the occupational clusters identified pursuant to subsection (a) that—

(A) meet the requirements of paragraph (2);

(B) are submitted by voluntary partnerships that meet the requirements of subsection (b)(2); and

(C) meet additional objective criteria that are published by the National Board.

(2) COMPONENTS OF SYSTEM.—The skill standards systems endorsed pursuant to paragraph (1) shall have one or more of the following components:

(A) Voluntary skill standards, which—

(i) are formulated in such a manner that promotes the portability of credentials and facilitates worker mobility within an occupational cluster or industry and among industries;

(ii) are in a form that allows for regular updating to take into account advances in technology or other developments within the occupational cluster;

(iii) are not discriminatory with respect to race, color, religion, sex, national origin, ethnicity, age, or disability;

(iv) meet or exceed the highest applicable standards used in the United States, including apprenticeship standards registered under the Act of August 16, 1937 (commonly known as the "National Apprenticeship Act", 50 Stat. 664, chapter 663, 29 U.S.C. 50 et seq.); and

(v) have been developed after taking into account—

(I) relevant standards used in other countries and relevant international standards;

(II) voluntary national content standards and voluntary national student performance standards developed pursuant to section 213; and

(III) the requirements of high performance work organizations.

(B) A voluntary system of assessment and certification of the attainment of skill standards developed pursuant to subparagraph (A), which—

(i) utilizes a variety of evaluation techniques, including, where appropriate, oral and written evaluations, portfolio assessments, and performance tests;

(ii) includes methods for establishing the validity and reliability of the assessment and certification system for the intended purposes of the system; and

(iii) has been developed after taking into account relevant methods of assessment and certification used in other countries.

(C) A system to disseminate information relating to the skill standards, and the assessment and certification systems, developed pursuant to this paragraph (including dissemination of information relating to civil rights laws relevant to the use of such standards and systems), and to promote use of such standards and systems by, entities such as institutions of higher education offering professional and technical education, labor organizations, trade and technical associations, and employers providing formalized training, and other organizations likely to benefit from such standards and systems.

(D) A system to evaluate the implementation and effectiveness of the skill standards, the assessment and certification systems, and the information dissemination systems, developed pursuant to this paragraph.

(E) A system to periodically revise and update the skill standards, and the assessment and certification systems, developed pursuant to this paragraph, which will take into account changes in standards in other countries.

(e) RELATIONSHIP WITH CIVIL RIGHTS LAWS.—

(1) IN GENERAL.—Nothing in this title shall be construed to modify or affect any Federal or State law prohibiting discrimination on the basis of race, color, religion, sex, national origin, ethnicity, age, or disability.

(2) EVIDENCE.—The endorsement or absence of an endorsement by the National Board of a skill standard, or assessment and certification system, endorsed under subsection (d) may not be used in any action or proceeding to establish that the use of a skill standard or assessment and certification system conforms or does not conform to the requirements of civil rights laws.

(f) COORDINATION.—The National Board shall establish cooperative arrangements with the National Education Standards and Improvement Council to promote the coordination of the development of skill standards under this section with the development of voluntary national content standards and voluntary national student performance standards in accordance with section 213.

(g) FINANCIAL ASSISTANCE.—

(1) IN GENERAL.—(A) From funds appropriated pursuant to the authority of section 507, the Secretary of Labor may award grants and enter into contracts and cooperative arrangements (including awarding grants to, and entering into contracts and cooperative agreements with, voluntary partnerships in accordance with paragraph (2)) that are requested by the National Board for the purposes of carrying out this title.

(B) Each entity desiring a grant, contract or cooperative agreement under this title shall submit an application to the National Board at such time, in such manner and accompanied by such information as the National Board may reasonably require.

(2) SPECIAL RULE REGARDING ASSISTANCE FOR VOLUNTARY PARTNERSHIPS.—The Secretary only shall award a grant to, or enter into a contract or cooperative agreement with, a voluntary partnership that meets the requirements of subsection (b)(2) for the development of skill standards systems in accordance with subsection (d).

(3) CRITERIA FOR BOARD CONSIDERATION.—Prior to each of the fiscal years 1994 through 1998, the National Board shall publish objective criteria for the National Board's consideration of applications submitted pursuant to paragraph (1)(B).

(4) RECOMMENDATIONS TO THE SECRETARY OF LABOR.—The National Board shall review each application received pursuant to paragraph (1)(B) in accordance with the objective criteria published pursuant to paragraph (3), and shall submit each such application to the Secretary of Labor accompanied by a recommendation by the National Board on whether or not the Secretary of Labor should award a grant to the applicant.

(5) LIMITATION ON USE OF FUNDS.—

(A) IN GENERAL.—Not more than 20 percent of the funds appropriated pursuant to the authority of section 507(a) for each fiscal year shall be used by the National Board for the costs of administration.

(B) STARTUP COSTS.—Notwithstanding subparagraph (A), in order to facilitate the establishment of the National Board, the limitation contained in subparagraph (A) shall not apply to funds appropriated pursuant to the authority of section 507(a) for fiscal year 1994.

(C) DEFINITION.—For purposes of this paragraph, the term "costs of administration" means costs relating to staff, supplies, equipment, space, and travel and per diem, costs of conducting meetings and conferences, and other related costs.

SEC. 505. DEADLINES.

Not later than December 31, 1996, the National Board shall—

(1) identify occupational clusters pursuant to section 504(a) representing a substantial portion of the work force; and

(2) promote the endorsement of an initial set of skill standards in accordance with section 504(d) for such clusters.

SEC. 506. REPORTS.

The National Board shall prepare and submit to the President and the Congress in each of the fiscal years 1994 through 1998, a report on the activities conducted under this title. Such report shall include information on the extent to which skill standards have been adopted by employers, training providers, and other entities, and on the effectiveness of such standards in accomplishing the purposes described in section 502.

SEC. 507. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this title $15,000,000 for fiscal year 1994 and such sums as may be necessary for each of fiscal years 1995 through 1998.

(b) AVAILABILITY.—Amounts appropriated pursuant to subsection (a) shall remain available until expended.

SEC. 508. DEFINITIONS.

As used in this title:

(1) COMMUNITY-BASED ORGANIZATIONS.—The term "community-based organizations" has the meaning given the term in section 4(5) of the Job Training Partnership Act (29 U.S.C. 1503(5)).

(2) EDUCATIONAL INSTITUTION.—The term "educational institution" means a high school, a vocational school, and an institution of higher education.

(3) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" has the meaning given the term in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)).

(4) SKILL STANDARD.—The term "skill standard" means the level of knowledge and competence required to successfully perform work-related functions within an occupational cluster.

SEC. 509. SUNSET PROVISION.

(a) REPEAL.—This title is repealed on September 30, 1998.

(b) REVIEW OF REPEAL.—It is the sense of the Congress that the appropriate committees of the Congress should review the accomplishments of the National Board prior to the date of repeal described in subsection (a) in order to determine whether it is appropriate to extend the authorities provided under this title for a period beyond such date.

TITLE VI—SAFE SCHOOLS

PART A—SAFE SCHOOLS PROGRAM

SEC. 601. SHORT TITLE; STATEMENT OF PURPOSE.

(a) SHORT TITLE.—This part may be cited as the "Safe Schools Act of 1994".

(b) STATEMENT OF PURPOSE.—It is the purpose of this part to help local school systems achieve Goal Six of the National Education Goals, which provides that by the year 2000, every school in America will be free of drugs and violence and will offer a disciplined environment conducive to learning, by ensuring that all schools are safe and free of violence.

SEC. 602. SAFE SCHOOLS PROGRAM AUTHORIZED.

(a) AUTHORITY.—

(1) IN GENERAL.—From funds appropriated pursuant to the authority of subsection (b)(1), the Secretary shall make competitive grants to eligible local educational agencies to enable such agencies to carry out projects and activities designed to achieve Goal Six of the National Education Goals by helping to ensure that all schools are safe and free of violence.

(2) GRANT DURATION AND AMOUNT.—Grants under this part may not exceed—

(A) two fiscal years in duration, except that the Secretary shall not award any new grants in fiscal year 1996 but may make payments pursuant to a 2-year grant which terminates in such fiscal year; and

(B) $3,000,000 in any fiscal year.

(3) GEOGRAPHIC DISTRIBUTION.—To the extent practicable, grants under this title shall be awarded to eligible local educational agencies serving rural, as well as urban, areas.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated $75,000,000 for fiscal year 1994, $100,000,000 for fiscal year 1995, and such sums as may be necessary for fiscal year 1996, to carry out this part.

(2) RESERVATION.—The Secretary is authorized in each fiscal year to reserve not more than

10 percent of the amount appropriated pursuant to the authority of paragraph (1) to carry out national leadership activities described in section 606, of which 50 percent of such amount shall be available in such fiscal year to carry out the program described in section 606(b).

SEC. 603. ELIGIBLE APPLICANTS.

(a) IN GENERAL.—To be eligible to receive a grant under this part, a local educational agency shall demonstrate in the application submitted pursuant to section 604(a) that such agency—

(1) serves an area in which there is a high rate of—

(A) homicides committed by persons between the ages 5 to 18, inclusive;

(B) referrals of youth to juvenile court;

(C) youth under the supervision of the courts;

(D) expulsions and suspension of students from school;

(E) referrals of youth, for disciplinary reasons, to alternative schools; or

(F) victimization of youth by violence, crime, or other forms of abuse; and

(2) has serious school crime, violence, and discipline problems, as indicated by other appropriate data.

(b) PRIORITY.—In awarding grants under this part, the Secretary shall give priority to a local educational agency that—

(1) receives assistance under section 1006 of the Elementary and Secondary Education Act of 1965 or meets the criteria described in clauses (i) and (ii) of section 1006(a)(1)(A) of such Act; and

(2) submits an application that assures a strong local commitment to the projects or activities assisted under this part, such as—

(A) the formation of partnerships among the local educational agency, a community-based organization, a nonprofit organization with a demonstrated commitment to or expertise in developing education programs or providing educational services to students or the public, a local law enforcement agency, or any combination thereof; and

(B) a high level of youth participation in such projects or activities.

(c) DEFINITIONS.—For the purpose of this part—

(1) the term "local educational agency" has the same meaning given to such term in section 1471(12) of the Elementary and Secondary Education Act of 1965; and

(2) the term "Secretary" means the Secretary of Education.

SEC. 604. APPLICATIONS AND PLANS.

(a) APPLICATION.—In order to receive a grant under this part, a local educational agency shall submit to the Secretary an application that includes—

(1) an assessment of the current violence and crime problems in the schools and community to be served by the grant;

(2) an assurance that the applicant has written policies regarding school safety, student discipline, and the appropriate handling of violent or disruptive acts;

(3) a description of the schools and communities to be served by the grant, the projects and activities to be carried out with grant funds, and how these projects and activities will help to reduce the current violence and crime problems in such schools and communities;

(4) if the local educational agency receives funds under Goals 2000: Educate America Act, an explanation of how projects and activities assisted under this part will be coordinated with and support such agency's comprehensive local improvement plan prepared under that Act;

(5) the applicant's plan to establish school-level advisory committees, which include faculty, parents, staff, and students, for each school to be served by the grant and a description of how each committee will assist in assessing that school's violence and discipline problems as well as in designing appropriate programs, policies, and practices to address those problems;

(6) the applicant's plan for collecting baseline and future data, by individual schools, to monitor violence and discipline problems and to measure such applicant's progress in achieving the purpose of this part;

(7) an assurance that grant funds under this part will be used to supplement and not to supplant State and local funds that would, in the absence of funds under this part, be made available by the applicant for the purpose of this part;

(8) an assurance that the applicant will cooperate with, and provide assistance to, the Secretary in gathering statistics and other data the Secretary determines are necessary to assess the effectiveness of projects and activities assisted under this part or the extent of school violence and discipline problems throughout the Nation;

(9) an assurance that the local educational agency has a written policy that prohibits sexual contact between school personnel and a student; and

(10) such other information as the Secretary may require.

(b) PLAN.—In order to receive funds under this part for a second year, a grantee shall submit to the Secretary a comprehensive, long-term, school safety plan for reducing and preventing school violence and discipline problems. Such plan shall contain—

(1) a description of how the grantee will coordinate its school crime and violence prevention efforts with education, law-enforcement, judicial, health, social service, and other appropriate agencies and organizations serving the community; and

(2) in the case that the grantee receives funds under the Goals 2000: Educate America Act, an explanation of how the grantee's comprehensive plan under this subsection is consistent with and supports its comprehensive local improvement plan prepared under that Act, if such explanation differs from that provided in the grantee's application under that Act.

SEC. 605. USE OF FUNDS.

(a) USE OF FUNDS.—

(1) IN GENERAL.—A local educational agency shall use grant funds received under this part for one or more of the following activities:

(A) Identifying and assessing school violence and discipline problems, including coordinating needs assessment activities and education, law-enforcement, judicial, health, social service, and other appropriate agencies and organizations.

(B) Conducting school safety reviews or violence prevention reviews of programs, policies, practices, and facilities to determine what changes are needed to reduce or prevent violence and promote safety and discipline.

(C) Planning for comprehensive, long-term strategies for addressing and preventing school violence and discipline problems through the involvement and coordination of school programs with other education, law-enforcement, judicial, health, social service, and other appropriate agencies and organizations.

(D) Training school personnel in programs of demonstrated effectiveness in addressing violence, including violence prevention, conflict resolution, anger management, peer mediation, and identification of high-risk youth.

(E) Community education programs, including video- and technology-based projects, informing parents, businesses, local government, the media and other appropriate entities about—

(i) the local educational agency's plan to promote school safety and reduce and prevent school violence and discipline problems; and

(ii) the need for community support.

(F) Coordination of school-based activities designed to promote school safety and reduce or prevent school violence and discipline problems with related efforts of education, law-enforcement, judicial, health, social service, and other appropriate agencies and organizations.

(G) Developing and implementing violence prevention activities, including—

(i) conflict resolution and social skills development for students, teachers, aides, other school personnel, and parents;

(ii) disciplinary alternatives to expulsion and suspension of students who exhibit violent or anti-social behavior;

(iii) student-led activities such as peer mediation, peer counseling, and student courts; or

(iv) alternative after-school programs that provide safe havens for students, which may include cultural, recreational, and educational and instructional activities.

(H) Educating students and parents regarding the dangers of guns and other weapons and the consequences of their use.

(I) Developing and implementing innovative curricula to prevent violence in schools and training staff how to stop disruptive or violent behavior if such behavior occurs.

(J) Supporting "safe zones of passage" for students between home and school through such measures as Drug- and Weapon-Free School Zones, enhanced law enforcement, and neighborhood patrols.

(K) Counseling programs for victims and witnesses of school violence and crime.

(L) Minor remodeling to promote security and reduce the risk of violence, such as removing lockers, installing better lights, and upgrading locks.

(M) Acquiring and installing metal detectors and hiring security personnel.

(N) Reimbursing law enforcement authorities for their personnel who participate in school violence prevention activities.

(O) Evaluating projects and activities assisted under this part.

(P) The cost of administering projects or activities assisted under this part.

(Q) Other projects or activities that meet the purpose of this part.

(2) LIMITATION.—A local educational agency may use not more than—

(A) a total of 10 percent of grant funds received under this part in each fiscal year for activities described in subparagraphs (J), (L), (M), and (N) of paragraph (1); and

(B) 5 percent of grant funds received under this part in each fiscal year for activities described in subparagraph (P) of paragraph (1).

(3) PROHIBITION.—A local educational agency may not use grant funds received under this part for construction.

SEC. 606. NATIONAL LEADERSHIP.

(a) IN GENERAL.—To carry out the purpose of this part, the Secretary is authorized to use funds reserved under section 602(b)(2) to conduct national leadership activities such as research, program development and evaluation, data collection, public awareness activities, training and technical assistance, dissemination (through appropriate research entities assisted by the Department of Education) of information on successful projects, activities, and strategies developed pursuant to this part, and peer review of applications under this part. The Secretary may carry out such activities directly, through interagency agreements, or through grants, contracts or cooperative agreements.

(b) NATIONAL MODEL CITY.—The Secretary shall designate the District of Columbia as a national model city and shall provide funds made available pursuant to section 602(b)(2) in each fiscal year to a local educational agency serving the District of Columbia in an amount sufficient to enable such agency to carry out a comprehensive program to address school and youth violence.

SEC. 607. NATIONAL COOPERATIVE EDUCATION STATISTICS SYSTEM.

Subparagraph (A) of section 406(h)(2) of the General Education Provisions Act (20 U.S.C. 1221e-1(h)(2)(A)) is amended—

(1) in clause (vi), by striking "and" after the semicolon; and

(2) by adding after clause (vii) the following new clause:

"(viii) school safety policy, and statistics on the incidents of school violence; and".

SEC. 608. COORDINATION OF FEDERAL ASSISTANCE.

The Attorney General, through the Coordinating Council on Juvenile Justice and Delinquency Prevention of the Department of Justice, shall coordinate the programs and activities carried out under this Act with the programs and activities carried out by the departments and offices represented within the Council that provide assistance under other law for purposes that are similar to the purpose of this Act, in order to avoid redundancy and coordinate Federal assistance, research, and programs for youth violence prevention.

SEC. 609. EFFECTIVE DATE.

This part and the amendments made by this part shall take effect on the date of enactment of this Act.

PART B—STATE LEADERSHIP ACTIVITIES TO PROMOTE SAFE SCHOOLS

SEC. 621. STATE LEADERSHIP ACTIVITIES TO PROMOTE SAFE SCHOOLS PROGRAM.

(a) SHORT TITLE.—This section may be cited as the "State Leadership Activities to Promote Safe Schools Act".

(b) AUTHORITY.—The Secretary is authorized to award grants to State educational agencies from allocations under subsection (c) to enable such agencies to carry out the authorized activities described in subsection (e).

(c) ALLOCATION.—Each State educational agency having an application approved under subsection (d) shall be eligible to receive a grant under this section for each fiscal year that bears the same ratio to the amount appropriated pursuant to the authority of subsection (f) for such year as the amount such State educational agency receives pursuant to section 1006 of the Elementary and Secondary Education Act of 1965 for such year bears to the total amount allocated to all such agencies in all States having applications approved under subsection (d) for such year, except that no State educational agency having an application approved under subsection (d) in any fiscal year shall receive less than $100,000 for such year.

(d) APPLICATION.—Each State educational agency desiring a grant under this section shall submit an application to the Secretary at such time, in such manner and containing such information as the Secretary may reasonably require. Each such application shall—

(1) describe the activities and services for which assistance is sought;

(2) contain a statement of the State educational agency's goals and objectives for violence prevention and a description of the procedures to be used for assessing and publicly reporting progress toward meeting those goals and objectives; and

(3) contain a description of how the State educational agency will coordinate such agency's activities under this section with the violence prevention efforts of other State agencies.

(e) USE OF FUNDS.—Grant funds awarded under this section shall be used—

(1) to support a statewide resource coordinator;

(2) to provide technical assistance to both rural and urban local school districts;

(3) to disseminate to local educational agencies and schools information on successful school violence prevention programs funded through Federal, State, local and private sources;

(4) to make available to local educational agencies teacher training and parent and student awareness programs, which training and programs may be provided through video or other telecommunications approaches;

(5) to supplement and not supplant other Federal, State and local funds available to carry out the activities assisted under this section; and

(6) for other activities the Secretary may deem appropriate.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $10,000,000 for each of the fiscal years 1995 and 1996 to carry out this section.

TITLE VII—MIDNIGHT BASKETBALL LEAGUE TRAINING AND PARTNERSHIP

SEC. 701. SHORT TITLE.

This title may be cited as the "Midnight Basketball League Training and Partnership Act".

SEC. 702. GRANTS FOR MIDNIGHT BASKETBALL LEAGUE TRAINING AND PARTNERSHIP PROGRAMS.

Section 520 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 11903a) is amended—

*(1) in the section heading by inserting "**AND ASSISTED**" after "**PUBLIC**";*

(2) in the subsection heading for subsection (a), by inserting "PUBLIC HOUSING" before "YOUTH"; and

(3) by adding at the end the following new subsection:

"(l) MIDNIGHT BASKETBALL LEAGUE TRAINING AND PARTNERSHIP PROGRAMS.—

"(1) AUTHORITY.—The Secretary of Housing and Urban Development shall make grants, to the extent that amounts are approved in appropriations Acts under paragraph (13), to—

"(A) eligible entities to assist such entities in carrying out midnight basketball league programs meeting the requirements of paragraph (4); and

"(B) eligible advisory entities to provide technical assistance to eligible entities in establishing and operating such midnight basketball league programs.

"(2) ELIGIBLE ENTITIES.—

"(A) IN GENERAL.—Subject to subparagraph (B), grants under paragraph (1)(A) may be made only to the following eligible entities:

"(i) Entities eligible under subsection (b) for a grant under subsection (a).

"(ii) Nonprofit organizations providing employment counseling, job training, or other educational services.

"(iii) Nonprofit organizations providing federally assisted low-income housing.

"(B) PROHIBITION ON SECOND GRANTS.—A grant under paragraph (1)(A) may not be made to an eligible entity if the entity has previously received a grant under such paragraph, except that the Secretary may exempt an eligible advisory entity from the prohibition under this subparagraph in extraordinary circumstances.

"(3) USE OF GRANT AMOUNTS.—Any eligible entity that receives a grant under paragraph (1)(A) may use such amounts only—

"(A) to establish or carry out a midnight basketball league program under paragraph (4);

"(B) for salaries for administrators and staff of the program;

"(C) for other administrative costs of the program, except that not more than 5 percent of the grant amount may be used for such administrative costs; and

"(D) for costs of training and assistance provided under paragraph (4)(I).

"(4) PROGRAM REQUIREMENTS.—Each eligible entity receiving a grant under paragraph (1)(A) shall establish a midnight basketball league program as follows:

"(A) The program shall establish a basketball league of not less than 8 teams having 10 players each.

"(B) Not less than 50 percent of the players in the basketball league shall be residents of federally assisted low-income housing or members of low-income families (as such term is defined in section 3(b) of the United States Housing Act of 1937).

"(C) The program shall be designed to serve primarily youths and young adults from a neighborhood or community whose population has not less than 2 of the following characteristics (in comparison with national averages):

"(i) A substantial problem regarding use or sale of illegal drugs.

"(ii) A high incidence of crimes committed by youths or young adults.

"(iii) A high incidence of persons infected with the human immunodeficiency virus or sexually transmitted diseases.

"(iv) A high incidence of pregnancy or a high birth rate, among adolescents.

"(v) A high unemployment rate for youths and young adults.

"(vi) A high rate of high school drop-outs.

"(D) The program shall require each player in the league to attend employment counseling, job training, and other educational classes provided under the program, which shall be held immediately following the conclusion of league basketball games at or near the site of the games and at other specified times.

"(E) The program shall serve only youths and young adults who demonstrate a need for such counseling, training, and education provided by the program, in accordance with criteria for demonstrating need, which shall be established by the Secretary, in consultation with the Advisory Committee.

"(F) The majority of the basketball games of the league shall be held between the hours of 10:00 p.m. and 2:00 a.m. at a location in the neighborhood or community served by the program.

"(G) The program shall obtain sponsors for each team in the basketball league. Sponsors shall be private individuals or businesses in the neighborhood or community served by the program who make financial contributions to the program and participate in or supplement the employment, job training, and educational services provided to the players under the program with additional training or educational opportunities.

"(H) The program shall comply with any criteria established by the Secretary, in consultation with the Advisory Committee established under paragraph (9).

"(I) Administrators or organizers of the program shall receive training and technical assistance provided by eligible advisory entities receiving grants under paragraph (8).

"(5) GRANT AMOUNT LIMITATIONS.—

"(A) PRIVATE CONTRIBUTIONS.—The Secretary may not make a grant under paragraph (1)(A) to an eligible entity that applies for a grant under paragraph (6) unless the applicant entity certifies to the Secretary that the entity will supplement the grant amounts with amounts of funds from non-Federal sources, as follows:

"(i) In each of the first 2 years that amounts from the grant are disbursed (under subparagraph (E)), an amount sufficient to provide not less than 35 percent of the cost of carrying out the midnight basketball league program.

"(ii) In each of the last 3 years that amounts from the grant are disbursed, an amount sufficient to provide not less than 50 percent of the cost of carrying out the midnight basketball league program.

"(B) NON-FEDERAL FUNDS.—For purposes of this paragraph, the term 'funds from non-Federal sources' includes amounts from nonprofit

organizations, public housing agencies, States, units of general local government, and Indian housing authorities, private contributions, any salary paid to staff (other than from grant amounts under paragraph (1)(A)) to carry out the program of the eligible entity, in-kind contributions to carry out the program (as determined by the Secretary after consultation with the Advisory Committee), the value of any donated material, equipment, or building, the value of any lease on a building, the value of any utilities provided, and the value of any time and services contributed by volunteers to carry out the program of the eligible entity.

"(C) PROHIBITION ON SUBSTITUTION OF FUNDS.—Grant amounts under paragraph (1)(A) and amounts provided by States and units of general local government to supplement grant amounts may not be used to replace other public funds previously used, or designated for use, under this section.

"(D) MAXIMUM AND MINIMUM GRANT AMOUNTS.—

"(i) IN GENERAL.—The Secretary may not make a grant under paragraph (1)(A) to any single eligible entity in an amount less than $55,000 or exceeding $130,000, except as provided in clause (ii).

"(ii) EXCEPTION FOR LARGE LEAGUES.—In the case of a league having more than 80 players, a grant under paragraph (1)(A) may exceed $130,000, but may not exceed the amount equal to 35 percent of the cost of carrying out the midnight basketball league program.

"(E) DISBURSEMENT.—Amounts provided under a grant under paragraph (1)(A) shall be disbursed to the eligible entity receiving the grant over the 5-year period beginning on the date that the entity is selected to receive the grant, as follows:

"(i) In each of the first 2 years of such 5-year period, 23 percent of the total grant amount shall be disbursed to the entity.

"(ii) In each of the last 3 years of such 5-year period, 18 percent of the total grant amount shall be disbursed to the entity.

"(6) APPLICATIONS.—To be eligible to receive a grant under paragraph (1)(A), an eligible entity shall submit to the Secretary an application in the form and manner required by the Secretary (after consultation with the Advisory Committee), which shall include—

"(A) a description of the midnight basketball league program to be carried out by the entity, including a description of the employment counseling, job training, and other educational services to be provided;

"(B) letters of agreement from service providers to provide training and counseling services required under paragraph (4) and a description of such service providers;

"(C) letters of agreement providing for facilities for basketball games and counseling, training, and educational services required under paragraph (4) and a description of the facilities;

"(D) a list of persons and businesses from the community served by the program who have expressed interest in sponsoring, or have made commitments to sponsor, a team in the midnight basketball league; and

"(E) evidence that the neighborhood or community served by the program meets the requirements of paragraph (4)(C).

"(7) SELECTION.—The Secretary, in consultation with the Advisory Committee, shall select eligible entities that have submitted applications under paragraph (6) to receive grants under paragraph (1)(A). The Secretary, in consultation with the Advisory Committee, shall establish criteria for selection of applicants to receive such grants. The criteria shall include a preference for selection of eligible entities carrying out midnight basketball league programs in suburban and rural areas.

"(8) TECHNICAL ASSISTANCE GRANTS.—Technical assistance grants under paragraph (1)(B) shall be made as follows:

"(A) ELIGIBLE ADVISORY ENTITIES.—Technical assistance grants may be made only to entities that—

"(i) are experienced and have expertise in establishing, operating, or administering successful and effective programs for midnight basketball and employment, job training, and educational services similar to the programs under paragraph (4); and

"(ii) have provided technical assistance to other entities regarding establishment and operation of such programs.

"(B) USE.—Amounts received under technical assistance grants shall be used to establish centers for providing technical assistance to entities receiving grants under paragraph (1)(A) of this subsection and subsection (a) regarding establishment, operation, and administration of effective and successful midnight basketball league programs under this subsection and subsection (c)(3).

"(C) NUMBER AND AMOUNT.—To the extent that amounts are provided in appropriations Acts under paragraph (13)(B) in each fiscal year, the Secretary shall make technical assistance grants under paragraph (1)(B). In each fiscal year that such amounts are available the Secretary shall make 4 such grants, as follows:

"(i) 2 grants shall be made to eligible advisory entities for development of midnight basketball league programs in public housing projects.

"(ii) 2 grants shall be made to eligible advisory entities for development of midnight basketball league programs in suburban or rural areas.

Each grant shall be in an amount not exceeding $25,000.

"(9) ADVISORY COMMITTEE.—The Secretary of Housing and Urban Development shall appoint an Advisory Committee to assist the Secretary in providing grants under this subsection. The Advisory Committee shall be composed of not more than 7 members, as follows:

"(A) Not less than 2 individuals who are involved in managing or administering midnight basketball programs that the Secretary determines have been successful and effective. Such individuals may not be involved in a program assisted under this subsection or a member or employee of an eligible advisory entity that receives a technical assistance grant under paragraph (1)(B).

"(B) A representative of the Center for Substance Abuse Prevention of the Public Health Service, Department of Health and Human Services, who is involved in administering the grant program for prevention, treatment, and rehabilitation model projects for high risk youth under section 509A of the Public Health Service Act (42 U.S.C. 290aa–8), who shall be selected by the Secretary of Health and Human Services.

"(C) A representative of the Department of Education, who shall be selected by the Secretary of Education.

"(D) A representative of the Department of Health and Human Services, who shall be selected by the Secretary of Health and Human Services from among officers and employees of the Department involved in issues relating to high-risk youth.

"(10) REPORTS.—The Secretary shall require each eligible entity receiving a grant under paragraph (1)(A) and each eligible advisory entity receiving a grant under paragraph (1)(B) to submit to the Secretary, for each year in which grant amounts are received by the entity, a report describing the activities carried out with such amounts.

"(11) STUDY.—To the extent amounts are provided under appropriation Acts pursuant to paragraph (13)(C), the Secretary shall make a grant to one entity qualified to carry out a study under this paragraph. The entity shall use such grant amounts to carry out a scientific study of the effectiveness of midnight basketball league programs under paragraph (4) of eligible entities receiving grants under paragraph (1)(A). The Secretary shall require such entity to submit a report describing the study and any conclusions and recommendations resulting from the study to the Congress and the Secretary not later than the expiration of the 2-year period beginning on the date that the grant under this paragraph is made.

"(12) DEFINITIONS.—For purposes of this subsection:

"(A) The term 'Advisory Committee' means the Advisory Committee established under paragraph (9).

"(B) The term 'eligible advisory entity' means an entity meeting the requirements under paragraph (8)(A).

"(C) The term 'eligible entity' means an entity described under paragraph (2)(A).

"(D) The term 'federally assisted low-income housing' has the meaning given the term in section 5126 of the Public and Assisted Housing Drug Elimination Act of 1990.

"(13) AUTHORIZATION OF APPROPRIATIONS.—

There are authorized to be appropriated—

"(A) for grants under paragraph (1)(A), $2,650,000 in each of fiscal years 1994 and 1995;

"(B) for technical assistance grants under paragraph (1)(B), $100,000 in each of fiscal years 1994 and 1995; and

"(C) for a study grant under paragraph (11), $250,000 in fiscal year 1994.".

SEC. 703. PUBLIC HOUSING MIDNIGHT BASKETBALL LEAGUE PROGRAMS.

Section 520(c) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C 11903a(c)) is amended by adding at the end the following new paragraph:

"(3) MIDNIGHT BASKETBALL LEAGUE PROGRAMS.—Notwithstanding any other provision of this subsection and subsection (d), a grant under this section may be used to carry out any youth sports program that meets the requirements of a midnight basketball league program under subsection (l)(4) (not including subparagraph (B) of such subsection) if the program serves primarily youths and young adults from the public housing project in which the program assisted by the grant is operated.".

TITLE VIII—YOUTH VIOLENCE IN SCHOOLS AND COMMUNITIES

SEC. 801. PURPOSE.

It is the purpose of this title to help local communities achieve Goal Six of the National Education Goals, which provides that by the year 2000, every school in America will be free of drugs and violence and will offer a disciplined environment conducive to learning, by strengthening local disciplinary control.

SEC. 802. FINDINGS.

The Congress finds that—

(1) the violence within elementary and secondary schools across the Nation has increased dramatically during the past decade;

(2) almost 3,000,000 crimes occur on or near school campuses every year, with 16,000 crimes occurring per school day or one crime occurring every 6 seconds;

(3) 20 percent of teachers in schools have reported being threatened with violence by a student;

(4) schools are being asked to take on responsibilities that society as a whole has neglected, and teachers and principals are being forced to referee fights rather than teach;

(5) over two-thirds of public school teachers have been verbally abused, threatened with injury, or physically attacked;

(6) violent or criminal behavior by students interferes with a teacher's ability to teach in a

safe environment the students not exhibiting such behavior;

(7) 40 percent of all students do not feel safe in school and 50 percent of all students know someone who switched schools to feel safer;

(8) nearly one-half of the teachers who leave the teaching profession cite discipline problems as one of the main reasons for leaving such profession; and

(9) a lack of parental involvement contributes strongly to school violence.

SEC. 803. PROVISIONS.

(a) LOCAL DISCIPLINE CONTROL.—No Federal law or regulation, except education and civil rights laws protecting individuals with disabilities, or State policy implementing such a Federal law or regulation, shall restrict any local educational agency, or elementary or secondary school, from developing and implementing disciplinary policies and action with respect to criminal or violent acts of students, occurring on school premises, in order to create an environment conducive to learning.

(b) SHARED INFORMATION.—No Federal law or regulation, or State policy implementing such a Federal law or regulation, shall restrict any local educational agency or elementary or secondary school from requesting and receiving information from a State agency, local educational agency, or an elementary or secondary school regarding a conviction or juvenile adjudication, within five years of the date of the request, or a pending prosecution for a violent or weapons offense, of a student who is attending an elementary or secondary school served by the local educational agency, or the elementary or secondary school, requesting such information.

(c) PARENTAL RESPONSIBILITY.—It is the policy of the Congress that States, in cooperation with local educational agencies, schools, and parent groups, should be encouraged to enforce disciplinary policies with respect to parents of children who display criminal or violent behavior toward teachers, students, other persons, or school property.

TITLE IX—EDUCATIONAL RESEARCH AND IMPROVEMENT

SEC. 901. SHORT TITLE.

This title may be cited as the "Educational Research and Improvement Act of 1994".

PART A—OFFICE OF EDUCATIONAL RESEARCH AND IMPROVEMENT

SEC. 911. REPEAL.

(a) REPEAL.—Section 405 of the General Education Provisions Act (20 U.S.C. 1221e) is repealed.

(b) CONFORMING AMENDMENT.—The second sentence of section 209 of the Department of Education Organization Act (20 U.S.C. 3419) is amended by inserting "and such functions as set forth in section 102 of the Educational Research and Improvement Act of 1993" after "delegate".

SEC. 912. OFFICE OF EDUCATIONAL RESEARCH AND IMPROVEMENT.

(a) PURPOSES; COMPOSITION; DEFINITIONS.—

(1) PURPOSES.—The purposes of the Office of Educational Research and Improvement are to—

(A) assess, promote, and improve the quality and equity of education in the United States, so that all Americans have an equal opportunity to receive an education of the highest quality;

(B) provide new directions for federally supported research and development activities with a view toward reform in the Nation's school systems, achieving the National Education Goals and affecting national policy for education;

(C) provide leadership in the scientific inquiry into the educational process;

(D) provide leadership in advancing the practice of education as an art, science, and profession;

(E) collect, analyze, and disseminate statistics and other data related to education in the United States and other nations; and

(F) make available to the Congress and the people of the United States the results of research and development activities in the field of education in order to bring research directly to the classroom to improve educational practice.

(2) COMPOSITION.—

(A) IN GENERAL.—The Office shall be administered by the Assistant Secretary and shall include—

(i) the Advisory Board of Educational Research described in subparagraph (B);

(ii) the directorates for educational research described in subsections (c) through (h);

(iii) the regional educational laboratories described in subsection (k);

(iv) the Office of Dissemination and Reform Assistance described in subsection (m);

(v) the National Education Library described in subsection (o);

(vi) the Education Resources Information Clearinghouses described in subsection (p);

(vii) the National Center for Education Statistics, including the National Assessment of Educational Progress; and

(viii) such other entities as the Assistant Secretary deems appropriate to carry out the purposes of the Office.

(B) ADVISORY BOARD OF EDUCATIONAL RESEARCH.—

(i) ADVISORY BOARD OF EDUCATIONAL RESEARCH.—The Advisory Board of Educational Research shall consist of 9 members to be appointed by the Secretary. The Assistant Secretary shall serve as an ex officio member.

(ii) QUALIFICATIONS.—

(I) IN GENERAL.—The persons appointed as members of the Advisory Board shall be appointed solely on the basis of—

(aa) eminence in the fields of basic or applied research, or dissemination of such research; or

(bb) established records of distinguished service in educational research and the education professions, including practitioners.

(II) CONSIDERATION.—In making appointments under this clause, the Secretary shall give due consideration to the equitable representation of educational researchers who—

(aa) are women;

(bb) represent minority groups; or

(cc) are classroom teachers with research experience.

(III) RECOMMENDATIONS.—In making appointments under this clause, the Secretary shall give due consideration to any recommendations for an appointment which may be submitted to the Secretary by a variety of groups with prominence in educational research and development, including the National Academy of Education and the National Academy of Sciences.

(IV) A member of the Advisory Board may not serve on any other Department of Education advisory board, or as a paid consultant of such Department.

(iii) TERM.—(I) The term of office of each member of the Advisory Board shall be 6 years, except that initial appointments shall be made to ensure staggered terms, with one-third of such members' terms expiring every 2 years. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall be appointed for the remainder of such term. Any person, other than the Assistant Secretary, who has been a member of the Advisory Board for 12 consecutive years shall thereafter be ineligible for appointment during the 6-year period following such twelfth year.

(II) PROHIBITION REGARDING REMOVAL.—The Secretary shall neither remove nor encourage the departure of a member of the Advisory Board appointed in accordance with this subparagraph before the expiration of such member's term.

(III) CHAIRPERSON.—The members of the Advisory Board shall select a Chairperson from among such members.

(IV) QUORUM.—A majority of the appointed members of the Advisory Board shall constitute a quorum.

(V) STAFF.—From amounts appropriated pursuant to the authority of subsection (q)(1)(A), the Advisory Board, in consultation with the Assistant Secretary, shall recommend for appointment such staff as may be necessary. Such staff shall be appointed by the Assistant Secretary and assigned at the direction of the Advisory Board.

(iv) RESPONSIBILITIES.—The Advisory Board shall provide oversight of the Office, and shall—

(I) advise the Nation on the Federal research and development effort;

(II) recommend ways for strengthening active partnerships among researchers, educational practitioners, librarians, and policymakers;

(III) recommend ways to strengthen interaction and collaboration between the various program offices and components;

(IV) solicit advice and information from the educational field, to define research needs and suggestions for research topics, and shall involve educational practitioners, particularly teachers, in this process;

(V) solicit advice from practitioners, policymakers, and researchers, and recommend missions for the national research centers assisted under this section by identifying topics which require long-term, sustained, systematic, programmatic, and integrated research and dissemination efforts;

(VI) provide recommendations for translating research findings into workable, adaptable models for use in policy and in practice across different settings, and recommendations for other forms of dissemination;

(VII) provide recommendations for creating incentives to draw talented young people into the field of educational research, including scholars from disadvantaged and minority groups;

(VIII) provide recommendations for new studies to close gaps in the research base;

(IX) evaluate and provide recommendations to the President and the Congress regarding the quality of research conducted through each directorate and regional educational laboratory, the relevance of the research topics, and the effectiveness of the dissemination of each directorate's and laboratory's activities;

(X) advise the Assistant Secretary on standards and guidelines for research programs and activities to ensure that research is of high quality and free from partisan political influence; and

(XI) provide recommendations to promote coordination and synthesis of research among directorates.

(v) COMMITTEES AND REPORTS.—

(I) IN GENERAL.—The Advisory Board is authorized to appoint from among its members such committees as the Advisory Board deems necessary, and to assign to committees so appointed such survey and advisory functions as the Advisory Board deems appropriate to assist the Advisory Board in exercising its powers and functions under this section.

(II) From amounts appropriated pursuant to subsection (q)(1), the Advisory Board shall transmit to the President, for submission to the Congress not later than January 15 of each even-numbered year, a report on the activities of the Office, and on education, educational research, national indicators, and data-gathering in general.

(3) DEFINITIONS.—For the purposes of this section—

(A) the term "Advisory Board" means the Advisory Board of Educational Research established under paragraph (2)(B);

(B) the term "Assistant Secretary" means the Assistant Secretary for Educational Research

and Improvement established by section 202 of the Department of Education Organization Act;

(C) the term "development" means transformation or adaptation of research results into usable forms, in order to contribute to the improvement of educational practice;

(D) the term "dissemination" means the communication and transfer of the results of research and proven practice in forms that are understandable, easily accessible and usable or adaptable for use in the improvement of educational practice by teachers, administrators, librarians, other practitioners, researchers, policymakers, and the public;

(E) the term "education research" includes basic and applied research, inquiry with the purpose of applying tested knowledge gained to specific educational settings and problems, development, planning, surveys, assessments, evaluations, investigations, experiments, and demonstrations in the field of education and other fields relating to education;

(F) the term "field-initiated research" means education research in which topics and methods of study are generated by investigators, including teachers and other practitioners, not by the source of funding;

(G) the term "Indian reservation" means a reservation, as such term is defined in—

(i) section 3(d) of the Indian Financing Act of 1974 (25 U.S.C. 1452(d)); or

(ii) section 4(10) of the Indian Child Welfare Act of 1978 (25 U.S.C. 1903(10));

(H) the term "Office", unless otherwise specified, means the Office of Educational Research and Improvement established by section 209 of the Department of Education Organization Act; and

(I) the term "technical assistance" means assistance in identifying, selecting, or designing solutions based on research to address educational problems, planning and design that leads to adapting research knowledge to school practice, training to implement such solutions, and other assistance necessary to encourage adoption or application of research.

(b) AUTHORIZED ACTIVITIES.—

(1) OFFICE.—In fulfilling its purposes under this section, the Office is authorized to—

(A) conduct and support education-related research activities, including basic and applied research, development, planning, surveys, assessments, evaluations, investigations, experiments, and demonstrations of national significance;

(B) disseminate the findings of education research, and provide technical assistance to apply such information to specific school problems at the school site;

(C) collect, analyze, and disseminate data related to education, and to library and information services;

(D) promote the use of knowledge gained from research and statistical findings in schools, other educational institutions, and communities;

(E) provide training in education research; and

(F) promote the coordination of education research and research support within the Federal Government, and otherwise assist and foster such research.

(2) OPEN COMPETITION.—All grants, contracts, and cooperative agreements awarded or entered into pursuant to this section shall be awarded or entered into through a process of open competition and peer review that shall be announced in the Federal Register or other publication that the Secretary determines appropriate.

(3) ASSISTANT SECRETARY.—

(A) IN GENERAL.—In carrying out the activities and programs of the Office, the Assistant Secretary shall—

(i) ensure that there is broad and regular public and professional involvement from the educational field in the planning and carrying out of the Office's activities, including establishing teacher advisory boards for any program office, program or project of the Office as the Assistant Secretary deems necessary, and involving Indian and Alaska Native researchers and educators in activities that relate to the education of Indian and Alaska Native people;

(ii) ensure that the selection of research topics and the administration of the program are free from partisan political influence;

(iii) develop directly, or through grant or contract, standards and guidelines for research, programs and activities carried out through the Office;

(iv) establish a long- and short-term research agenda in consultation with the Advisory Board; and

(v) review research priorities established within each directorate and promote research syntheses across the directorates.

(B) INFORMATION AND TECHNICAL ASSISTANCE.—The Assistant Secretary is authorized to offer information and technical assistance to State and local educational agencies, school boards, and schools, including schools funded by the Bureau of Indian Affairs, to ensure that no student is—

(i) denied access to the same rigorous, challenging curriculum that such student's peers are offered; or

(ii) grouped or otherwise labeled in such a way that may impede such student's achievement.

(C) LONG-TERM AGENDA.—One year after the date of enactment of this Act, the Assistant Secretary shall submit a report to the President and to the Congress on a 6-year long-term plan for the educational research agenda for the Office. Upon submission of such report and every 2 years thereafter, the Assistant Secretary shall submit to the President and to the Congress a progress report on the 6-year plan, including an assessment of the success or failure of meeting the components of the 6-year plan, proposed modifications or changes to the 6-year plan, and additions to the 6-year plan.

(4) SECRETARY.—The Secretary shall enter into contracts for the conduct of independent evaluations of the programs and activities carried out through the Office in accordance with this section, and transmit such evaluations to the Congress, the President and the Assistant Secretary, in order to—

(A) evaluate—

(i) the effectiveness of the programs and activities of the Office; and

(ii) the implementation of projects and programs funded through the Office over time;

(iii) the impact of educational research on instruction at the school level; and

(iv) the ability of the Office to keep research funding free from partisan political interference;

(B) measure the success of educational information dissemination;

(C) assess the usefulness of research and activities carried out by the Office, including products disseminated by the Office; and

(D) provide recommendations for improvement of the programs of the Office.

(5) INTRADEPARTMENTAL COORDINATION.—(A) The Secretary shall establish and maintain a program designed to facilitate planning and cooperative research and development throughout the Department of Education.

(B) The program described in subparagraph (A) shall include—

(i) establishing and maintaining a database on all Department of Education funded research and improvement efforts;

(ii) coordinating the work of the various program offices within the Department of Education to avoid duplication;

(iii) working cooperatively with the employees of various program offices with the Department of Education on projects of common interest to avoid duplication; and

(iv) generally increasing communication throughout the Department of Education regarding education research.

(c) DIRECTORATES OF EDUCATIONAL RESEARCH.—

(1) REQUIREMENTS.—

(A) IN GENERAL.—In carrying out the functions of the Office, the Assistant Secretary shall establish 5 directorates of educational research in accordance with this section.

(B) DIRECTOR.—The Assistant Secretary shall appoint a Director for each directorate. Each such Director shall be a leading professional in the field relevant to the mission of the directorate.

(C) RESEARCH SYNTHESES.—The Assistant Secretary shall provide for and promote research syntheses across the directorates in early childhood, elementary, secondary, vocational, and higher education, and shall coordinate research plans, projects, and findings across the directorates, placing a priority on synthesis and coordination between the directorates described in subsections (d) and (e). Each Director shall report directly to the Assistant Secretary, regarding the activities of the directorate, and shall work together to promote research syntheses across the directorates.

(2) DUTIES.—Each such directorate shall—

(A) carry out its activities directly or through grants, contracts, and cooperative agreements with institutions of higher education, public and private organizations, institutions, agencies or individuals, or a consortia thereof;

(B) conduct and support the highest quality basic and applied research in early childhood, elementary and secondary, vocational and higher education, including teacher education, which is relevant to the directorate;

(C) have improved student learning and achievement as its primary focus;

(D) promote research that is based in core content areas;

(E) conduct sustained research and development on improving the educational achievement of poor and minority individuals as an integral part of the directorates' work;

(F) serve as a national database on model and demonstration programs which have particular application to the activities of the directorate, particularly with respect to model programs conducted by businesses, private, and nonprofit organizations and foundations;

(G) support, plan, implement, and operate dissemination activities designed to bring the most effective research directly into classroom practice, school organization and management, teacher preparation and training, and libraries, and to the extent possible, carry out dissemination activities through the use of technology;

(H) support and provide research information that leads to policy formation for State legislatures, State and local boards of education, schools funded by the Bureau of Indian Affairs, and other policy and governing bodies, to assist such entities in identifying and developing effective policies to promote student achievement and school improvement;

(I) coordinate the directorate's activities with the activities of the regional educational laboratories established pursuant to subsection (k) and with other educational service organizations in designing the directorate's research agenda and projects in order to increase the responsiveness of such directorate to the needs of teachers and the educational field and to bring research findings directly into schools to ensure the greatest access at the local level to the latest research developments; and

(J) provide assistance to the Assistant Secretary in planning and coordinating syntheses that provide research knowledge related to each

level of the education system (from preschool to higher education) to increase understanding of student performance across different educational levels.

(3) RESERVATIONS.—

(A) FIELD-INITIATED RESEARCH.—Each directorate shall reserve in each fiscal year not less than one-third of the amount available to such directorate to conduct field-initiated research.

(B) NATIONAL RESEARCH CENTERS.—Each directorate shall reserve in each fiscal year not less than one-third of the amount available to such directorate to award grants or enter into contracts with institutions of higher education, public agencies, or private nonprofit organizations, for the support of long-term national research centers of sufficient size, scope, and quality for educational research and development in accordance with paragraph (4), except that no such center shall receive such a grant or contract for less than $1,100,000 for such fiscal year. Each such center shall engage in research, development and dissemination involving topics relevant to the mission of the directorate supporting such center.

(C) SPECIAL RULE.—No research and development center supported by the Office and operating on the day preceding the date of enactment of this Act shall by reason of receipt of such support be ineligible to receive any other assistance from the Office authorized by law.

(4) NATIONAL RESEARCH CENTERS.—

(A) DURATION.—The grants or contracts awarded or entered into to support national research centers described in paragraph (3)(B) shall be awarded or entered into for a period of at least 5 years, and may be renewed for additional periods of 5 years after periodic review by the Assistant Secretary.

(B) REVIEW.—All applications to establish a national research center shall be reviewed by independent experts in accordance with standards and guidelines developed by the Office pursuant to subsections (a)(2)(B)(iv)(X) and (b)(3)(A)(iii). Such standards and guidelines shall include—

(i) whether applicants have assembled a group of high quality researchers sufficient to achieve the mission of the center;

(ii) whether the proposed organizational structure and arrangements will facilitate achievement of the mission of the center;

(iii) whether there is a substantial staff commitment to the work of the center;

(iv) whether the directors and support staff are full-time employees, to the extent practicable;

(v) review of the contributions of the applicant's primary researchers for the purpose of evaluating the appropriateness of such primary researchers' experiences and expertise in the context of the proposed center activities, and the adequacy of such primary researchers' time commitments to achievement of the mission of the center; and

(vi) the manner in which the results of education research will be disseminated for further use.

(5) PUBLICATION.—The Assistant Secretary shall publish proposed research priorities developed by each directorate in the Federal Register every 2 years, not later than October 1 of each year, and shall allow a period of 60 days for public comments and suggestions.

(d) NATIONAL DIRECTORATE ON CURRICULUM, INSTRUCTION, AND ASSESSMENT.—The Assistant Secretary shall establish and operate the National Directorate on Curriculum, Instruction, and Assessment. The directorate established under this subsection is authorized to conduct research on—

(1) methods to improve student achievement at all educational levels in core content areas;

(2) methods to improve the process of reading, the craft of writing, the growth of reasoning skills, and the development of information-finding skills;

(3) enabling students to develop higher order thinking skills;

(4) methods to teach effectively all students in mixed-ability classrooms;

(5) developing, identifying, or evaluating new educational assessments, including performance-based and portfolio assessments which demonstrate skill and a command of knowledge;

(6) standards for what students should know and be able to do, particularly standards of desired performance set at internationally competitive levels;

(7) the use of testing in the classroom and its impact on improving student achievement, including an analysis of how testing affects what is taught;

(8) test bias as such bias affects historically underserved girls, women, and minority populations;

(9) test security, accountability, validity, reliability and objectivity;

(10) relevant teacher training and instruction in giving a test, scoring a test and in the use of test results to improve student achievement;

(11) curriculum development designed to meet challenging standards, including State efforts to develop such curriculum;

(12) the need for, and methods of delivering, teacher education, development, and inservice training;

(13) curriculum, instruction, and assessment in vocational education and school-to-work transition;

(14) educational methods and activities to reduce and prevent violence in schools;

(15) the use of technology in learning, teaching, and testing;

(16) methods of involving parents in their children's education and ways to involve business, industry, and other community partners in promoting excellence in schools; and

(17) other topics relevant to the mission of the directorate.

(e) NATIONAL DIRECTORATE ON THE EDUCATIONAL ACHIEVEMENT OF HISTORICALLY UNDERSERVED POPULATIONS.—The Assistant Secretary shall establish and operate a National Directorate on the Educational Achievement of Historically Underserved Populations, the activities of which shall be closely coordinated with those of the directorate described in subsection (d). The directorate established under this subsection is authorized to conduct research on—

(1) the quality of educational opportunities afforded historically underserved populations, including minority students, students with disabilities, economically disadvantaged students, girls, women, limited-English proficient students, and Indian and Alaska Native students, particularly the quality of educational opportunities afforded such populations in highly concentrated urban areas and sparsely populated rural areas;

(2) effective institutional practices for expanding opportunities for such groups;

(3) methods for overcoming the barriers to learning that may impede student achievement;

(4) innovative teacher training and professional development methods to help the historically underserved meet challenging standards;

(5) the use of technology to improve the educational opportunities and achievement of the historically underserved;

(6) the means by which parents, community resources and institutions (including cultural institutions) can be utilized to support and improve the achievement of at-risk students;

(7) methods to improve the quality of the education of American Indian and Alaska Native students not only in schools funded by the Bureau of Indian Affairs, but also in public elementary and secondary schools located on or near Indian reservations, including—

(A) research on mechanisms to facilitate the establishment of tribal departments of education that assume responsibility for all education programs of State educational agencies operating on an Indian reservation and all education programs funded by the Bureau of Indian Affairs on an Indian reservation;

(B) research on the development of culturally appropriate curriculum for American Indian and Alaska Native students, including American Indian and Alaska Native culture, language, geography, history and social studies, and graduation requirements related to such curriculum;

(C) research on methods for recruiting, training and retraining qualified teachers from American Indian and Alaska Native communities, including research to promote flexibility in the criteria for certification of such teachers;

(D) research on techniques for improving the educational achievement of American Indian and Alaska Native students, including methodologies to reduce dropout rates and increase graduation by such students; and

(E) research concerning the performance by American Indian and Alaska Native students of limited-English proficiency on standardized achievement tests, and related factors; and

(8) other topics relevant to the mission of the directorate.

(f) NATIONAL DIRECTORATE ON EARLY CHILDHOOD DEVELOPMENT AND EDUCATION.—The Assistant Secretary shall establish and operate the National Directorate on Early Childhood Development and Education, which shall have a special emphasis on families and communities as families and communities relate to early childhood education. The directorate established under this subsection is authorized to conduct research on—

(1) effective teaching and learning methods, and curriculum;

(2) instruction that considers the cultural experiences of children;

(3) access to current materials in libraries;

(4) family literacy and parental involvement in student learning;

(5) the impact that outside influences have on learning, including television, and drug and alcohol abuse;

(6) methods for integrating learning in settings other than the classroom, particularly within families and communities;

(7) teacher training;

(8) readiness to learn, including topics such as prenatal care, nutrition, and health services;

(9) the use of technology, including methods to help parents instruct their children; and

(10) other topics relevant to the mission of the directorate.

(g) NATIONAL DIRECTORATE ON ELEMENTARY AND SECONDARY EDUCATIONAL GOVERNANCE, FINANCE, POLICYMAKING, AND MANAGEMENT.—The Assistant Secretary shall establish and operate a National Directorate on Elementary and Secondary Educational Governance, Finance, Policymaking, and Management. The directorate established under this subsection is authorized to conduct research on—

(1) the relationship among finance, organization, and management, and educational productivity, particularly with respect to student achievement across educational levels and core content areas;

(2) school-based management, shared decision-making and other innovative school structures, and State and local reforms and educational policies, which show promise for improving student achievement;

(3) innovative school design, including lengthening the school day and the school year, reducing class size and building professional development into the weekly school schedule and, as

appropriate, conducting such further research as may be recommended or suggested by the report issued by the National Education Commission on Time and Learning pursuant to section 443 of the General Education Provisions Act;

(4) the social organization of schooling and the inner-workings of schooling;

(5) policy decisions at all levels and the impact of such decisions on school achievement and other student outcomes;

(6) effective approaches to organizing learning;

(7) effective ways of grouping students for learning so that a student is not labeled or stigmatized in ways that may impede such student's achievement;

(8) the amount of dollars allocated for education that are actually spent on classroom instruction;

(9) the organization, structure, and finance of vocational education;

(10) disparity in school financing among States, school districts, and schools funded by the Bureau of Indian Affairs;

(11) the use of technology in areas such as assisting in school-based management or ameliorating the effects of disparity in school financing among States, school districts, and schools funded by the Bureau of Indian Affairs;

(12) approaches to systemic reforms involving the coordination of multiple policies at the local, State, and Federal levels of government to promote higher levels of student achievement;

(13) the special adult education needs of historically underserved and minority populations;

(14) the involvement of parents and families in the management and governance of schools and the education of their children; and

(15) other topics relevant to the mission of the directorate.

(h) NATIONAL DIRECTORATE ON ADULT EDUCATION, LITERACY AND LIFELONG LEARNING.—The Assistant Secretary shall establish and operate a National Directorate on Adult Education, Literacy and Lifelong Learning. The directorate established under this subsection is authorized to conduct research on—

(1) learning and performance of adults, and policies and methods for improving learning in contexts that include school-to-work, worker retraining, and second-language acquisition;

(2) the most effective training methods for adults to upgrade education and vocational skills;

(3) opportunities for adults to continue their education beyond higher education and graduate school, in the context of lifelong learning and information-finding skills;

(4) adult literacy and effective methods, including technology, to eliminate illiteracy;

(5) preparing students for a lifetime of work, the ability to adapt through retraining to the changing needs of the work force and the ability to learn new tasks;

(6) the use of technology to develop and deliver effective training methods for adults to upgrade their education and their vocational skills; and

(7) other topics relevant to the mission of the directorate.

(i) PERSONNEL.—

(1) IN GENERAL.—The Assistant Secretary may appoint, for terms not to exceed 3 years (without regard to the provisions of title 5, United States Code governing appointment in the competitive service) and may compensate (without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates) such scientific or professional employees of the Office as the Assistant Secretary considers necessary to accomplish the functions of the Office. Such employees shall not exceed one-fifth of the number of full-time, regular scientific or professional employees of the Office. The rate of basic pay for such employees may not exceed the maximum annual rate of pay for grade GS-15 under section 5332 of title 5, United States Code.

(2) REAPPOINTMENT.—The Assistant Secretary may reappoint employees described in paragraph (1) upon presentation of a clear and convincing justification of need, for 1 additional term not to exceed 3 years. All such employees shall work on activities of the Office and shall not be reassigned to other duties outside the Office during their term.

(j) SELECTION PROCEDURES AND FELLOWSHIPS.—

(1) SELECTION PROCEDURES.—When making competitive awards under this section, the Assistant Secretary shall—

(A) solicit recommendations and advice regarding research priorities, opportunities, and strategies from qualified experts, such as education professionals and policymakers, librarians, personnel of the regional educational laboratories described in subsection (k) and of the research and development centers assisted under this section, and the Advisory Board, as well as parents and other members of the general public;

(B) employ suitable selection procedures using the procedures and principles of peer review providing an appropriate balance between expertise in research and practice for all proposals so that technical research merit is judged by research experts and programmatic relevance is judged by program experts, except where such peer review procedures are clearly inappropriate given such factors as the relatively small amount of a grant or contract or the exigencies of the situation; and

(C) determine that the activities assisted will be conducted efficiently, will be of high quality, and will meet priority research and development needs under this section.

(2) FELLOWSHIPS.—

(A) PUBLICATION.—The Assistant Secretary shall publish proposed research priorities for the awarding of research fellowships under this paragraph in the Federal Register every 2 years, not later than October 1 of each year, and shall allow a period of 60 days for public comments and suggestions.

(B) COMPETITION.—Prior to awarding a fellowship under this paragraph, the Assistant Secretary shall invite applicants to compete for such fellowships through notice published in the Federal Register.

(C) AUTHORITY.—From amounts appropriated pursuant to the authority of subsection (q)(1), the Assistant Secretary may establish and maintain research fellowships in the Office, for scholars, researchers, policymakers, education practitioners, librarians, and statisticians engaged in the use, collection, and dissemination of information about education and educational research. Subject to regulations published by the Assistant Secretary, fellowships may include such stipends and allowances, including travel and subsistence expenses provided under title 5, United States Code, as the Assistant Secretary considers appropriate.

(k) REGIONAL EDUCATIONAL LABORATORIES FOR RESEARCH, DISSEMINATION, AND TECHNICAL ASSISTANCE.—

(1) AUTHORITY.—

(A) IN GENERAL.—Subject to subparagraph (B), the Assistant Secretary shall support at least 10 but not more than 20 regional educational laboratories established by public agencies or private nonprofit organizations.

(B) SPECIAL RULE.—In any fiscal year in which the amount appropriated pursuant to the authority of subsection (q)(2) exceeds $38,000,000, the Assistant Secretary may use the amount in excess of $38,000,000 to support a regional educational laboratory serving a region not in existence on the day preceding the date of enactment of this Act, if such amount is equal to or exceeds $2,000,000.

(C) PRIORITY.—The Assistant Secretary shall give priority to supporting a regional educational laboratory that involves the combination or subdivision of a region or regions, such that States within a region in existence on the day preceding the date of enactment of this Act may be combined with States in another such region to form a new region so long as such combination does not result in any region in existence on such date permanently becoming part of a larger region, nor of any such region permanently subsuming another region.

(2) DEFINITION.—For purposes of this subsection, the term "regional educational laboratory" means a public agency or institution or a private nonprofit organization that—

(A) serves the education improvement needs in a geographic region of the United States; and

(B) advances the National Education Goals.

(3) DUTIES.—Each regional educational laboratory shall—

(A) have as its central mission and primary function—

(i) to develop and disseminate educational research products and processes to schools, teachers, local educational agencies, State educational agencies, librarians, and schools funded by the Bureau of Indian Affairs; and

(ii) through such development and dissemination and the provision of technical assistance, to help all students learn to challenging standards;

(B) provide technical assistance to State and local educational agencies, school boards, schools funded by the Bureau of Indian Affairs, State boards of education, schools, and librarians in accordance with the prioritization described in paragraph (4)(B)(vi) and needs related to standard-driven education reform;

(C) facilitate school restructuring at the individual school level, including technical assistance for adapting model demonstration grant programs to each school;

(D) serve the educational development needs of the region by providing education research in usable forms in order to promote school improvement and academic achievement and to correct educational deficiencies;

(E) develop a plan for identifying and serving the needs of the region by conducting a continuing survey of the educational needs, strengths, and weaknesses within the region, including a process of open hearings to solicit the views of schools, teachers, administrators, parents, local educational agencies, librarians, and State educational agencies within the region;

(F) use applied educational research to assist in solving site-specific problems and to assist in development activities;

(G) conduct applied research projects designed to serve the particular needs of the region only in the event that such quality applied research does not exist as determined by the regional education laboratory or the Department of Education;

(H) facilitate communication between educational experts, school officials, and teachers, parents, and librarians, to enable such individuals to assist schools to develop a plan to meet the National Education Goals;

(I) bring teams of experts together to develop and implement school improvement plans and strategies;

(J) provide training in—

(i) the field of education research and related areas;

(ii) the use of new educational methods; and

(iii) the use of information-finding methods, practices, techniques, and products developed in connection with such training for which the regional educational laboratory may support internships and fellowships and provide stipends;

(K) coordinate such laboratory's activities with the directorates assisted under this section in designing such laboratory's services and projects, in order to—

(i) maximize the use of research conducted through the directorates in the work of such laboratory;

(ii) keep the directorates apprised of the work of the regional educational laboratories in the field; and

(iii) inform the directorates about additional research needs identified in the field;

(L) develop with the State educational agencies and library agencies in the region and the Bureau of Indian Affairs a plan for serving the region;

(M) collaborate and coordinate services with other technical assistance funded by the Department of Education; and

(N) cooperate with other regional laboratories to develop and maintain a national network that addresses national education problems.

(4) GOVERNING BOARD.—

(A) IN GENERAL.—In carrying out the activities described in paragraph (3), each regional educational laboratory shall operate under the direction of a governing board, the members of which—

(i) are representative of that region; and

(ii) include teachers and education researchers.

(B) DUTIES.—Each such governing board shall—

(i) determine, subject to the requirements of this section and in consultation with the Assistant Secretary, the mission of the regional educational laboratory;

(ii) ensure that the regional educational laboratory attains and maintains a high level of quality in its work and products;

(iii) establish standards to ensure that the regional educational laboratory has strong and effective governance, organization, management, and administration, and employs qualified staff;

(iv) direct the regional educational laboratory to carry out the regional educational laboratory's duties in a manner as will make progress toward achieving the National Education Goals and reforming schools and educational systems;

(v) conduct a continuing survey of the educational needs, strengths, and weaknesses within the region, including a process of open hearings to solicit the views of schools and teachers; and

(vi) prioritize the needs of economically disadvantaged urban and rural areas within the region and ensure that such needs are served by the regional educational laboratory.

(5) APPLICATION.—Each entity desiring support for a regional educational laboratory shall submit to the Assistant Secretary an application that contains such information as the Assistant Secretary may reasonably require, including assurances that a regional educational laboratory will address the activities described in paragraph (3).

(6) ADDITIONAL PROJECTS.—In addition to activities described in paragraph (3), the Assistant Secretary, from amounts appropriated pursuant to subsection (q)(4), is authorized to enter into agreements with a regional educational laboratory for the purpose of carrying out additional projects to enable such regional educational laboratory to assist in efforts to achieve the National Education Goals and for other purposes.

(7) SPECIAL RULE.—No regional educational laboratory shall, by reason of receipt of assistance under this section, be ineligible to receive any other assistance from the Office authorized by law or be prohibited from engaging in activities involving international projects or endeavors.

(8) PLAN.—Not later than July 1 of each year, each regional educational laboratory shall submit to the Assistant Secretary a plan covering the succeeding fiscal year, in which such laboratory's mission, activities and scope of work are described, including a general description of—

(A) the plans such laboratory expects to submit in the 4 succeeding years; and

(B) an assessment of how well such laboratory is meeting the needs of the region.

(9) CONTRACT DURATION.—The Assistant Secretary shall enter into a contract for the purpose of supporting a regional educational laboratory under this subsection for a minimum of 5 years. The Secretary shall ensure that the recompetition cycles for new contracts for regional educational laboratories are carried out in such a manner that the expiration of the laboratory contracts is consistent with the reauthorization cycle.

(10) REVIEW.—The Assistant Secretary shall review the work of each regional educational laboratory in the third year that such laboratory receives assistance under this subsection, and shall evaluate the performance of such laboratory's activities to determine if such activities are consistent with the duties described in paragraph (3).

(11)± CONSTRUCTION.—Nothing in this subsection shall be construed to require any modifications in the regional educational laboratory contracts in effect on the day preceding the date of enactment of this Act.

(12) ADVANCE PAYMENT SYSTEM.—Each regional educational laboratory shall participate in the advance payment system of the Department of Education.

(13) COORDINATION.—The regional education laboratories shall work collaboratively, and coordinate the services such laboratories provide, with the technical assistance centers authorized under the Elementary and Secondary Education Act of 1965.

(l) TEACHER RESEARCH DISSEMINATION DEMONSTRATION PROGRAM.—

(1) FINDINGS.—The Congress finds that—

(A) education research, including research funded by the Office, is not having the impact on the Nation's schools that such research should;

(B) relevant education research and resulting solutions are not being adequately disseminated to and used by the teachers that need such research and solutions;

(C) there are insufficient linkages between the research and development centers assisted under this section, the regional educational laboratories described in subsection (k), the National Diffusion Network State facilitators, the Education Resources Information Clearinghouses, the comprehensive technical assistance centers assisted under the Elementary and Secondary Education Act of 1965, and the public schools to ensure that research on effective practice is disseminated and technical assistance provided to all teachers;

(D) the average teacher has little time to plan or engage in a professional dialogue with peers about strategies for improved learning;

(E) teachers do not have direct access to information systems or networks;

(F) teachers have little control over what in-service education teachers will be offered; and

(G) individual teachers are not encouraged to move beyond the walls of their school buildings to identify and use outside resources.

(2) ESTABLISHMENT.—

(A) IN GENERAL.—The Secretary is authorized to make grants to, and enter into contracts or cooperative agreements with, public and private agencies and organizations, including institutions of higher education, the regional education laboratories, and the research and development centers, or consortia thereof—

(i) to develop and carry out projects that demonstrate effective strategies for helping elementary and secondary education teachers, in both urban and rural areas, become knowledgeable about, assist in the design and use of, and use, education research, including education research carried out under this section; and

(ii) to develop, implement, and evaluate models for creation of teacher research dissemination networks.

(B) PRIORITY.—In awarding grants and entering into contracts and cooperative agreements under subparagraph (A) the Secretary shall give priority to entities that have received Federal funds for research and dissemination.

(3) APPLICATIONS.—

(A) IN GENERAL.—An entity desiring to receive assistance under this subsection shall submit an application to the Secretary in such form, at such time, and containing such information and assurances as the Secretary may require.

(B) CONTENTS.—Each such application shall describe how the project described in the application—

(i) was developed with the active participation of elementary and secondary school teachers;

(ii) will include the continuing participation of elementary and secondary school teachers in the management of the project;

(iii) is organized around one or more significant research topics;

(iv) will involve collaboration with entities that have received Federal funds for research and dissemination; and

(v) will sustain over time teacher research dissemination networks after Federal funding for such networks terminates.

(4) USE OF FUNDS.—Funds provided under this subsection may be used—

(A) to train elementary and secondary education teachers (particularly new teachers) about the sources of education research findings, including research findings available through activities supported by the Office, and how to access and use such findings to improve the quality of instruction;

(B) to develop simple formats, both administrative and technological, that allow elementary and secondary education teachers easy access to and use of education research findings;

(C) to share strategies and materials;

(D) to support professional networks;

(E) to survey teacher needs in the areas of research and development; and

(F) for other activities designed to support elementary and secondary education teachers in becoming knowledgeable about, assisting in the design of, and using, educational research.

(5) STIPENDS.—The Secretary may provide for the payment of such stipends (including allowances for subsistence and other expenses for elementary and secondary teachers), as the Secretary determines to be appropriate, to teachers participating in the projects authorized under this subsection.

(6) COORDINATION.—Recipients of funds under this subsection shall, to the greatest extent possible, coordinate their activities with related activities under the Elementary and Secondary Education Act of 1965.

(7) REPORT.—The Secretary shall, within 5 years of the date of enactment of this Act, submit to the Congress a report on the effectiveness of activities assisted under this subsection.

(m) OFFICE OF DISSEMINATION AND REFORM ASSISTANCE.—

(1) IN GENERAL.—The Assistant Secretary shall establish an Office of Dissemination and Reform Assistance, which may include the Education Resources Information Clearinghouses, the regional educational laboratories, the National Clearinghouse for Science and Mathematics Resources, the National Diffusion Network, the National Education Library, and such other programs and activities as the Assistant Secretary deems appropriate. The Office of Dis-

semination and Reform Assistance shall be headed by a Director who shall be appointed by the Assistant Secretary and have a demonstrated expertise and experience in dissemination.

(2) DUTIES.—In carrying out its dissemination activities, the Office of Dissemination and Reform Assistance shall—

(A) operate a depository for all Department of Education publications and products and make available for reproduction such publications and products;

(B) coordinate the dissemination efforts of all Office of Educational Research and Improvement program offices, the regional educational laboratories, the directorates assisted under this section, the National Diffusion Network, and the Education Resources Information Clearinghouses;

(C) disseminate relevant and useful research, information, products, and publications developed through or supported by the Department of Education to schools throughout the Nation;

(D) develop the capacity to connect schools and teachers seeking information with the relevant regional educational laboratories assisted under subsection (k), the National Diffusion Network, the directorates assisted under this section, and the Education Resources Information Clearinghouses; and

(E) provide an annual report to the Secretary regarding the types of information, products, and services that teachers, schools, and school districts have requested and have determined to be most useful, and describe future plans to adapt Department of Education products and services to address the needs of the users of such information, products, and services.

(3) ADDITIONAL ACTIVITIES.—In addition, the Office of Dissemination and Reform Assistance may—

(A) use media and other educational technology to carry out dissemination activities, including program development;

(B) establish and maintain a database on all research and improvement efforts funded through the Department of Education;

(C) actively encourage cooperative publishing of significant publications;

(D) disseminate information on successful models and educational methods which have been recommended to the Office of Dissemination and Reform Assistance by educators, educational organizations, nonprofit organizations, businesses, and foundations, and disseminate such models by including, with any such information, an identification of the entity or entities that have recommended the program; and

(E) engage in such other dissemination activities as the Assistant Secretary determines necessary.

(n) NATIONAL DIFFUSION NETWORK STATE FACILITATORS.—The National Diffusion Network described in section 1562 of the Elementary and Secondary Education Act of 1965 is authorized to provide information through National Diffusion Network State facilitators on model or demonstration projects funded by the Department of Education. For purposes of carrying out this subsection, information on such model projects does not have to be approved through the program effectiveness panel, but may be provided directly through the State facilitators. In addition, the National Diffusion Network may disseminate other information available through the Office of Education Dissemination and Reform Assistance established under subsection (m) through the National Diffusion Network.

(o) NATIONAL EDUCATION LIBRARY.—

(1) ESTABLISHMENT.—There shall be established a National Library of Education at the Department of Education (hereafter in this subsection referred to as the "Library") which shall—

(A) be a national resource center for teachers, scholars, librarians, State, local, and Indian tribal education officials, parents, and other interested individuals; and

(B) provide resources to assist in the—

(i) advancement of research on education;

(ii) dissemination and exchange of scientific and other information important to the improvement of education at all levels; and

(iii) improvement of educational achievement.

(2) MISSION.—The mission of the Library shall be to—

(A) become a principal center for the collection, preservation, and effective utilization of the research and other information related to education and to the improvement of educational achievement;

(B) strive to ensure widespread access to the Library's facilities and materials, coverage of all educational issues and subjects, and quality control;

(C) have an expert library staff; and

(D) use modern information technology that holds the potential to link major libraries, schools, and educational centers across the United States into a network of national education resources.

(3) FUNCTIONS.—The Library shall—

(A) establish a policy to acquire and preserve books, periodicals, data, prints, films, recordings, and other library materials related to education;

(B) establish a policy to disseminate information about the materials available in the Library;

(C) make available through loans, photographic or other copying procedures, or otherwise, such materials in the Library as the Secretary deems appropriate; and

(D) provide reference and research assistance.

(4) LIBRARIAN.—

(A) IN GENERAL.—The Secretary shall appoint a librarian to head the Library.

(B) EXPERIENCE.—The individual appointed pursuant to subparagraph (A) shall have extensive experience as a librarian.

(C) SOLICITATION OF NOMINATIONS.—The Secretary shall solicit nominations from individuals and organizations before making the appointment described in subparagraph (A).

(D) SALARY.—The librarian shall be paid at not less than the minimum rate of pay payable for level GS-15 of the General Schedule.

(p) EDUCATION RESOURCES INFORMATION CLEARINGHOUSES.—The Assistant Secretary shall establish and support Education Resources Information Clearinghouses (including directly supporting dissemination services) having such functions as the clearinghouses had on the day preceding the date of enactment of this Act, except that—

(1) the Assistant Secretary shall establish for the clearinghouses a coherent policy for the abstraction from, and inclusion in, the educational resources information clearinghouse system books, periodicals, reports, and other materials related to education; and

(2) the clearinghouses shall collect and disseminate information on alternative management demonstration projects operating in public schools throughout the Nation.

(q) AUTHORIZATION OF APPROPRIATIONS.—

(1) DIRECTORATES OF EDUCATIONAL RESEARCH.—

(A) IN GENERAL.—There are authorized to be appropriated $100,000,000 for fiscal year 1995, and such sums as may be necessary for each of the fiscal years 1996 through 1999, to carry out subsections (c) through (h), relating to the Directorates of Educational Research.

(B) APPROPRIATIONS OF $70,000,000 OR LESS.—From the amount made available under clause (i) in any fiscal year in which the amount appropriated to carry out such clause is $70,000,000 or less—

(i) at least 25 percent of such amount shall be available to carry out subsection (d), relating to the National Directorate on Curriculum, Instruction, and Assessment;

(ii) at least 10 percent of such amount shall be available to carry out subsection (e), relating to the National Directorate on the Educational Achievement of Historically Underserved Populations;

(iii) at least 10 percent of such amount shall be available to carry out subsection (f), relating to the National Directorate on Early Childhood Development and Education;

(iv) at least 5 percent of such amount shall be available to carry out subsection (g), relating to the National Directorate on Elementary and Secondary Educational Governance, Finance, Policymaking, and Management;

(v) at least 5 percent of such amount shall be available to carry out subsection (h), relating to the National Directorate on Adult Education, Literacy and Lifelong Learning; and

(vi) not more than 10 percent of such amount shall be available to carry out synthesis and coordination activities described in subsection (c)(1)(C).

(C) APPROPRIATIONS GREATER THAN $70,000,000.—From the amount made available under clause (i) in any fiscal year in which the amount appropriated to carry out such clause is greater than $70,000,000—

(i) at least 30 percent of such amount shall be available to carry out subsection (d), relating to the National Directorate on Curriculum, Instruction, and Assessment;

(ii) at least 10 percent of such amount shall be available to carry out subsection (e), relating to the National Directorate on the Educational Achievement of Historically Underserved Populations;

(iii) at least 10 percent of such amount shall be available to carry out subsection (f), relating to the National Directorate on Early Childhood Development and Education;

(iv) at least 10 percent of such amount shall be available to carry out subsection (g), relating to the National Directorate on Elementary and Secondary Educational Governance, Finance, Policymaking, and Management;

(v) at least 10 percent of such amount shall be available to carry out subsection (h), relating to the National Directorate on Adult Education, Literacy and Lifelong Learning; and

(vi) not more than 10 percent of such amount shall be available to carry out synthesis and coordination activities described in subsection (c)(1)(C).

(D) SPECIAL RULE.—Not less than 95 percent of funds appropriated pursuant to the authority of clause (i) in any fiscal year shall be expended to carry out this section through grants, cooperative agreements, or contracts.

(2) REGIONAL EDUCATIONAL LABORATORIES.—There are authorized to be appropriated $41,000,000 for fiscal year 1995, and such sums as may be necessary for each of the fiscal years 1996 through 1999, to carry out subsection (k), relating to the regional educational laboratories.

(3) TEACHER RESEARCH DISSEMINATION DEMONSTRATION PROGRAM.—

(A) IN GENERAL.—There are authorized to be appropriated $10,000,000 for fiscal year 1995, and such sums as may be necessary for each of the fiscal years 1996 through 1999, to carry out the provisions of subsection (l), relating to the teacher research dissemination demonstration program.

(B) PEER REVIEW.—The Secretary may use not more than 0.2 percent of the amount appropriated pursuant to the authority of subparagraph (A) for each fiscal year for peer review of applications under this section.

(4) OFFICE OF DISSEMINATION AND REFORM ASSISTANCE.—There are authorized to be appro-

priated $5,000,000 for fiscal year 1995, and such sums as may be necessary for each of the fiscal years 1996 through 1999, to carry out subsections (m) and (k)(6), relating to the Office of Education Dissemination and Reform Assistance and additional projects for regional educational laboratories, respectively.

(5) NATIONAL DIFFUSION NETWORK STATE FACILITATORS.—There are authorized to be appropriated $10,000,000 for the fiscal year 1995, and such sums as may be necessary for each of fiscal years 1996 through 1999, to carry out subsection (n), relating to the National Diffusion Network State Facilitators.

(6) NATIONAL EDUCATION LIBRARY.—There are authorized to be appropriated $10,000,000 for fiscal year 1995, and such sums as may be necessary for each of the fiscal years 1996 through 1999, to carry out subsection (o), relating to the National Education Library.

(7) EDUCATION RESOURCES INFORMATION CLEARINGHOUSES.—There are authorized to be appropriated $10,000,000 for fiscal year 1995, and such sums as may be necessary for each of the fiscal years 1996 through 1999, to carry out subsection (p), relating to the Education Resources Information Clearinghouses.

(8) ADMINISTRATION OF FUNDS.—When more than one Federal agency uses funds to support a single project under this section, the Office may act for all such agencies in administering such funds.

(r) EXISTING CONTRACTS AND GRANTS.—

(1) SPECIAL RULE.—Notwithstanding any other provision of law, grants or contracts for the regional educational laboratories and the centers assisted under section 405 of the General Education Provisions Act on the day preceding the date of enactment of this Act shall remain in effect until the termination date of such grants or contracts, except that the grants or contracts for such centers which terminate before the competition for the new centers described in subsection (c)(3)(B) is completed may be extended until the time that the awards for such new centers are made.

(2) FUNDING.—The Secretary shall use amounts appropriated pursuant to the authority of subsection (q)(1)(A) to support the grants or contracts described in paragraph (1).

SEC. 913. SAVINGS PROVISIONS.

(a) CONTINUING EFFECT OF LEGAL DOCUMENTS.—All orders, determinations, rules, regulations, permits, agreements, grants, contracts, certificates, licenses, registrations, privileges, and other administrative actions—

(1) which have been issued, made, granted, or allowed to become effective by the President, any Federal agency or official thereof, or by a court of competent jurisdiction, in the performance of functions of the Office of Educational Research and Improvement (as such functions existed on the day before the date of enactment of this Act); and

(2) which are in effect at the time this title takes effect, or were final before the effective date of this title and are to become effective on or after the effective date of this title,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Secretary or other authorized official, a court of competent jurisdiction, or by operation of law.

(b) PROCEEDINGS NOT AFFECTED.—The provisions of this title shall not affect any proceedings, including notices of proposed rulemaking, or any application for any license, permit, certificate, or financial assistance pending before the Office of Educational Research and Improvement at the time this title takes effect, with respect to functions of such Office but such proceedings and applications shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this title had not been enacted, and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this subsection shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this title had not been enacted.

(c) SUITS NOT AFFECTED.—The provisions of this title shall not affect suits commenced before the effective date of this title, and in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this title had not been enacted.

(d) NONABATEMENT OF ACTIONS.—No suit, action, or other proceeding commenced by or against the Office of Educational Research and Improvement, or by or against any individual in the official capacity of such individual as an officer of the Office of Educational Research and Improvement, shall abate by reason of the enactment of this title.

(e) ADMINISTRATIVE ACTIONS RELATING TO PROMULGATION OF REGULATIONS.—Any administrative action relating to the preparation or promulgation of a regulation by the Office of Educational Research and Improvement relating to a function of such Office under this title may be continued by the Office of Educational Research and Improvement with the same effect as if this title had not been enacted.

SEC. 914. FIELD READERS.

Section 402 of the Department of Education Organization Act (20 U.S.C. 3462) is amended—

(1) by inserting "(a) IN GENERAL.—" before "The Secretary"; and

(2) by adding at the end the following new subsection:

"(b) SPECIAL RULE.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary may use not more than 1 percent of the funds appropriated for any education program that awards such funds on a competitive basis to pay the expenses and fees of non-Federal experts necessary to review applications and proposals for such funds.

"(2) APPLICABILITY.—The provisions of paragraph (1) shall not apply to any education program under which funds are authorized to be appropriated to pay the fees and expenses of non-Federal experts to review applications and proposals for such funds.".

PART B—EDUCATIONAL IMPROVEMENT PROGRAMS

Subpart 1—International Education Program

SEC. 921. INTERNATIONAL EDUCATION PROGRAM.

(a) PROGRAM ESTABLISHED.—The Secretary shall carry out an International Education Program in accordance with this section that shall provide for—

(1) the study of international education programs and delivery systems; and

(2) an international education exchange program.

(b) ASSESSMENT AND INFORMATION.—The Secretary shall award grants for the study, evaluation and analysis of education systems in other nations, particularly Great Britain, France, Germany and Japan. Such studies shall focus upon a comparative analysis of curriculum, methodology and organizational structure, including the length of the school year and school day. In addition, the studies shall provide an analysis of successful strategies employed by other nations to improve student achievement, with a specific focus upon application to schooling and the National Education Goals.

(c) INTERNATIONAL EDUCATION EXCHANGE.—

(1) REQUIREMENT.—

(A) IN GENERAL.—The Secretary shall carry out a program to be known as the International Education Exchange Program. Under such program the Secretary shall award grants to or enter into contracts with organizations with demonstrated effectiveness or expertise in international achievement comparisons, in order to—

(i) make available to educators from eligible countries exemplary curriculum and teacher training programs in civics and government education and economic education developed in the United States;

(ii) assist eligible countries in the adaptation and implementation of such programs or joint research concerning such programs;

(iii) create and implement educational programs for United States students which draw upon the experiences of emerging constitutional democracies;

(iv) provide a means for the exchange of ideas and experiences in civics and government education and economic education among political, educational and private sector leaders of participating eligible countries; and

(v) provide support for—

(I) research and evaluation to determine the effects of educational programs on students' development of the knowledge, skills and traits of character essential for the preservation and improvement of constitutional democracy; and

(II) effective participation in and the preservation and improvement of an efficient market economy.

(B) RESERVATIONS.—In carrying out the program described in subparagraph (A), the Secretary shall reserve in each fiscal year—

(i) 50 percent of the amount available to carry out this subsection for civics and government education activities; and

(ii) 50 percent of such amount for economic education activities.

(2) CONTRACT AUTHORIZED.—

(A) IN GENERAL.—The Secretary is authorized to contract with independent nonprofit educational organizations to carry out the provisions of this subsection.

(B) NUMBER.—The Secretary shall award at least 1 but not more than 3 contracts described in subparagraph (A) in each of the areas described in clauses (i) and (ii) of paragraph (1)(B).

(C) AVOIDANCE OF DUPLICATION.—The Secretary shall award contracts described in subparagraph (A) so as to avoid duplication of activities in such contracts.

(D) REQUIREMENTS.—Each organization with which the Secretary enters into a contract pursuant to subparagraph (A) shall—

(i) be experienced in—

(I) the development and national implementation of curricular programs in civics and government education and economic education for students from grades kindergarten through 12 in local, intermediate, and State educational agencies, in schools funded by the Bureau of Indian Affairs, and in private schools throughout the Nation with the cooperation and assistance of national professional educational organizations, colleges and universities, and private sector organizations;

(II) the development and implementation of cooperative university and school based inservice training programs for teachers of grades kindergarten through grade 12 using scholars from such relevant disciplines as political science, political philosophy, history, law and economics;

(III) the development of model curricular frameworks in civics and government education and economic education;

(IV) the administration of international seminars on the goals and objectives of civics and government education or economic education in

constitutional democracies (including the sharing of curricular materials) for educational leaders, teacher trainers, scholars in related disciplines, and educational policymakers; and

(V) the evaluation of civics and government education or economic education programs; and

(ii) have the authority to subcontract with other organizations to carry out the provisions of this subsection.

(3) ACTIVITIES.—The international education program described in this subsection shall—

(A) provide eligible countries with—

(i) seminars on the basic principles of United States constitutional democracy and economics, including seminars on the major governmental and economic institutions and systems in the United States, and visits to such institutions;

(ii) visits to school systems, institutions of higher learning, and nonprofit organizations conducting exemplary programs in civics and government education and economic education in the United States;

(iii) home stays in United States communities;

(iv) translations and adaptations regarding United States civics and government education and economic education curricular programs for students and teachers, and in the case of training programs for teachers translations and adaptations into forms useful in schools in eligible countries, and joint research projects in such areas;

(v) translation of basic documents of United States constitutional government for use in eligible countries, such as The Federalist Papers, selected writings of Presidents Adams and Jefferson and the Anti-Federalists, and more recent works on political theory, constitutional law and economics; and

(vi) research and evaluation assistance to determine—

(I) the effects of educational programs on students' development of the knowledge, skills and traits of character essential for the preservation and improvement of constitutional democracy; and

(II) effective participation in and the preservation and improvement of an efficient market economy;

(B) provide United States participants with—

(i) seminars on the histories, economics and governments of eligible countries;

(ii) visits to school systems, institutions of higher learning, and organizations conducting exemplary programs in civics and government education and economic education located in eligible countries;

(iii) home stays in eligible countries;

(iv) assistance from educators and scholars in eligible countries in the development of curricular materials on the history, government and economics of such countries that are useful in United States classrooms;

(v) opportunities to provide on-site demonstrations of United States curricula and pedagogy for educational leaders in eligible countries; and

(vi) research and evaluation assistance to determine—

(I) the effects of educational programs on students' development of the knowledge, skills and traits of character essential for the preservation and improvement of constitutional democracy; and

(II) effective participation in and improvement of an efficient market economy; and

(C) assist participants from eligible countries and the United States in participating in international conferences on civics and government education and economic education for educational leaders, teacher trainers, scholars in related disciplines, and educational policymakers.

(4) PRINTER MATERIALS AND PROGRAMS.—All printed materials and programs provided to foreign nations under this subsection shall bear the logo and text used by the Marshall Plan after World War II, that is, clasped hands with the inscription "A gift from the American people to the people of (insert name of country)".

(5) PARTICIPANTS.—The primary participants in the international education program assisted under this subsection shall be leading educators in the areas of civics and government education and economic education, including curriculum and teacher training specialists, scholars in relevant disciplines, and educational policymakers, from the United States and eligible countries.

(6) PERSONNEL AND TECHNICAL EXPERTS.—The Secretary is authorized to provide Department of Education personnel and technical experts to assist eligible countries establish and implement a database or other effective methods to improve educational delivery systems, structure and organization.

(7) DEFINITIONS.—For the purpose of this subsection the term "eligible country" means a Central European country, an Eastern European country, Lithuania, Latvia, Estonia, Georgia, the Commonwealth of Independent States, and any country that formerly was a republic of the Soviet Union whose political independence is recognized in the United States.

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) ASSESSMENT AND INFORMATION.—There are authorized to be appropriated $1,000,000 for fiscal year 1995, and such sums as may be necessary for each of the fiscal years 1996 through 1999, to carry out subsection (b).

(2) INTERNATIONAL EDUCATION EXCHANGE.—There are authorized to be appropriated $10,000,000 for fiscal year 1995, and such sums as may be necessary for each of the fiscal years 1996 through 1999, to carry out subsection (c).

Subpart 2—Amendments to the Carl D. Perkins Vocational and Applied Technology Education Act

SEC. 931. NATIONAL OCCUPATIONAL INFORMATION COORDINATING COMMITTEE.

Section 422 of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2422) is amended—

(1) in paragraph (2) of subsection (a), by inserting "(including postsecondary employment and training programs)" after "training programs"; and

(2) in subsection (b)—

(A) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively;

(B) in the matter preceding paragraph (1) (as redesignated in subparagraph (A)), by inserting "the State board or agency governing higher education," after "coordinating council,"; and

(C) in paragraph (1) (as redesignated in subparagraph (A))—

(i) by striking "Act and of" and inserting "Act, of"; and

(ii) by inserting "and of the State board or agency governing higher education" after "Job Training Partnership Act";

(3) by redesignating subsection (d) as subsection (e); and

(4) by inserting after subsection (c) the following new subsection:

"(d) DATA COLLECTION SYSTEM.—In the development and design of a system to provide data on graduation or completion rates, job placement rates from occupationally specific programs, licensing rates, and awards of high school graduate equivalency diplomas (GED), each State board for higher education shall develop a data collection system the results of which can be integrated into the occupational information system developed under this section.".

Subpart 3—Elementary Mathematics and Science Equipment Program

SEC. 941. SHORT TITLE.

This subpart may be cited as the "Elementary Mathematics and Science Equipment Act".

SEC. 942. STATEMENT OF PURPOSE.

It is the purpose of this subpart to raise the quality of instruction in mathematics and science in the Nation's elementary schools by providing equipment and materials necessary for hands-on instruction through assistance to State and local educational agencies.

SEC. 943. PROGRAM AUTHORIZED.

The Secretary is authorized to make allotments to State educational agencies under section 944 to enable such agencies to award grants to local educational agencies for the purpose of providing equipment and materials to elementary schools to improve mathematics and science education in such schools.

SEC. 944. ALLOTMENTS OF FUNDS.

(a) IN GENERAL.—From the amount appropriated under section 950 for any fiscal year, the Secretary shall reserve—

(1) not more than one-half of 1 percent for allotment among Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau according to their respective needs for assistance under this subpart; and

(2) one-half of 1 percent for programs for Indian students served by schools funded by the Secretary of the Interior which are consistent with the purposes of this subpart.

(b) ALLOTMENT.—The remainder of the amount so appropriated (after meeting requirements in subsection (a)) shall be allotted among State educational agencies so that—

(1) one-half of such remainder shall be distributed by allotting to each State educational agency an amount which bears the same ratio to such one-half of such remainder as the number of children aged 5 to 17, inclusive, in the State bears to the number of such children in all States; and

(2) one-half of such remainder shall be distributed according to each State's share of allocations under chapter 1 of title I of the Elementary and Secondary Education Act of 1965,

except that no State educational agency shall receive less than one-half of 1 percent of the amount available under this subsection in any fiscal year or less than the amount allotted to such State for fiscal year 1988 under title II of the Education for Economic Security Act.

(c) REALLOTMENT OF UNUSED FUNDS.—The amount of any State educational agency's allotment under subsection (b) for any fiscal year to carry out this subpart which the Secretary determines will not be required for that fiscal year to carry out this subpart shall be available for reallotment from time to time, on such dates during that year as the Secretary may determine, to other State educational agencies in proportion to the original allotments to those State educational agencies under subsection (b) for that year but with such proportionate amount for any of those other State educational agencies being reduced to the extent it exceeds the sum the Secretary estimates that the State educational agency needs and will be able to use for that year, and the total of those reductions shall be similarly reallotted among the State educational agencies whose proportionate amounts were not so reduced. Any amounts reallotted to a State educational agency under this subsection during a year shall be deemed a subpart of the State educational agency's allotment under subsection (b) for that year.

(d) DEFINITION.—For the purposes of this subpart the term "State" means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

(e) DATA.—The number of children aged 5 to 11, inclusive, in the State and in all States shall be determined by the Secretary on the basis of the most recent satisfactory data available to the Secretary.

SEC. 945. STATE APPLICATION.

(a) APPLICATION.—Each State educational agency desiring to receive an allotment under this subpart shall file an application with the Secretary which covers a period of 5 fiscal years. Such application shall be filed at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require.

(b) CONTENTS OF APPLICATION.—Each application described in subsection (a) shall—

(1) provide assurances that—

(A) the State educational agency shall use the allotment provided under this subpart to award grants to local educational agencies within the State to enable such local educational agencies to provide assistance to schools served by such agency to carry out the purpose of this subpart;

(B) the State educational agency will provide such fiscal control and funds accounting as the Secretary may require;

(C) every public elementary school in the State is eligible to receive assistance under this subpart once over the 5-year duration of the program assisted under this subpart;

(D) funds provided under this subpart will supplement, not supplant, State and local funds made available for activities authorized under this subpart;

(E) during the 5-year period described in the application, the State educational agency will evaluate its standards and programs for teacher preparation and inservice professional development for elementary mathematics and science;

(F) the State educational agency will take into account the needs for greater access to and participation in mathematics and science by students and teachers from historically underrepresented groups, including females, minorities, individuals with limited-English proficiency, the economically disadvantaged, and individuals with disabilities; and

(G) that the needs of teachers and students in areas with high concentrations of low-income students and sparsely populated areas will be given priority in awarding assistance under this subpart;

(2) provide, if appropriate, a description of how funds paid under this subpart will be coordinated with State and local funds and other Federal resources, particularly with respect to programs for the professional development and inservice training of elementary school teachers in science and mathematics; and

(3) describe procedures—

(A) for submitting applications for programs described in sections 236 and 237 for distribution of assistance under this subpart within the State; and

(B) for approval of applications by the State educational agency, including appropriate procedures to assure that such agency will not disapprove an application without notice and opportunity for a hearing.

(c) STATE ADMINISTRATION.—Not more than 5 percent of the funds allotted to each State educational agency under this subpart shall be used for the administrative costs of such agency associated with carrying out the program assisted under this subpart.

SEC. 946. LOCAL APPLICATION.

(a) APPLICATION.—A local educational agency that desires to receive a grant under this subpart shall submit an application to the State educational agency. Each such application shall contain assurances that each school served by the local educational agency shall be eligible for assistance under this subpart only once.

(b) CONTENTS OF APPLICATION.—Each application described in subsection (a) shall—

(1) describe how the local educational agency plans to set priorities on the use and distribution among schools of grant funds received under this subpart to meet the purpose of this subpart;

(2) include assurances that the local educational agency has made every effort to match on a dollar-for-dollar basis from private or public sources the funds received under this subpart, except that no such application shall be penalized or denied assistance under this subpart based on failure to provide such matching funds;

(3) describe, if applicable, how funds under this subpart will be coordinated with State, local, and other Federal resources, especially with respect to programs for the professional development and inservice training of elementary school teachers in science and mathematics; and

(4) describe the process which will be used to determine different levels of assistance to be awarded to schools with different needs.

(c) PRIORITY.—In awarding grants under this subpart, the State educational agency shall give priority to applications that—

(1) assign highest priority to providing assistance to schools which—

(A) are most seriously underequipped; or

(B) serve large numbers or percentages of economically disadvantaged students;

(2) are attentive to the needs of underrepresented groups in science and mathematics;

(3) demonstrate how science and mathematics equipment will be part of a comprehensive plan of curriculum planning or implementation and teacher training supporting hands-on laboratory activities; and

(4) assign priority to providing equipment and materials for students in grades 1 through 6.

SEC. 947. PARTICIPATION OF PRIVATE SCHOOLS.

(a) PARTICIPATION OF PRIVATE SCHOOLS.—To the extent consistent with the number of children in the State or in the school district of each local educational agency who are enrolled in private nonprofit elementary schools, such State educational agency shall, after consultation with appropriate private school representatives, make provision for including services and arrangements for the benefit of such children as will assure the equitable participation of such children in the purposes and benefits of this subpart.

(b) WAIVER.—If by reason of any provision of State law a local educational agency is prohibited from providing for the participation of children or teachers from private nonprofit schools as required by subsection (a), or if the Secretary determines that a State or local educational agency has substantially failed or is unwilling to provide for such participation on an equitable basis, the Secretary shall waive such requirements and shall arrange for the provision of services to such children or teachers subject to the requirement of this section. Such waivers shall be subject to consultation, withholding, notice, and judicial review requirements described in section 1017 of the Elementary and Secondary Education Act of 1965.

SEC. 948. PROGRAM REQUIREMENTS.

(a) COORDINATION.—Each State educational agency receiving an allotment under this subpart shall—

(1) disseminate information to school districts and schools, including private nonprofit elementary schools, regarding the program assisted under this subpart;

(2) evaluate applications of local educational agencies;

(3) award grants to local educational agencies based on the priorities described in section 946(c); and

(4) evaluate local educational agencies' end-of-year summaries and submit such evaluation to the Secretary.

(b) LIMITATIONS ON USE OF FUNDS.—

(1) IN GENERAL.—Except as provided in paragraph (2), grant funds and matching funds under this subpart only shall be used to purchase science equipment, science materials, or mathematical manipulative materials and shall not be used for computers, computer peripherals, software, textbooks, or staff development costs.

(2) CAPITAL IMPROVEMENTS.—Grant funds under this subpart may not be used for capital improvements. Not more than 50 percent of any matching funds provided by the local educational agency may be used for capital improvements of classroom science facilities to support the hands-on instruction that this subpart is intended to support, such as the installation of electrical outlets, plumbing, lab tables or counters, or ventilation mechanisms.

SEC. 949. FEDERAL ADMINISTRATION.

(a) TECHNICAL ASSISTANCE AND EVALUATION PROCEDURES.—The Secretary shall provide technical assistance and, in consultation with State and local representatives of the program assisted under this subpart, shall develop procedures for State and local evaluations of the programs assisted under this subpart.

(b) REPORT.—The Secretary shall report to the Congress each year on the program assisted under this subpart.

SEC. 950. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $10,000,000 for fiscal year 1995, and such sums as may be necessary for each of the fiscal years 1996 through 1999, to carry out this subpart.

Subpart 4—Media Instruction

SEC. 951. MEDIA INSTRUCTION.

(a) GRANTS AUTHORIZED.—The Secretary shall enter into a contract with an independent nonprofit organization described in subsection (b) for the establishment of a national multimedia television-based project directed to homes, schools and after-school programs that is designed to motivate and improve the reading comprehension and writing coherence of elementary school-age children.

(b) DEMONSTRATED EFFECTIVENESS.—The Secretary shall award the contract described in subsection (a) to an independent nonprofit organization that has demonstrated effectiveness in educational programming and development on a nationwide basis.

(c) AUTHORIZATION AND APPROPRIATIONS.—There are authorized to be appropriated $5,000,000 for fiscal year 1995, and such sums as may be necessary for fiscal year 1996 and fiscal year 1997, to carry out this section.

Subpart 5—Star Schools

SEC. 961. STAR SCHOOLS.

Subsection (a) of section 908 of the Star Schools Assistance Act (20 U.S.C. 4085b(a)) is amended by striking "greater" and inserting "lesser".

Subpart 6—Office of Comprehensive School Health Education

SEC. 971. OFFICE OF COMPREHENSIVE SCHOOL HEALTH EDUCATION.

(a) IN GENERAL.—Subsection (c) of section 4605 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 3155(c)) is amended—

(1) in the matter preceding paragraph (1), by striking "Office of the Secretary" and inserting "Office of Elementary and Secondary Education"; and

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

"(4) To act as a liaison office for the coordination of the activities undertaken by the Office under this section with related activities of the Department of Health and Human Services and to expand school health education research grant programs under this section.".

(b) TRANSITION.—The Secretary shall take all appropriate actions to facilitate the transfer of the Office of Comprehensive School Health Education pursuant to the amendment made by subsection (a).

Subpart 7—Minority-Focused Civics Education

SEC. 981. SHORT TITLE.

This subpart may be cited as the "Minority-Focused Civics Education Act of 1994".

SEC. 982. PURPOSES.

It is the purpose of this subpart—

(1) to encourage improved instruction for minorities and Native Americans in American government and civics through a national program of accredited summer teacher training and staff development seminars or institutes followed by academic year inservice training programs conducted on college and university campuses or other appropriate sites, for—

(A) social studies and other teachers responsible for American history, government, and civics classes; and

(B) other educators who work with minority and Native American youth; and

(2) through such improved instruction to improve minority and Native American student knowledge and understanding of the American system of government.

SEC. 983. GRANTS AUTHORIZED; AUTHORIZATION OF APPROPRIATIONS.

(a) GRANTS AUTHORIZED.—

(1) IN GENERAL.—The Secretary is authorized to make grants to eligible entities for the development and implementation of seminars in American government and civics for elementary and secondary school teachers and other educators who work with minority and Native American students.

(2) AWARD RULE.— In awarding grants under this subpart, the Secretary shall ensure that there is wide geographic distribution of such grants.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $5,000,000 for fiscal 1995, and such sums as may be necessary for each of the fiscal years 1996, 1997, and 1998, to carry out this subpart.

SEC. 984. DEFINITIONS.

For purposes of this subpart—

(1) the term "eligible entity" means a State educational agency, an institution of higher education or a State higher education agency, or a public or private nonprofit organization, with experience in coordinating or conducting teacher training seminars in American government and civics education, or a consortium thereof; and

(2) the term "State higher education agency" means the officer or agency primarily responsible for the State supervision of higher education.

SEC. 985. APPLICATIONS.

(a) APPLICATION REQUIRED.—Each eligible entity desiring a grant under this subpart shall submit an application to the Secretary, at such time, in such manner and containing or accompanied by such information as the Secretary may reasonably require.

(b) CONTENTS OF APPLICATION.—Each application submitted pursuant to subsection (a) shall—

(1) define the learning objectives and course content of each seminar to be held and describe the manner in which seminar participants shall receive substantive academic instruction in the principles, institutions and processes of American government;

(2) provide assurances that educators successfully participating in each seminar will qualify for either graduate credit or professional development or advancement credit according to the criteria established by a State or local educational agency;

(3) describe the manner in which seminar participants shall receive exposure to a broad array of individuals who are actively involved in the political process, including political party representatives drawn equally from the major political parties, as well as representatives of other organizations involved in the political process;

(4) provide assurances that the seminars will be conducted on a nonpartisan basis;

(5) describe the manner in which the seminars will address the role of minorities or Native Americans in the American political process, including such topics as—

(A) the history and current political state of minorities or Native Americans;

(B) recent research on minority or Native American political socialization patterns and cognitive learning styles; and

(C) studies of political participation patterns of minorities or Native Americans;

(6) describe the pedagogical elements for teachers that will enable teachers to develop effective strategies and lesson plans for teaching minorities or Native American students at the elementary and secondary school levels;

(7) identify the eligible entities which will conduct the seminars for which assistance is sought;

(8) in the case that the eligible entity is an institution of higher education, describe the plans for collaborating with national organizations in American government and civics education;

(9) provide assurances that during the academic year educators participating in the summer seminars will provide inservice training programs based upon what such educators have learned and the curricular materials such educators have developed or acquired for their peers in their school systems with the approval and support of their school administrators; and

(10) describe the activities or services for which assistance is sought, including activities and services such as—

(A) development of seminar curricula;

(B) development and distribution of instructional materials;

(C) scholarships for participating teachers; and

(D) program assessment and evaluation.

(c) PRIORITY.—The Secretary, in approving applications for assistance under this subpart, shall give priority to applications which demonstrate that—

(1) the applicant will serve teachers who teach in schools with a large number or concentration of economically disadvantaged students;

(2) the applicant has demonstrated national experience in conducting or coordinating accredited summer seminars in American government or civics education for elementary and secondary school teachers;

(3) the applicant will coordinate or conduct seminars on a national or multistate basis through a collaboration with an institution of higher education, State higher education agency or a public or private nonprofit organization, with experience in coordinating or conducting teacher training programs in American government and civics education;

(4) the applicant will coordinate or conduct seminars designed for more than one minority student population and for Native Americans; and

(5) the applicant will coordinate or conduct seminars that offer a combination of academic instruction in American government, exposure to the practical workings of the political system, and training in appropriate pedagogical techniques for working with minority and Native American students.

PART C—DEFINITIONS

SEC. 991. DEFINITIONS.

For the purpose of this title—

(1) the term "elementary school" has the same meaning given to such term by section 1471(8) of the Elementary and Secondary Education Act of 1965;

(2) the term "institution of higher education" has the same meaning given to such term by section 1201(a) of the Higher Education Act of 1965;

(3) the term "local educational agency" has the same meaning given to such term by section 1471(12) of the Elementary and Secondary Education Act of 1965;

(4) the term "secondary school" has the same meaning given to such term by section 1471(21) of the Elementary and Secondary Education Act of 1965;

(5) the term "Secretary" means the Secretary of Education; and

(6) the term "State educational agency" has the same meaning given such term by section 1471(23) of the Elementary and Secondary Education Act of 1965.

TITLE X—PARENTS AS TEACHERS

SEC. 1001. FINDINGS.

The Congress finds that—

(1) increased parental involvement in the education of their children appears to be the key to long-term gains for youngsters;

(2) providing seed money is an appropriate role for the Federal Government to play in education;

(3) children participating in the parents as teachers program in Missouri are found to have increased cognitive or intellectual skills, language ability, social skills and other predictors of school success;

(4) most early childhood programs begin at age 3 or 4 when remediation may already be necessary; and

(5) many children receive no health screening between birth and the time they enter school, thus such children miss the opportunity of having developmental delays detected early.

SEC. 1002. STATEMENT OF PURPOSE.

It is the purpose of this title to encourage States and eligible entities to develop and expand parent and early childhood education programs in an effort to—

(1) increase parents' knowledge of and confidence in child-rearing activities, such as teaching and nurturing their young children;

(2) strengthen partnerships between parents and schools; and

(3) enhance the developmental progress of participating children.

SEC. 1003. DEFINITIONS.

For the purposes of this title—

(1) the term "developmental screening" means the process of measuring the progress of children to determine if there are problems or potential problems or advanced abilities in the areas of understanding and use of language, perception through sight, perception through hearing, motor development and hand-eye coordination, health, and physical development;

(2) the term "eligible entity" means an entity in a State operating a parents as teachers program;

(3) the term "eligible family" means any parent with one or more children between birth and 3 years of age;

(4) the term "lead agency" means—

(A) except as provided in subparagraph (B), the office, agency, or other entity in a State designated by the Governor to administer the parents as teachers program authorized by this title; or

(B) in the case of a grant awarded under this title to an eligible entity, such eligible entity;

(5) the term "parent education" includes parent support activities, the provision of resource materials on child development and parent-child learning activities, private and group educational guidance, individual and group learning experiences for the parent and child, and other activities that enable the parent to improve learning in the home; and

(6) the term "parent educator" means a person hired by the lead agency of a State or designated by local entities who administers group meetings, home visits and developmental screening for eligible families.

SEC. 1004. PROGRAM ESTABLISHED.

(a) AUTHORITY.—

(1) IN GENERAL.—The Secretary is authorized to make grants in order to pay the Federal share of the cost of establishing, expanding, or operating parents as teachers programs in a State.

(2) ELIGIBLE RECIPIENTS.—The Secretary may make a grant under paragraph (1) to a State, except that, in the case of a State having an eligible entity, the Secretary shall make the grant directly to the eligible entity.

(b) FUNDING RULE.—Grant funds awarded under this section shall be used so as to supplement, and to the extent practicable, increase the level of funds that would, in the absence of such funds, be made available from non-Federal sources, and in no case may such funds be used so as to supplant funds from non-Federal sources.

SEC. 1005. PROGRAM REQUIREMENTS.

(a) REQUIREMENTS.—Each State or eligible entity receiving a grant pursuant to section 1004 shall conduct a parents as teachers program which—

(1) establishes and operates parent education programs, including programs of developmental screening of children; and

(2) designates a lead State agency which—

(A) shall hire parent educators who have had supervised experience in the care and education of children;

(B) shall establish the number of group meetings and home visits required to be provided each year for each participating family, with a minimum of 2 group meetings and 10 home visits for each participating family;

(C) shall be responsible for administering the periodic screening of participating children's educational, hearing and visual development, using the Denver Developmental Test, Zimmerman Preschool Language Scale, or other approved screening instruments; and

(D) shall develop recruitment and retention programs for hard-to-reach populations.

(b) LIMITATION.—Grant funds awarded under this title shall only be used for parents as teachers programs which serve families during the period beginning with the birth of a child and ending when the child attains the age of 3.

SEC. 1006. SPECIAL RULES.

Notwithstanding any other provision of this section—

(1) no person, including home school parents, public school parents, or private school parents, shall be required to participate in any program of parent education or developmental screening pursuant to the provisions of this title;

(2) no parents as teachers program assisted under this title shall take any action that infringes in any manner on the right of parents to direct the education of their children; and

(3) the provisions of section 438(c) of the General Education Provisions Act shall apply to States and eligible entities awarded grants under this title.

SEC. 1007. PARENTS AS TEACHERS CENTERS.

The Secretary shall establish one or more Parents As Teachers Centers to disseminate information to, and provide technical and training assistance to, States and eligible entities establishing and operating parents as teachers programs.

SEC. 1008. EVALUATIONS.

The Secretary shall complete an evaluation of the parents as teachers programs assisted under this title within 4 years from the date of enactment of this Act, including an assessment of such programs' impact on at-risk children.

SEC. 1009. APPLICATION.

Each State or eligible entity desiring a grant under this title shall submit an application to the Secretary at such time, in such manner and accompanied by such information as the Secretary may reasonably require. Each such application shall describe the activities and services for which assistance is sought.

SEC. 1010. PAYMENTS AND FEDERAL SHARE.

(a) PAYMENTS.—The Secretary shall pay to each State or eligible entity having an application approved under section 1009 the Federal share of the cost of the activities described in the application.

(b) FEDERAL SHARE.—

(1) IN GENERAL.—The Federal share—

(A) for the first year for which a State or eligible entity receives assistance under this title shall be 100 percent;

(B) for the second such year shall be 100 percent;

(C) for the third such year shall be 75 percent;

(D) for the fourth such year shall be 50 percent; and

(E) for the fifth such year shall be 25 percent.

(2) NON-FEDERAL SHARE.—The non-Federal share of payments under this title may be in cash or in kind, fairly evaluated, including planned equipment or services.

SEC. 1011. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $20,000,000 for fiscal year 1993, and such sums as may be necessary for each of the fiscal years 1994 through 1997, to carry out this title.

SEC. 1012. HOME INSTRUCTION PROGRAM FOR PRESCHOOL YOUNGSTERS.

Subsection (b) of section 1052 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2742(b)) is amended by adding at the end the following new paragraph:

"(4)(A)(i) In any fiscal year in which this subsection applies, each State that receives a grant under this part may use not more than 20 percent of such grant funds in accordance with this part (other than sections 1054(a), 1054(b), and 1055) to pay the Federal share of the cost of establishing, operating, or expanding a Home Instruction Program for Preschool Youngsters that is not eligible to receive assistance under this part due to the application of such sections.

"(ii) Each State establishing, operating or expanding a Home Instruction Program for Preschool Youngsters pursuant to clause (i) shall give priority to establishing, operating or expanding, respectively, such a program that targets—

"(I) working poor families or near poor families that do not qualify for assistance under the early childhood programs under the Head Start Act or this chapter; and

"(II) parents who have limited or unsuccessful formal schooling.

"(B) For the purpose of carrying out subparagraph (A), a Home Instruction Program for Preschool Youngsters that is not eligible to receive assistance under this part due to the application of sections 1054(a), 1054(b), and 1055 shall be deemed to be an eligible entity.

"(C) For the purpose of this paragraph—

"(i) the term 'Home Instruction Program for Preschool Youngsters' means a voluntary early-learning program, for parents with one or more children between age 3 through 5, inclusive, that—

"(I) provides support, training, and appropriate educational materials, necessary for parents to implement a school-readiness, home instruction program for the child; and

"(II) includes—

"(aa) group meetings with other parents participating in the program;

"(bb) individual and group learning experiences with the parent and child;

"(cc) provision of resource materials on child development and parent-child learning activities; and

"(dd) other activities that enable the parent to improve learning in the home;

"(ii) the term 'limited or unsuccessful formal schooling' means the—

"(I) completion of secondary school with low achievement during enrollment;

"(II) noncompletion of secondary school with low achievement during enrollment; or

"(III) lack of a certificate of graduation from a school providing secondary education or the recognized equivalent of such certificate;

"(iii) the term 'near poor families' means families that have an income that is approximately 130 percent of the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act; and

"(iv) the term 'working poor families' means families that—

"(I) have family members—

"(aa) who are working; or

"(bb) who were looking for work during the 6 months prior to the date on which the determination is made; and

"(II) earn an income not in excess of 150 percent of the poverty line as described in clause (iii).".

TITLE XI—GUN-FREE SCHOOLS

SEC. 1101. SHORT TITLE.

This title may be cited as the "Gun-Free Schools Act of 1994".

SEC. 1102. GUN-FREE REQUIREMENTS IN ELEMENTARY AND SECONDARY SCHOOLS.

The Elementary and Secondary Education Act of 1965 (20 U.S.C. 2701 et seq.) is amended—

(1) by redesignating title X as title IX;

(2) by redesignating sections 8001 through 8005 as sections 9001 through 9005, respectively; and

(3) by inserting after title VII the following new title:

"TITLE VIII—GUN-FREE SCHOOLS

"SEC. 8001. GUN-FREE REQUIREMENTS.

"(a) REQUIREMENTS.—

"(1) IN GENERAL.—No assistance may be provided to any local educational agency under this Act unless such agency has in effect a policy requiring the expulsion from school for a period of not less than one year of any student who is determined to have brought a weapon to a school under the jurisdiction of the agency except such policy may allow the chief administering officer of the agency to modify such expulsion requirement for a student on a case-by-case basis.

"(2) DEFINITION.—For the purpose of this section, the term "weapon" means a firearm as such term is defined in section 921 of title 18, United States Code.

"(b) REPORT TO STATE.—Each local educational agency requesting assistance from the State educational agency that is to be provided from funds made available to the State under this Act shall provide to the State, in the application requesting such assistance—

"(1) an assurance that such local educational agency has in effect the policy required by subsection (a); and

"(2) a description of the circumstances surrounding any expulsions imposed under the policy required by subsection (a), including—

"(A) the name of the school concerned;

"(B) the number of students expelled from such school; and

"(C) the types of weapons concerned.".

TITLE XII—ENVIRONMENTAL TOBACCO SMOKE

SEC. 1201. SHORT TITLE.

This title may be cited as the "Preventing Our Kids From Inhaling Deadly Smoke (PRO-KIDS) Act of 1994".

SEC. 1202. FINDINGS.

Congress finds that—

(1) environmental tobacco smoke comes from secondhand smoke exhaled by smokers and sidestream smoke emitted from the burning of cigarettes, cigars, and pipes;

(2) since citizens of the United States spend up to 90 percent of each day indoors, there is a significant potential for exposure to environmental tobacco smoke from indoor air;

(3) exposure to environmental tobacco smoke occurs in schools, public buildings, and other indoor facilities;

(4) recent scientific studies have concluded that exposure to environmental tobacco smoke is a cause of lung cancer in healthy nonsmokers and is responsible for acute and chronic respiratory problems and other health impacts in sensitive populations (including children);

(5) the health risks posed by environmental tobacco smoke exceed the risks posed by many environmental pollutants regulated by the Environmental Protection Agency; and

(6) according to information released by the Environmental Protection Agency, environmental tobacco smoke results in a loss to the economy of over $3,000,000,000 per year.

SEC. 1203. DEFINITIONS.

As used in this title:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) CHILDREN.—The term "children" means individuals who have not attained the age of 18.

(3) CHILDREN'S SERVICES.—The term "children's services" means services that are—

(A)(i) direct health services routinely provided to children; or

(ii) any other direct services routinely provided primarily to children, including educational services; and

(B) funded, directly or indirectly, in whole or in part, by Federal funds (including in-kind assistance).

(4) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

SEC. 1204. NONSMOKING POLICY FOR CHILDREN'S SERVICES.

(a) ISSUANCE OF GUIDELINES.—Not later than 180 days after the date of enactment of this Act, the Administrator shall issue guidelines for instituting and enforcing a nonsmoking policy at each indoor facility where children's services are provided.

(b) CONTENTS OF GUIDELINES.—A nonsmoking policy that meets the requirements of the guidelines shall, at a minimum, prohibit smoking in each portion of an indoor facility where children's services are provided that is not ventilated separately (as defined by the Administrator) from other portions of the facility.

SEC. 1205. TECHNICAL ASSISTANCE.

(a) IN GENERAL.—The Administrator and the Secretary shall provide technical assistance to persons who provide children's services and other persons who request technical assistance.

(b) ASSISTANCE BY THE ADMINISTRATOR.—The technical assistance provided by the Administrator under this section shall include information to assist persons in compliance with the requirements of this title.

(c) ASSISTANCE BY THE SECRETARY.—The technical assistance provided by the Secretary under this section shall include information for employees on smoking cessation programs and on smoking and health issues.

SEC. 1206. FEDERALLY FUNDED PROGRAMS.

(a) IN GENERAL.—Notwithstanding any other provision of law, each person who provides children's services shall establish and make a good-faith effort to enforce a nonsmoking policy that meets or exceeds the requirements of subsection (b).

(b) NONSMOKING POLICY.—

(1) GENERAL REQUIREMENTS.—A nonsmoking policy meets the requirements of this subsection if the policy—

(A) is consistent with the guidelines issued under section 1204(a);

(B) prohibits smoking in each portion of an indoor facility used in connection with the provision of services directly to children; and

(C) where appropriate, requires that signs stating that smoking is not permitted be posted in each indoor facility to communicate the policy.

(2) PERMISSIBLE FEATURES.—A nonsmoking policy that meets the requirements of this subsection may allow smoking in those portions of the facility—

(A) in which services are not normally provided directly to children; and

(B) that are ventilated separately from those portions of the facility in which services are normally provided directly to children.

(c) WAIVER.—

(1) IN GENERAL.—A person described in subsection (a) may publicly petition the head of the Federal agency from which the person receives Federal funds (including financial assistance) for a waiver from any or all of the requirements of subsection (b).

(2) CONDITIONS FOR GRANTING A WAIVER.—Except as provided in paragraph (3), the head of the Federal agency may grant a waiver only—

(A) after consulting with the Administrator, and receiving the concurrence of the Administrator;

(B) after giving an opportunity for public hearing (at the main office of the Federal agency or at any regional office of the agency) and comment; and

(C) if the person requesting the waiver provides assurances that are satisfactory to the head of the Federal agency (with the concurrence of the Administrator) that—

(i) unusual extenuating circumstances prevent the person from establishing or enforcing the nonsmoking policy (or a requirement under the policy) referred to in subsection (b) (including a case in which the person shares space in an indoor facility with another entity and cannot obtain an agreement with the other entity to abide by the nonsmoking policy requirement) and the person will establish and make a good-faith effort to enforce an alternative nonsmoking policy (or alternative requirement under the policy) that will protect children from exposure to environmental tobacco smoke to the maximum extent possible; or

(ii) the person requesting the waiver will establish and make a good-faith effort to enforce an alternative nonsmoking policy (or alternative requirement under the policy) that will protect children from exposure to environmental tobacco smoke to the same degree as the policy (or requirement) under subsection (b).

(3) SPECIAL WAIVER.—

(A) IN GENERAL.—On receipt of an application, the head of the Federal agency may grant a special waiver to a person described in subsection (a) who employs individuals who are members of a labor organization and provide children's services pursuant to a collective bargaining agreement that—

(i) took effect before the date of enactment of this Act; and

(ii) includes provisions relating to smoking privileges that are in violation of the requirements of this section.

(B) TERMINATION OF WAIVER.—A special waiver granted under this paragraph shall terminate on the earlier of—

(i) the first expiration date (after the date of enactment of this Act) of the collective bargaining agreement containing the provisions relating to smoking privileges; or

(ii) the date that is 1 year after the date specified in subsection (f).

(d) CIVIL PENALTIES.—

(1) IN GENERAL.—Any person subject to the requirements of this section who fails to comply with the requirements shall be liable to the United States for a civil penalty in an amount not to exceed $1,000 for each violation, but in no case shall the amount be in excess of the amount of Federal funds received by the person for the fiscal year in which the violation occurred for the provision of children's services. Each day a violation continues shall constitute a separate violation.

(2) ASSESSMENT.—A civil penalty for a violation of this section shall be assessed by the head of the Federal agency that provided Federal funds (including financial assistance) to the person (or if the head of the Federal agency does not have the authority to issue an order, the appropriate official) by an order made on the record after opportunity for a hearing in accordance with section 554 of title 5, United States Code. Before issuing the order, the head of the Federal agency (or the appropriate official) shall—

(A) give written notice to the person to be assessed a civil penalty under the order of the proposal to issue the order; and

(B) provide the person an opportunity to request, not later than 15 days after the date of receipt of the notice, a hearing on the order.

(3) AMOUNT OF CIVIL PENALTY.—In determining the amount of a civil penalty under this subsection, the head of the Federal agency (or the appropriate official) shall take into account—

(A) the nature, circumstances, extent, and gravity of the violation;

(B) with respect to the violator, the ability to pay, the effect of the penalty on the ability to continue operation, any prior history of the same kind of violation, the degree of culpability, and a demonstration of willingness to comply with the requirements of this title; and

(C) such other matters as justice may require.

(4) MODIFICATION.—The head of the Federal agency (or the appropriate official) may compromise, modify, or remit, with or without conditions, any civil penalty that may be imposed under this subsection. The amount of the penalty as finally determined or agreed upon in compromise may be deducted from any sums that the United States owes to the person against whom the penalty is assessed.

(5) PETITION FOR REVIEW.—A person who has requested a hearing concerning the assessment of a penalty pursuant to paragraph (2) and is aggrieved by an order assessing a civil penalty may file a petition for judicial review of the order with the United States Court of Appeals for the District of Columbia Circuit or for any other circuit in which the person resides or transacts business. The petition may only be filed during the 30-day period beginning on the date of issuance of the order making the assessment.

(6) FAILURE TO PAY.—If a person fails to pay an assessment of a civil penalty—

(A) after the order making the assessment has become a final order and without filing a petition for judicial review in accordance with paragraph (5); or

(B) after a court has entered a final judgment in favor of the head of the Federal agency (or appropriate official),

the Attorney General shall recover the amount assessed (plus interest at then currently prevailing rates from the last day of the 30-day period referred to in paragraph (5) or the date of the final judgment, as the case may be) in an action brought in an appropriate district court of the United States. In the action, the validity, amount, and appropriateness of the penalty shall not be subject to review.

(e) EXEMPTION.—This section shall not apply to a person who provides children's services who—

(1) has attained the age of 18;

(2) provides children's services—

(A) in a private residence; and

(B) only to children who are, by affinity or consanguinity, or by court decree, a grandchild, niece, or nephew of the provider; and

(3) is registered and complies with any State requirements that govern the children's services provided.

(f) EFFECTIVE DATE.—This section shall take effect on the first day of the first fiscal year beginning after the date of enactment of this Act.

SEC. 1207. REPORT BY THE ADMINISTRATOR.

Not later than 2 years after the date of enactment of this Act, the Administrator shall submit a report to Congress that includes—

(1) information concerning the degree of compliance with this title; and

(2) an assessment of the legal status of smoking in public places.

SEC. 1208. PREEMPTION.

Nothing in this title is intended to preempt any provision of law of a State or political subdivision of a State that is more restrictive than a provision of this title.

REPORT ON THE NATIONAL EMERGENCY WITH RESPECT TO LIBYA—MESSAGE FROM THE PRESIDENT—PM 87

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

I hereby report to the Congress on the developments since my last report of July 12, 1993, concerning the national emergency with respect to Libya that was declared in Executive Order No. 12543 of January 7, 1986. This report is submitted pursuant to section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c); section 204(c) of the International Emergency Economic Powers Act [IEEPA], 50 U.S.C. 1703(c); and section 505(c) of the International Security and Development Cooperation Act of 1985, 22 U.S.C. 2349aa-9(c).

1. On December 3, 1993, I announced new measures to tighten economic sanctions against Libya. These measures are taken pursuant to the imposition by the world community of new sanctions against Libya under Security Council [UNSC] Resolution 883 of November 11, 1993, and are designed to bring to justice the perpetrators of terrorist attacks against Pan Am flight 103 and UTA flight 772. The actions signal that Libya cannot continue to defy justice and flout the will of the international community with impunity.

UNSC Resolution 883 freezes on a worldwide basis certain financial assets owned or controlled by the Government of Libya or certain Libyan entities and bans provision of equipment for refining and transporting oil. It tightens the international air embargo and other measures imposed in 1992 under UNSC Resolution 748. It is the result of close cooperation between the United States, France, and the United Kingdom, whose citizens were the principal victims of Libyan-sponsored terrorist attacks against Pan Am 103 and UTA 772, and of consultations with Russia and other friends and allies.

On December 2, 1993, I renewed for another year the national emergency with respect to Libya pursuant to IEEPA. This renewal extends the current comprehensive financial and trade embargo against Libya in effect since 1986. Under these sanctions, all trade with Libya is prohibited, and all assets owned or controlled by the Libyan Government in the United States or in the possession or control of U.S. persons are blocked. In addition, I have instructed the Secretary of Commerce to reinforce our current trade embargo against Libya by prohibiting the re-export from foreign countries to Libya of U.S.-origin products, including equipment for refining and transporting oil.

2. There has been one amendment to the Libyan Sanctions Regulations, 31 CFR Part 550 [the Regulations], administered by the Office of Foreign Assets Control [FAC] of the Department of the Treasury, since my last report on July 12, 1993. The amendment [58 Fed. Reg. 47643] requires U.S. financial institutions to provide written notification to FAC of any transfers into blocked accounts within 10 days of each transfer. It also standardizes registration and reporting requirements applicable to all persons holding blocked property and requires the annual designation of an individual contact responsible for maintaining the property in a blocked status. A copy of the amendment is attached to this report.

3. During the current 6-month period, FAC made numerous decisions with respect to applications for licenses to engage in transactions under the Regulations, issuing 65 licensing determinations—both approvals and denials. Consistent with FAC's ongoing scrutiny of banking transactions, the largest category of license approvals (17) concerned requests by non-Libyan persons or entities to unblock bank accounts initially blocked because of an apparent Libyan interest. One license involved export transactions from the United States to support a United Nations program in Libya. Six licenses were issued authorizing intellectual property protection in Libya. Two licenses were issued that permit U.S. attorneys to provide legal representation under circumstances permitted by the Regulations. FAC has also issued one license authorizing U.S. landlords to liquidate the personality of the People's Committee for Libyan Students, with the net proceeds from the sale paid into blocked accounts. Finally, FAC has issued three licenses to the Embassy of the United Arab Emirates, as Protecting Power for Libya, to manage Libyan property in the United States subject to stringent FAC reporting requirements.

4. During the current 6-month period, FAC has continued to emphasize to the international banking community in the United States the importance of identifying and blocking payments made by or on behalf of Libya. The FAC worked closely with the banks to implement new interdiction software systems to identify such payments. As a result, during the reporting period, more than 130 transactions involving Libya, totaling more than $20.7 million, were blocked.

Since my last report, FAC has collected 39 civil monetary penalties totaling nearly $277,000 for violations of U.S. sanctions against Libya. All but eight of the violations involved the failure of banks to block funds transfers to Libyan-owned or -controlled banks, with five of the remainder involving the U.S. companies that ordered the funds transfers. The balance involved one case each for violations involving a letter of credit, trademark registrations, and export transactions.

Various enforcement actions carried over from previous reporting periods have continued to be aggressively pursued. Several new investigations of potentially significant violations of the Libyan sanctions have been initiated by FAC and cooperating U.S. law enforcement agencies. Many of these cases are believed to involve complex conspiracies to circumvent the various prohibitions of the Libyan sanctions, as well as the utilization of international diversionary shipping routes to and from Libya. FAC continued to work closely with the Departments of State and Justice to identify U.S. persons who enter into contracts or agreements with the Government of Libya, or other third-country parties, to lobby U.S. Government officials and to engage in public relations work on behalf of the Government of Libya without FAC authorization.

FAC also continued its efforts under the Operation Roadblock initiative. This ongoing program seeks to identify U.S. persons who travel to and/or work in Libya in violation of U.S. law.

FAC has continued to pursue the investigation and identification of Libyan entities as Specially Designated Nationals of Libya. During the reporting period, those activities have resulted in the addition of one third-country Libyan bank to the Specially Designated Nationals list; and FAC has intervened with respect to a Libyan takeover attempt of another foreign bank. FAC is also reviewing options for additional measures directed against Libyan assets in order to ensure strict implementation of UNSC Resolution 883 that has imposed international sanctions against Libyan financial assets.

5. The expenses incurred by the Federal Government in the 6-month period from July 7, 1993, through January 6, 1994, that are directly attributable to the exercise of powers and authorities conferred by the declaration of the Libyan national emergency are estimated at approximately $1 million. Personnel costs were largely centered in the Department of the Treasury, particularly

in the Office of Foreign Assets Control, the Office of the General Counsel, and the U.S. Customs Service, the Department of State, and the Department of Commerce.

6. The policies and actions of the Government of Libya continue to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. The United States continues to believe that still stronger international measures than those mandated by UNSC Resolution 883, including a worldwide oil embargo, should be enacted if Libya continues to defy the international community. We remain determined to ensure the perpetrators of the terrorists acts against Pan Am 103 and UTA 772 are brought to justice. The families of the victims in the murderous Lockerbie bombing and other acts of Libyan terrorism deserve nothing less. I shall continue to exercise the powers at my disposal to apply economic sanctions against Libya fully and effectively, so long as those measures are appropriate, and will continue to report periodically to the Congress on significant developments as required by law.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 10, 1994.*

MESSAGES FROM THE HOUSE

At 12:02 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House agrees to the amendments of the Senate to the bill (H.R. 2339) to revise and extend the programs of the Technology-Related Assistance for Individuals With Disabilities Act of 1988, and for other purposes, with an amendment, in which it requests the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message also announced that the Speaker has signed the following enrolled joint resolution:

S.J. Res. 119. Joint Resolution to designate the month of March 1994 as "Irish-American Heritage Month".

At 4:16 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House insists upon its amendment to the bill (S. 24) to reauthorize the independent counsel law for an additional five years, and for other purposes and asks a conference with the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. BROOKS, Mr. BRYANT, Mr. GLICKMAN, Mr. FRANK of Massachusetts, Mr. FISH, Mr. HYDE, and Mr. GEKAS as the managers of the conference on the part of the House.

At 6:26 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 206. Concurrent Resolution providing for an adjournment of the House from Thursday, February 10, 1994, through Friday, February 18, 1994, to Tuesday, February 22, 1994 and an adjournment or recess of the Senate from Thursday, February 10, 1994, through Friday, February 18, 1994, to Tuesday, February 22, 1994.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–2159. A communication from the Secretary of Defense, transmitting, notice relative to an emergency program supplemental request; to the Committee on Appropriations.

EC–2160. A communication from the Secretary of State, transmitting, a draft of proposed legislation entitled "Peace, Prosperity and Democracy Act of 1994"; to the Committee on Foreign Relations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BAUCUS, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

S. 476. A bill to reauthorize and amend the National Fish and Wildlife Foundation Establishment Act (Rept. No. 103–225).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. RIEGLE, from the Committee on Banking, Housing and Urban Affairs:

Andrew C. Hove, Jr., of Nebraska, to be a Member of the Board of Directors of the Federal Deposit Insurance Corporation for a term of six years and Vice Chairperson;

Ricki Rhodarmer Tigert, of Tennessee, to be a Member of the Board of Directors of the Federal Deposit Insurance Corporation for a term of six years, and to be chairperson;

Anne L. Hall, of Ohio, to be a Member of the Board of Directors of the Federal Deposit Insurance Corporation for a term of six years.

By Mr. ROCKEFELLER, from the Committee on Veterans Affairs:

Raymond John Vogel, of West Virginia, to be Under Secretary for Benefits of the Department of Veterans Affairs, for a term of four years.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. DOLE (for himself, Mrs. HUTCHISON, Mr. ROTH, Mr. MACK, Mr. SIMPSON, Mr. MURKOWSKI, Mr. PRESSLER, Mr. COATS, Mr. BENNETT, Mr. CRAIG, Mr. MCCAIN, Mr. NICKLES, Mr. DANFORTH, Mr. FAIRCLOTH, Mr. BROWN, Mr. SMITH, Mr. HELMS, and Mr. COVERDELL):

S. 1843. A bill to downsize and improve the performance and accountability of the Federal Government; to the Committee on Governmental Affairs.

By Mr. MCCAIN (for himself, Mr. INOUYE, and Mr. COCHRAN):

S. 1844. A bill to transfer administrative consideration of applications for Federal recognition of an Indian tribe to an independent commission, and for other purposes; to the Committee on Indian Affairs.

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

S. 1845. A bill to authorize the President to transfer defense articles out of Department of Defense stocks to the Government of Bosnia and Hercegovina; to the Committee on Foreign Relations.

By Mrs. MURRAY (for herself and Mr. BENNETT):

S. 1846. A bill to provide fundamental reform of the system and authority to regulate commercial exports, to enhance the effectiveness of export controls, to strengthen multilateral export control regimes, and to improve the efficiency of export regulation; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. METZENBAUM (for himself and Mr. CHAFEE):

S. 1847. A bill to reduce injuries and deaths caused by accidental firearm shootings by children and others; to the Committee on the Judiciary.

By Mr. DANFORTH (for himself and Mr. BRYAN):

S. 1848. A bill to provide for disclosure of the bumper impact capability of certain passenger motor vehicles and to require a 5-mile-per-hour bumper standard for such vehicles; to the Committee on Commerce, Science, and Transportation.

By Mr. GRAHAM (for himself, Mr. D'AMATO, Mr. MACK, Mrs. FEINSTEIN, Mr. BRYAN, Mrs. BOXER, Mr. MCCAIN, and Mrs. HUTCHISON):

S. 1849. A bill to require the Federal Government to incarcerate or to reimburse State and local governments for the cost of incarcerating criminal aliens; to the Committee on the Judiciary.

By Mr. DANFORTH:

S. 1850. A bill to suspend temporarily the duty on 2-(4-chloro-2-methyl phenoxy) propionic acid; to the Committee on Finance.

By Mr. WOFFORD:

S. 1851. A bill to exclude shipboard supervisory personnel from selection as employer representatives, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. KENNEDY (for himself, Mr. DODD, Mrs. KASSEBAUM, Mr. COATS, Mr. WOFFORD, Mr. JEFFORDS, Mr. BINGAMAN, Mr. DURENBERGER, Mr. METZENBAUM, Mr. WELLSTONE, Mr. PELL, and Mr. SIMON):

S. 1852. A bill to amend the Head Start Act to extend authorizations of appropriations for programs under that Act, to strengthen provisions designed to provide quality assurance and improvement, to provide for orderly and appropriate expansion of such programs, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. KENNEDY (for himself, Mr. COCHRAN, Mr. PELL, Mr. DODD, Mr. SIMON, Mr. WELLSTONE, and Mr. BINGAMAN):

S. 1853. A bill to amend the Elementary and Secondary Education Act of 1965 to extend Federal assistance programs related to educational television programming, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. LEAHY (for himself, Mr. LUGAR, Mr. PRYOR, Mr. DOLE, Mr. HEFLIN, Mr. HELMS, Mr. CONRAD, Mr. COCHRAN, Mr. DASCHLE, Mr. MCCONNELL, Mr. BAUCUS, Mr. CRAIG, Mr. COVERDELL, and Mr. GRASSLEY):

S.J. Res. 163. A joint resolution to proclaim March 20, 1994, as "National Agricultural Day"; to the Committee on the Judiciary.

By Mr. BROWN (for himself, Mr. AKAKA, Mr. CAMPBELL, Mr. COATS, Mr. CRAIG, Mr. DASCHLE, Mr. DORGAN, Mr. DURENBERGER, Mr. FORD, Mr. GRAMM, Mr. HATCH, Mr. HEFLIN, Mr. JEFFORDS, Mr. KOHL, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. MATHEWS, Mr. METZENBAUM, Mr. PACKWOOD, Mr. PELL, Mr. REID, Mr. ROCKEFELLER, Mr. SARBANES, Mr. SIMPSON, Mr. SPECTER, and Mr. DECONCINI):

S.J. Res. 164. A joint resolution to designate June 4, 1994, as "National Trails Day"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. FORD (for Mr. MITCHELL (for himself and Mr. DOLE)):

S. Res. 181. A resolution to authorize testimony of a Senate employee; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DOLE (for himself, Mrs. HUTCHISON, Mr. ROTH, Mr. MACK, Mr. SIMPSON, Mr. MURKOWSKI, Mr. PRESSLER, Mr. COATS, Mr. BENNETT, Mr. CRAIG, Mr. MCCAIN, Mr. NICKLES, Mr. DANFORTH, Mr. FAIRCLOTH, Mr. BROWN, Mr. SMITH, Mr. HELMS, and Mr. COVERDELL):

S. 1843. A bill to downsize and improve the performance and accountability of the Federal Government; to the Committee on Governmental Affairs.

THE GOVERNMENT DOWNSIZING PERFORMANCE AND ACCOUNTABILITY ACT OF 1994

Mr. DOLE. Mr. President, when President Clinton unveiled his 1995 budget plan yesterday, Republicans offered their cooperation to help the President cut unnecessary Government spending. Today, we are putting our money where our mouth is, and offering 50 billion reasons to reduce the deficit and improve Government performance. Joined by 16 of my colleagues—and I extend an invitation to every Senator in the Chamber and in their offices to take a look at this plan—we are introducing a 50-point plan to cut Federal spending by $50 billion during the next 5 years, a plan that includes ideas from the Vice President's National Performance Review, the so-called Penny-Kasich plan, and the nonpartisan organization—Citizens Against Government Waste.

We have tried to take the best of a number of plans, including some of our own ideas, to put together this 50-point plan. It is not a partisan effort. I hope my Democratic colleagues will have an opportunity to take a look at it.

This is not intended to be a comprehensive budget alternative. But the 50–50 plan is a step toward even lower deficits, a step the President did not take by shifting Federal dollars to new programs.

When it comes to cutting the deficit, Republicans believe that the best way—the only way—to get the deficit under control and improve the prospects for long-term economic growth is to cut Federal spending. And when it comes to improving Government performance, we agree that there are ways to make Government work better, but our No. 1 priority is to make it easier for people in the private sector—individuals and businesses—to deal with Government.

Last fall, Senator KAY BAILEY HUTCHISON, Senator BILL ROTH, Senator CONNIE MACK, and I got together with Peter Grace who now chairs Citizens Against Government Waste. We decided to begin work on a plan that would build on the good work in the national performance review, save the taxpayers money, streamline the Federal bureaucracy, and improve Government accountability.

We got the ball rolling, but others—like Senator MURKOWSKI, Senator COATS, Senator BENNETT, Senator PRESSLER, and Senator CRAIG—have played a key role in developing this plan. Working together we have produced a 50-point plan to cut Federal spending by more than $50 billion over 5 years and lock in those savings for deficit reduction.

Our proposal includes 8 recommendations to eliminate, phase-out or privatize Federal programs, and 21 more specific proposals to cut spending.

We offer 10 recommendations to cut Government red tape by consolidating overlapping agencies, reforming the Federal procurement process, reducing paperwork requirements, and streamlining procedures—particularly for small businesses.

We have included seven recommendations, developed under the leadership of Senator ROTH, to improve Government accountability and performance by establishing new Federal accounting standards, audited financial statements, and performance goals for each Federal program.

Our plan includes a real line-item veto, sunset provisions to ensure that all Federal programs come up for periodic review, and a super-majority requirement for future emergency spending legislation.

And finally, our plan reinstates the defense firewall to help the President fulfill his commitment to oppose additional cuts in defense spending. We believe that any defense savings that result from our plan should be used to help the Pentagon withstand the deep cuts that have already been approved by Congress.

Mr. President, the vote on the Penny-Kasich amendment in the House demonstrated that there is broad bipartisan support for efforts to cut spending to continue the progress that has been made in reducing the deficit. I hope that we will have an opportunity to vote on this and other measures to cut spending in the near future and I hope that this time around, we will get the support of the President and the Democrat leadership here in Congress.

I ask unanimous consent that a section-by-section summary of our plan and an analysis of our plan prepared by the Congressional Budget Office be printed in the RECORD.

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

THE GOVERNMENT DOWNSIZING, PERFORMANCE AND ACCOUNTABILITY ACT OF 1994

The Act includes 50 commonsense recommendations from the Grace Commission, the National Performance Review and other sources that would save the taxpayers money, streamline the Federal bureaucracy, and improve government accountability and performance.

The plan would cut Federal spending by more than $50 billion over 5 years and ensure that ALL of the non-defense savings go to deficit reduction.

TITLE I—SAVING THE TAXPAYERS MONEY

The plan contains 8 proposals to eliminate, phase-out, or privatize Federal programs, and 21 more specific proposals to cut spending. Recommendations include:

Cutting both Legislative Branch and Executive Office of the President spending by 7.5%, and cutting non-defense Federal government administrative expenses—like travel, consulting services, and printing.

Selling the Alaska Power Administration, privatizing the NOAA research fleet, and eliminating the Small Business Administration tree-planting program.

TITLE II—STREAMLINING THE FEDERAL BUREAUCRACY

The plan contains 10 proposals to reduce government bureaucracy by consolidating overlapping government agencies, reducing paperwork burdens, and streamlining procedures. Recommendations include:

Reorganizing the U.S. Department of Agriculture; Federal procurement reform; reducing paperwork requirements on purchases under $100,000 and Davis-Bacon contracts; and establishing clearinghouses for death data, disability and veterans benefit claims.

TITLE III—IMPROVING GOVERNMENT PERFORMANCE AND ACCOUNTABILITY

The plan contains 7 recommendations to improve accountability and performance by establishing new Federal accounting stand-

ards, audited financial statements, and performance goals for each Federal program. Recommendations include:

Requiring 23 key Federal agencies to prepare audited financial statements; and increasing the importance of job performance in Federal promotion and reduction-in-force procedures.

TITLE IV AND TITLE V—REFORMING THE LEGISLATIVE PROCESS AND ENFORCEMENT

The plan contains a Presidential line-item veto, limits new programs authorizations to a maximum of 5 years, and establishes a super-majority requirement for all "emergency" spending legislation. The plan reinstates the defense firewall to help the President meet his commitment not to cut defense spending any further. And, finally, the plan locks in all non-defense savings for deficit reduction by reducing the discretionary spending cap.

GOVERNMENT DOWNSIZING, PERFORMANCE AND ACCOUNTABILITY ACT OF 1994

[Preliminary 5-year spending cut total—$50.5 billion; dollars in millions]

	Source	5-year estimate
TITLE I—SAVING THE TAXPAYERS MONEY		
Part I: Specific spending cuts:		
1. Legislative Branch, Reduce Appropriations 7.5%.	K,S	$573
2. Members of Congress, COLA Reform	K,S	1
3. Executive Office of the President, Reduce Approps 7.5%.	N*,G*,S*	72
4. Federal Overhead Expenses Cut	Hutchison*	41,700
5. State Department Mission Operating Costs	N,G,K,S	624
6. Raise Davis-Bacon Threshold to $100,000	N*,G*,K*,S*	98
7. Repeal Prohibition on Use of Davis-Bacon Helpers.	G*	412
8. Federal Arts & Humanities Funding, Phase-in 10% Cut.	K,S	619
9. Federal Buildings, 1-year Moratorium on Construction of New Office Space.	K*,S	146
10. Appalachian Regional Commission, Freeze at FY93 Level.	K,S	160
11. Legal Services Corporation, 50% Cut	K*,CBO*,S*	861
12. CDBG at President's FY94 Request, Freeze through FY98.	CBO*,S*	1,114
13. TVA, Reduce Nonpower Programs by 33%	K,CBO,S	98
14. Substitute Vouchers for New Construction of Public Housing.	K,S	303
15. Cut Economic Development Administration by 10%.	K*,S*,CBO*	240
16. Increase Reemployment Programs for Occupationally-Disabled Federal Workers.	N	82
17. Reduce International Development Association Funding.	K,S	149
18. Allow Industry to Co-generate Power at DOE Labs /b.	N,K,S	24
19. Refinance HUD Sec. 235 Mortgages	N	22
20. Reduce World Bank Funding	K,S	106
21. Reduce Voluntary U.S. Contribution to U.N. Peacekeeping.	Dole	13
Part II: Reducing the size of Government:		
22. Sell Alaska Power Administration	N,G,S	63
23. Privatize NOAA Research Fleet	N,K,S	350
24. Phase-out and Close Certain VA Supply Depots.	N	89
25. State Justice Institute, Terminate Program	K	40
26. Eliminate SBA Tree-planting program	S	64
27. DoD to Contract Competitively for "Non-core" Functions.	N,G	—
28. Privatize Federal Debt Collection	N,G	130
29. New Executive Branch Printing Policy	N	—
TITLE II—STREAMLINING THE FEDERAL BUREAUCRACY		
30. USDA Consolidation	N*,G*,S*	563
31. Procurement Reform, Rely More on Commercial Products.	N,G	—
32. Procurement Reform, Streamlined Procedures for Purchases Under $100,000.	N,K	—
33. Davis-Bacon Reform, Paperwork Reduction	N,K,S	220
34. Consolidate Social Services Programs & Reduce Budgets to Account for Administrative Savings.	K,CBO	913
35. Competitive Contracting—HCFA Claims Processing.	N,G	24
36. Social Security Admin., Death Data Clearinghouse.	N	a
37. SSA Disability Claims Processing Improvements.	N,G	0
38. VA Benefit Clearinghouse	N	230
39. Streamline HUD Multifamily Housing Disposition Process.	N,K,S	449
TITLE III—IMPROVING GOVERNMENT PERFORMANCE AND ACCOUNTABILITY		
40. Congress to Establish Performance Goals for Each Federal Program.	Roth	—

GOVERNMENT DOWNSIZING, PERFORMANCE AND ACCOUNTABILITY ACT OF 1994—Continued

[Preliminary 5-year spending cut total—$50.5 billion; dollars in millions]

	Source	5-year estimate
41. Link Federal w/in Grade Increases to Job Performance.	N	—
42. Modify RIF—Increase Importance of Performance Ratings.	Roth	—
43. Comprehensive Fed. Accounting Standards w/in 18 Months.	N,G	—
44. Require Audited Financial Statements	N,G	−4
45. Federal Employee Compensation Act, Reduce Fraud.	N	1
46. Eliminate Congressionally-mandated Employment Floors.	N,G	—
TITLE IV—IMPROVING THE LEGISLATIVE PROCESS		
47. Line-Item Veto (Coats-Bradley)	Coats	—
48. Sunset All New Program Authorizations w/in 5 Years.	G*	—
49. Three-fifths Majority Required to Pass "Emergency" Spending Legislation.	Dole	—
TITLE V—ENFORCEMENT		
50. Lock in Non-Defense Savings for Deficit Reduction.		
Total Spending Cuts		50,549

Key: N National Performance Review; G Grace Commission and/or Citizens Against Government Waste; K Penny-Kasich Plan; S Senate Bipartisan Plan; * Modified version of original proposal; a Less than $500,000; b Estimate reflects non-defense savings.

Note: All estimates in outlays. Based on preliminary CBO estimates.

SECTION-BY-SECTION SUMMARY

TITLE I—SAVING THE TAXPAYERS MONEY

Part I: Specific spending cuts

1. Legislative Branch, Reduce Appropriations by 7.5%.

5-year savings estimate: $573 million.

The President and Congress must lead by example. The same cut that applies to the Executive Office of the President should apply to the Legislative Branch. Modified version of Penny-Kasich Task Force and Kerrey-Brown Plan recommendations.

2. Members of Congress, COLA Reform.

5-year savings estimate: $1 million.

This proposal would freeze Member pay at FY 1993 levels for one year. In future years, the formula for computing Members' COLAs is adjusted so that Members' COLAs can never exceed those of other federal employees. Source: Penny-Kasich Task Force, Kerrey-Brown Plan.

3. Executive Office of the President, Reduce Appropriations by 7.5%.

5-year savings estimate: $72 million.

The Executive Office of the President includes OMB, USTR, the Council of Economic Advisers, the Economic Policy Council, and various other offices. Source: Modified version of Grace Commission, NPR, and Kerrey-Brown Plan recommendations.

4. Federal Government Administrative Expense Reduction.

5-year savings estimate: $41.7 billion.

This proposal would reduce outlays for federal administrative expenses by $3 billion for FY 1994 and an additional $3 billion in FY 1995. In FY 1996, outlays for federal administrative expenses would be frozen at FY 1995 levels. Administrative expenses are defined by using 8 OMB object classes: 1) Travel and Transportation of Persons; 2) Transportation of Things; 3) Rental Payments to Others; 4) Communications, Utilities, and Misc.; 5) Printing and Reproduction; 6) Consulting Services; 7) Other Services; and 8) Supplies and Materials

Administrative expenses of the Department of Defense are exempted from this proposal because the Department has already had its budget cut substantially. Certain program expenses that are accounted for in the administrative expense object classes—1) Object Class 25.2 "other services" expenses of the Atomic Energy Defense Environmental Restoration program, Atomic Energy Defense Weapons Activities program, Superfund, and NASA; 2) Object Class 21.0 "travel and transportation" expenses of the Drug Enforcement Agency; 3) Object Class 21.0 "travel and transportation" and Object Class 26.0 "supplies and materials" expenses of the Veterans Health Administration Medical Care program—are exempted from these cuts. The OMB Director is given flexibility in allocating these cuts among the other Departments and agencies. Source: Senator Hutchison.

5. State Department/USIA, reduce mission operating costs.

5-year savings estimate: $624 million.

The NPR recommends "reducing U.S. costs to operate missions overseas, including eliminating certain facilities reducing security costs and considering altogether new forms of overseas representation." Source: Grace Commission, NPR, Penny-Kasich Task Force, Kerrey-Brown Plan.

6. Raise Davis-Bacon Threshold to $100,000.

5-year savings estimate: $98 million.

Under the Davis-Bacon Act of 1931, the Secretary of Labor sets wage rates and prescribes work rules for every category of worker employed on federally-financed construction, alteration, and repair projects, based on "locally prevailing" wages and labor practices. Since 1935, the Act has applied to contracts larger than $2,000. Raising the threshold to $100,000 for contracts within the geographical limits of the 48 contiguous states of the United States is consistent with the recommendations contained in the National Performance Review. The change would exempt only 3.5% of the dollar volume of federal construction, comprising a large number of small contracts. This would open up competition for federal contracts to many small and minority-owned businesses. Artificially splitting larger contracts into contracts smaller than $100,000 for the purpose of evading the Act would be prohibited. Source: Modified version of recommendations by the Grace Commission, NPR, the Penny-Kasich Task Force and the Kerrey-Brown Plan.

7. Repeal Prohibition on the Use of Davis-Bacon Helpers.

5-year savings estimate: $412 million.

The Davis-Bacon Act of 1931 requires the Labor Department (DOL) set minimum wage rates for every classification of worker on federally-funded construction projects, based on "locally prevailing wages." However, until 1992, DOL regulations largely failed to account for the widespread industry practice of employing "helpers" to assist skilled mechanics. in 1992, DOL began issuing prevailing wage determinations for helpers in areas where their use already was a "prevailing practice." The FY 1994 Labor-HHS Appropriations Act suspended the use of helpers for one year. Employment of helpers is especially prevalent among small and minority contractors. Source: Modified Grace Commission recommendation.

8. Federal Arts & Humanities Funding, Phase-in 10-Percent Cut.

5-year savings estimate: $619 million.

Would reduce federal funding for the National Endowment for the Arts, the National Endowment for the Humanities, the Smithsonian Institution, the National Gallery of Art, and the Corporation for Public Broadcasting by 2 percent per year FY 1994 through FY 1998. Source: Penny-Kasich Task Force, Kerrey-Brown Plan.

9. Federal Buildings, One-year Moratorium on Construction of Net New Office Space for Lease or Purchase.

5-year savings estimate: $146 million.

The FY 1994 Treasury-Postal Appropriations bill was amended to cut funding for construction of new courthouses and federal office buildings by 2 percent. The moratorium would apply a prospective one-year hold on construction of net new office space, for purchase or lease, by GSA. To avoid a shift in outlays to future years, this proposal would also rescind $150 million in obligational authority from the Federal Buildings Fund for new construction and acquisitions. Source: Modified version of recommendations by the Penny-Kasich Task Force and Kerrey-Brown Plan.

10. Appalachian Regional Commission, Freeze at FY 1993 Level.

5-year savings estimate: $160 million

The ARC has spent almost $6 billion and built roughly 2,500 miles of new roads, yet high poverty rates still persist in Appalachia. Some programs supported by the ARC duplicate activities funded by other federal agencies, such as the Department of Transportation and the Department of Housing and Urban Development. Also, although the ARC allocates resources to poor rural communities, those areas are no worse off than many others outside the Appalachian region. Source: CBO, Penny-Kasich Task Force, Kerrey-Brown Plan.

11. Legal Services Corporation, 50% cut.

5-year savings estimate: $861 billion

The Legal Services Corporation (LSC) receives income from private sources and interest on escrow accounts in addition to federal money. Penny and Kasich note that LSC lawyers are accused of gearing legal assistance towards certain social causes as opposed to the more general aim of providing free legal aid to the poor. This proposal would rescind 20% of LSC funds in FY 1994 and cut FY 1995 funding to 50% of current levels. Source: Modified version of recommendations by the CBO, the Penny-Kasich Task Force and the Kerrey-Brown Plan.

12. Community Development Block Grant (CDBG) at President's Request for FY 1994, Freeze through FY 1998.

5-year savings estimate: $1.1 billion

Congress approved $180 million more in CDBG funding than President Clinton requested in his FY 1994 Budget. This proposal would rescind CDBG funds in excess of the President's request and freeze CDBG funding for 4 years. Source: Modified CBO proposal.

13. Tennessee Valley Authority (TVA), Reduce Non-power Programs by 33%.

5-year savings estimate: $98 million

Many of the activities the TVA undertakes are beyond the scope of its mission. Federal support for these activities should be reduced. Source: CBO, Penny-Kasich Task Force, Kerrey-Brown Plan.

14. Substitute Vouchers for New Construction of Public Housing.

5-year savings estimate: $303 million

HUD's construction of new public housing is "roughly twice as expensive as tenant-based assistance such as vouchers," and should be replaced where possible to simultaneously offer choice to recipients and minimize government costs. Source: Penny-Kasich Task Force, Kerrey-Brown Plan.

15. Cut Economic Development Administration (EDA) by 10%.

5-year savings estimate: $240 million

The EDA provides grants to state and local governments for public works, technical assistance, and job programs as well as guarantees to forms for business development. One criticism of EDA programs is that federal assistance should not be provided for activities are primarily local and, therefore, whose responsibility should be that of state and local governments. In addition, EDA programs have been criticized for substituting federal credit for private credit and for facilitating the relocation of businesses from one distressed area to another through competition among communities for federal funds. EDA has also been criticized for its broad eligibility criteria, which allows areas containing 80 percent of the U.S. population to compete for benefits. The Penny-Kasich Task Force recommended a 20% cut in EDA funding; the Kerrey-Brown Plan includes a 10% cut. Source: Modified version of CBO, Penny-Kasich Task Force and Kerrey-Brown Plan recommendations.

16. Increase Reemployment Programs for Occupationally-Disabled Federal Workers.

5-year savings estimate: $82 million

Expands a program which assists Federal employees disabled on the job and helps them to find new employment, and strengthens efforts to review records to assure that those receiving benefits are entitled and that beneficiaries are receiving the proper amounts. Source: NPR.

17. Reduce International Development Association (IDA) to Senate FY 1994 Level.

5-year savings estimate: $149 million.

The IDA is the soft loan window of the World Bank. The Senate recommended an appropriation of $957.1 million for IDA and stated that it "could not support an increase in the U.S. contribution under IDA-10." The Administration agreed to an increase of nearly $225,000,000 in the U.S. annual commitment. The Committee report accompanying the Senate version of the FY 1994 Foreign Operations Appropriations bill included the following language:

"[G]iven the intense budgetary pressures on the foreign aid program, concerns raised by IDA's performance in the areas of environment, population and poverty alleviation, the World Bank's inadequate policy on information disclosure and its failure to establish a public appeals panel, the Committee cannot support the requested increase."

The proposed would rescind the FY 1994 funds approved for IDA in excess of the Senate's funding recommendation. Source: Penny-Kasich Task Force, Kerrey-Brown Plan.

18. Allow Industry to Co-Generate Power at Department of Energy (DOE) Labs.

5-year savings estimate: $24 million.

Currently, only the Defense Department has this authority. All federal agencies should be allowed to install co-generation at sites where it is cost-effective. Estimate reflects only non-defense savings from this proposal. Source: NPR, Penny-Kasich Task Force, Kerrey-Brown Plan.

19. Refinance Department of Housing and Urban Development (HUD) Section 235 Mortgages.

5-year savings estimate: $22 million

Authorizes HUD to provide incentives to encourage refinancing of old, high-interest rate mortgages subsidized by the government. Source: NPR.

20. Reduce World Bank Funding to Senate FY 1994 Level.

5-year savings estimate: $106 million.

The Committee report accompanying the Senate version of the FY 1994 Foreign Operations, Export Financing, and Related Programs Appropriations bill stated:

"An internal review of the World Bank's loan portfolio concluded that the number of projects judged unsatisfactory at completion increased from 15 percent in fiscal 1981 to 37.5 percent in fiscal 1991. It also determined that borrowers' compliance with loan conditions . . . was only 25 percent. It found that the role of Bank staff has evolved from independent evaluators of country-proposed projects to advocates of projects to move money and gain promotions, with a resulting decline in project quality."

The Senate Appropriations Committee expressed concern about "the overly generous salaries and benefits to World Bank employees" and reports that "the Bank underestimated the cost of its new headquarters by over $100,000,000."

21. Reduce Voluntary U.S. Contribution to U.N. Peacekeeping to Senate FY 1994 Level.

5-year savings estimate: $13 million

In FY 1993, $27.1 million was appropriated for voluntary contributions to U.N. Peacekeeping. In FY 1994 the President requested $77 million, the Senate approved $62.5 million, and the FY 1994 Foreign Operations Appropriations Act included $75.6 million. This one-time rescission is aimed at curtailing the use of these contributions as a slush fund to finance activities distantly related to peacekeeping. Source: Senator Dole.

PART II: REDUCING THE SIZE OF GOVERNMENT

22. Sell the Alaska Power Administration.

5-year savings estimate: $63 million

The Alaska Power Administration (APA) was created to encourage economic development in Alaska by making low-cost hydropower available to industry and to residential customers. "The project has succeeded and can now be turned over to local ownership." Source: Grace Commission, NPR, Kerrey-Brown Plan.

23. Privatize NOAA Research Fleet.

5-year savings estimate: $350 million

The National Oceanic and Atmospheric Administration (NOAA) owns and operates a fleet for scientific research and other duties. These vessels carry out scientific experiments and maintain buoys and navigational beacons. GAO has recommended that the fleet be phased out and privatized over a 5-year period. GAO has criticized the government-operated fleet for being far more expensive to maintain and operate than comparable private sector vessels. Source: NPR, GAO, Penny-Kasich Task Force, Kerrey-Brown Plan.

24. Phase-out and Close Certain Veterans Administration (VA) Supply Depots.

5-year savings estimate: $89 million

The Veteran Administration should convert its existing centralized depot storage and distribution program to a commercial just-in-time delivery system and close unneeded supply deports. Source: NPR.

25. State Justice Institute, Terminate Program.

5-year savings estimate: $40 million

This program "aims to improve the efficiency of state courts . . ." and has no clear federal purpose. Source: Penny-Kasich Task Force.

26. Rescind Funds for Small Business Administration (SBA) Tree Planting.

5-year savings estimate: $64 million

These funds were not requested by the Administration or by SBA. Tree planting does not fall under the jurisdiction of job promotion by the SBA. The program should be terminated. Source: Kerrey-Brown Plan.

27. DOD permitted to contract competitively for non-core functions such as data processing, billing, and payroll.

5-year savings estimate: CBE

From 1979 to 1982, DOD performed cost-comparison studies of commercial activities involving 17,600 personnel positions. These studies found that it would be more economical to contract out approximately two-thirds of the department's commercial activities.

This resulted in the transfer of 11,700 positions from DOD to the private sector, with an annual savings of approximately $70 million. Even if an activity remained in-house after a cost comparison study, substantial savings were achieved as a result of improved efficiencies or streamlining. Source: Grace Commission, NPR.

28. Improve Federal Debt Collection.

5-year savings estimate: $130 million

Federal resources are not adequate to deal with the volume of debt owed to the government, and private-collection companies have proven themselves to be cost-effective. Yet many agencies—including the Farmers Home Administration, Social Security, the IRS, and the Customs Service—are statutorily prohibited from using private agencies for the job, even on a contingency-fee basis. Congress should lift those restrictions. CBO estimates that virtually all of the savings from this proposal would accrue to the Social Security Administration. Source: Grace Commission, NPR.

29. Eliminate the Current Federal Printing Monopoly.

5-year savings estimate: N/A

Phases out the requirement that agencies use the Government Printing Office, permitting them to procure their own printing and allowing GPO to bid for the work. CBO estimates that this proposal would save an estimated $220 million over 5 years. These savings should occur as part of the general reduction in Federal overhead expenses outlined in Proposal #4. Source: NPR.

TITLE II—STREAMLINING THE FEDERAL BUREAUCRACY

30. USDA Consolidation—Close Obsolete Field Offices.

5-year savings estimate: $563 million

USDA's focus has shifted dramatically since the 1980s, when its present structure evolved: 60% of its budget now deals with nutrition, less than 30% with agriculture. This shift in focus will allow USDA to consolidate agencies, "cutting administrative costs by more than $200 million over the next five years." This effort will reduce facility operating costs, reduce manpower, and create providing "one-stop" shopping for farmers. Source: Grace Commission, National Performance Review, Penny-Kasich Task Force, Kerrey-Brown Plan.

31. Procurement Reform, Rely More on Commercial Products.

5-year savings estimate: Cannot Be Estimated at This Time

The National Performance Review highlighted the need for the federal government to buy a greater share of its purchase from the commercial marketplace, rather than requiring products to be designed to government-unique specifications. Our government buy such items as integrated circuits, pillows, and oil pans, designed to government specifications—even when there are equally good commercial products available. Source: Modified version of Grace Commission and NPR recommendations.

32. Procurement Reform, Streamline Procedures for Purchases under $100,000.

5-year savings estimate: Cannot Be Estimated at This Time

For several years, burdensome procurement statutes have been waived for purchases up to $25,000. Several recent studies, including the National Performance Review, have shown that increasing this threshold to $100,000 will generate savings on about 70 percent of all government purchases. Source: Modified version of NPR recommendation.

33. Davis-Bacon Reform, Paperwork Reduction.

5-year savings estimate: $220 million

Under the Copeland Act of 1934, employers on contracts covered by Davis-Bacon are required to submit complete, certified payroll records to the Department of Labor (DOL) or the contracting agency every week. This requirement places a significant administrative burden on DOL, the contracting agencies, and contractors. Approximately 11 million payroll reports are submitted annually to contracting agencies, at an estimated cost of 5.5 million hours or industry employee time. This proposal would eliminate the requirement for these weekly payroll reports and, instead, require contractors to simply certify that they have complied with the law. Contractors would be required to keep records to prove their compliance for 3 years in case a complaint is filed. Source: NPR, Penny-Kasich Task Force, Kerrey-Brown Plan.

34. Consolidate Social Service Programs and Reduce Their Budgets by 4 Percent to Account for Administrative Savings.

5-year savings estimate: $913 million

This proposal would consolidate the Social Service Block Grant, the Community Services Block Grant, Title IV-A "At Risk" Child Care, the Child Care and Development Block Grant, and two activities of the Administration for Children and Families (specifically, Title III services and meals for the aging, and Dependent Care Planning and Development Grants). Social Services are currently provided to individuals and families through an array of programs. Each program has its own rules and regulations. By consolidating all of these programs into a single block grant, services could be provided more efficiently, duplicate services would be eliminated, and fewer Federal workers would be needed to administer the programs. Source: Penny-Kasich Task Force.

35. Competitive Contracting—HCFA Claims Processing.

5-year savings estimate: $24 million

NPR recommends that the Health Care Financing Administration be authorized to permit full and open competition for Medicare claims processing contracts. Source: Grace Commission, NPR.

36. Social Security Administration (SSA) Clearinghouse for the reporting and disclosure of death data.

5-year savings estimate: Less than $500,000

No federal agency should continue paying benefits after recipients have died. But stopping payments is not easy because sharing death information among different levels of government is restricted. For example, the Social Security Administration (SSA) obtains death information from states but many restrict SSA's disclosure of death data, so the information cannot always be shared with other government benefits programs. Source: Grace Commission, NPR.

37. Social Security Administration (SSA) Disability Claims Processing Improvements.

5-year savings estimate: $0 million

The NPR contains a recommendation to improve SSA disability claims processing to reduce backlogs and avoid paying benefits to those who are no longer disabled. Source: Grace Commission, NPR.

38. Veterans Administration Benefit Clearinghouse.

5-year savings estimate: $230 million

Under current law, the VA can seek reimbursement from private insurers for care related to non-service-connected conditions. This proposal would authorize the VA to use the Medicare/Medicaid Coverage Data Bank to determine whether veterans receiving health care have private insurance. Source: NPR.

39. Streamline HUD Multifamily Housing Disposition Process.

5-year savings estimate: $449 million

HUD currently owns 69,000 units of multifamily housing. Although HUD was never meant to function as a landlord, the agency has been unable to sell these units because of restrictions in Section 203 of the Housing and Community Development Amendments of 1978 requiring that each unit must be sold with 15-year project-based Section 8 assistance. Over the past several years, funding for Section 8 has been significantly reduced. This proposal would loosen the restrictions of Section 203, allowing HUD to dispose of the multifamily units more easily. Source: NPR, Penny-Kasich Task Force, Kerrey-Brown Plan.

TITLE III—IMPROVING GOVERNMENT PERFORMANCE AND ACCOUNTABILITY

40. Congress to Establish Performance Goals for Each Federal Program.

5-year savings estimate: CBE

The newly enacted "Government Performance and Results Act of 1993" requires that all Federal agencies establish program goals and report results beginning in 1997. Several management experts have urged that Congress should provide agencies with clear performance guidelines. This proposal would require that beginning on January 1, 1997, all authorization and appropriation legislation must contain performance goals for the programs funded in the bill. Source: Senator Roth.

41. Link Federal Within-Grade Pay Increases to Job Performance.

5-year savings: CBE

This proposal stipulates that only the time that a Federal employee is doing satisfactory work would be credited toward the required waiting period for a pay raise. Source: NPR.

42. Modify Reduction in Force (RIF) Requirements to Increase the Importance of Performance Ratings.

5-year savings estimate: CBE.

During a major downsizing of the Federal work force, there is a reasonable chance that voluntary separations will not be sufficient to reduce the number of Federal workers to targeted levels. This proposal would modify current reductions-in-force procedures to specify that employee "efficiency or performance ratings" be given greater weight than "tenure of employment" or "length of service". Source: Senator Roth.

43. Comprehensive set of Federal Accounting Standards to be Issued within 18 Months.

5-year savings estimate: Cannot Be Estimated (CBE)

"We require corporations to meet strict standards of financial management before their stocks can be publicly traded," the NPR notes. "They must fully disclose their financial condition, operating results, cash flows, long-term obligations, and contingent liabilities. But we exempt the $1.5 trillion federal government from comparable standards." In 1984, the Grace Commission found 332 incompatible accounting systems (along with 319 separate payroll systems) and recommended folding them into one; the National Performance Review found 287 different accounting systems and said they should be consolidated. For the sake of sound financial management and accountability to the taxpayers, the federal government should adopt a comprehensive set of federal accounting standards like all major corporations. Source: Grace Commission, NPR.

44. Require Audited Financial Statements.

5-year savings estimate: —$4 million

To provide greater accountability to the American people, this proposal would require 23 key Federal agencies, many of which have cash flows comparable to the nation's largest corporations, to prepare audited financial statements that cover organizationwide activities of these agencies. These additional reports will give program managers and Congress better information on which to base future funding decisions. Source: Grace Commission, NPR.

45. Federal Employees' Compensation Act, Reduce Fraud.

5-year savings estimate: $1 million

The Federal Employees' Compensation Act assists federal employees disabled on the job and helps them to find new employment. This proposal would amend the law to: make it a felony to lie on benefit applications; bar from the program those convicted of defrauding it; and cut off benefits to people in jail. Source: NPR.

46. Eliminate Congressionally-mandated Employment Floors.

5-year savings estimate: CBE

The NPR proposes to reduce the size of the civilian, non-postal work force by 12%, or 252,000 positions over the next five years. This would bring the federal work force below two million employees for the first time since 1967. This reduction cannot be carried out, however, unless Congress repeals mandated personnel levels for federal agencies. Source: Grace Commission, NPR.

TITLE IV—IMPROVING THE LEGISLATIVE PROCESS

47. Line-Item Veto.

5-year savings estimate: CBE

The President should have the authority to veto line-items in appropriations bills and tax expenditures in revenue bills. This proposal would require that each line-item in an appropriations bill and each tax expenditure in a revenue bill be enrolled as a separate bill to be presented to the President. This change would effectively subject all of these items to the Presidential veto and ensure that the override provisions of the Constitution would apply. This authority would sunset in 2 years. Source: Senators Coats and Bradley.

48. Sunset All New Program Authorizations within 5 years.

5-year savings estimate: CBE

Many programs currently lack sunset provisions. Without sunset provisions programs that have fulfilled their mission or become obsolete may continue indefinitely. Sunset provisions will ensure that all newly created programs will come up for periodic review. Source: Modified Grace Commission recommendation.

49. Three-fifths Majority Required to Pass "Emergency" Spending Legislation.

5-year savings estimate: CBE

Both the Omnibus Budget Reconciliation Act of 1990 (OBRA 1990) and the Omnibus Budget Reconciliation Act of 1993 (OBRA 1993) exempt "emergency" spending legislation from all budget points of order. Currently, a simple majority may pass "emergency" legislation while a super-majority is needed to waive most Budget Act points of order on other bills. Use of the "emergency" designation should be limited to legitimate, sudden, unforeseen emergencies. Source: Senator Dole.

TITLE V—ENFORCEMENT

50. Lock-in Non-Defense Savings for Deficit Reduction

The plan includes enforcement provisions to ensure that all non-defense savings go to deficit reduction. Any mandatory spending savings are deleted from the annual pay-as-you-go scorecard and the discretionary spending cap is reduced each year consistent with CBO estimates of the non-defense discretionary savings resulting from this plan. In addition, this section would reinstate the defense firewall to help President Clinton fulfill his commitment to oppose additional cuts in defense. Source: Modified version of Penny-Kasich Task Force recommendation.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, February 8, 1994.

Hon. ROBERT A. DOLE,
Republican Leader, U.S. Senate, Washington, DC.

DEAR MR. LEADER: As you requested, the Congressional Budget Office has reviewed a draft of a bill entitled the "Government Downsizing, Performance, and Accountability Act of 1994." CBO estimates that enacting this bill as drafted would have the direct effect of reducing the deficit by $3.7 billion in fiscal year 1994 and by another $1.3 billion over the 1995–1999 period. In addition, the legislation would diminish projected deficits over the 1995–1999 period by $45.8 billion by reducing the discretionary spending limits currently in effect. It also would make changes in numerous programs funded by discretionary appropriations that would make possible future savings in those programs that would help in complying with the discretionary caps.

The bill would change mandatory spending, existing appropriations, net Social Security spending, asset sale receipts, and caps on discretionary appropriations. These changes would occur as a direct consequence of the bill, without any further legislative action. CBO estimates that over the period of fiscal years 1994 through 1999 the bill would:

(1) Decrease 1994 spending by $3.2 billion by rescinding existing appropriations;

(2) Decrease mandatory spending (mandatory programs and offsetting receipts) by $1.6 billion;

(3) Reduce net Social Security spending by $145 million;

(4) Lead to about $85 million in additional receipts from the sale of federal assets; and

(5) Reduce the existing discretionary outlay caps for 1995–1998 by $45.8 billion.

Table 1 shows the estimated budgetary impact of changes in mandatory programs, offsetting receipts, Social Security spending, and asset sales. Table 2 shows the savings estimated for rescissions of existing appropriations. Taken together, the first-year savings from the rescissions along with the savings shown in Table 1 total $5.0 billion over the 1994–1999 period. (The remaining outlay reductions from the rescissions would be available to help meet the reduced discretionary caps.)

The reductions in the discretionary caps would constrain future appropriations even more than those already in place. In order to adhere to the existing caps, total discretionary outlays over the 1995–1998 period would have to be $115.5 billion below CBO's unconstrained baseline, which assumes that 1994 appropriations for discretionary programs are adjusted annually for projected inflation over the 1995–1999 period. The lower caps mandated in this bill would require an additional $45.8 billion in discretionary outlay cuts over that four-year period.

You also requested a tabulation of potential savings that could result from future reductions in discretionary appropriations, based on programmatic changes made by the bill and assuming that the lower 1994 funding levels resulting from the rescissions contained in the bill are projected into the future. These potential outlay savings are shown in Table 3 and total $55.9 billion over the 1995–1999 period. Such potential savings reduce authorizations of appropriations rather than direct spending and are subject to future appropriations action. CBO's estimate of these potential savings is measured relative to an unconstrained baseline, which does not reflect the existing caps on discretionary spending for the years 1995 through 1998. (There is no cap under current law for years after 1998.) Of the $55.9 billion in potential outlay savings, $42.1 billion would occur between 1995 and 1998, and thus could help in achieving the $161.3 billion in cuts required to comply with the limits on discretionary spending specified in this bill.

Table 4 summarizes CBO's estimates for the draft bill. If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Peter Fontaine, who can be reached at 226–2860.

Sincerely,

JAMES L. BLUM,
(For Robert D. Reischauer, Director).

Enclosures.

TABLE 1. SENATOR DOLE'S PROPOSAL: DIRECT SPENDING, SOCIAL SECURITY, AND ASSET SALE CHANGES

[In millions of dollars]

Section number, proposal	Fiscal year						6-year sum
	1994	1995	1996	1997	1998	1999	
1003 Reform pay adjustments for Members of Congress:.							
Budget authority	0	1	1	1	1	1	−1
Outlays	0	1	1	1	1	1	−1
1016 Disabled employees reemployment:.							
Budget authority	0	−8	−27	−3	8	4	−26
Outlays	0	−8	−27	−3	8	4	−26
1019 Section 235 mortgage refinancing:.							
Budget authority	0	18	13	−26	−26	−26	−48
Outlays	0	18	13	−26	−26	−26	−48
1101 Sell Alaska Power Administration-asset sale receipts:.							
Budget authority	0	−83	0	0	0	0	−83
Outlays	0	−83	0	0	0	0	−83
1101 Sell Alaska Power-Loss of annual power sale receipts:.							
Budget authority	0	0	11	11	11	11	144

TABLE 1. SENATOR DOLE'S PROPOSAL: DIRECT SPENDING, SOCIAL SECURITY, AND ASSET SALE CHANGES—Continued

[In millions of dollars]

Section number, proposal	Fiscal year 1994	1995	1996	1997	1998	1999	6-year sum
Outlays	0	0	11	11	11	11	144
1103 Closure of VA supply depots.							
Budget authority	0	0	0	0	0	0	0
Outlays	−45	−44	0	0	0	0	−89
1107 Improved federal debt collection (Social Security Administration):.							
Budget authority	−30	−40	−25	−20	−15	−15	−145
Outlays	−30	−40	−25	−20	−15	−15	−145
2102 Consolidate social services programs:.							
Budget authority	0	−124	−124	−124	−124	−124	−620
Outlays	0	−116	−124	−124	−124	−124	−612
2104 Federal clearinghouse on death information:.							
Budget authority	1	1	1	1	1	1	1
Outlays	1	1	1	1	1	1	1
2105 Continuing disability reviews:.							
Budget authority	0	0	0	0	0	0	0
Outlays	0	0	0	0	0	0	0
2106 Provision of data bank information to VA:.							
Budget authority	0	0	−5	−85	−140	−200	−430
Outlays	0	0	−5	−85	−140	−200	−430
2107 Reform HUD multifamily disposition program:.							
Budget authority	−425	0	0	0	0	0	−425
Outlays	−425	0	0	0	0	0	−425
3006 Deter fraud and abuse in FECA program:.							
Budget authority	1	1	1	1	1	1	−1
Outlays	1	1	1	1	1	1	−1
Total—Direct Spending:							
Budget authority	−425	−114	−132	−227	−271	−335	−1507
Outlays	−425	−150	−132	−227	−271	−335	−1588
Total—Social Security:							
Budget authority	−30	−40	−25	−20	−15	−15	−145
Outlays	−30	−40	−25	−20	−15	−15	−145
Total—Asset Sale Receipts:							
Budget authority	0	−83	0	0	0	0	−83
Outlays	0	−83	0	0	0	0	−83

[1] Less than $500,000.

TABLE 2. SENATOR DOLE'S PROPOSAL: RESCISSIONS

[In millions of dollars]

Section number, proposal	Fiscal year— 1994	1995	1996	1997	1998	1999	6-yr sum
1001 Rescission of funds for the legislative branch:							
Budget authority	−60	0	0	0	0	0	−60
Outlays	−52	−8	0	0	0	0	−60
1002 Rescission of funds for the Exec. Office of the President:							
Budget authority	−8	0	0	0	0	0	−8
Outlays	−8	−2	0	0	0	0	−8
1004 Cuts federal overhead expenses:							
Authorization	−6000	0	0	0	0	0	−6000
Outlays	−3000	−2300	−600	−100	0	0	−6000
1005 Rescind funds for AID, State, and USIA:							
Budget authority	−172	0	0	0	0	0	−172
Outlays	−20	−93	−32	−13	−6	0	−164
1008 Rescission funds for the arts and humanities programs:							
Budget authority	−15	0	0	0	0	0	−15
Outlays	−9	−4	−1	−1	0	0	−15
1009 Rescission from the Federal buildings fund [1]:							
Budget authority	−150	0	0	0	0	0	−150
Outlays	−4	−15	−38	−50	−29	−10	−146
1010 Rescind funds for Appalachian Regional Commission:							
Budget authority	−59	0	0	0	0	0	−59
Outlays	−3	−15	−18	−10	−7	−6	−59
1011 Rescind funds for Legal Services Corporation:							
Budget authority	−33	0	0	0	0	0	−33
Outlays	−25	−8	0	0	0	0	−33
1012 Rescind fund for Community Development Block Grants:							
Budget authority	−180	0	0	0	0	0	−180
Outlays	−7	−74	−74	−25	0	0	−180
1013 Rescind funds for TVA:							
Budget authority	−23	0	0	0	0	0	−23
Outlays	−18	−6	0	0	0	0	−23
1014 Suvstitute voucher assistance for public housing new construction:							
Budget authority	−367	0	0	0	0	0	−367
Outlays	2	24	−48	−64	−91	−67	−245
1015 Rescind funds for EDA:							
Budget authority	−80	0	0	0	0	0	−80
Outlays	−8	−25	−25	−15	−6	−2	−80
1017 Rescind funds for International Development Assocation:							
Budget authority	−67	0	0	0	0	0	−67
Outlays	−9	−9	−9	−12	−7	0	−47
1020 Rescind funds for World Bank:							
Budget authority	−28	0	0	0	0	0	−28
Outlays	−3	−13	−13	0	0	0	−28
1021 Rescind funds for UN Peacekeeping:							
Budget authority	−13	0	0	0	0	0	−13
Outlays	−9	−4	0	0	0	0	−13
1102 Rescind funds for NOAA research fleet:							
Budget authority	−65	0	0	0	0	0	−65
Outlays	−10	−16	−23	−13	−3	0	−65
1105 Repeal national small business tree planting program:							
Budget authority	0	0	0	0	0	0	0
Outlays	0	0	0	0	0	0	0
Total—Rescissions:							
Budget authority	−7321	0	0	0	0	0	−7321
Outlays	−3181	−2567	−879	−304	−150	−85	−7167

[1] The estimates for the federal buildings fund do not include budgetary impacts from the one-year moratorium included in the bill. The moratorium would have no net impact on outlays over the 1994–1999 period.

TABLE 3.—SENATOR DOLE'S PROPOSAL: DISCRETIONARY SPENDING ASSUMPTIONS, RELATIVE TO CBO'S UNCONSTRAINED BASELINE

[In millions of dollars]

Section number, proposal	Fiscal year						6-Yr. Sum
	1994	1995	1996	1997	1998	1999	
1001 Reduce legislative branch approp. by 7.5 percent:							
Authorization	0	−125	−130	−135	−140	−145	−675
Outlays	0	−114	−128	−133	−138	−143	−656
1002 Reduce Exec. Office of the President appropriations by 7.5 percent:							
Authorization	0	−17	−18	−18	−19	−19	−91
Outlays	0	−12	−16	−17	−18	−19	−83
1004 Cut federal overhead expenses:							
Authorization	0	−7400	−10200	−10500	−10800	−11000	−49900
Outlays	0	−5500	−9100	−10300	−10700	−11000	−46600
1005Cut AID, State, and USIA:							
Authorization	0	−177	−182	−187	−192	−197	−934
Outlays	0	−20	−117	−153	−170	−180	−640
1006 Davis-Bacon contract threshold at $100,000:							
Authorization	−16	−62	−33	−34	−35	−36	−216
Outlays	−2	−14	−24	−28	−30	−32	−130
1007 Repeal prohibition on use of Davis-Bacon helpers:							
Authorization	0	−425	0	0	0	0	−425
Outlays	0	−60	−187	−133	−33	−13	−425
1008 Reduction in funding for arts and humanities programs:							
Authorization	0	−81	−146	−201	−256	−293	−977
Outlays	0	−60	−127	−181	−236	−278	−882
1010 Cut Appalachian Regional Commission:							
Authorization	0	−61	−62	−64	−66	−67	−319
Outlays	0	−3	−18	−37	−49	−57	−164
1011 Cut Legal Services Corporation:							
Authorization	0	−205	−211	−217	−222	−228	−1084
Outlays	0	−181	−210	−216	−222	−228	−1056
1012 Cut Community Development Block Grants:							
Authorization	0	−299	−422	−545	−673	−805	−2744
Outlays	0	−12	−139	−317	−465	−591	−1525
1013 Cut TVA:							
Authorization	0	−24	−25	−25	−26	−27	−126
Outlays	0	−7	−20	−23	−25	−26	−101
1014 Substitute voucher assistance for public housing new construction:							
Authorization	0	−377	−387	−398	−408	−419	−1989
Outlays	0	2	15	−37	−105	−200	−325
1015 Cut funds for EDA:							
Authorization	0	−82	−84	−87	−89	−91	−433
Outlays	0	−4	−30	−56	−73	−81	−243
1016 Disabled employees reemployment:							
Authorization	0	9	−2	−28	−31	−30	−82
Outlays	0	8	−1	−28	−31	−30	−82
1017 Cut International Development Association:							
Authorization	0	−69	−71	−73	−75	−77	−364
Outlays	0	−10	−20	−30	−43	−51	−153
1018 Federal-private cogeneration of electricity:							
Authorization	0	0	0	−30	−30	−30	−90
Outlays	0	0	0	−10	−25	−30	−65
1020 Cut World Bank funding:							
Authorization	0	−29	−29	−30	−31	−32	−151
Outlays	0	−3	−16	−29	−30	−31	−109
1101 Sell Alaska Power Administration-operating costs savings:							
Authorization	0	0	−4	−5	−5	−5	−19
Outlays	0	0	−4	−4	−5	−5	−18
1102 Reduce funding for NOAA research fleet:							
Authorization	0	−123	−127	−130	−134	−138	−652
Outlays	0	−19	−50	−94	−122	−131	−416
1104 Terminate State Justice Institute:							
Authorization	0	−14	−14	−15	−15	−16	−74
Outlays	0	−4	−9	−13	−15	−15	−55
1105 Repeal national small business tree planting program:							
Authorization	0	−17	−17	−18	−18	−19	−89
Outlays	0	−12	−16	−18	−18	−19	−83
1106 Contracting for certain functions of the Department of Defense:							
Authorization	0	[1]	[1]	[1]	[1]	[1]	[1]
Outlays	0	[1]	[1]	[1]	[1]	[1]	[1]
1201–1208 Eliminating Government Printing Monopoly:							
Authorization	0	0	−50	−100	−100	−110	−360
Outlays	0	0	−40	−80	−100	−100	−320
2001 USDA consolidation:							
Authorization	0	−31	−112	−178	−254	−330	−905
Outlays	0	−30	−108	−175	−250	−326	−889
2051–2081 Procurement reform for commercial items:							
Authorization	0	[1]	[1]	[1]	[1]	[1]	[1]
Outlays	0	[1]	[1]	[1]	[1]	[1]	[1]
2101 Amend the Copeland Act:							
Authorization	0	−85	−90	−90	−95	−95	−455
Outlays	0	−20	−50	−70	−80	−85	−305
2102 Consolidate social services programs:							
Authorization	0	−96	−99	−101	−103	−106	−505
Outlays	0	−55	−63	−330	−103	−106	−531
2103 Increased flexibility in contracting for Medicare claims processing:							
Authorization	0	−6	−6	−6	−6	−6	−30
Outlays	0	−6	−6	−6	−6	−6	−30
2107 HUD multifamily housing disposition process:							
Authorization	0	−6	−7	−7	−7	−7	−34
Outlays	0	−4	−6	−7	−7	−7	−31
3005 Annual financial reports:							
Authorization	0	0	0	2	2	2	6
Outlays	0	0	0	2	2	2	6
3006 Deter fraud and abuse in FECA program:							
Authorization	0	[2]	[2]	−1	−1	−1	−3
Outlays	0	[2]	[2]	−1	−1	−1	−3
Total—Authorization changes:							
Authorization	−16	−9801	−12529	−13220	−13828	−14326	−63719
Outlays	−2	−6139	−10364	−12523	−13097	−13787	−55913

[1] Potential savings cannot be estimated.
[2] Less than $500,000.

TABLE 4. SUMMARY OF CBO'S ESTIMATES FOR SENATOR DOLE'S PROPOSAL

[In millions of dollars]

Spending category	Fiscal year						6-Year sum
	1994	1995	1996	1997	1998	1999	
Direct Spending:							
Estimated budget authority	−425	−114	−132	−227	−271	−335	−1507
Estimated outlays	−470	−150	−132	−227	−271	−335	−1588
Rescissions:							
Estimated budget authority	−7321	0	0	0	0	0	−7321
Estimated outlays	−3181	−2567	−879	−304	−150	−85	−7167
Social Security:							
Estimated budget authority	−30	−40	−25	−20	−15	−15	−145
Estimated outlays	−30	−40	−25	−20	−15	−15	−145
Asset sale receipts:							
Estimated budget authority	0	−83	0	0	0	0	−83
Estimated outlays	0	−83	0	0	0	0	−83
Authorizations, subject to appropriations:							
Estimated authorization level	−16	−9801	−12529	−13220	−13828	−14326	−63719
Estimated outlays	−2	−6139	−10364	−12523	−13097	−13787	−55913

Mr. ROTH. Mr. President, history has shown that there are two keys necessary to effectively reduce the Federal budget deficit. The first is to strengthen the economy, make the pie bigger. Business prospers. Jobs and opportunity increase. Families have more disposable income. Tax revenues soar, the Treasury reaps a windfall, and government is better able to care for its legitimate responsibilities.

But this key, alone, will not work. To take control of the deficit, it is not enough to strengthen the economy.

The record-setting economic growth of the eighties proved that a second key is needed if we are to place this country back on a sound financial foundation. Due largely to the income tax cuts that stimulated the longest peacetime economic expansion in history, Federal revenues between 1980 and 1992 increased by 100 percent. Money poured into the Treasury. It is true that Americans were paying a lower percentage of their income to taxes, but the windfall resulted because Americans were making more money—much more, as some 18 million new jobs were created and more than 4 million new businesses opened their doors.

While these economic boom years cut into the budget deficit, reducing it by more than 60 percent between 1986 to 1989, from $227 to $142 billion in 1987 dollars, the economic expansion was not as effective as it should have been in addressing the long-term deficit problem. Why? The answer is simple. And it points to the second key we must use if we are to effectively cut the deficit. That key is responsible Government spending.

As the New York Times' David Rosenbaum wrote: "One popular misconception is that the Republican tax cuts caused the crippling Federal budget deficit. * * * The fact is, the large deficit resulted because the Government vastly increased what it spent each year. * * *" In other words, had Congress been able to control the Federal appetite in the eighties, it is very possible that the deficit would not be the issue it is today.

There are two keys, Mr. President, the first is to strengthen the economy, the second is to cut Government spending, to make Washington more responsible and keep the money in the private sector where it can be invested to create jobs.

Growth and jobs—global competitiveness—these are the goals we seek in our governmental policy. Frankly, I believe portions of President Clinton's budget offers a first step toward effectively using the second key. While his record-setting tax increases last year were certainly a set back—as millions of Americans will discover come April—the near 300 cuts he calls for in Government programs demonstrate that he understands and is willing to make hard choices when it comes to trimming the size and growth of the bureaucracy. While I do not necessariy agree with all of his cuts, I am encouraged by the fact that he proposes to eliminate over 100 Government programs.

But as I said, Mr. President, this budget is only a first step. We must see it as a beginning. With members of his party controlling both Houses of Congress, President Clinton should be able to go much farther in trimming and cutting and regaining control over a government that has become far too fat for its own good. I believe President Clinton is right to reallocate money to reflect the priorities of his administration. He's right to do this rather than simply raise more taxes, upon the taxes he imposed last year, thus further increasing the financial burden Government places upon American families. But certainly the cuts he calls for are not the only cuts that can be made. For example, the 115 program eliminations listed only cuts $3.2 billion from the budget: $3.2 billion out of a $1.5 trillion budget. That's only 3 cents of cuts for every $15 of spending.

And to put that $3.2 billion into perspective, the SSN 21 *Sea Wolf*, a submarine designed to hunt and kill Soviet nuclear strategic submarines—Soviet subs that are no longer a threat—costs well over $3 billion apiece to build, operate and maintain. Cut that one program and we could immediately double or triple the savings to the taxpayers.

President Clinton does make cuts in defense. In fact, what he is calling for is the most dramatic defense cuts since World War II. Unfortunately, these cuts do not fall on all the right programs; many do not reflect the real needs and strategic changes in today's defense policy. For example, programs like the SSN 21 *Sea Wolf* continue, while reductions in operation and maintenance seriously undermine the readiness of our Armed Forces—readiness which proved itself invaluable during Operation Desert Storm.

Events continue to demonstrate that this is an unsafe world. In many ways, conflicts in the post-cold war environment are greater in number and much more complex in nature. We need to reinstate the defense firewall and insure that there are adequate funds and that those funds are spent on defense needs to reflect world security demands. While we do not need SSN 21 submarines, at some $3 billion a copy, to track a marine threat that has radically diminished, we do need well-trained troops—men and women with high morale and the best equipment available.

My other major problem with this budget concerns all that President Clinton fails to include. Despite the fact that the most costly item on President Clinton's domestic agenda is health care reform—that reform is not fully addressed in this budget. We need answers, Mr. President. The American people deserve full disclosure. This budget does not deliver it, and one has to ask, "Why?" While we may have $3.2 billion in spending cuts in this $1.5 trillion package, I fear that there is much, much more money that the President plans to spend that he has not even included in the report.

The President has, time and again, made reference to his appreciation for Thomas Jefferson. There's a little advice Thomas Jefferson left us that I believe President Clinton would do well to follow. I gave this same advice to his predecessor. Jefferson said, the finances of the Union should be "as clear and intelligible as a merchant's books, so that every Member of Congress, and every man of any mind in the Union, should be able to comprehend them to investigate abuses, and consequently control them."

Given this criterion, this budget is beyond redemption.

But again, Mr. President, I applaud the fact that it does include an effort to contain costs. I hope it indicates that President Clinton is serious about moving forward with real deficit reduction. If we are really going to get the budget down and legitimately address the deficit, it will take a combination of cuts—both small and large. It will take long-term economic growth—growth based on responsible and reasonable taxation. The two must go hand in hand.

The time has come to get serious about cutting Government spending, about downsizing, about enhancing the performance of Government and holding it accountable for its performance. This can be done. The President's budget is a first step, but only a first step. I'm pleased to announce that today we are introducing legislation that goes much farther. It's called the Government Downsizing, Performance and Accountability Act of 1994. It offers 50 recommendations that will reduce the deficit by $55 billion over the next 5 years. At the same time, it will make the Federal bureaucracy more efficient, improve the legislative process and hold Government accountable for its actions.

These recommendations are not new; they come from the Grace Commission, the National Performance Review, and other well-respected studies and groups. They have four specific objectives: First, to save the taxpayers money; second, to streamline the Federal bureaucracy; third, to improve Government performance; and, fourth, to reform the legislative process. These, of course, are all part of the second key I have referred to, and they go far beyond the reductions and spending control President Clinton has asked for in his budget.

Frankly, I believe the Government Downsizing, Performance and Accountability Act is Government's answer to a trend that has already taken hold in the private sector. In the competitive global economic environment, those companies that are surviving—even thriving—are the companies that are becoming lean, efficient and cost-effective; they are the companies that are delivering more goods and services for the money, the companies that can respond quicker and are accountable for their performance. Governments should be no different.

Our client is the taxpayer, and frankly, the taxpayers aren't getting their money's worth. The Government Downsizing, Performance and Accountability Act is a good first step toward correcting that.

It includes 8 proposals to eliminate, phase-out or privatize Federal programs, and 22 more specific proposals to cut spending. Both the legislative and the executive branches are called upon to make cuts. The plan also includes 10 proposals to reduce Government bureaucracy by consolidating overlapping Government agencies, reducing paperwork, and streamlining procedures. And, I am pleased to say, it contains what I believe is a critical tool for fiscal responsibility—a tool most Americans want to see adopted—the line-item veto.

Mr. President, this plan is specific. It is workable. It is needed. It is an example of the second key to taking control of Federal spending. While I applaud President Clinton's cost containment in the budget he has just delivered, I believe most—if not all—Americans would agree that much more needs to be done. The Government Downsizing, Performance and Accountability Act is one more important step. I encourage all of my colleagues to embrace it.

Mr. CRAIG. Mr. President and Members of the Senate, I am pleased to join today with our Republican leader, Senator DOLE, and 15 of our colleagues in introducing the Government Downsizing, Performance and Accountability Act. Also known as the 50-50 bill, this legislation comprises a 50-point plan to cut Federal spending by more than $50 billion over the next 5 years. Most importantly, these savings would apply to deficit reduction because the bill would lower the discretionary spending caps.

I have been part of an informal task force that has shaped this bill over the last few months drawing from recommendations of the Grace Commission, Citizens Against Government Waste, the Vice President's National Performance Review, Penny-Kasich, and the legislation of yesterday, the Kerry-Brown amendment, and a lot of other individual Senator's ideas. I commend the leader and his staff for their work in pulling together the many diverse ideas and interests that are embodied in this bill.

In a similar legislative vein, I am disappointed that the Senate did not adopt the spending cut amendment proposed yesterday by the Senator from Nebraska [Mr. KERREY] and the Senator from Colorado [Mr. BROWN] to the disaster relief bill that is before us.

Earlier yesterday, the press reported the Senator from Nebraska to be discouraged that some Senators would vote against his amendment while supporting a balanced budget amendment to the Constitution. This is one Senator who voted for the Kerrey-Brown amendment, and I am one of the original authors of the balanced budget amendment that we will be debating in the Chamber by the end of this month.

I understand and I share his frustration. However, I point out to him that the Senate did not adopt his amendment because it was not worthy; it certainly was. It was important. But I wish he would become a cosponsor of our balanced-budget amendment and bring to the floor once and for all this debate, which would then make a Kerrey-Brown type amendment, something on which this Congress could not "pass go," or this Senate could not "pass go," as it did yesterday, but it would have to wrestle with it in a much more sincere vain.

It is just this kind of frustration, with a business as usual budget process, that has converted many former skeptics into committed supporters of a balanced budget amendment. In fact, one of those is the chairman of the subcommittee of the Judiciary Committee that has led this issue, Senator PAUL SIMON, of Illinois, in his support and his leadership on Senate Joint Resolution 41.

It is understandable if many of my colleagues have turned to a constitutional mandate out of frustration. We saw the reason yesterday in the Chamber. Today, we introduce a bill which we hope can become law. But more than likely the process and the forces inside the process will submerge it or sidetrack it in a way that it will not bet a fair up-or-down vote.

So when I speak out about a balanced budget amendment, as I did in the Chamber last week, it is to demonstrate that a fundamental and critical right is at stake, the right of the people to be free from the burdens created by excessive Government debt. Today, I wish to rise to point out that the nature and the importance of this right make it the very kind of right traditionally and appropriately protected in the Constitution.

Mr. President, you know that the Constitution is that which spells out our rights and protects them. I argue that the right to be free from Federal debt for future generations is just as important a right as all of the others that are embodied in the Constitution.

Last week I noted that President Woodrow Wilson had made the clear difference between spending without taxation and taxation without representation as being one and the same.

This was more than just a comparison. Deficit spending is in fact a form of taxation without representation. Deficit spending confers a benefit to one group in our society—those who benefit from the largesse of the Government in the immediate sense—at the expense of an innocent and unrepresented group who are sent the bill in the next generation. This is something this Congress and this Senate has to stop. Starting on February 22, we will have an opportunity to debate a constitutional amendment, Senate Joint Resolution 41, that brings all that have to focus for the first time in this body in a good many years.

Let us remember, Mr. President, that we fought a revolution over taxation without representation, and when you talk to young people today who realize that the Federal Government already

has a $17,000 debt bill to hand them when they become of age, when they become voters and taxpayers, I do not blame them for being frustrated. I would argue that they ought to be angry over that kind of an approach.

The issue of taxation without representation was addressed originally in the Constitution by allowing bills to raise revenue to originate exclusively in the House of Representatives. Remember that, originally, the significance of the popular vote was unforseen in Presidential elections and U.S. Senators were chosen by State legislatures. The House was the only part of any of the three branches that was popularly chosen and directly representative of the people. The Framers assumed that limiting tax bills to originating in the House would adequately protect the right of those who are taxed to be fully represented.

The Framers, of course, could not foresee that they had accounted for only one-half of the equation.

They also assumed as a given that, by specifically enumerating the relatively few powers of the Federal Government, and because of their understanding of the definitions of those powers, they were creating a Federal Government that always would be small as national governments go, with its scope strictly limited.

And in fact, as late as 1929, the Federal Government accounted for only about 3 percent of the gross national product.

Therefore, the Framers never envisioned a Federal Government that could grow to a size and scope where its budgetary activities could profoundly affect the economy.

Similarly, the Framers assumed a government with its finances tethered by adherence to a gold standard. This firm assumption was indirectly acknowledged in Article I, section 10, which still says, in part, "No State shall * * * make any Thing but gold and silver Coin a Tender in Payment of Debts. * * *" Thus, the Government's ability to borrow would be further constrained by the limited ability of the money supply to expand to accommodate it.

Finally, historical authorities agree that the norm of balanced budgets at virtually all times except during war was always a part of the unwritten constitution.

For example, University of Virginia professor, William Breit, was quoted in 1985, in the Judiciary Committee's Senate Report 99–162, as follows:

> The balanced-budget rule which served as part of the Constitution was, of course, not in the form of a written statement. * * * But it nevertheless had constitutional status. For expenditures in excess of receipts were considered to be in violation of moral principles. The imperative of the balanced budget was an extra-legal rule or custom that grew up around the formal document. It existed outside the precise letter of the Constitution on all fours with the system of political parties, the presidential cabinet, the actual operation of the electoral college system, and the doctrine of judicial review.

The original Constitution was bitterly controversial. It was ratified by a handful of votes in several States, and then only after firm promises were made to add a Bill of Rights in the First Congress.

In other words, many of the Framers did not think it was really that necessary to include explicit provisions protecting rights like freedom of speech and religion, the right to keep and bear arms, and freedom from unreasonable searches and seizures. Even more so, they could hardly imagine the need for a balanced budget provision, because even a government that would quarter soldiers in private homes and impose taxation without representation, as the British despot had done, would not be so reckless in its operations as to incur massive debts.

Uniquely among the Nation's Founders, however, Thomas Jefferson did foresee what abuses of the public purse were possible. That's why, in a 1798 letter to John Taylor, he wrote:

> I wish it were possible to obtain a single amendment to our constitution. I would be willing to depend on that alone for the reduction of the administration of our government to the genuine principles of its constitution; I mean an additional article, taking from the federal government the power of borrowing.

And again, in 1798, he wrote:

> If there is one omission I fear in the document called the Constitution, it is that we did not restrict the power of government to borrow money.

Jefferson and John Adams were perhaps the most adamant among the Founders to insist that refraining from excessive indebtedness was a moral imperative for the Government. Unfortunately, when the original Constitution was being drafted, Jefferson was representing our young Nation in France and Adams was in England. Had they not been abroad, we probably would not have to debate a balanced budget amendment today.

When the Senate returns after President's Day, I will resume this discussion of how the balanced budget amendment is appropriate to the rest of the Constitution, how the fundamental rights it seeks to protect have been violated and the people harmed, and how a constitutional amendment is the only remedy.

Mrs. HUTCHISON. Mr. President, I rise today to join Senator DOLE and 15 of my colleagues in introducing the Government Downsizing, Performance, and Accountability Act of 1994 and to call for its prompt enactment.

Its not surprising to me, Mr. President, that when something goes on for a long time we forget that it's happening. We get distracted by daily life and don't notice it anymore. Modern technology makes space flight and satellite communications possible, and as time passes we don't even notice when a space shuttle flight takes off or when we see events shown live on television from the other side of the world.

But if we overspend on our credit cards, we get a bill in the mail at the end of the month. We have to notice it—it's a rude awakening that no matter how we rationalize spending, eventually we need cash to pay the bill. But too many Senators don't look at the accounts of the Treasury, mailed to us each month, so we keep spending more money. We're $4.5 trillion in debt, and we keep spending money, and borrowing to pay the interest, and because daily life goes on we don't notice that we're moving towards financial ruin.

Financial ruin will come eventually because we can't afford to pay the interest on an ever increasing debt. Gross interest on the public debt for fiscal year 1994 is projected by President Clinton's budget to be $299 billion. That's more than half of all domestic discretionary spending. The budget deficit for fiscal year 1994 is less than expected, but that is because of lower interest rates for financing the debt and increases in taxes, not because of spending cuts. We can't keep borrowing money to finance current spending. We must cut spending, stop borrowing, and pay off the debt.

Our first step must be to cut spending now. That is why we are introducing the Government Downsizing, Performance, and Accountability Act of 1994 today. The Act contains 50 commonsense proposals to save money and make the Government more efficient. The act includes my Federal Government reduction plan, which will cut Federal administrative expenses by $3 billion for fiscal years 1994 and 1995, and freezes such expenses at the 1995 level for fiscal year 1996. The Congressional Budget Office has estimated that this will save $41.7 billion over 5 years.

Administrative expenses that will be cut by the act include travel and shipping; non-Government rents; communications and utilities; printing; consultants fees; supplies and materials; and other services. Administrative expenses under the act do not include expenses of the Department of Defense, which has had its budget cut substantially already. Administrative expenses under the act also do not include certain program expenses that are accounted for under the Office of Management and Budget's Object Class 25.2 "other services" expense category.

The administrative expense cuts we are proposing will not harm government services, but will streamline the Federal bureaucracy by eliminating waste. I know firsthand that overhead can be trimmed, even while productivity is increased. When a business or a corporation—indeed, even a household—encounters financial trouble, the first thing it does is cut overhead. The

Federal Government can do the same. And with the reduced number of Government employees needed under the administration's reinventing government plan, less administrative services will be needed.

The act contains 49 other proposals to save taxpayer's money, streamline the Federal bureaucracy, improve Government performance, and reform the legislative process. The act saves taxpayer's money by cutting 7.5 percent from the legislative branch and Executive Office of the President's budgets. I have voluntarily cut 20 percent from my Senate office budget. The act improves Government performance by imposing a single accounting standard instead of the 287 we are working under now. The act reforms the legislative process by calling for a line-item veto, a 5-year limit on authorization for new programs, and a super-majority vote for emergency spending legislation.

Most important, the $50 billion that the Government Downsizing, Performance and Accountability Act will save will all go towards deficit reduction. The act ensures that the savings will not be spent on any new spending plans because it reduces the discretionary spending cap. Only by cutting spending and reducing the cap can we protect our Nation's financial future. I urge my colleagues to join us by supporting this act to reduce the deficit and the long-term burden of carrying interest on the national debt.

By Mr. McCAIN (for himself, Mr. INOUYE, and Mr. COCHRAN):

S. 1844. A bill to transfer administrative consideration of applications for Federal recognition of an Indian tribe to an independent commission, and for other purposes; to the Committee on Indian Affairs.

INDIAN FEDERAL RECOGNITION ADMINISTRATIVE PROCEDURES ACT OF 1994

Mr. McCAIN. Mr. President, today I am introducing the Indian Federal Recognition Administrative Procedures Act of 1994. I am pleased to note that Senators INOUYE and COCHRAN have joined with me as cosponsors of this legislation.

From the earliest times, the Congress has acted to recognize the unique government-to-government relationship with the tribes. There are and always have been some Indian tribes which have not been recognized by the Federal Government. This lack of recognition does not alter the fact of the existence of the tribe or of its retained inherent sovereignty; it merely means that there is no formal political relationship between the tribal government and the Federal Government and that the enrolled members of the tribe are not eligible for the services and benefits accorded to Indians because of their status as members of federally recognized Indian tribes.

Over the years, the Federal courts have ruled that recognition, while solely within the authority of the Congress, may also be conferred through actions of the executive branch. Both the President and the Secretary of the Interior have historically acted in ways which the courts have found to constitute recognition of Indian tribes. And beginning in 1954, it was the established policy of the Congress to officially sanction the termination of the Federal/tribal relationship. This misguided policy was only effectively ended in 1970 when President Nixon called for the beginning of an era of self-determination and the end of termination.

In 1978, the Department of the Interior promulgated regulations to establish criteria and procedures for the recognition of Indian tribes by the Secretary. Since that time tribal groups have filed 147 petitions for review. Of those, 28 have been resolved and 75 are letters expressing an intent to petition, and 7 require legislative authority to proceed. The remainder are in various stages of consideration by the Department. During this same time, the Congress has recognized six other tribal groups through legislation.

In 1978, 1983, 1988, 1989, and 1992 the Committee on Indian Affairs held oversight hearings on the Federal recognition process. At each of those hearings the record has clearly shown that the process is not working properly. The process in the Department of the Interior is time consuming and costly. Some tribal groups allege that it leads to unfair and unfounded results. It has been hindered by a lack of staff and resources needed to fairly and promptly review all petitions, although there has been some improvement over the years. At the same time, the Congress extends recognition to tribes with little or no reference to the legal standards and criteria employed by the Department. The result is yet another layer of inconsistency and apparent unfairness.

The record from our previous hearings reveals a clear need for the Congress to address the problems affecting the recognition process. I believe that the bill we are introducing today will go a long way toward resolving the problems which have plagued both the Department and the petitioners over the years. This bill is not an attempt to rewrite the existing body of laws that apply to the recognition process. It incorporates the Secretary's existing recognition criteria and by doing so avoids the need to reevaluate prior decisions of the Department and the need for tribal groups to file new petitions.

The Indian Federal Recognition Administrative Procedures Act provides for the creation of the Commission on Indian Recognition. The Commission will be composed of three members appointed by the President. The Commission would be authorized to hold hearings, take testimony, and reach final determinations on petitions for recognition. The bill provides realistic timeliness to guide the Commission in the review and decisionmaking process. Under the existing process, some petitioners have waited 10 years or more for even a cursory review of their petition. The bill we are introducing today requires the Commission to complete an initial review within 12 months from the date of the filing of the petition. It also requires the Commission to make a proposed finding on the petition within 1 year from the date that active consideration of the petition began.

To ensure fairness, the bill provides for appeals of adverse decisions to the U.S. Circuit Court of Appeals for the District of Columbia. To ensure promptness, the bill authorizes increased funding for the costs of processing petitions through the Commission and to assist petitioners in the development of their petitions. This bill will also provide finality for both the petitioners and the Department. The Department has had a process of one type or another for recognizing Indian tribes since the 1930's. Great uncertainty has existed about how or when this process might be concluded and how many Indian tribes will ultimately be recognized. I believe that it is in the interests of all parties to have a clear deadline for the completion of the recognition process. Accordingly, the bill requires all interested tribal groups to file their petitions within 6 years after the date of enactment and the Commission must complete all of its work within 12 years from the date of enactment.

Mr. President, I ask unanimous consent that the full text of the Indian Federal Recognition Administrative Procedures Act of 1994 and a section-by-section summary be printed in the RECORD.

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

S. 1844

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

SHORT TITLE

SECTION 1. This Act may be cited as the "Indian Federal Recognition Administrative Procedures Act of 1994".

PURPOSES

SEC. 2. The purposes of this Act are to—

(1) establish an administrative procedure for the recognition of the existence of certain Indian tribes;

(2) extend to Indian groups the protection, services, and benefits available from the Federal Government pursuant to the Federal trust responsibility;

(3) extend to Indian groups the immunities and privileges available to federally recognized Indian tribes as well as the responsibilities and obligations of such Indian tribes;

(4) ensure that the special government-to-government relationship between the United States and Indian tribes has a consistent legal and historical basis;

(5) provide clear and consistent standards of administrative review of recognition petitions for Indian groups; and

(6) expedite the administrative review process by providing definitive timelines for review and adequate resources to process recognition petitions.

DEFINITIONS

SEC. 3. For purposes of this Act—

(1) The term "Secretary" means the Secretary of the Interior or a representative designated by the Secretary of the Interior.

(2) The term "Commission" means the independent commission established under section 4.

(3) The term "Department" means the Department of the Interior.

(4) The term "Bureau" means the Bureau of Indian Affairs of the Department of the Interior.

(5) The term "area office" means an area office of the Bureau of Indian Affairs.

(6) The term "Indian tribe" means any Indian entity that—

(A) is located within any of the States of the United States, and

(B) is recognized by the Secretary of the Interior to be an Indian tribe.

(7) The term "Indian group" means any Indian entity that—

(A) is located within any of the States of the United States, and

(B) is not recognized by the Secretary of the Interior to be an Indian tribe.

(8) The term "petitioner" means any entity which has submitted, or submits, a petition to the Secretary requesting recognition that the entity is an Indian tribe.

(9) The term "autonomous" means having its own tribal council, internal process, or other organizational mechanism which the Indian group has used as its own means of making decisions independent of the control of any other Indian governing entity, and in using such term for purposes of this Act, such term must be understood in the context of the culture and social organization of that Indian group.

(10) The term "member of an Indian group" means an individual who—

(A) is recognized by an Indian group as meeting its membership criteria;

(B) consents to being listed as a member of that group; and

(C) is not a member of any Indian tribe.

(11) The term "member of an Indian tribe" means an individual who—

(A) meets the membership requirements of the Indian tribe, as set forth in its governing document or recognized collectively by those persons comprising the governing body of the Indian tribe, and

(B) has continuously maintained tribal relations with the tribe, or is listed on the tribal rolls of that Indian tribe as a member, if such rolls are maintained.

(12) The term "historical" means dating back to the earliest documented contact between—

(A) the aboriginal Indian group from which the petitioners descended, and

(B) citizens or officials of the United States, colonial or territorial governments, or if relevant, citizens and officials of foreign governments from which the United States acquired territory.

(13) The term "continuous" means, with respect to any Indian group, extending from generation to generation throughout the Indian group's history essentially without interruption.

(14) The term "indigenous" means native to the area that constitutes the continental United States in that at least part of the group's aboriginal range extended into what is now the area that constitutes the continental United States.

(15) The term "community" means any people living within such a reasonable proximity as to allow group interaction and maintenance of tribal relations.

(16) The term "other party" means any affected person or organization other than the petitioner who submits comments or evidence in support of, or in opposition to, a petition.

(17) The term "petition" means a petition submitted to the Commission under section 5(a)(1) or transferred to the Commission under section 5(a)(3).

(18) The term "treaty" means any treaty—

(A) negotiated and ratified by the United States with, or on behalf of, any Indian group,

(B) made by any sovereign with, or on behalf of, any Indian group, whereby the United States acquired territory by purchase or cession, or

(C) negotiated by the United States with, or on behalf of, any Indian group in California, whether or not the treaty was subsequently ratified.

COMMISSION ON INDIAN RECOGNITION

SEC. 4. (a)(1) There is established, as an independent commission, the "Commission on Indian Recognition".

(2)(A) The Commission shall consist of 3 members appointed by the President, by and with the advice and consent of the Senate.

(B) No more than 2 members of the Commission may be members of the same political party.

(C) The Commission shall hold its first meeting no later than 30 days after the date on which all members of the Commission have been appointed and confirmed by the Senate.

(D) Each member of the Commission shall be entitled to one vote which shall be equal to the vote of every other member of the Commission.

(E) Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(F) In making appointments to the Commission, the President shall give careful consideration to—

(i) recommendations received from Indian tribes, and

(ii) individuals who have a background in Indian law or policy, anthropology, genealogy, or history.

(3) At the time appointments are made under paragraph (2)(A), the President shall designate one of such appointees as chairman of the Commission.

(4) Two members of the Commission shall constitute a quorum for the transaction of business.

(5) The Commission may adopt such rules (consistent with the provisions of this Act) as may be necessary to establish its procedures and to govern the manner of its operations, organization, and personnel.

(b)(1)(A) Each member of the Commission not otherwise employed by the United States Government shall receive compensation at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code, for each day, including traveltime, such member is engaged in the actual performance of duties authorized by the Commission.

(B) Except as provided in subparagraph (C), a member of the Commission who is otherwise an officer or employee of the United States Government shall serve on the Commission without additional compensation, but such service shall be without interruption or loss of civil service status or privilege.

(C) All members of the Commission shall be reimbursed for travel and per diem in lieu of subsistence expenses during the performance of duties of the Commission while away from home or their regular place of business, in accordance with subchapter I of chapter 57 of title 5, United States Code.

(2) The principal office of the Commission shall be in the District of Columbia.

(c) The Commission shall carry out the duties assigned to the Commission by this Act, and shall meet the requirements imposed on the Commission by this Act.

(d)(1) Subject to such rules and regulations as may be adopted by the Commission, the chairman of the Commission is authorized to—

(A) appoint, terminate, and fix the compensation (without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title, or of any other provision of law, relating to the number, classification, and General Schedule rates) of an Executive Director of the Commission and of such other personnel as the chairman deems advisable to assist in the performance of the duties of the Commission, at a rate not to exceed a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code; and

(B) procure, as authorized by section 3109(b) of title 5, United States Code, temporary and intermittent services to the same extent as is authorized by law for agencies in the executive branch, but at rates not to exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(2) The Commission is authorized—

(A) to hold such hearings and sit and act at such times,

(B) to take such testimony,

(C) to have such printing and binding done,

(D) subject to the availability of funds, to enter into such contracts and other arrangements,

(E) to make such expenditures, and

(F) to take such other actions,

as the Commission may deem advisable. Any member of the Commission may administer oaths or affirmations to witnesses appearing before the Commission.

(3) The provisions of the Federal Advisory Committee Act shall not apply to the Commission established under this section.

(4)(A) The Commission is authorized to secure directly from any officer, department, agency, establishment, or instrumentality of the Federal Government such information as the Commission may require for the purpose of this Act, and each such officer, department, agency, establishment, or instrumentality is authorized and directed to furnish, to the extent permitted by law, such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the chairman of the Commission.

(B) Upon the request of the chairman of the Commission, the head of any Federal department, agency, or instrumentality is authorized to make any of the facilities and services of such department, agency, or instrumentality available to the Commission

and detail any of the personnel of such department, agency, or instrumentality to the Commission, on a nonreimbursable basis, to assist the Commission in carrying out its duties under this section.

(C) The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(e) The Commission shall cease to exist on the date that is 60 days after the date on which the Commission publishes in the Federal Register the last determination the Commission is required to make under section 8(b) with respect to petitions filed under section 5(a). All records, documents, and materials of the Commission, prior to its termination, shall be transferred by the Commission to the National Archives and Records Administration.

PETITIONS FOR RECOGNITION

SEC. 5. (a)(1) Any Indian group that is indigenous (including any Indian group whose relationship with the Federal Government was terminated by law) may submit to the Commission, during the 72-month period beginning on the date of enactment of this Act, a petition requesting that the Commission recognize that the Indian group is an Indian tribe.

(2) The provisions of this Act do not apply to the following groups or entities, which shall not be eligible for recognition under this Act—

(A) Indian tribes, organized bands, pueblos, communities, and Alaska Native entities which are already recognized by the Secretary as eligible to receive services from the Bureau;

(B) splinter groups, political factions, communities, or groups of any character which separate from the main body of an Indian tribe that, at the time of such separation, is recognized as being an Indian tribe by the Secretary, unless it can be clearly established that the group, faction, or community has functioned throughout history until the date of such petition as an autonomous Indian tribal entity; and

(C) groups, or successors in interest of groups, that prior to the date of enactment of this Act, have petitioned for, and been denied or refused, recognition as an Indian tribe under regulations prescribed by the Secretary.

(3) No later than 30 days after the date on which all of the members of the Commission have been appointed and confirmed by the Senate, the Secretary shall transfer to the Commission all petitions pending before the Department that request the Secretary, or the Federal Government, to recognize or acknowledge an Indian group as an Indian tribe. On the date of such transfer, the Secretary and the Department shall cease to have any authority to recognize or acknowledge, on behalf of the Federal Government, any Indian group as an Indian tribe. Petitions transferred to the Commission under this paragraph shall, for purposes of this Act, be considered as having been submitted to the Commission as of the date of such transfer.

(b) Any petition submitted under subsection (a) by an Indian group shall be in a form which clearly indicates that it is a petition requesting the Commission to recognize that the Indian group is an Indian tribe and shall contain each of the following:

(1) A statement of facts establishing that the petitioner has been identified from historical times until the present, on a substantially continuous basis, as Indian, except that a petitioner shall not be considered as having failed to satisfy any requirement of this subsection merely because of fluctuations of tribal activity during various years. Evidence which can be offered to demonstrate Indian identity of the petitioner on a substantially continuous basis shall include one or more of the following:

(A) Repeated identification of the petitioner as Indian by Federal authorities, including actions which constitute legislative or administrative termination.

(B) Longstanding relationships of the petitioner with State governments based on identification of the petitioner as Indian.

(C) Repeated dealings of the petitioner with a county, parish, or other local government in a relationship based on the Indian identity of the petitioner.

(D) Repeated identification of the petitioner as an Indian entity by records in courthouses, churches, or schools.

(E) Repeated identification of the petitioner as an Indian entity by anthropologists, historians, or other scholars.

(F) Repeated identification of the petitioner as an Indian entity in newspapers and books.

(G) Repeated identification of the petitioner as an Indian entity by, and dealings of the petitioner as an Indian entity with, Indian tribes or recognized national Indian organizations.

(2) Evidence that—

(A) a substantial portion of the membership of the petitioner lives in a community viewed as Indian and distinct from other populations in the area, and

(B) members of the petitioner are descendants of an Indian group or groups which historically inhabited a specific area.

(3) A statement of facts which establishes that the petitioner has maintained tribal political influence or other authority over its members as an autonomous entity from historical times until the present.

(4) A copy of the present governing document of the petitioner describing in full the membership criteria of the petitioner and the procedures through which the petitioner currently governs its affairs and members.

(5) A list of all current members of the petitioner and their current addresses and a copy of each available former list of members based on the petitioner's own defined criteria. The membership must consist of individuals who have established descendancy from an Indian group which existed historically or from historical Indian groups which combined and functioned as a single autonomous entity. Evidence of tribal membership required by the Commission includes (but is not limited to)—

(A) descendancy rolls prepared by the Secretary for the petitioner for purposes of distributing claims money, providing allotments, or other purposes;

(B) State, Federal, or other official records or evidence identifying present members of the petitioner, or ancestors of present members of the petitioner, as being an Indian descendant and a member of the petitioner;

(C) church, school, and other similar enrollment records indicating membership in the petitioner;

(D) affidavits of recognition by tribal elders, leaders, or the tribal governing body as being an Indian descendant of the Indian group and a member of the petitioner; and

(E) other records or evidence identifying the person as a member of the petitioner.

NOTICE OF RECEIPT OF PETITION

SEC. 6. (a) Within 30 days after a petition is submitted or transferred to the Commission under section 5(a), the Commission shall send an acknowledgment of receipt in writing to the petitioner and shall have published in the Federal Register a notice of such receipt, including the name, location, and mailing address of the petitioner and such other information that will identify the entity submitting the petition and the date the petition was received by the Commission. The notice shall also indicate where a copy of the petition may be examined.

(b) The Commission shall also notify, in writing, the Governor and attorney general of, and each recognized Indian tribe within, any State in which a petitioner resides.

(c) The Commission shall publish the notice of receipt of the petition in a major newspaper of general circulation in the town or city nearest the location of the petitioner. The notice will include, in addition to the information described in subsection (a), notice of opportunity for other parties to submit factual or legal arguments in support of, or in opposition to, the petition. Such submissions shall be provided to the petitioner upon receipt by the Commission. The petitioner shall be provided an opportunity to respond to such submissions prior to a determination on the petition by the Commission.

PROCESSING THE PETITION

SEC. 7. (a)(1) Upon receipt of a petition, the Commission shall conduct a review to determine whether the petitioner is entitled to be recognized as an Indian tribe.

(2) The review conducted under paragraph (1) shall include consideration of the petition, supporting evidence, and the factual statements contained in the petition.

(3) The Commission may also initiate other research for any purpose relative to analyzing the petition and obtaining additional information about the petitioner's status and may consider any evidence which may be submitted by other parties.

(b) Prior to actual consideration of the petition and by no later than the date that is 12 months after the date on which the petition is submitted or transferred to the Commission, the Commission shall notify the petitioner of any obvious deficiencies, or significant omissions, that are apparent upon an initial review of the petition and provide the petitioner with an opportunity to withdraw the petition for further work or to submit additional information or a clarification.

(c)(1) Except as otherwise provided in this subsection, petitions shall be considered on a first come, first served basis, determined by the date of the original filing of the petition with the Commission, or the Department of the Interior if the petition is one transferred to the Commission pursuant to section 5(a). The Commission shall establish a priority register including those petitions pending before the Department of the Interior on the date of enactment of this Act.

(2) Petitions that are submitted to the Commission by Indian groups whose relationship with the Federal Government was terminated by law or by Indian groups that were parties to treaties—

(A) shall receive priority consideration over petitions submitted by any other Indian groups, and

(B) shall be considered on an expedited basis.

(d) The Commission shall provide the petitioner and other parties submitting comments on the petition notice of the date on which the petition comes under active consideration.

(e) A petitioner may, at its option and upon written request, withdraw its petition prior to publication in the Federal Register

by the Commission of proposed findings under section 8(a) and may, if it so desires, resubmit a new petition. A petitioner shall not lose its priority date by withdrawing and resubmitting its petitions, but the time periods provided in section 8(a) shall begin to run upon active consideration of the resubmitted petition.

PROPOSED FINDINGS AND DETERMINATION

SEC. 8. (a)(1) Within 1 year after notifying the petitioner under section 7(d) that active consideration of the petition has begun, the Commission shall make a proposed finding on the petition and shall publish the proposed finding in the Federal Register.

(2) The Commission may delay making proposed findings on a petition under paragraph (1) for 180 days upon a showing of good cause by the petitioner.

(3) In addition to the proposed findings, the Commission shall prepare a report on each petition which summarizes the evidence for the proposed findings. Copies of such report shall be available to the petitioner and to other parties upon request.

(4) Upon publication of the proposed findings under paragraph (1), any individual or organization wishing to challenge the proposed findings shall have a response period of 120 days to present factual or legal arguments and evidence to rebut the evidence upon which the proposed findings are based.

(b)(1) After consideration of any written arguments and evidence submitted to rebut the proposed findings made under subsection (a)(1), the Commission shall make a determination of whether the petitioner is recognized by the Federal Government to be an Indian tribe. Except as otherwise provided by this Act, the determination shall be considered to be a determination on such recognition by the Federal Government, and shall also be treated as a determination on such recognition by the Secretary, for all purposes of law.

(2) By no later than the date that is 60 days after the close of the 120-day response period described in subsection (a)(4), the Commission shall—

(A) make a determination of whether the petitioner is a federally recognized Indian tribe;

(B) publish a summary of the determination in the Federal Register; and

(C) deliver a copy of the determination and summary to the petitioner.

(3) Any determination made under paragraph (1) shall become effective on the date that is 60 days after the date on which the summary of the determination is published under paragraph (2).

(c) In making the proposed findings and determination under this section with respect to any petition, the Commission shall recognize the petitioner as an Indian tribe if the petition meets all the requirements of section 5(b). The Commission shall not make such findings or determination of recognition of the petitioner if such requirements have not been met by the petitioner.

(d) If the Commission determines under subsection (b)(1) that the petitioner should not be recognized by the Federal Government to be an Indian tribe, the Commission shall analyze and forward to the petitioner other options, if any, under which application for services and other benefits of the Bureau may be made.

(e) A determination by the Commission that an Indian group is recognized by the Federal Government as an Indian tribe shall not—

(1) have the effect of depriving or diminishing the right of any other Indian tribe to govern its reservation as such reservation existed prior to the recognition of such Indian group,

(2) have the effect of depriving or diminishing any property right held in trust or recognized by the United States for such other Indian tribe prior to the recognition of such Indian group, or

(3) have the effect of depriving or diminishing any previously or independently existing claim by a petitioner to any such property right held in trust by the United States for such other Indian tribe prior to the recognition of such Indian group.

APPEALS

SEC. 9. (a) By no later than 60 days after the date on which the summary of the determination of the Commission with respect to a petition is published under section 8(b), the petitioner, or any other party, may appeal the determination to the United States Court of Appeals for the District of Columbia Circuit.

(b) The prevailing parties in the appeal described in subsection (a) shall be eligible for an award of attorney fees and costs under the provisions of section 504 of title 5, United States Code, or section 2412 of title 28 of such Code, as the case may be.

IMPLEMENTATION OF DECISIONS

SEC. 10. (a) Upon recognition by the Commission that the petitioner is an Indian tribe, the Indian tribe shall be eligible for the services and benefits from the Federal Government that are available to other federally recognized Indian tribes and entitled to the privileges and immunities available to other federally recognized Indian tribes by virtue of their status as Indian tribes with a government-to-government relationship with the United States, as well as having the responsibilities and obligations of such Indian tribes. Such recognition shall subject the Indian tribes to the same authority of Congress and the United States to which other federally recognized tribes are subject.

(b) While the Indian tribes that are newly recognized under this Act shall be eligible for benefits and services, recognition of the Indian tribe under this Act will not create an immediate entitlement to existing programs of the Bureau. Such programs shall become available upon appropriation of funds by law. Requests for appropriations shall follow a determination of the needs of the newly recognized Indian tribe.

(c) Within 6 months after an Indian tribe is recognized under this Act, the appropriate area offices of the Bureau of Indian Affairs and the Indian Health Service shall consult and develop in cooperation with the Indian tribe, and forward to the respective Secretary, a determination of the needs of the Indian tribe and a recommended budget required to serve the newly recognized Indian tribe. The recommended budget will be considered along with other recommendations by the appropriate Secretary in the usual budget-request process.

LIST OF RECOGNIZED INDIAN TRIBES

SEC. 11. By no later than the date that is 90 days after the date of the enactment of this Act, and annually thereafter, the Secretary shall publish in the Federal Register an up-to-date list of all Indian tribes which are recognized by the Federal Government and receiving services from the Bureau.

ACTIONS BY PETITIONERS FOR ENFORCEMENT

SEC. 12. Any petitioner may bring an action in the district court of the United States for the district in which the petitioner resides, or the United States District Court for the District of Columbia, to enforce the provisions of this Act, including any time limitations within which actions are required to be taken, or decisions made, under this Act and the district court shall issue such orders (including writs of mandamus) as may be necessary to enforce the provisions of this Act.

REGULATIONS

SEC. 13. The Commission is authorized to prescribe such regulations as may be necessary to carry out the provisions and purposes of this Act. All such regulations must be published in accordance with the provisions of title 5, United States Code.

GUIDELINES AND ADVICE

SEC. 14. (a) No later than 90 days after the date of enactment of this Act, the Commission shall make available suggested guidelines for the format of petitions, including general suggestions and guidelines on where and how to research required information, but such examples shall not preclude the use of any other format.

(b) The Commission, upon request, is authorized to provide suggestions and advice to any petitioner for his research into the petitioner's historical background and Indian identity. The Commission shall not be responsible for the actual research on behalf of the petitioner.

ASSISTANCE TO PETITIONERS

SEC. 15. (a)(1) The Commissioner of the Administration for Native Americans of the Department of Health and Human Services may award grants to Indian groups seeking Federal recognition to enable the Indian groups to—

(A) conduct the research necessary to substantiate petitions under this Act, and

(B) prepare documentation necessary for the submission of a petition under this Act.

(2) The grants made under this subsection shall be in addition to any other grants the Commissioner of the Administration for Native Americans is authorized to provide under any other provision of law.

(b) Grants provided under subsection (a) shall be awarded competitively based on objective criteria prescribed in regulations promulgated by the Commissioner of the Administration for Native Americans.

AUTHORIZATION OF APPROPRIATIONS

SEC. 16. (a) There are authorized to be appropriated for the Commission for the purpose of carrying out the provisions of this Act (other than section 15), $1,500,000 for fiscal year 1995 and $1,500,000 for each of the 12 succeeding fiscal years.

(b) There are authorized to be appropriated for the Administration for Native Americans of the Department of Health and Human Services for the purpose of carrying out the provisions of section 15, $500,000 for fiscal year 1995 and $500,000 for each of the 12 succeeding fiscal years.

SECTION-BY-SECTION SUMMARY

SECTION 1

Section 1 cites the short title of the Act as the "Indian Federal Recognition Procedures Act of 1994."

SECTION 2

Section 2 sets out the purposes of the Act.

SECTION 3

Section 3 sets out the definitions used in the Act, including: Secretary, Commission, Department, Bureau, area office, Indian tribe, autonomous, member of an Indian group, member of an Indian tribe, historical, continuous, indigenous, community, other party, petition and treaty.

SECTION 4

Section 4 of this bill provides that there will be established the "Commission on Indian Recognition" as an independent commission. The Commission shall have three members who shall be appointed by the President with the advice and consent of the Senate.

The Commission shall hold its first meeting no later than 30 days after the date on which all members have been appointed and confirmed by the Senate.

This section provides that the President shall give careful consideration to recommendations from Indian tribes and individuals who have a background in Indian law or policy, anthropology, genealogy or history. The President shall designate one appointee as the Chairman of the Commission and two members shall constitute a quorum for the transaction of business.

"Subsection (b) of this section provides that each member of the Commission not employed by the Federal government shall receive compensation at a rate equal to the daily equivalent of the annual rate of pay per level V of the Executive Schedule under section 5316 of title 5, U.S.C. for each day the member is engaged in the performance of duties authorized by the Commission. This subsection provides that employees or officers of the Federal government shall serve without additional compensation except for reimbursement of travel and per diem expenses incurred during performance of their duties. Finally, this subsection provides that the principal office of the Commission shall be in Washington, D.C.

"Subsection (c) provides that the Commission shall carry out the duties and meet the requirements imposed by this Act.

"Subsection (d) provides that the Chairman is authorized to appoint, terminated and fix compensation for an Executive Director of the Commission and such other personnel as deemed advisable. The Chairman is also authorized to procure temporary and intermittent services to the same extent as is authorized by law for other agencies.

"This subsection also provides that the Commission is authorized to hold hearings, to take testimony, to administer oaths or affirmations to witnesses and to enter into contracts or other arrangements as the Commission may deem advisable. The provisions of the Federal Advisory Commission Act shall not apply to the Commission on Indian Recognition.

"Subsection (d) authorizes the Commission to secure information from any agency, department or instrumentality of the Federal government as it may require for the purposes of this Act. Each agency, department, or instrumentality of the Federal government is authorized and directed to furnish such information to the extent permitted by law. The Chairman of the Commission may request the use of any facilities, services or personnel of any agency, department or instrumentality of the Federal government to assist the Commission in carrying out its duties under this section.

"Subsection (e) of this section provides that the Commission shall cease to exist on the date that is 60 days after the date on which the Commission publishes in the Federal Register the last determination on petitions required under section 5(a) of the Act. All records, documents and materials shall be transferred by the Commission to the National Archives and Records Administration."

SECTION 5

Section 5 provides that any Indian group, including a terminated Indian tribe, may submit to the Commission a petition requesting that the Commission recognize that the Indian group is an Indian tribe. A recognition petition submitted under this Act must be submitted during the 72 month period beginning on the date of enactment of this Act. This section provides that the provisions of this Act shall not apply to Indian tribes or Alaska Native entities which are already federally recognized, splinter groups or political factions which have separated from the main body of a federally recognized Indian tribe, of groups or successors in interest of groups which have petitioned for Federal recognition and been denied.

This section also provides that no later than 30 days after the date on which all members have been appointed or confirmed by the Senate, the Secretary shall transfer to the Commission all petitions for Federal recognition pending before the Department of the Interior. On the date of the transfer, the Secretary shall cease to have any authority to recognize or acknowledge on behalf of the Federal government any Indian group as an Indian tribe. Petitions transferred to the Commission shall be considered as having been submitted to the Commission as of the date of such transfer.

"Subsection (b) of this section provides that a petition submitted to the Commission on Indian Recognition shall contain a statement of facts establishing that the petitioner has been identified from historical times to the present, on a substantially continuous basis, as Indian. A petitioner shall not be considered as having failed to satisfy any requirement of this subsection merely because of fluctuations in tribal activity during various years. A petition for Federal recognition shall contain evidence that a substantial portion of the membership of the petitioner lives in a community viewed as Indian and distinct from other populations and that members of the petitioner are descendants of an Indian group which historically inhabited a specific area.

"The petition submitted under this section shall include a statement of facts which establishes that the petitioner has maintained tribal political influence over its members as an autonomous entity from historical times to the present. The petition shall also include a copy of the governing document of the petitioner and a list of all current members of the petitioner."

SECTION 6

Section 6 provides that within 30 days of receipt of a petition the Commission shall send an acknowledgment of receipt to the petitioner and have published in the Federal Register a notice of such receipt. The Commission shall also notify in writing the Governor and attorney general of, and each recognized Indian tribe within any state in which a petitioner resides. The Commission shall also publish a notice of receipt in a major newspaper of general circulation in the town or city nearest the location of the petitioner. This notice will also provide notice of opportunity for other parties to submit factual or legal arguments in support of, or opposition to, the petitions. Copies of such submissions shall be provided to the petitioner upon receipt. Petitioner shall have an opportunity to respond to such submissions prior to a Commission determination on the petition.

SECTION 7

Section 7 provides that upon receipt of a petition, the Commission shall conduct a review of the petition, including any supporting evidence, to the determine whether the petitioner is entitled to be recognized as an Indian tribe. The Commission may initiate research to assist in the analysis of the petition and supporting documentation. Prior to actual consideration of the petition and by no later than the date that is 12 months after the date the Commission receives the petition, the Commission shall notify the petitioner of any obvious deficiencies or significant omissions that are apparent upon initial review of the petition. The petitioner may withdraw the petition or submit additional information.

"Subsection (c) of this section provides that petitions shall be considered on a first come, first served basis which is determined by the date of original filing of the petition with the Commission. The Commission shall establish a priority register of all petitions including those petitions pending before the Department of the Interior. Petitions submitted by groups that were terminated by law or groups that were parties to treaties shall receive priority consideration over all other petitions and shall be considered on an expedited basis.

"Subsection (d) of this section states that the Commission shall notify the petitioner and other interested parties of the date on which the petition comes under active consideration.

"Subsection (e) of this section provides that a petitioner may withdraw its petition prior to publication of the Commission's proposed findings and may resubmit a new petition. A petitioner shall not lose its priority date by withdrawing and resubmitting its petition but the time period will begin to run upon active consideration of the resubmitted petition."

SECTION 8

Section 8 provides that the Commission shall make a proposed finding on the petition within one year of the notice of active consideration. The proposed finding shall be published in the Federal Register. Upon a showing of good cause by the petitioner, the Commission may delay making a proposed finding for 180 days. The Commission shall prepare a report which summarizes the evidence to support each proposed finding. Copies of the report shall be available to the petitioner and to other parties upon request. Any party may submit a legal or factual challenge to the proposed findings within 120 days of their publication.

"Subsection (b) of this section provides that the Commission shall make a determination of whether the petitioner should be recognized by the Federal government to be an Indian tribe after consideration of all written arguments and evidence submitted to the Commission. The Commission shall make a determination of whether the petitioner is a federally recognized Indian tribe and publish a summary of such determination in the Federal Register within 60 days after the close of the 120-day response period under subsection (a)(4). The determination made under this subsection shall become effective on the date that is 60 days after the summary is published in the Federal Register.

"Subsection (c) of this section states that the Commission shall recognize the petitioner as an Indian tribe if the petition meets all the requirements under section 5(b).

"Subsection (d) provides that if the Commission determines that the petitioner should not be recognized to be an Indian tribe, then the Commission shall analyze and forward to the petitioner other options for services or benefits from the Bureau of Indian Affairs.

"Subsection (e) provides that a determination by the Commission that an Indian group is recognized as an Indian tribe shall not have the effect of depriving or diminishing: (1) the right of any other Indian tribe to govern its reservation as such reservation existed prior to the recognition of the group; (2) any property right held in trust or recognized by the United States for an Indian tribe prior to the recognition of the Indian group; (3) any previously or independently existing claim by a petitioner to any such property right held in trust by the United States for another Indian tribe prior to the recognition of the Indian group."

SECTION 9

Section 9 states that no later than 60 days after the date on which the summary of the determination of the Commission on the petition for recognition is published, the petitioner, or any other party, may appeal the determination to the United States Court of Appeals for the District of Columbia. The prevailing parties in the appeal shall be eligible for an award of attorneys fees and costs under the provisions of section 504 of title 5 or section 2412 of title 28 U.S.C. as the case may be.

SECTION 10

Section 10 provides that upon recognition by the Commission that the petitioner is an Indian tribe, the Indian tribe shall be eligible for services and benefits from the Federal government. The Indian tribe shall have the same responsibilities and obligations as other federally recognized Indian tribes. Programs and services provided by the Bureau of Indian Affairs shall be provided to the newly recognized Indian tribe when funds have been appropriated for such programs. Requests for appropriations shall follow a determination of the needs of the newly recognized Indian tribe.

Finally, this section provides that within 6 months after an Indian tribe is recognized under this Act, the area offices of the Bureau of Indian Affairs and the Indian Health Service shall consult and develop in cooperation with the Indian tribe a determination of needs and a recommended budget. The needs determination and recommended budget shall be forwarded to each Secretary for their consideration.

SECTION 11

Section 11 provides that within 90 days of enactment of this Act and annually thereafter, the Secretary shall publish in the Federal Register an up-to-date list of all Indian tribes which are recognized by the Federal government and receiving services from the Bureau.

SECTION 12

Section 12 provides that any petitioner may bring an action in Federal District Court to enforce the provisions of this Act including any time limitations established under this Act and the District Court shall issue such orders as may be necessary to enforce the provisions of this Act.

SECTION 13

Section 13 authorizes the Commission to prescribe such regulations as may be necessary to carry out the provisions and purposes of this Act.

SECTION 14

Section 14 provides that within 90 days of enactment of this Act, the Commission shall make available suggested guidelines for the format of petitions including suggestions on research required in the documentation of a petition for Federal recognition. This section also provides that the Commission may provide advice and technical assistance to a petitioner in documenting the historical background and Indian identity of the Indian group. It further provides that the Commission shall not be responsible for actual research on behalf of the petitioner.

SECTION 15

Section 15 provides that the Commissioner of the Administration for Native Americans may award grants to Indian groups seeking Federal recognition. Grants may be used to conduct research necessary to substantiate petitions for Federal recognition and to prepare documentation necessary for the submission of a petition for Federal recognition. The Commissioner shall award grants on a competitive basis pursuant to objective criteria established by regulation.

SECTION 16

Section 16 provides that there shall be authorized to be appropriated for the Commission on Indian Recognition $1,500,000 for each fiscal year 1995 through 2007 to carry out the purposes of this Act. This section provides that there shall be authorized to be appropriated for the Administration for Native Americans $500,000 for each fiscal year 1995 through 2007 to carry out the purposes of section 15 of this Act.

By Mr. DECONCINI (for himself, and Mr. LIEBERMAN):

S. 1845. A bill to authorize the President to transfer defense articles out of Department of Defense stocks to the Government of Bosnia and Herzegovina; to the Committee on Foreign Relations.

BOSNIA ARMS ACT OF 1994

Mr. DECONCINI. Mr. President, the latest NATO response to Serb aggression in Bosnia and Herzegovina is a good one. It gives some reason for optimism that further loss of life can be prevented. Such a response, if backed by credible NATO action, can be the key to stopping the conflict and preventing its spread to other countries in the region.

I am encouraged that NATO is finally coming out of its cold war mentality and recognizing the serious implications of regional conflicts. I am encouraged that President Clinton is becoming more actively involved.

But we must not expect that this NATO action will solve the problem.

We need to keep in mind that this response is limited in its objectives and further measures are needed.

To that end, I am today, introducing a bill authorizing the President to direct the transfer of arms and related equipment to the Government of Bosnia and Herzegovina up to but not exceeding $50 million if requested by that country.

This transfer was already agreed to in the fiscal year 1994 foreign operations bill. My bill incorporates the language of the recently passed Dole resolution on lifting the arms embargo unilaterally and the arms transfer provision from the foreign OPS bill.

Some may ask why, at this point, should we do this. My answer is that it is now more important than ever to give the Bosnians their right to defend themselves if needed because the NATO ultimatum is by no means a done deal. There is no certainty that we will now see serious negotiations take place on the part of the Serbs. As long as the Serbs have the upper hand militarily, I do not believe they will not negotiate in good faith.

We must work more closely with the Bosnian Government. They are the victims. It is their country, a member state of the United Nations, which is being destroyed. We should not pressure them into signing anything which does not give them a viable state. We should allow the Bosnians to arm themselves in order to provide them with a sufficient deterrent to further aggression.

I am very concerned about this point because I believe we could become embroiled in a long, expensive peacekeeping operation requiring many thousands of U.S. troops if we are still just trying to get a peace at any price.

It is not realistic to expect a total rollback but the Bosnians cannot be expected to live in isolated, ethnically cleansed enclaves as is currently envisioned.

We must also remember, and I am disturbed by President Clinton's statements on this point, that this is not a matter of warring factions simply stopping the killing. The Bosnians are the victims. It is the Bosnian Serb nationalists and the Serbs and now some Croatians who are the aggressors. Unless this point is made very clear, I am afraid it will lead to unfair pressure on the Bosnian Government by the United States and the NATO to sign an unworkable agreement.

We have an obligation to act because a member country of the United Nations is being destroyed. We have an obligation to act because genocide is taking place once again in the heart of Europe. This is not a civil war.

Sarajevo is in the news because the TV cameras can record tragedy after tragedy. But Bosnia is a country of hundreds of Sarajevos.

We must allow the U.N. troops to use the authority given them as far back as August of 1992 to use any means necessary to deliver humanitarian aid to the so-called safe havens.

Mr. President, the Senate has already voted 87 to 9 to lift the arms embargo. The Congress has already accepted in the fiscal year 1994 foreign operations bill language allowing for the transfer of $50 million worth of arms to the Bosnian Government. I urge my colleagues, therefore, to seriously consider this bill which incorporates language already agreed to but importantly gives the President the authority to act unilaterally.

We are not seeing an end to the Bosnian conflict. Regrettably, we are only, at long last, just starting to address it.

By Mrs. MURRAY (for herself and Mr. BENNETT):

S. 1846. A bill to provide fundamental reform of the system and authority to regulate commercial exports, to enhance the effectiveness of export controls, to strengthen multilateral export control regimes, and to improve the efficiency of export regulation; to the Committee on Banking, Housing, and Urban Affairs.

COMMERCIAL EXPORT ADMINISTRATION ACT

Mrs. MURRAY. Madam President, today I am introducing legislation to modernize and streamline the Federal Government's system that controls exports of commercial goods and technology.

This system is a relic of the cold war. It hurts our most promising industries. It intimidates small companies, and it costs us jobs.

In 1993, the Institute for International Economics estimated this system cost U.S. companies up to $30 billion a year in lost exports. That translates into more than 650,000 lost jobs.

Since 1987, exports have contributed almost 45 percent of the real economic growth in this Nation. Seven million Americans owe their jobs to exports. Exports are key to many of our leading industries. Exports account for 40 percent of sales in semiconductors, 50 percent in aircraft, 35 percent in computers, and 30 percent in industrial and analytical instruments.

A 1992 report by the Office of the U.S. Trade Representative found wages connected with export-related jobs are 17 percent higher than the average industrial wage in the United States.

The economy of my own State is heavily dependent on exports. Trade provides one out of every five jobs in Washington. If Washington's economy is to continue to provide highly skilled, family-wage jobs, the United States cannot afford to continue unilateral controls on exports from high technology, telecommunications, aerospace, and other companies.

Companies like Microsoft, Oracle, PACCAR, and Boeing are very familiar with what needs fixing in our export control system.

The system needs a major overhaul. I know only a decade ago, even exports of children's toys like Speak-and-Spell, or Pampers, were controlled. American companies should not be prohibited from selling commercial products abroad that are widely available from foreign competitors. A small business should not have to hire a bunch of lawyers to wade through 1,500 pages of export regulations, or to figure out which agency oversees its product.

At the same time, we must make sure we have tough, multilateral restrictions on truly dangerous items. Our national security controls should target those items that really should be controlled to prevent the proliferation of weapons of mass destruction. We need higher fences around fewer products.

My legislation seeks to strike that balance. It is based on a 1991 report by the National Academy of Sciences, called Finding Common Ground: U.S. Export Controls in a Changed Global Environment. Our new Secretary of Defense, William Perry, worked on this report. The report provides strong arguments for the reforms contained in my bill.

> Changes in the world today are so dramatic and profound that they outstrip traditional thinking. Many of our policies are still rooted in the rubric of the 1970s and 1980s; the deep-seated views that have served us well for several decades are difficult to give up or change. But change they must if we are to respond to, and even lead in forming the economic and political realities of the new world. * * * Because so much of the job creation and economic development of our nation depends on small and mid-sized firms, we cannot burden them with excessively complex regulatory processes, nor with policies that prejudice their ability to compete in world markets. * * * With the emergence of other foreign economic powers comparable to the United States, we will not have as much power to force others to follow our lead in imposing sanctions or controls as we have had in the past.

This is the basis for my export control reform bill.

My legislation will put an end to our driftnet approach to export controls. It will focus the system on those dangerous items that really need to be controlled. It will eliminate the maze and red tape of export licensing. It will tell our exporters in plain English exactly what is controlled, to where and why.

We need a system that lets U.S. exporters focus on winning markets overseas rather than winning battles with bureaucrats in Washington, DC.

One example of what's wrong with our export control system is the way it deals with encoded software. There are two almost identical software file management programs made by a small company with 10 employees in Redmond, WA, called hDC Computer. U.S. export controls on data encryption force hDC to make two versions of the same product at a cost of almost $10,000.

One can be exported. The other can't, if you read the fine print.

But a foreign agent could walk into Egghead Software, or Computerland tomorrow, and buy the controlled version and take it home on the plane. With a phone line and a computer, this controlled software can be transmitted across the country and around the world on the information highway.

The U.S. export control system gives foreign buyers a choice: they either can pirate the controlled U.S. software, or they can buy foreign. Either way, the American company loses.

A May 1993 survey by the Software Publishers Association found 552 cryptographic products, developed or distributed by 366 companies—211 foreign; 155 domestic—in at least 33 countries.

Almost one-half of the foreign products use the controlled encryption data, or DES, comparable to that throughout the United States. However, in contrast to the United States, the products made by our foreign competitors can be exported around the world.

The legislation I am introducing today proposes several major reforms in the United States export control system.

First, the bill requires that national security controls be multilateral. Cooperation among supplier nations is essential in denying critical technologies to those who should not have them. We need a clear and common set of standards for licensing and enforcement. Without multilateral cooperation, controls are useless and only hurt U.S. companies.

In order to strengthen multilateral regimes, my bill provides incentives, such as license-free trade, to countries to join multilateral control groups.

Second, in cases where there is a direct threat to the U.S. and in cases involving weapons of mass destruction, the bill gives the President clear authority to control commercial items. The bill continues emergency powers to allow the President to deal with situations like that in Kuwait in 1990.

The President may impose unilateral controls for 180 days. To extend unilateral export restrictions beyond 6 months, the President may either move to impose a two-way trade embargo, or seek approval from Congress. This standard has been in place since 1985 for agricultural exports, and it should be applied to manufactured items as well.

Third, the bill eliminates today's maze of export licensing red-tape. It codifies the recommendations of the National Academy of Science. It keeps broad policymaking and final dispute resolution in the hands of the President and responsible cabinet secretaries and consolidates the administration of controls in one agency, the Commerce Department. A one-stop shop for the day-to-day mechanics of export licensing is particularly important for small companies.

Fourth, another provision that will especially help smaller exporters is the 30-day deadline on licensing decisions. In 1990, the Bush administration issued an Executive order imposing a 15-day turnaround on licensing decisions. This was never carried out. Thirty days is more than enough time to process a license.

Fifth, my bill makes no change in the licensing of munitions items, like combat aircraft, tanks and assault rifles. The legislation would move commercial goods and technology, like civil aircraft and mass-market computer software, from the State Depart-

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ment's munitions office to the Commerce Department's commercial licensing office. Such items should not be regulated like missiles and nuclear weaponry. This is consistent with a provision passed by both the House and Senate in 1990.

The legislation I am introducing is supported by more than 100 companies nationwide in the business coalition, including several in my State.

The principal purpose of this bill is to help, not hurt, U.S. exporters. It recognizes the new global economic and strategic challenges we face. Our exporters will no longer be forced to compete in a world market with one hand tied behind their backs. Of course, we tighten control on critical technology to problem countries. This legislation, however, brings our Federal export control system in line with the realities of the 21st century.

I look forward to working with the Clinton administration and the Banking Committee on this important legislation.

By Mr. METZENBAUM (for himself and Mr. CHAFEE):

S. 1847. A bill to reduce injuries and deaths caused by accidental firearms shootings by children and others; to the Committee on the Judiciary.

CHILD SAFETY FIREARMS ACT OF 1994

Mr. METZENBAUM. Mr. President, I rise today on behalf of myself and Senator CHAFEE, to introduce legislation to address one of the saddest consequences of the proliferation of guns in this country—injuries and deaths of hundreds of children and thousands of others from accidental shootings each year.

The stories are truly horrifying. A 4-year-old boy shoots his 2-year-old brother with the 22-caliber pistol he finds under the seat of his father's pickup truck. A 10-year-old finds a 38-caliber revolver in a dresser drawer. He does not think it is loaded and accidentally kills his 8-year-old sister while playing with the gun.

You may think that tragic stories like these are rare and unusual accidents. But the shocking truth is that they are far too common.

The legislation I am introducing today—"The Child Safety Firearms Act of 1994"—will do something about this appalling and senseless loss of lives. It will require gun manufacturers to add a simple child-proof safety device and a device that prevents a gun from firing when the magazine has been removed to all new firearms, and to add an indicator that shows whether a handgun is loaded to new handguns.

This legislation is a response to a recent report by the General Accounting Office that I had requested. I asked the GAO to investigate whether certain safety devices on guns could prevent many of the thousands of deaths and injuries by accidental shootings each year.

In its report, GAO found that firearms are the fourth leading cause of accidental deaths among children 5 to 14 years old and the third leading cause of accidental deaths among 15 to 24 years old.

Currently in the United States, about 1,400 to 1,500 people are killed each year from accidental firearms shootings, and thousands more are injured. In 1988 alone, 277 children under age 15 were killed by accidental shootings.

GAO estimated that 31 percent of accidental deaths caused by firearms might be prevented by the addition of two simple devices: a child-proof safety device that prevents the trigger from accidentally being engaged by young children and a device that indicates whether a gun is loaded. So about 1 out of every 3 deaths from accidental shootings could be prevented by these safety features. A device that prevents a gun from firing when the magazine has been removed would further reduce accidental shootings that result when children or others do not realize that a bullet may be in the chamber after the magazine has been removed.

Although there is no information on the actual number of nonfatal injuries from firearm accidents nationwide, it is reasonable to infer that the number of accidental injuries is substantial and far exceeds the number of fatalities. GAO examined data on accidental shootings in 10 cities and found that in 1988 and 1989, these areas had a ratio of more than 100 injuries for each death. That means if 1,400 people are killed each year from accidental shootings, about 140,000 people are injured from accidental shootings.

In addition to the lives that could be saved by equipping guns with safety features, there are medical expenses and other economic costs to society that could be avoided. The GAO found that averting one-third of the accidental firearms deaths that occurred in 1988 would have avoided costs of over $170 million. The overall costs associated with accidental firearm injuries and deaths were estimated to be $1 billion per year.

All of this does not mean that we should prevent law abiding citizens from having guns in their homes—we should not. But it does mean that we should make every reasonable attempt to make guns safer. The human, economic, and public health costs of these accidental shootings to the victims, their families, and society at large requires that we make all possible efforts to reduce the number of accidental shootings.

Preventing accidental death and injury from the products we use has always been a crucial public policy objective. It's about time that we applied the same common sense we have with respect to other potentially dangerous consumer products to guns.

We all know that firearms are inherently dangerous products, and they should be regulated as such. If pharmaceuticals, toys, and other household goods are required to be manufactured safely, why not guns? If aspirin bottles are required to have child-proof safety devices, so should guns. Clothing manufacturers did not stop making pajamas when they were required to make them flame-retardant. Car manufacturers did not go out of business because they had to make seatbelts.

But make no mistake. The legislation I am introducing today will help to reduce accidental deaths and injuries of children, but it cannot solve other problems that easy access to guns pose for the safety of our children. We read every day about guns in our schools, guns in our neighborhoods, and guns used by youth gangs. Efforts to make guns safer must be combined with other efforts to limit access to firearms by children, to require licensing and registration of handgun purchases, to penalize gun owners who are negligent in their storage of weapons, and to require safety training for handgun purchasers.

That is why I soon will be introducing comprehensive gun control legislation that will include such measures.

These problems demand action. I urge my colleagues to join me in supporting this measure. This legislation will provide protection to persons who use firearms. And it will reduce the alarming and unnecessary numbers of injuries and deaths caused by accidental gun shootings. I believe that gun owners and their families are entitled to the same protection as owners of any other dangerous product.

I am happy to say that this bill has the full support of Jim and Sarah Brady. I have a letter from Sarah Brady supporting the bill.

Mr. President, I ask unanimous consent that the text of the bill and additional material be printed in the RECORD.

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

S. 1847

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Child Safety Firearms Act of 1994".

SEC. 2. CHILD-PROOF SAFETY DEVICES.

(a) UNLAWFUL ACT.—Section 922 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(u) It shall be unlawful for a person to manufacture or import a firearm that does not have as an integral part a device or devices that—

"(1) prevent a child of less than 7 years of age from discharging the firearm by reason of the amount of strength, dexterity, cognitive skill, or other ability required to cause a discharge;

"(2) prevent a firearm that has a removable magazine from discharging when the magazine has been removed; and

"(3) in the case of a handgun other than a revolver, clearly indicate whether the maga-

zine or chamber contains a round of ammunition.".

(b) PENALTY.—Section 924(a)(5) of title 18, United States Code, is amended by striking "or (t)" and inserting "(t), or (u)".

SEC. 3. EFFECTIVE DATE.

This Act shall take effect on the date that is 1 year after the date of enactment of this Act.

HANDGUN CONTROL, INC,
Washington, DC, February 10, 1994.

Hon. HOWARD M. METZENBAUM,
U.S. Senate, Washington, DC.

DEAR SENATOR METZENBAUM: Every year, over one thousand Americans are accidentally killed by firearms. Over the past decade alone, more than 15,000 have lost their lives and thousands more have been seriously injured.

Sadly, many of the victims are young children. Fortunately, we can do something about it. Gun manufacturers can make guns safer. They can child proof the safety so that pre-school children cannot accidentally or intentionally release it. They can equip pistols with load indicators, so that the user can readily tell whether the gun is loaded. They can also produce a magazine safety that will prevent the gun from firing the bullet that remains in the chamber once the magazine is removed.

If we can make automobiles safer to drive through the use of seatbelts and airbags, we can also make guns safer to handle. And just as it took government leadership to make major advances in automotive safety, so too will it require government leadership to achieve major advances in gun safety.

I commend you, Senator Metzenbaum, for your leadership on this vital public safety issue. The legislation that you are introducing today—legislation that will require manufacturers to equip guns with load indicators, child proof safeties and magazine safeties—will help to save hundreds of lives in the years ahead. This is good legislation. We owe it to ourselves, and to our children, to pass it before more lives are tragically and needlessly lost.

Sincerely,

SARAH BRADY,
Chair.

By Mr. DANFORTH (for himself and Mr. BRYAN):

S. 1848. A bill to provide for disclosure of the bumper impact capability of certain passenger motor vehicles and to require a 5-mile-per-hour bumper standard for such vehicles; to the Committee on Commerce, Science, and Transportation.

AUTOMOBILE AND MINIVAN BUMPER IMPROVEMENT ACT

• Mr. DANFORTH. Mr. President, bumpers on cars go largely unnoticed; that is, until consumers need them. Low-speed vehicle collisions occur frequently. In fact, 20 percent of all insurance claims for automobile damage are the result of parking lot collisions. The 20-percent figure does not include the bumps that cars experience in driveways, at stop lights, or at stop signs. Many of these collisions go unreported since they are below insurance deductibles. Unfortunately, today's bumpers are failing to protect vehicles in low-speed collisions, and consumers, without any information on bumper performance, are left with large repair bills. Even though 67 percent of car buyers surveyed are concerned with the capacity of bumpers to prevent damage in these low-speed collisions, in 47 States they are unable to obtain relevant information on bumper performance.

Historically, Congress has been concerned about bumper performance. The 1972 Motor Vehicle Information and Cost Savings Act required the National Highway Traffic Safety Administration [NHTSA] to promulgate bumper safety standards. The NHTSA standard required that bumpers withstand 5-mile-per-hour collisions without damage to the bumper or safety-related equipment. In 1975 and in 1979, NHTSA conducted a cost-benefit analysis of 5-mile-per-hour bumpers. Both times they rejected a proposed reduction in the bumper requirement. In 1982, NHTSA reviewed the issue again and rolled back the standard to 2.5 miles per hour. To justify the weaker standard, NHTSA contended that the cost savings from better fuel economy and lower sticker prices would offset any increased repair costs and inconvenience created by weaker bumpers.

Ideally, a bumper should act as a buffer which absorbs energy from low-speed crashes before the car's body can be damaged. Before the standard was dropped, vehicle manufacturers designed bumpers that completely protected cars from damage in 5-mile-per-hour crashes. For example, the 1981 Ford Escort underwent a four part, 5-mile-per-hour crash test without sustaining any damage. After the standard was rolled back, the performance of the Escort bumpers slipped. The 1984 Escort L two-door model sustained $877—1993 dollars—while the 1992 Escort LX two-door sustained $2,720 damage in the same tests.

Instead of benefiting consumers, the 2.5-mile-per-hour bumper standard has led to increased costs and inconvenience. The Insurance Institute for Highway Safety [IIHS] has conducted and evaluated studies demonstrating that NHTSA's 1982 predictions of cost savings were greatly overstated. According to an IIHS "Status Report," NHTSA's erroneous predictions include the following:

First, NHTSA predicted that 2.5-mile-per-hour bumpers would be 63–67 percent as effective as 5-mile-per-hour bumpers in preventing damage during crashes. In fact, NHTSA ignored a Volkswagen example where a 1982 Rabbit pickup truck with 2.5-mile-per-hour bumpers sustained $364 in damage, while a 1981 Rabbit Sedan with 5-mile-per-hour bumpers sustained only $21 damage in the same tests.

Second, NHTSA estimated that over a 10-year period 2.5-mile-per-hour bumpers would only incur $34–69 additional repair and insurance costs when compared with 5-mile-per-hour bumpers. In a cost comparison, insurance collision coverage losses went up 21 to 35 percent when GM downgraded the bumpers on Buicks while insurance losses only went up 4 to 8 percent on Oldsmobile models which retained the 5-mile-per-hour bumpers.

Third, NHTSA's predictions of weight savings, and thus fuel savings from the weaker bumpers have not materialized. A comparison of 10 1980–83 models and their 1991 counterparts showed that, on average, there was no weight saved with the 5-mile-per-hour bumpers. In testimony before the Senate Commerce Committee's Consumer Subcommittee, a Chrysler official admitted that fuel savings only amounted to 50 cents per year—1989 dollars.

Fourth, NHTSA suggested that consumers would save an average of $18–35 off vehicle sticker prices with the rollback of the bumper standard. With the steady increase in car prices, the effect of the 2.5-mile-per-hour bumper is cloudy at best. A comparison of current bumper replacement prices for 1991–92 models shows that some prices are higher and some are lower.

Fifth, in 1982, NHTSA said that 2.5-mile-per-hour bumpers would add $6 for lost time and inconvenience over a 10-year period. A 1981 survey of consumers showed that 83 percent felt it was worth $100 and 58 percent said $200 or more to avoid the extra time and inconvenience associated with 2.5-mile-per-hour bumpers.

Perhaps the most telling evidence of the inferiority of 2.5-mile-per-hour bumpers comes from a four part, 5-mile-per-hour crash tests conducted by IIHS. When IIHS tested nine 1993 passenger car models, it found cumulative damage totals ranging from $1,771 to $4,418. The most expensive model tested, the Toyota Camry performed the worst overall. On the other hand, one of the least expensive models, the Dodge Spirit, performed the best.

Minivans have rapidly become the most popular family passenger vehicle. Despite their common use, minivans are not subject to any Federal bumper safety requirement. The January 6, 1994 edition of USA Today ran a front page story on the poor performance of minivan bumpers in a four part, 5-mile-per-hour test conducted by IIHS. Each of the seven models tested sustained damage ranging from $1,862 to $7,643. The poorest performer, the Mazda MPV, could not be driven after the angle-barrier test. Following the tests, IIHS President, Brian O'Neill called for a uniform and effective Federal bumper standard for passenger cars and vans.

Consumers are understandably concerned with low-speed crash protection. In a 1990 Insurance Research Council survey, 70 percent said that car bumpers should provide protection in crashes at 5 miles per hour or higher. Moreover, 83 percent of the respondents in a 1992 IIHS survey said that they would

prefer protection over stylish bumpers. Despite their interest in bumper performance, consumers are unable to evaluate bumper quality. A buyer is left to judge quality from outward appearance. The quality of a bumper, however, is not evident from its outer shell. The bumper parts responsible for damage resistance, are beneath the outer, plastic cover. Without the aid of some sort of labeling, consumers are unable to compare bumpers.

Three States have passed bumper disclosure laws. California, Hawaii, and New York require automakers to disclose the protection afforded by bumpers on new cars. While the laws differ, each is aimed at providing consumers with bumper information when choosing car models. In practice, California has experienced a minimum level of compliance. Most stickers merely note that cars met minimum Federal standards and stickers are often placed where they would be easy to miss. New York law, which requires labels to specify the maximum speed at which a bumper sustained no significant damage, is not being enforced.

In answer to the call for safer bumpers and the need for information on bumper performance, I am joining Senator BRYAN in introducing the Automobile and Minivan Bumper Improvement Act of 1994. This legislation would improve bumpers in two ways. It would require NHTSA to reinstate the 5-mile-per-hour bumper collision standard and would require NHTSA to promulgate a rule to provide labeling of vehicles with bumper impact capability information. In addition, it would apply the new requirements to minivans.

The facts are straightforward and clear. The 12-year experiment which rolled back the bumper standard has failed. NHTSA's cost-benefit analysis was erroneous. Despite having the technology to build "zero damage", 5-mile-per-hour bumpers, manufacturers, have not, and will not, volunteer to build safe bumpers. The current 2.5-mile-per-hour standard allows too much damage and jeopardizes the safety of vehicle passengers. Consumers deserve to have good bumpers and bumper performance information. I urge my colleagues to support this much-needed legislation.

Mr. President, I ask that the text of the bill be printed in the RECORD.

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

S. 1848

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Automobile and Minivan Bumper Improvement Act of 1994".

SEC. 2. DISCLOSURE OF BUMPER IMPACT CAPABILITY.

The Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1901 et seq.) is amended by inserting immediately after section 102 the following new subsection:

"DISCLOSURE OF BUMPER IMPACT CAPABILITY

"SEC. 102A.(a) The Secretary shall promulgate, in accordance with the provisions of this section, a regulation establishing bumper system labeling requirements for passenger motor vehicles—

"(1) manufactured for model years beginning more than 180 days after the date such regulation is promulgated, as provided in subsection (c)(2); and

"(2) constructed without special features for occasional off-road operation.

"(b)(1) the regulation promulgated under this section shall provide that, before any such passenger motor vehicle is offered for sale, the manufacturer shall affix a label to such vehicle, in a format prescribed in such regulation, disclosing an impact speed at which the manufacturer represents that the vehicle meets the applicable damage criteria.

"(2) For purposes of this subsection, the term 'applicable damage criteria' means the damage criteria applicable under the bumper standard set forth in part 581 of title 49, Code of Federal Regulations, or under a successor bumper standard.

"(c)(1) Not later than 90 days after the date of enactment of this section, the Secretary shall publish in the Federal Register a proposed initial regulation under this section.

"(2) Not later than 180 days after such date of enactment, the Secretary shall promulgate a final initial regulation under this section.

"(d) The Secretary may allow a manufacturer to comply with the labeling requirements described in subsection (b) by permitting such manufacturer to make the required bumper system impact speed disclosure on the label required by section 506 of this Act or on the label required by section 3 of the Automobile Information Disclosure Act (15 U.S.C. 1232).

"(e) The regulation promulgated under this section shall provide that the information disclosed under this section be provided to the Secretary at the beginning of the model year for the model involved. As soon as practicable after receiving such information, the Secretary shall furnish and distribute to the public such information in a simple and readily understandable form in order to facilitate comparison among the various types of passenger motor vehicles. The Secretary may by rule require automobile dealers to distribute to prospective purchasers any information compiled pursuant to this subseciton.".

SEC. 3. BUMPER STANDARD FOR CERTAIN PASSENGER MOTOR VEHICLES.

(a) AMENDMENT OF BUMPER STANDARD.—(1) Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall amend the bumper standard published as part 581 of title 49, Code of Federal Regulations, to ensure that such standard is identical to the bumper standard under such part 581 that was in effect on January 1, 1982. The amendment standard shall apply to all passenger motor vehicles—

(A) manufactured after September 1, 1994; and

(B) constructed without special features for occasional off-road operation.

(b) MORE STRINGENT BUMPER STANDARDS NOT AFFECTED.—Nothing in this section shall be construed to prohibit the Secretary of Transportation from requiring under such part 581 that passenger motor vehicle bumpers be capable of resisting impact speeds higher than those specified in the bumper standard in effect under such part 581 on January 1, 1982.

(c) DEFINITION.—For purposes of this section, the term "passenger motor vehicle" has the meaning given that term in section 2 of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1901).●

● Mr. BRYAN. Mr. President, I support legislation introduced by Senator DANFORTH, the Automobile and Minivan Bumper Improvement Act. As chairman of the Commerce Committee's Consumer Subcommittee, I am proud to be a cosponsor of this important consumer information and safety legislation. In the last two Congresses, I have supported raising bumper standards in passenger cars, and the Commerce Committee has favorably reported out such legislation as part of authorization bills for the National Highway Traffic Safety Administration [NHTSA]. Although the bumper provisions were deleted prior to final passage of the NHTSA bill, I am hopeful that they will be adopted as a separate measure in this Congress.

Federal bumper standards in effect from 1980 to 1982 required cars to withstand front and rear crash tests at 5 miles per hour with no more than minor cosmetic damage to the bumper itself—and no damage to the car parts. As a result, bumpers protected cars from damage in many low-speed collisions, leading to lower and less frequent repair bills. In 1982, however, NHTSA rolled back the standard from 5 miles per hour to 2.5 miles per hour, arguing that a 5-mile-per-hour bumper would weigh more than a 2.5-mile-per-hour bumper, thus resulting in both extra gas consumption and higher vehicle cost.

The Insurance Institute for Highway Safety [IIHS] has conducted several tests which reveal that NHTSA's predictions of fuel savings and vehicle sticker saving may have been overstated. IIHS tests have demonstrated that bumper performance is not related to the weight of bumpers, and, in fact, some good bumpers weigh less and are less costly than some poor bumpers. In IIHS 5-mile-per-hour crash tests of nine 1993 model cars, each model sustained damage ranging from $1,771 to $4,418; in contrast, a 1981 model Ford Escort sustained no damage in similar 5-mile-per-hour crash tests, thereby illustrating the feasibility of crash-proof bumpers.

The need for bumper standards for minivans is particularly great. Minivans have been steadily increasing in consumer popularity, especially among families looking for a safe and reliable vehicle. Yet, these vehicles are completely exempt from even the 2.5-mile-per-hour bumper standard. IIHS recently conducted 5-mile-per-hour crash tests on seven 1994 model minivans. After the tests, one model could not be driven, and six of the seven sustained some degree of damage to safety-related parts, with one sustaining such serious safety-related

damage that the tailgate came unlatched and could not be closed again, presenting the risk of occupant ejection. Repair costs were extreme as well, ranging from $1,862 to $7,643.

The Automobile and Minivan Bumper Improvement Act addresses these problems in two ways. First, the legislation requires NHTSA to raise the bumper collision standard to 5 miles per hour, the pre-1982 standard, to allow vehicles to withstand certain levels of damage to the safety features of the vehicle, the exterior of the vehicle, and the bumper itself. Second, the bill requires NHTSA to promulgate a rule to provide labeling of vehicles. Such a label will disclose to consumers information regarding bumper impact capability. These requirements would apply equally to minivans.

Given the frequency of low-speed bumper crashes and the current level of damage expenses, this legislation is clearly needed. I would note, Mr. President, that I chaired two subcommittee hearings on the issue of automobile repair fraud over the past several years. The one point we heard consistently was that consumers are extremely wary and mistrustful of repair shops—and often for good reason, I would add—and anything that could be done to reduce the frequency of repair shop visits would represent a tremendous consumer benefit.

I would therefore urge my colleagues to support this important consumer safety legislation.●

By Mr. GRAHAM (for himself, Mr. D'AMATO, Mr. MACK, Mrs. FEINSTEIN, Mr. BRYAN, Mrs. BOXER, Mr. MCCAIN, and Mrs. HUTCHISON):

S. 1849. A bill to require the Federal Government to incarcerate or to reimburse State and local governments for the cost of incarcerating criminal aliens; to the Committee on the Judiciary.

CRIMINAL ALIENS FEDERAL RESPONSIBILITY ACT

Mr. GRAHAM. Mr. President, today I am introducing the Criminal Aliens Federal Responsibility Act of 1994 with my colleagues Senators D'AMATO, MACK, FEINSTEIN, BRYAN, BOXER, MCCAIN, and HUTCHISON. The legislation is similar to an amendment I successfully offered to the crime bill in the Senate on November 16, 1993.

This bill strengthens the language in the Senate crime bill and would require the Federal Government, as the entity that is solely responsible for our Nation's immigration and naturalization policy, to incarcerate or to reimburse State and local units of government for the cost of incarcerating criminal aliens.

During consideration of the crime bill in the Senate late last year, much was said about the failure of State and local government to control crime. The failure is one of a lack of adequate resources and one for which the Federal Government also has a responsibility.

Consequently, to address this problem, our legislation attempts to acknowledge the following: First, the Federal Government should be a partner with State and local units of government and assist them in the effort to attack our Nation's crime problem; and, second, the Federal Government has failed to accept its responsibility for immigration policy, and thereby, criminal aliens.

With respect to the latter point, the Federal Government has never fully addressed its fundamental responsibility for our Nation's immigration policy as enumerated in Article I, Section 8 of the Constitution. That power and singular responsibility was conferred upon the Federal Government by states "to establish an uniform rule of naturalization." Consequently, immigration and naturalization is a core, but often failed, responsibility of the Federal Government.

Individual States have no capacity, either under law or in resources, to control access to illegal entrants to our Nation. Unfortunately, when the Federal Government does not adequately address its responsibility for illegal immigration, State and local government is often left with the burden of that failure.

The day before I offered the amendment to the crime bill, Michael Fix and Jeffrey S. Passel of the Urban Institute provided an analysis of immigration cost shifting in testimony before the House Ways and Means Subcommittee on Human Resources. They said, "* * * the distribution of costs and revenues within the intergovernmental system can be viewed as being in imbalance. Immigrant tax payments flow to Washington while most of the costs of providing services fall to State and local government."

This is something that is readily apparent in the criminal justice system. The States of California, New York, Texas and Florida—just four of our Nation's States—estimate they have 25,510 criminal aliens incarcerated in their prisons at a cost of over $500 million.

Ironically, the Senate crime bill contains a provision calling for the building of 10 regional prisons to house 2,500 prisoners, each at an authorized cost of $3 billion. Even if 100 percent of those slots were made available to the States for the transfer of their incarcerated criminal aliens, the criminal aliens in just the four States of California, New York, Texas and Florida would clearly exceed the slots made available by these regional prisons.

Incredibly, the regional prisons provision does not even acknowledge Federal responsibility for criminal aliens until States can meet federally imposed sentencing guildlines and inmates have served at least 85 percent of their sentences. We have it backward.

In Florida's circumstance, we would get a lot further along the road toward keeping prisoners behind bars and off the streets if the Federal Government would take responsibility for its criminal aliens in the State's prison system and not wait 4 to 5 years from now when these regional prisons are built.

According to Secretary Harry Singletary of the Florida Department of Corrections, approximately 6–7 percent of the State's prison population, or 3,433 out of approximately 50,000 inmates, are criminal aliens and cost Florida an estimated $58.6 million annually.

As New York Governor Mario Cuomo wrote in a letter to me on November 16, 1993,

> It is the responsibility of the Federal Government to prevent illegal immigration. When the Federal Government fails at this task, the ensuing costs remain a federal responsibility. In particular, the financial burden of incarcerating illegal alien felons have been borne exclusively by states, straining our criminal justice budgets and prison systems.

Governor Cuomo estimates that 2,600 criminal aliens are housed in New York State prisons.

Texas Governor Ann Richards adds,

> * * * the Texas prison system houses some 2,000 criminal aliens who illegally crossed the United States border with Mexico permitted by weak efforts of the Federal Government to control its border. Certainly the States should not be expected to assume that responsibility abdicated by the Federal Government, although we do.

This legislation has the support of Florida Governor and former U.S. Senator Lawton Chiles, New York Governor Mario Cuomo, Texas Governor Ann Richards, California Governor Pete Wilson, Florida Attorney General Robert Butterworth, the National Conference of State Legislators, the National Association of Counties and the Association of State Correctional Administrators.

I urge my colleagues to join me in support of this legislation to have the Federal Government assume its responsibility for the incarceration of criminal aliens.

Mr. President, I ask unanimous consent that the bill and additional material be printed in the RECORD.

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

S. 1849

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Criminal Aliens Federal Responsibility Act of 1994".

SEC. 2. INCARCERATION OF OR PAYMENT FOR CRIMINAL ALIENS BY THE FEDERAL GOVERNMENT.

(a) DEFINITION.—In this section, "criminal alien who has been convicted of a felony and is incarcerated in a State or local correctional facility" means an alien who—

(1)(A) is in the United States in violation of the immigration laws; or

(B) is deportable or excludable under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.); and

(2) has been convicted of a felony under State or local law and incarcerated in a correctional facility of the State or a subdivision of the State.

(b) FEDERAL CUSTODY.—At the request of a State or political subdivision of a State, the Attorney General shall—

(1)(A) take custody of a criminal alien who has been convicted of a felony and is incarcerated in a State or local correctional facility; and

(B) provide for the imprisonment of the criminal alien in a Federal prison in accordance with the sentence of the State court; or

(2) enter into a contractual arrangement with the State or local government to compensate the State or local government for incarcerating alien criminals for the duration of their sentences.

STATE OF NEW YORK,
EXECUTIVE CHAMBER,
Albany, NY, November 16, 1993.

Hon. BOB GRAHAM,
SH-524, Washington, DC.

DEAR SENATOR GRAHAM: I strongly support your amendment to the Violent Crime Control and Law Enforcement Act of 1993 to offset the fiscal impact of illegal alien criminals on state and local governments. Such assistance is sorely needed in New York and other states that are bearing the tremendous costs of incarcerating these aliens.

It is the responsibility of the federal government to prevent illegal immigration. When the federal government fails at this task, the ensuing costs remain a federal responsibility. In particular, the financial burdens of incarcerating illegal alien felons have been borne exclusively by states, straining our criminal justice budgets and prison systems.

The Congress recognized this responsibility when it enacted Section 501 of the Immigration Reform and Control Act of 1986: "Subject to the amounts provided in advance in appropriations Acts, the Attorney General shall reimburse a State for costs incurred by the State for the imprisonment of any undocumented alien * * * who is convicted of a felony by such state."

Unfortunately, for states such as New York, Texas, Illinois, California, and Florida that are disproportionately affected by this problem, no funds have ever been appropriated to fulfill the mandate of Section 501.

State prisons are presently facing unprecedented challenges posed by the rapid rise in their criminal alien populations. New York, for example, is now housing an estimated 2,600 individuals who entered the U.S. illegally and then committed some other crime for which they were convicted and incarcerated. Because it costs an average of $24,000 a year to house an inmate, New York is paying approximate $63 million annually in incarceration costs, not including the related costs of added prison construction and an overburdened judicial system.

The cost to state governments nationwide of incarcerating illegal alien criminals is close to a billion dollars annually. Like many of my fellow governors, I believe it is patently unfair to impose this hardship on states when the problem is not one of their own making.

Federal immigration policy governs entry into this country, and often the initial destination of immigrants. In addition, the federal government is ultimately responsible for the flow of illegal immigrants as well. New York State and others are proud to serve as gateways for the nation, but we cannot shoulder the resultant burdens alone. The costs of undocumented alien felons are of particular concern, especially as they drain precious state resources from other crime-fighting efforts and beneficial programs for our residents.

I believe that your amendment to the 1993 crime bill helps to address the negative impacts of undocumented aliens on our communities. Although this amendment is "subject to the availability of appropriations," and does not guarantee funding to states for housing these prisoners, it is a step in the right direction by affirming that the responsibility for incarcerating illegal alien criminals belongs to the federal government.

I am grateful for your leadership on this important issue. I look forward to working with you and others in the future to restore an equitable balance of responsibilities between the federal government and the states with regard to illegal alien criminals.

Sincerely,

MARIO M. CUOMO.

STATE OF TEXAS,
OFFICE OF THE GOVERNOR,
Austin, TX, November 9, 1993.

Hon. JOSEPH R. BIDEN,
Chairman, Judiciary Committee,
U.S. Senate, Washington, DC.

DEAR SENATOR BIDEN: You are undoubtedly better informed than I about what all other states are doing but you are wrong about this Governor and the State of Texas.

Last week, the Texas taxpayers voted to pass a bond issue that provides an additional $1 billion for prison construction. Last session, Texas legislators appropriated $93 million of state funds for the largest incarcerated substance abuse treatment initiative in the nation. All of these funds are in addition to the $1 billion bond issue for increased prisons construction that the Texas taxpayers passed two years ago.

Texas elected officials and taxpayers alike have assumed responsibility for the crime problem in this state and are requesting assistance from the federal government for a problem that is often beyond our control. For example, the Texas state prison system houses some 2,000 criminal aliens who illegally crossed the United States border with Mexico permitted by weak efforts of the federal government to control it border. Certainly the states should not be expected to assume the responsibility abdicated by the federal government, although we do.

I am particularly concerned with the formulas that are being considered in crime legislation to allocate funds to states. These formulas, as currently written, do no allow for equity in the distribution of funds. For example, under the current formula for substance abuse treatment funds in state prisons, Texas was receive $114 per inmate while states with small prison populations will receive over $200 per inmate with the greatest allocation of $852 per inmate going to North Dakota. This disparity in funding will only further states' reliance on the Federal government for assistance in the future.

Senator Bob Graham will be introducing an amendment to the Violent Crime Control and Law Enforcement Act of 1993 that would allocate funds to states based on a formula that better represents the ratio of crime across the nation.

I urge you to consider these changes to the formulas in the crime legislation currently being considered.

If I may be of any assistance, please do not hesitate to contact me.

Sincerely,

ANN W. RICHARDS,
Governor.

NATIONAL CONFERENCE OF
STATE LEGISLATURES,
Washington, DC, November 4, 1993.

DEAR SENATOR: I am writing on behalf of the National Conference of State Legislatures to register our concerns about sections of S. 1607, "The Violent Crime Control and Law Enforcement Act of 1993."

The purported purpose of habeas corpus reform is to streamline litigation. It is ironic that Section 310 is added as an enforcement mechanism subjecting states to suits in Federal court for failure to abide by new standards set by Congress with respect to the appointment of counsel. The abrogation of sovereign immunity should not be approached lightly. There has been no consideration of the potential harm to states by this section. We strongly object to using the threat of lawsuit to accomplish these congressional goals.

With respect to provisions relating to background checks for child care providers, Title VIII, we are most concerned that sufficient funds be authorized and appropriated in order for states to adequately meet the mandates of the act for disposition and automation. It is also important that states retain the flexibility to determine how the background checks may be used. Title VIII makes participation voluntary, but the restrictions binding participants may have the unintended consequence of limiting state participation in the program. We concur in the need for improving criminal history records, but see it as only a small part of providing a safer environment in day care settings. If the federal government has a different opinion about the priority for spending to improve the records, then it must undertake the primary responsibility for funding.

Because the states have no responsibility for the control of federal immigration policy, NCSL opposes all federal attempts to shift the cost of resettling newcomers to state budgets. NCSL supports an amendment to be offered by Senator Graham respecting criminal aliens because it requires the federal government to take responsibility for the fiscal consequences of its immigration policy—here, the cost of imprisoning undocumented alien felons. NCSL further opposes efforts to curtail federal funding for mandated programs for newcomers. States should not be solely responsible for the fiscal impact of court-driven mandates such as education for undocumented alien children.

Finally, I must reiterate NCSL's strong opposition to Senator Biden's amendment for a so-called "police officers' bill of rights," a provision that would federalize noncriminal police disciplinary procedures. This amendment would remove from localities issues related to personnel administration and implicitly community relations. I can think of no other issue that is so intensely local or beyond Washington's competence.

Sincerely,

WILLIAM T. POUND,
Executive Director, NCSL.

Mr. MACK. Mr. President, I rise today with my colleague from Florida, and with the support of many others, to ask that the Federal Government be responsive to a problem of its own creation. This bill requires the Attorney

General of the United States to take custody of, or financial responsibility for, criminal aliens incarcerated in State prisons and jails. The flow of illegal immigrants into this country is a Federal problem, not a State problem. An individual State such as Florida can do nothing to prevent illegal immigration. This is solely the province of the Department of Justice, the Federal Customs Service and INS. Florida citizens like those of California, New York, Texas and Illinois, are weary of bearing the financial burden for the failure of these agencies to secure our borders.

The injustice perpetrated upon the good citizens of our States are twofold: First, these aliens are able to circumvent our immigration system and illegally gain entry to our country. In many cases, this results in a draw down of scarce State human resources funds. Federal reimbursement for unpaid medical bills and the educational costs for the children of these immigrants never fully compensates our States. Worse yet, some of these illegal aliens commit crimes, again subjecting the State taxpayers to paying the freight for incarceration costs. The fact of the matter is that these individuals would not be in our jails, and thus depleting our State resources if it weren't for the failures of the Federal Government.

It is not the fault of anyone in my State that the Customs Service didn't catch the boat coming in, or the passenger with fraudulent documents. Why should my constituents or those of any other State be forced to pay for their mistakes? In Florida alone, we have 3,433 illegal aliens serving time in our prisons. That comes out to $58.6 million in State taxpayer funds that could be going to keep more violent criminals behind bars for longer.

The bill we have offered is based on fundamental fairness and the notion that the Federal Government can and should be accountable for its failure to maintain control of our borders and I urge my colleagues to vote in favor of its passage.

Mrs. FEINSTEIN. Mr. President, I also want to thank my colleague, Senator GRAHAM of Florida, for his leadership in putting the Criminal Aliens Federal Responsibility Act before the Senate. I rise today as an original cosponsor of the bill and respectfully ask that each and every one of my colleagues consider joining the bipartisan group of Senators who have already signed on to this critical legislation.

Senator GRAHAM has admirably and completely explained the purpose of our bill: to relieve State and local governments of the high cost of incarcerating persons who enter this country illegally and are later convicted of felonies. The broad principal on which the bill is based is very simple. Controlling illegal immigration is a Federal responsibility. The failure to do so, and its financial consequences, are thus a Federal responsibility, as well.

This issue is of critical concern to California. According to the Governor, California taxpayers have spent more than $1 billion in the last 5 years to house convicted felons illegally in the United States.

There are, he estimates, more than 15,000 such inmates in the State's prisons now and expects that number to increase to more than 18,000 in this fiscal year.

The cost to California of housing those prisoners in fiscal year 1994–1995 is expected to exceed $375 million, and that doesn't include another $18 million for the cost of housing 600 to 700 illegal alien juveniles in the care of the California Youth Authority.

Congress has twice recognized the moral imperative to assume the States' costs of incarcerating illegal alien felons:

Once in 1986, when it expressly required the Attorney General to reimburse the States in the Immigration Reform and Control Act;

And again in the omnibus crime bill adopted by the Senate just last Session, which permits the Attorney General to transfer such prisoners to Federal facilities or to reimburse States' for their costs.

The directive in IRCA, however, was made subject to appropriations and, once again, no Federal funds to reimburse States for these costs are contained in the President's fiscal year 1995 budget. As for the crime bill, permitting the Attorney General to act is very different from requiring her to do so.

The Criminal Aliens Federal Responsibility Act that Senator GRAHAM and I are introducing today with a number of our colleagues will replace warm words with cold cash—funds sorely needed by California and many other States' and localities' across the country. As a member of the Appropriations Committee, I look forward to working closely with him to pass, and fully fund, this bill in this Congress.

By Mr. DANFORTH:

S. 1850. A bill to suspend temporarily the duty on 2-(4-chloro-2-methyl phenoxy) propionic acid; to the Committee on Finance.

DUTY SUSPENSION LEGISLATION

• Mr. DANFORTH. Mr. President, today I am introducing legislation to suspend temporarily the duty on 2-(4-chloro-2-methyl phenoxy) propionic acid. This chemical, commonly known as propionic acid and salts, is an active ingredient in certain non-carcinogenic commercial herbicides. To the best of my knowledge, there is no domestic producer of this product in the United States. I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1850

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

SECTION 1. TEMPORARY SUSPENSION OF DUTY ON 2-(4-CHLORO-2-METHYL PHENOXY) PROPIONIC ACID.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.31.12	2-(4-chloro-2-methyl phenoxy) propionic acid (CAS No. 93–65–2) (provided for in subheading 2918.90.10).	Free	No change	No change	On or before 12/31/96."

(b) EFFECTIVE DATE.—The amendment made by this section applies with respect to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.•

By Mr. KENNEDY (for himself, Mr. DODD, Mrs. KASSEBAUM, Mr. COATS, Mr. WOFFORD, Mr. JEFFORDS, Mr. BINGAMAN, Mr. DURENBERGER, Mr. METZENBAUM, Mr. WELLSTONE, Mr. PELL, and Mr. SIMON):

S. 1852. A bill to amend the Head Start Act to extend authorizations of appropriations for programs under that Act, to strengthen provisions designed to provide quality assurance and improvement, to provide for orderly and appropriate expansion of such programs, and for other purposes; to the Committee on Labor and Human Resources.

THE READY TO LEARN REAUTHORIZATION ACT OF 1994

Mr. KENNEDY. Mr. President, today I am introducing The Ready to Learn Reauthorization Act of 1994, which mobilizes the power of television to bring quality educational programming to all children in our Nation. We know that each year, our 19 million preschoolers watch 14 billion hours of television—an average of 28 hours each week. Television has the capability to be a remarkable teacher, and a highly cost-effective source of information and education. By making quality educational programming widely available, all children can benefit—whether they live in distant rural towns or the inner city.

Ready to Learn also puts a strong emphasis on providing parents and child care givers materials and resources to work with their preschool children, getting the most out of educational programming. We have seen families and Head Start providers in isolated and disadvantaged communities benefit from training materials developed and provided over the airwaves—where local resources could never support these educational opportunities.

The Ready to Learn Act is a key tool to move forward with the Number One Education goal—school readiness for all children. We fall far short of that goal today. According to a study by the

Carnegie Foundation for the Advancement of Teaching, 35 percent of the country's children do not enter school ready to learn. These children must play catch-up, to master basic skills and concepts which are the building blocks for their success. The Ready to Learn Act offers these children a healthy diet of educational programming that can bring a lifetime of benefits.

I commend the President for including $10 million for Ready to Learn in the 1995 budget. I am pleased that my colleagues Senator COCHRAN, Senator PELL, Senator DODD, Senator SIMON, Senator WELLSTONE, and Senator BINGAMAN join me as cosponsors of this legislation, and I look forward to working with all Members to ensure its swift consideration by the Congress.

Mr. President, I ask unanimous consent that the full text of the act be printed in the RECORD.

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

S. 1852

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Ready To Learn Reauthorization Act of 1994".

SEC. 2. ELIGIBLE ENTITIES.

Section 4702(b)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 3161a(b)(1)) is amended by striking ", nongovernmental".

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

Section 4706(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 3161e(a)) is amended—

(1) by striking "$25,000,000 for fiscal year 1993" and inserting "$50,000,000 for fiscal year 1995"; and

(2) by striking "for fiscal year 1994." and inserting "for each of fiscal years 1996 and 1997.".

Mr. COCHRAN. Mr. President, I am pleased to join with Senator KENNEDY to sponsor the "Ready To Learn Act of 1994." This reauthorization supports the development of new educational television programming for preschool children and written materials for parents and daycare providers to help young children learn from these television programs. The bill authorizes $50 million for these purposes.

The emphasis behind the Ready To Learn Act is the first national education goal, which states:

By the year 2000, all children in America will start school ready to learn.

This goal may be the most important of the six education goals established by President Bush and the Nation's Governors at the historic education summit held in 1989 which helped to build a consensus among States on how to improve educational opportunities for the Nation's students.

At this summit, the Governors concluded that in order to succeed in school, children must enter healthy and with a respect for learning instilled from infancy. Children who begin school with a solid educational foundation have a much better chance of high achievement later on.

In many cases, television is a child's most powerful teacher. In busy, two-parent households, in single parent homes, and crowded day-care facilities, television is the baby sitter.

By taking advantage of the significant number of hours of television most children watch every day, we have a wonderful opportunity to build a foundation for future learning.

This bill establishes a partnership between the Department of Education and producers of children's programming to develop criteria for educational television programming. These criteria will serve as guidelines for the selection of projects to be funded. This strategy draws on the strong commitment of the Corporation for Public Broadcasting, which has many years experience in providing young children with quality educational television. I am pleased that the Department of Education has requested $10 million in its fiscal year 1995 budget for the Ready to Learn program.

In rural States, like Mississippi, educational television has traditionally offered students educational opportunities that would not otherwise be available. In fact, Mississippi ETV currently offers six educational networks, providing more than 65 hours of educational programming each day for students, teachers, individuals, and families. On average, Mississippi's elementary and secondary schools offer 7 hours of various course instruction every school day. This bill will expand the educational programming available to preschool children.

Another component of this bill offers to parents, teachers, libraries, and daycare providers specially designed supporting materials to enhance the value of the television programming. The materials will be developed through grants to local educational television networks.

I hope the Senator will support the passage of this bill.

By Mr. KENNEDY (for himself, Mr. COCHRAN, Mr. PELL, Mr. DODD, Mr. SIMON, Mr. WELLSTONE, and Mr. BINGAMAN):

S. 1853. A bill to amend the Elementary and Secondary Education Act of 1965 to extend Federal assistance programs related to educational television programming, and for other purposes; to the Committee on Labor and Human Resources.

HEAD START ACT AMENDMENTS OF 1994

Mr. KENNEDY. Mr. President, today we take another important step toward our bipartisan national goal of providing a high quality Head Start experience to all eligible families in need.

Today we affirm our belief in the core elements of this proven national resource and to commit to a working partnership designed to take what is good about Head Start and make it even better. We do not seek to hide behind old rhetoric, but to move forward with the implementation of a bold strategy for the Head Start of the 21st century.

By introducing the Head Start Amendments Act of 1995, we in the Congress, and those in the administration, lay out a blueprint for more effective action in the years ahead. With this legislation we will enhance the program's quality and extend the program's reach—making it more responsive to the needs of today's families.

Low-income children and families today face enormous challenges, struggling to survive in neighborhoods plagued by lack of opportunity, violence, and drugs. Since we last reauthorized Head Start—the number of children growing up in poverty has increased dramatically—and so has the pressure on Head Start programs to help turn the tide.

If we are serious about national priorities of reducing juvenile crime and welfare dependency—and promoting family values and school readiness, Head Start must continue to be a centerpiece of our community-based response. Head Start strengthens families, builds communities, and gives children a chance.

Research, and a long track record of success, demonstrates that comprehensive preschool programs—such as Head Start—have brought about positive results—including greater economic independence and fewer juvenile crimes and school failures. We know that for the price of a single space in a juvenile facility—we can provide a full day full year Head Start experience for five young people. Prevention is a more productive approach and it is far more cost effective.

Drug dealers are getting to our kids young—and we have to beat them to the punch.

It is for this reason that we have people like the Attorney General, the FBI Director, and the drug czar all joining the chorus for increased Head Start funding.

And Head Start programs not only lay the foundation on which to build more successful futures—they provide a place to deal with the more immediate effects of violence on our children and families. The scars of war not only effect children in Bosnia—but children in Boston, and Birmingham, and Bridgeport as well.

A study done by Boston City Hospital found that 1 out of 10 children served by their pediatric clinic witnessed a shooting or stabbing before the age of 6—half in their own home.

Far too many of our children are living on the frontlines of battle—and many have only Head Start to turn to.

Both the tasks and the stakes are great. And while the price of success may be high—the cost of failure is far greater. But if Head Start is to live up to its potential—it will need new authority, support, and resources. And that is what the Head Start Amendments Act of 1995 is designed to deliver.

The act builds on the commitment to program quality which we began in the 1990 reauthorization—setting aside at least 25 percent of all new money for quality improvements.

These critically important funds can be used to offer training and career development opportunities to Head Start staff, and to provide for a livable wage and health benefits in an effort to reduce staff turnover and increase the continuity of caregivers for children.

The quality funds can be used to increase the number of family service staff in Head Start programs, thereby reducing staff caseloads and facilitating more extensive family support, family literacy, parental involvement, and comprehensive services. Family services workers, each responsible for a hundred families—cannot possibly be expected to truly assist families in securing the services they need—much less provide them directly.

The act will also put a strong oversight system in place—where programs will be monitored by the Feds and by their peers. Those with deficiencies will be given the opportunity and the technical assistance to come into compliance. Those that have been squeezed into trying to do too much with too little—will be given the support to improve. But those programs who cannot make the grade—will be opened up to others who can. Our children and families deserve no less than the best we can provide—we all agree with that.

We must focus on quality—we have and we will. But as we maximize the effectiveness of our investment—we must also remember that hundreds of thousands of eligible children wait to be given their Head Start in life.

This act continues our commitment to expanding the program to reach more eligible families and to do so in a way that meets their needs. The act, accompanied by the funds included in the President's budget request, will ensure several hundred million dollars to create more Head Starts slots, and more full day, full year programs able to meet the needs of low-income working parents or those in training. If we are serious about promoting self sufficiency—we must be prepared to assist in removing obstacles to progress.

In addition, it has become clear to all that 1 year of Head Start may be too little and too late. To begin to act on this knowledge—this act seeks to provide an early start to thousands of low-income children and families in need.

This act creates a phased-in set-aside to develop programs which provide early, continuous, and comprehensive services to very young children and families—from pregnancy to preschool. These formative years are critically important to the healthy physical, social, emotional, and intellectual development of children. And it is during this period that new parents can benefit most from efforts to enhance parenting skills and promote positive parent-child interaction.

The lessons we have learned from the comprehensive child development centers have been incorporated into this aspect of the reauthorization—and I am extremely pleased we are moving forward with this effort.

Finally, we must continue to build bridges with the public school system to ease the transition from Head Start to elementary school.

I am pleased that the act continues this commitment and I look forward to working with all those assembled here today—and the Department of Education—to make sure that as we forward with both Head Start and ESEA—that we do all we can to stimulate cooperation and coordination at the local level.

I want to thank Secretary Shalala, Senator DODD, Senator KASSEBAUM, and Senator COATS, and our colleagues in the House of Representatives for their dedication to this program and this process. Today's bipartisan bill introduction is a clear indication that there is the will in the Congress to move swiftly toward enactment on the President's package.

The Labor Committee began hearings on the Head Start reauthorization the day the advisory committee report was issued, we continue them today, and I plan to send a bill to the full Senate in April.

Every eligible child in America deserve a high-quality Head Start. Today we move closer to fulling that promise.

I ask unanimous consent that the complete text of the bill be printed in the RECORD.

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

S. 1853

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

SECTION 1. SHORT TITLE; REFERENCES IN ACT; TABLE OF CONTENTS.

(a) This act may be cited as the "Head Start Act Amendments of 1994".

(b) Except where otherwise specifically provided, references in this Act shall be considered to be made to the Head Start Act, or to a section or other provision thereof.

(c) TABLE OF CONTENTS.—

Sec. 1. Short title; references in Act; table of contents.
Sec. 2. Monitoring and quality assurance.
Sec. 3. Appeals, notice, and hearing.
Sec. 4. Staff qualifications and development.
Sec. 5. Goals and priorities for training and technical assistance.
Sec. 6. Allocation of funds for program expansion.
Sec. 7. Allocation and use of funds for quality improvement.
Sec. 8. Transition coordination with schools.
Sec. 9. Research, demonstrations, evaluation, and reports.
Sec. 10. Initiative on families with infants and toddlers.
Sec. 11. Enhanced parental involvement.
Sec. 12. Authorization of appropriations.
Sec. 13. Minor and technical amendments.
Sec. 14. Effective date.

SEC. 2. MONITORING AND QUALITY ASSURANCE.

(a) IN GENERAL.—The Act is amended by inserting after section 641 the following new section:

"QUALITY STANDARDS; MONITORING OF HEAD START AGENCIES AND PROGRAMS

"SEC. 641A. (a) QUALITY STANDARDS.—

"(1) ESTABLISHMENT OF STANDARDS.—The Secretary shall establish by regulation standards applicable to Head Start agencies, programs, and projects under this subchapter, including—

"(A) performance standards with respect to services required to be provided, including health, education, parental involvement, social and other services;

"(B) administrative and financial management standards;

"(C) standards relating to the condition and location of facilities; and

"(D) such other standards as the Secretary finds appropriate.

"(2) MINIMUM REQUIREMENTS.—The regulations under this subsection shall indicate the minimum levels of overall accomplishment that a Head Start agency or program must 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, family services, administration, and financial management, and with persons with experience in the operation of Head Start programs; and

"(B) take into consideration—

"(i) past experience with use of the standards currently in effect;

"(ii) changes over the period the program has been in effect in the circumstances and problems typically facing Head Start children and families;

"(iii) developments concerning best practices with respect to child development, family services, program administration, and financial management; and

"(iv) projected needs of an expanding Head Start program;

"(C) not later than one year after enactment of this section, review and revise as necessary the performance standards in effect under this subchapter on the date of enactment of this section (but any revisions in performance standards shall not result in the elimination of or any reduction in the scope or types of health, education, parental involvement, social, or other services required to be provided under such standards in effect on November 2, 1978).

"(b) PERFORMANCE MEASURES.—

"(1) IN GENERAL.—Within one year after 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.

"(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;

"(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, fiscal, 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) follow-up reviews including prompt return visits to agencies and programs that fail to meet minimum standards for participation; and

"(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

"(B) are supervised by such an employee at the site of such Head Start agency.

"(d) CORRECTIVE ACTION; TERMINATION.—(1) 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 minimum standards for participation in programs under this subchapter, the Secretary shall—

"(A) inform the agency of the deficiencies that must be corrected;

"(B) with respect to each identified deficiency, at the Secretary's discretion (taking into consideration the seriousness of the deficiency and the time reasonably required to correct it), require the agency—

"(i) to correct the deficiency immediately, or

"(ii) 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 as required by the Secretary pursuant to subparagraph (B).

"(2) QUALITY IMPROVEMENT PLAN.—

"(A) AGENCY RESPONSIBILITIES.—In order to retain its designation under this subchapter, a Head Start agency that is the subject of a determination described in paragraph (1) shall—

"(i) develop in a timely manner, obtain the Secretary's approval of, 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 identified; 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 one year after the date the agency received notice of the determination and of the specific deficiencies 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.—To the extent the Secretary finds feasible and appropriate given available funding and other statutory responsibilities, the Secretary shall provide training and technical assistance to Head Start agencies with respect to the development or implementation of quality improvement plans.

"(e) SUMMARIES OF MONITORING OUTCOMES.—The Secretary shall publish annually, following the end of each fiscal year, a summary report on the findings of reviews conducted pursuant to subsection (c) and on the outcomes of quality improvement plans under subsection (d).".

(b) EXPENDITURES FOR MONITORING AND RELATED ACTIVITIES.—Section 640(a)(2)(D) is amended by inserting "(including payments for all costs (other than compensation of Federal employees) of reviews of Head Start agencies and programs, and of activities related to the development and implementation of quality improvement plans, pursuant to section 641A)".

(c) CONFORMING AMENDMENTS.—(1) Section 641(c) is amended by striking paragraphs (2) through (4).

(2) Section 641(d) is amended—

(A) in the first sentence, by striking all that precedes "then the Secretary" and inserting "If there is in a community no entity entitled to the priority specified in subsection (c),";

(B) by striking the second sentence; and

(C) in the third sentence, by striking "and subject to the preceding sentence".

(3) Section 642(b)(4) is amended by striking "in accordance with the performance standards in effect upon section 651(b)" and inserting "either through such program".

(4) Section 651(b) is repealed.

(5) Section 651(g)(10) is amended by striking "evaluations conducted under section 641(c)(2)" and inserting "monitoring conducted under section 641A(c)".

SEC. 3. APPEALS, NOTICE, AND HEARING.

(a) ELIMINATION OF PROVISION FREEZING REGULATIONS.—Section 646 is amended by striking subsection (b).

(b) TERMINATION OF DESIGNATION NOT STAYED PENDING APPEAL.—Section 646 is further amended by adding at the end the following new subsection:

"(b) ADVERSE ACTION NOT STAYED PENDING APPEAL.—In any case where 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.".

SEC. 4. STAFF QUALIFICATIONS AND DEVELOPMENT.

(A) REQUIREMENTS CONCERNING STAFF QUALIFICATIONS AND DEVELOPMENT.—

(1) CLASSROOM TEACHERS.—(A) Section 648(b) is relocated and redesignated as subsection (a) of a new section 648A, captioned as follows: "STAFF QUALIFICATIONS AND DEVELOPMENT".

(B) Section 648A(a), as relocated and redesignated, is further amended—

(i) by striking "(a)(1)" and inserting "(a) CLASSROOM TEACHERS.—(1) DEGREE REQUIREMENTS.—";

(ii) in paragraph (1), by striking "1994" and inserting "1996";

(iii) in paragraph (2), by striking "(2)" and inserting "(2) WAIVER.—"; and

(iv) in paragraph (2)(B), by striking "a child development associate credential (CDA)" and inserting "any credential specified in paragraph (1)".

(2) MENTOR TEACHERS; FAMILY SERVICE WORKERS; FELLOWSHIPS.—Section 648A is further amended by adding after subsection (a) the following new subsections:

"(b) MENTOR TEACHERS.—

"(1) DEFINITION; FUNCTION.—For purposes of this subsection, a 'mentor teacher' is an individual responsible for observing and assessing classroom activities and providing on-the-job guidance and training to 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.

"(2) REQUIREMENT.—In order to assist Head Start agencies to establish 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 which have substantial numbers of new classroom staff or which are experiencing difficulty in meeting applicable education standards; and

"(C) encourage programs to give priority consideration for such positions to Head Start teachers at the appropriate level in the career ladders of such programs.

"(c) FAMILY SERVICE WORKERS.—In order to improve the quality and effectiveness of staff providing in-home and other services to families of Head Start children (including needs assessment, development of service plans, family advocacy, and coordination of service delivery), the Secretary, in collaboration with concerned public and private agencies and organizations currently 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 indicating attainment of those competencies that is accepted nationwide.

"(d) HEAD START FELLOWSHIPS.—

"(1) AUTHORITY.—The Secretary is authorized to establish a program of head Start Fellowships, in accordance with this subsection, for staff in local Head Start programs and other individuals working in the field of child development and family services.

"(2) PURPOSE.—The fellowship program under this subsection shall be designed to enhance the ability of participating fellows to make significant contributions to programs authorized under this subchapter, by providing them 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 program under this subsection 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 (and in national and regional offices of such agencies);

"(ii) in local Head Start agencies and programs;

"(iii) in institutions of higher education;

"(iv) in public and 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 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.—Fellowships under this subsection shall be awarded, on a competitive basis, to individuals (other than Federal employees) selected from among applicants who are currently working in local Head Start programs or otherwise working in the field of child development and children and family services.

"(5) DURATION.—Fellowships under this subsection shall be for terms of one year, and shall be renewable for a term of one 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 program under this subsection.

"(7) STATUS OF FELLOWS.—Except as otherwise provided in this paragraph, Head Start Fellows shall not be deemed employees or otherwise in the service or employment of the United States Government. Head Start Fellows shall be considered Federal employees for purposes of compensation for injuries under chapter 81 of title 5 of the United States Code. Head Start Fellows assigned to positions specified in paragraph (3)(A)(i) shall be considered Executive Branch employees for the purposes of chapter 11 of title 18 of the United States Code, and 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 implementing the provisions of this subsection.".

(b) MODEL STAFFING PATTERNS.—Section 648 is amended by adding at the end the following new subsection:

"(e) MODEL STAFFING PATTERNS.—Within one year after enactment of this subsection, the Secretary, in consultation with appropriate public and private agencies and organizations and with individuals with expertise in the field of child and family services, 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.".

(c) CONFORMING AMENDMENT.—Section 648 is amended in the caption, to read:

"TECHNICAL ASSISTANCE AND TRAINING".

SEC. 5. GOALS AND PRIORITIES FOR TRAINING AND TECHNICAL ASSISTANCE.

Section 648, as amended by section 4, is further amended—

(1) in subsection (a)(2), by striking "Head Start programs, including" and inserting instead "Head Start programs, in accordance with the process, goals, and priorities set forth in subsections (b) and (c). The Secretary shall provide, either directly or through grants or other arrangements,";

(2) by redesignating and relocating as subsection (f) the final sentence of subsection (a), as amended by paragraph (1);

(3) by striking subsection (c); and

(4) by inserting after subsection (a) the following new subsections:

"(b) GOALS.—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;

"(2) incorporate mechanisms to ensure responsiveness to local needs, including an ongoing procedure for obtaining input from the Head Start community; and

"(c) SPECIFIC PURPOSES.—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 monitoring pursuant to section 641A (including the provision of assistance to local programs in the development of quality improvement plans);

"(2) address the training and career development needs of both classroom 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 to conduct and participate in community-wide strategic planning and needs assessment;

"(4) assist Head Start agencies and programs in the development of sound management practices, including financial management procedures; and

"(5) assist in efforts to secure and maintain adequate facilities for Head Start programs.".

SEC. 6. ALLOCATION OF FUNDS FOR PROGRAM EXPANSION.

(a) ALLOCATION OF FUNDS WITHIN STATES.—Section 640(g) is amended—

(1) by striking "(g)" and inserting "(g)(1) COST-OF-LIVING ADJUSTMENTS TO GRANTEES.—"; and

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

"(2) ALLOCATION OF EXPANSION FUNDS WITHIN STATES.—In allocating funds within a State, for the purpose of expanding Head Start programs, from amounts allotted to a State pursuant to paragraph (4), the Secretary shall take into consideration the following factors:

"(A) the quality of the applicant's current programs (including Head Start and other child care or child development programs and, in the case of current Head Start programs, 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 current Head Start programs, 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;

"(D) the numbers of eligible children in each community who are not participating in Head Start; and

"(E) the concentration of low-income families in each community.

"(3) ALLOCATION OF EXPANSION FUNDS TO INDIAN AND MIGRANT PROGRAMS AND TO TERRITORIES.—In determining the amount of funds reserved pursuant to section 640(a)(2)(A) or (B) 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).".

(b) CONFORMING AMENDMENTS.—Section 641(f) is repealed.

SEC. 7. ALLOCATION AND USE OF FUNDS FOR QUALITY IMPROVEMENT.

(a) ALLOCATION; USE OF FUNDS.—Section 640(a)(3) us amended—

(1) by redesignating subparagraph (B) as subparagraph (D);

(2) in the matter preceding clause (i) of subparagraph (A), to read as follows:

"(3) QUALITY IMPROVEMENT.—

"(A) RESERVATION.—

"(i) ———.—The Secretary shall reserve, for activities specified in subparagraph (C) directed at the goals specified in subparagraph (B), a share of the amount (if any) by which such appropriations exceed the adjusted prior year appropriation (as defined in clause (ii)) equal to—

"(I) 25 percent of such amount, plus

"(II) any additional amount the Secretary may find necessary to address a demonstrated need for additional quality improvement activities.

"(ii) ADJUSTED PRIOR YEAR APPROPRIATION DEFINED.—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) GOALS.—Quality improvement funds reserved under this paragraph 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.

"(ii) Ensuring that programs have adequate qualified staff, and that such staff are furnished adequate training.

"(iii) Ensuring that salary levels are adequate to attract and retain qualified staff.

"(iv) Using salary increases to improve staff qualifications and to assist with the implementation of career development programs.

"(v) Improving community-wide strategic planning and needs assessments.

"(vi) Ensuring that the physical environments of Head Start programs are conducive to providing effective program services to children and families.

"(vii) Making such other improvements in program quality as the Secretary may designate.

"(C) ACTIVITIES.—Quality improvement funds reserved under this paragraph shall be

used to carry out any or all of the following activities:";

(3) in subparagraph (C), as redesignated, by adding at the end the following new clause:

"(vii) Such other activities as the Secretary may designate."; and

(4) in subparagraph (D), as redesignated—

(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 "territories, and programs serving Indian and migrant children," after "States,";

(B) by striking clauses (ii) and (iii);

(C) in clause (iv)—

(i) by striking all that precedes the first comma 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; and

(D) by striking clause (v) and redesignating clauses (iv) and (vi) as clauses (ii) and (iii), respectively.

(b) CONFORMING AMENDMENT.—Paragraphs (4) and (5) of section 637 are repealed.

SEC. 8. TRANSITION COORDINATION WITH SCHOOLS.

(a) COORDINATION REQUIREMENTS.—Section 642 is amended—

(1) in subsection (c), by striking "schools that will subsequently serve children in Head Start programs,"; and

(2) by adding after subsection (c) the following new subsection:

"(d) FACILITATING TRANSITION TO SCHOOL.—

"(1) GENERAL REQUIREMENT.—Each Head Start agency shall undertake 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 and to build upon such gains in further schooling.

"(2) COORDINATION WITH SCHOOLS.—The Head Start agency shall take steps to coordinate with the local educational agency and with schools in which children participating in a Head Start program operated by such agency will enroll following such program, including the following;

"(A) developing and implementing a systematic procedure for transferring Head Start records on 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 receiving schools (including teachers, social workers, and health staff) to facilitate coordination of programs;

"(C) conducting meetings involving parents, kindergarten or primary school teachers, and Head Start teachers to discuss the developmental and other needs of individual children; and

"(D) organizing and participating in joint transition—related training of school staff and Head Start staff.

"(3) PROMOTION OF PARENTAL INVOLVEMENT.—In order to promote the continued involvement of Head Start parents in their children's education upon transition to school, the Head Start agency shall—

"(A) provide training to Head Start parents—

"(i) to inform them about their rights and responsibilities concerning their children's education; and

"(ii) to enable them to understand and work with schools in order to communicate with teachers and other school personnel, to support their children's school work, and to participate as appropriate in decisions relating to their children's education; and

"(B) take other actions, as appropriate and feasible, to support the active involvement of parents with schools, school personnel, and school-related organizations.

"(4) APPLICATION OF DEMONSTRATION RESULTS.—The Secretaries of Health and Human Services and Education shall assess the results of the demonstration projects funded under the Head Start Transition Project Act and shall work together to provide technical assistance to enable communities to implement proposing practices emerging from these demonstrations for improving the Head Start program and programs of the schools.".

"(b) EXTENSION OF SET-ASIDE FOR HEAD START TRANSITION PROJECT ACT.—

(1) IN GENERAL.—Section 639(c) is amended—

(A) by striking paragraph (1);

(B) by striking "(2)"; and

(C) by striking '1992, 1993, and 1994" and inserting "1992 through 1996".

(2) REFERENCE.—Section 640(a)(5) is amended by striking "The" and inserting "Allotments Among States.—Subjects to section 639(c), the".

SEC. 9. RESEARCH, DEMONSTRATIONS, EVALUATION, AND REPORTS.

(a) RESEARCH, DEMONSTRATIONS, AND EVALUATION.—Section 649, including the caption thereof, is amended to read as follows:

"RESEARCH, DEMONSTRATIONS, AND EVALUATION

"SEC. 649. (a) IN GENERAL.—

"(1) REQUIREMENTS; GENERAL PURPOSES.—The Secretary shall carry out a continuing program of research, demonstrations, and evaluation, in order to—

"(A) foster continuous improvement in the quality of the Heard Start program under this subchapter and in its effectiveness in enabling participating children and their families to succeed in school and in everyday life; and

"(B) use the Head Start program as a national laboratory for developing, testing, and disseminating new ideas and approaches for addressing the needs of low-income perschool children 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, DEMONSTRATIONS, AND EVALUATION.—The Secretary, in order to conduct research, demonstrations, and evaluations under this section—

"(1) may carry out such activities directly, or through grants to, or contracts or cooperatives agreement with, public and private entities;

"(2) shall, to the extent appropriate, undertake such activities in collaboration with other Federal and non-Federal agencies conducting similar activities;

"(3) shall ensure that evaluation of activities in a specific program or project are 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; and

"(5) may approve, in appropriate cases, community-based cooperation research and evaluation efforts to enable local Head Start program to collaborate with qualified researchers not directly involved in program administration or operation.

"(c) CONSULTATION AND COLLABORATION.—In carrying out the activities under this section, the Secretary shall—

"(1) consult with individuals—

"(A) from relevant academic disciplines;

"(B) involved in the operation of Head Start and other child and family service programs; and

"(C) from other Federal agencies and organization involved with children and families, ensuring that such individuals reflect the multicultural nature of the Head Start population and the multi-disciplinary nature of the Head Start program;

"(2) whenever feasible and appropriate, obtain the views of persons participating in and served by programs and projects assisted under the subchapter with respect to activities under this section; and

"(3) establish, to the extent appropriate, working relationship with the faculties of colleges or universities located in the area in which any evaluation under this section is being conducted, unless there is no such college or university willing and able to participate in such evaluation.

"(d) SPECIFIC OBJECTIVES.—The research, demonstration, and evaluation programs under this part shall include components designed to—

"(1) permit ongoing assessment of the quality and effectiveness of the program 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 which promote or inhibit healthy development and effective functioning of children and their families both during and following the Head Start experience;

"(4) permit comparisons of children and families participating in Head Start programs with children and families receiving other child care, early childhood education, and 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 which 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 which—

"(1) examine the developmental progress of children and their families both during and following the Head Start program experience, including the examination of factors which contribute to or detract from such progress;

"(2) examine factors related to improving the quality of the Head Start program experience and the preparation it provides for children and their families to function effectively in schools and other settings in the years following Head Start; 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, and 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.".

(b) REPORTS.—Section 651 is amended—

(1) in the caption, to read "REPORTS";

(2) by striking subsections (a) through (f);

(3) by striking "(g)";

(4)(A) by striking "and" at the end of paragraph (11);

(B) by striking the period at the end of paragraph (12) and inserting "; and"; and

(C) by adding after paragraph (12) the following new paragraph:

(13) a summary of the research, demonstration, and evaluation activities conducted under section 649, including—

"(A) a status report on ongoing activities; and

"(B) results, conclusions, and recommendations based on completed activities not previously reported on.".

(c) CONFORMING AMENDMENTS.—

(1) Sections 640A, 650, and 651A are repealed.

(2) Section 651, as amended by subsection (b), is redesignated as section 650.

SEC. 10. INITIATIVE ON FAMILIES WITH INFANTS AND TODDLERS.

(a) ESTABLISHMENT OF PROGRAM.—The Act is amended by adding after section 645 the following new section:

"PROGRAMS FOR FAMILIES WITH INFANTS AND TODDLERS

"SEC. 645A. (a) IN GENERAL.—The Secretary shall make grants, in accordance with the provisions of this paragraph, for—

"(1) programs providing family-centered services for low-income families with very young children designed to promote the development of their children, to fulfill their roles as parents, and to move toward self-sufficiency; and

"(2) evaluation of, and provision of training and technical assistance to, projects under the Comprehensive Child Development Centers Act of 1988.

"(b) FAMILIES ELIGIBLE TO PARTICIPATE.—Persons who may be served by projects described in subsection (a)(1) include pregnant women, and families with children under age three (or under age five, in the case of children served by a grantee specified in subsection (e)(2)), who meet the criteria specified in section 645(a)(1).

"(c) SCOPE AND DESIGN OF PROGRAMS.—Programs receiving assistance under this section shall—

"(1) provide, either directly or through referral, early, continuous, intensive, and comprehensive child development and family support services which 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 them move toward self-sufficiency;

"(5) coordinate services with existing programs in the State and community to ensure a comprehensive array of services;

"(6) coordinate with local Head Start programs in order to ensure continuity of services for children and families;

"(7) (in the case of a program operated by a Head Start agency that also provides Head Start services through the age of mandatory school attendance) ensure that participating children and families receive such services through such age; and

"(8) meet such other requirements concerning program design and operation as the Secretary may establish.

"(d) ELIGIBLE SERVICE PROVIDERS.—Entities that may apply to operate services projects under this section include—

"(1) entities operating Head Start programs under this subchapter;

"(2) entities that, on the date of enactment of this provision, were operating—

"(A) Parent-Child Centers receiving financial assistance under section 640(a)(4), or

"(B) Comprehensive Child Development Projects receiving financial assistance under the Comprehensive Child Development Centers Act of 1988; and

"(3) other public and non-profit private entities capable of providing child and family services that meet the standards for participation in programs under this subchapter and such other appropriate requirements relating to the program 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) of this subsection.

"(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 the standards and requirements established by the Secretary under subsection (d); and

"(B) received funding as a Parent-Child Center pursuant to section 640(a)(4) for fiscal year 1994.

"(3) COMPREHENSIVE CHILD DEVELOPMENT CENTERS (CCDS).—In the case of an entity that—

"(A) complies with the standards and requirements established by the Secretary under subsection (d); and

"(B) received a grant for fiscal year 1994 to operate a project under the Comprehensive Child Development Centers Act of 1988, the Secretary—

"(i) shall make financial assistance available under this section for the duration of the demonstration project period specified in the grant award to such entity under such Act, and

"(ii) shall permit such entity, in the program assisted under this section, to serve children from birth through age 5.

"(4) EVALUATIONS, TRAINING, TECHNICAL ASSISTANCE RELATING TO CCDS.—The Secretary shall make funds available under this section as necessary to provide for the evaluation of, and furnishing of training and technical assistance to, child development projects (specified in paragraph (3)) under the Comprehensive Child Development Centers Act of 1988.

"(f) SELECTION OF OTHER GRANTEES.—From allotments pursuant to paragraphs (2) and (4) of section 640(a) (in amounts equal to the balance remaining of the amount specified in section 640(a)(6) after making grants to the eligible entities specified in subsection (e)), the Secretary shall award grants under this paragraph 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) SECRETARIAL RESPONSIBILITIES—

"(1) GUIDELINES.—The Secretary shall develop and publish guidelines concerning the content and operation of programs under this section—

"(A) in consultation with experts in early childhood development and family services; and

"(B) taking into consideration the knowledge and experience gained from other early childhood programs, including programs under the Comprehensive Child Development Centers Act of 1988.

"(2) MONITORING, EVALUATION, TRAINING, AND TECHNICAL ASSISTANCE.—In order to ensure the successful operation of service programs under this section, the Secretary shall monitor the operation of such programs, evaluate their effectiveness, and provide training and technical assistance tailored to the particular needs of such programs.".

(b) FUNDS SET-ASIDE.—Section 640(a) is amended—

(1) in paragraph (1), by inserting ", and subject to paragraph (6)" before the period;

(2) in paragraph (3), by striking "paragraph (5)" each place it appears and inserting "paragraph (4)";

(3) by striking paragraph (4), and redesignating paragraphs (5) and (6) as paragraphs (4) and (5), respectively; and

(4) by adding after paragraph (5), as redesignated, the following new paragraph:

"(6) FUNDING FOR PROGRAMS FOR FAMILIES WITH INFANTS AND TODDLERS.—From amounts allotted pursuant to paragraphs (2) and (4), the Secretary shall use, for grants for programs for families with infants and toddlers under section 645A, 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) CONSOLIDATION.—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 is repealed.

SEC. 11. ENHANCED PARENTAL INVOLVEMENT.

(a) CONSIDERATIONS IN DESIGNATING NEW HEAD START AGENCIES.—Section 641(d) is amended—

(1) 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 Even Start programs) 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; or

"(iii) any other activity designed 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);";

(2) in paragraph (7), by inserting "and" after the semicolon;

(3) by striking paragraph (8); and

(4) by redesignating paragraph (9) as paragraph (8).

(b) FUNCTIONS OF HEAD START AGENCIES.—Section 642(b) is amended—

(1) in paragraph (4), to read as follows:

"(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;";

(2) in paragraph (5), by inserting "and" after the semicolon;

(3) by striking paragraph (6);

(4) by redesignating paragraphs (5) and (7) as paragraphs (8) and (9), respectively; and

(5) by inserting after paragraph (4) the following new paragraphs:

"(5) offer (directly or through referral to local entities, such as Even Start programs) 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, 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);".

(c) "FAMILY LITERACY SERVICES".—Section 637 is amended by adding after paragraph (11) the following new paragraph:

"(12) The term 'family literacy services' includes activities such as the following: interactive literacy activities between parents and their children, training for parents on how to be their children's primary teacher and to be full partners in the education of their children, parent literacy training, and early childhood education.".

SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

Section 639, as amended by section 8(b), is further amended—

(1) in subsection (a) by striking all that follows "651A)" and inserting "such sums as necessary for fiscal year 1995 and each of the three succeeding fiscal years."; and

(2) by striking subsection (b) and redesignating subsection (c) as subsection (b).

SEC. 13. MINOR AND TECHNICAL AMENDMENTS.

(a) DEFINITION OF "POVERTY LINE".—Section 637(9) is amended to read as follows:

"(9) The term 'poverty line' means the official poverty line (as defined by the Office of Management and Budget).".

(2) Section 652 is repealed.

(b) UPDATING OF HOLD-HARMLESS FOR INDIAN AND MIGRANT PROGRAMS.—Section 640(a)(2)(A) is amended by striking "1990" and inserting "1994".

(c) USE OF HEAD START FUNDS FOR FULL-DAY AND FULL-YEAR SERVICES.—Section 640(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".

(d) DESIGNATION OF HEAD START AGENCIES.—Section 641(c), as amended by section 2 of this Act, is further amended—

(1) 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, fiscal, and other requirements established by the Secretary.";

(2) by redesignating subparagraph (B) as paragraph (2) and relocating the left margin two ems to the left;

(3) in paragraph (2), as redesignated—

(A) by striking "except that, if" and inserting "If"; and

(B) by striking "subparagraph (A)" and inserting "paragraph (1)"; and

(4) by striking "Notwithstanding any other provision of this paragraph" and inserting the following:

"(3) Notwithstanding any other provision of this subsection".

(e) FEDERAL REGISTER PUBLICATION REQUIREMENT.—Section 644(d) is amended by striking "guidelines, instructions,".

(f) DURATION OF SERVICES TO ELIGIBLE CHILDREN.—Section 645(c) is amended—

(1) in the first sentence, by striking "may provide" and all that follows and inserting "shall be permitted to provide more than one year of Head Start services to eligible children in the State."; and

(2) by striking the second sentence.

SEC. 14. EFFECTIVE DATE.

The provisions of this Act shall be effective with respect to fiscal year 1995 and succeeding fiscal years.

Mr. DODD. Mr. President, I rise today to offer my support for the President's proposed legislation to reauthorize the Head Start Program. I am very pleased to join the distinguished chairman of the Committee on Labor and Human Resources, Senator KENNEDY, as well as the ranking member of the Subcommittee on Children, Senator COATS, in introducing this most bipartisan of bills.

Head Start is the most concrete example of President Clinton's efforts to redirect scarce Federal resources into investments. Rather than consume for today, the President believes, we should invest for tomorrow. The budget released this week is a testament to his commitment to this principle. Despite painfully tight discretionary spending caps, President Clinton was able to recommend substantial increases for Head Start next year, and I commend him for doing that.

This administration recognizes how important Head Start truly is. For the key to safeguarding America's future is not primarily maintaining a strong defense or building an "information superhighway" for the 21st century, as important as those things are. Like many of my colleagues, I believe building a state-of-the-art transportation system is critical, but it is not enough. The future of America is not only in fighter planes or fiber-optic wires or high-speed bullet trains.

I would suggest, instead, that the future of this country is in the engineers of tomorrow who will build those planes, trains, and information highways—our Nation's children who, as we are debating in the Senate today, are singing, playing, putting together puzzles and learning the alphabet in small classrooms and community centers all across America.

The future of America is about 3½ feet tall and weighs well under 50 pounds. The future of America is our children—and thousands of them get the boost they need from Head Start. The issue before us now is how we can improve their experience and allow more kids to join them.

If, by the way, there is anyone who doubts how a preschool program can affect an individual's future, I wish they could have heard the testimony of Officer Mike Hunter from New Haven, CT at the hearing on this bill that I chaired earlier today. Mike was one of the first Head Start kids years ago and credits the program with putting his life on a totally different track.

This is a fitting week to begin the process of reauthorizing Head Start. On Tuesday, the Senate approved Goals 2000, a statement of the Federal Government's commitment to education. The very first education goal seeks to ensure that every child in this country begins elementary school ready to learn.

To reach this goal we will need to do a great deal more than simply provide more kids access to Head Start. We must make sure that when they walk through the Head Start door, there is a quality experience waiting for them and their families. In the majority of Head Start programs today, those expectations are being met. In some, however, the experience falls short.

We can and must do better. With the support of all the people present today, I am confident that we will. When Secretary Shalala presented the administration's proposal for the reauthorization this morning, she charted a roadmap that should lead us to a Head Start Program that will meet its full potential.

The only way we will get there is if we continue in the spirit of bipartisanship that has characterized Head Start from the beginning. Four-year-olds aren't Democrats or Republicans, they aren't liberals or conservatives. And Head Start defies political labelling as well.

In both the House and Senate, the bill is being sponsored by the chairs and ranking members of the full committees and subcommittees with jurisdiction over the program. I commend the administration for going the extra mile to achieve this level of consensus, and I applaud my Republican col-

leagues for being full partners in this important endeavor.

We began laying the groundwork for improving the quality of Head Start the last time we reauthorized it. In 1990, we set aside funds specifically to improve the program. As we heard in a hearing I chaired last summer, that money helped increase staff salaries, and higher salaries helped reduce staff turnover.

The money also supported the addition of new staff, many of them providing comprehensive services to the increasingly needy families who come to Head Start. This money also helped renovate shabby classrooms, so that children would have a clean, healthy, and comfortable environment in which to learn and grow.

The reauthorization bill we are introducing today builds on the legacy of the 1990 legislation. The President's bill focuses on giving the program highly qualified staff to serve children and families. It recognizes the importance of strengthening Head Start's capacity to address a whole range of families' social service needs.

Most important, in my view, the bill makes a very strong statement about the importance of upholding standards, standards that make Head Start a model for early childhood programs everywhere. Through provisions to strengthen program oversight and ensure accountability, the legislation says to Congress and to the American people that the substantial investment in Head Start is wisely spent.

But the legislation is not just about accountability; it is also about doing a better job of meeting the needs of Head Start families. For some families, the greatest need is just to get into the program. While funding has increased substantially in recent years, the program still serves only about 40 percent of eligible children. I am committed to working with the administration to realize the dream articulated in the 1990 reauthorization that someday every eligible child in America will be able to participate in Head Start.

For other families, a major obstacle to Head Start is the difficulty of squaring a half-day program with parents' need to work full time. Head Start programs technically have always had the ability to offer full-day, year-round services. Now, I believe we will see the commitment to make this happen in cases where it fits the community's needs.

This legislation also recognizes that many families could be more effectively served when their children are infants and toddlers. The legislation sets aside funds and lays out a leadership role for Head Start in achieving this goal.

Parent involvement has always been one of the hallmarks of Head Start. At our hearing earlier today, we heard from several parents whose own lives—and not just their children's—were changed by Head Start. Continuing parents' involvement in their children's education was the theme of another initiative in the 1990 reauthorization. The Head Start transition projects promoted such involvement—as well as the provision of comprehensive services—into the elementary grades. The legislation before us today continues to work toward this important goal.

But we cannot expect Head Start alone to help children and families transition successfully to the new educational environment of elementary school. The schools have to do their part as well. Therefore, shortly after we return from the recess, I plan to introduce the Transitions to Success Act. This legislation would create a funding priority within title I of the Elementary and Secondary Education Act to promote greater parental involvement in elementary education. The bill would also improve families' access to comprehensive social services.

None of these initiatives will succeed, however, if children do not have a quality Head Start. That's what the administration's proposal we are introducing today is all about. It embraces a broad vision for Head Start, but does not neglect all-important details of its nuts-and-bolts administration.

The vision sketches out the strong, effective program we want to achieve as we move into the next century, and the details provide the road map to take us there. I congratulate the administration on a fine effort in producing this bill. I, for one, am ready to roll up my sleeves and get to work on moving it from words on a piece of paper into Head Start centers all across the country.

Mrs. KASSEBAUM. Mr. President, I am pleased to join my colleagues in the introduction of legislation reauthorizing the Head Start program. This legislation represents a true bipartisan effort to connect Head Start funding increases with measures designed to upgrade the quality of all program grantees.

The substantial increases in Head Start funding over the past 10 years, combined with proposed increases for the future, raise serious questions about the ability of the Head Start program to use funds efficiently. In addition, reports issued last year by the inspector general of the Department of Health and Human Services raised questions about the quality of many individual local programs.

This reauthorization bill deals specifically with the quality assurance, monitoring, and training and technical assistance issues upon which Representative GOODLING, Representative MOLINARI, and I focused our attention in developing the Head Start Quality Improvement Act (S. 670/H.R. 1528), which we introduced in March of last year. I am pleased that this Head Start reauthorization legislation builds on the program's strengths and allows programs the flexibility to respond to the needs of participants.

Head Start programs will be able to expand in a variety of ways: by providing full-day, full-year care; by including children aged 3, 4, and 5 who are not in kindergarten; and by including services to infants and toddlers from birth-to-3 years of age in some Head Start services. The legislation calls for better linkages between Head Start programs and the community—forging partnerships with schools, social service agencies, and other community organizations.

The legislation provides the Department of Health and Human Services with the tools and the mandate to focus resources on helping Head Start programs reach their full potential. Stringent provisions are included in the legislation to deal with programs that are not meeting high quality standards.

As the Head Start Program continues its expansion in services and funding, there is a need to make some constructive changes to ensure that this opportunity to provide quality services to low-income children and their families is not lost.

I have long supported the Head Start Program. However, I believe program expansion and increased funding are of limited value unless steps are taken to improve the quality of the services that are being provided—quantity with quality.

The legislation being introduced today represents a thoughtful response to the needs of the program—and more importantly, the children, families, and staff who make Head Start a success in communities throughout our country. I look forward to working with the administration and my colleagues to enact this legislation.

Mr. COATS. Mr. President, I am pleased today to join my House and Senate colleagues in introducing the reauthorization of the Head Start Program.

Few Federal programs engender the feelings of good will, bipartisanship, and sense of accomplishment that the Head Start Program does. This is a wonderful program, and I have enjoyed participating in helping a good program become even better.

Today, Head Start classrooms around the country are providing a valuable link between families and the services and opportunities they need. This is truly a program that embodies a commitment to providing a hand up, not a hand out.

It's also a program, I am pleased to say, that we can examine to find out what's working, rather than focusing on what's broken. This is a program that works. We are here today to express our commitment to the program and to its continued improvement.

I have had the privilege of visiting a number of Head Start centers in my own State, and have found at each one a common thread. The commitment of staff, like Donna Hogle of Bloomington to doing whatever it takes to help families, and commitment of parents to be there for their children. Parents serve as volunteers, as teachers, as aides, in whatever capacity they are needed. Many have told me that thanks to Head Start, they have gone on to higher education. Thanks to Head Start, their children have hope for a future.

The legislation we will introduce today continues this legacy, and ushers Head Start into the year 2000.

More Federal programs should look at the model of Head Start. One can only imagine what our school system would accomplish if it followed Head Start's lead and gave parents more say into how the school should be run, what teachers should be hired, and what curriculum should be taught.

Mr. President, I could go on, but let me say how much I appreciate the spirit which brings us to this point and I look forward to continued and enthusiastic support of this program.

I would also like to personally acknowledge and thank the staff at the Head Start Bureau and the legislative staff at HHS for their willingness to include us in early negotiations.

Mr. DURENBERGER. Mr. President, I'm pleased to join my distinguished colleagues from Massachusetts, Connecticut, Kansas, Vermont, Indiana, and other States as an original cosponsor of legislation reauthorizing the Head Start Program.

This is truly a bipartisan initiative and I look forward to continued close cooperation between Republicans and Democrats who care deeply about this Nation's children as this reauthorization goes forward.

I am pleased to cosponsor this legislation in part because of my strong past support for Head Start and because of the strong support that Head Start enjoys in my State.

During its last reauthorization, I was a cosponsor, conferee and strong proponent of the changes we made in the Head Start law, including increased authorized funding levels designed to "fully fund" this important program.

In the past, I've also communicated my strong support for substantial increases in annual appropriations for Head Start—through my votes and in letters and other communication with the Senate Labor/HHS Appropriations Subcommittee.

While I have been a strong supporter in the past, Mr. President, I also agree with a growing number of Head Start proponents who are calling for a fundamental review of this important program prior to approving significant additional increases in spending.

In particular, Mr. President, I feel it's essential that we revisit what we mean by "full funding" of Head Start as we consider this legislation as well as proposals to increase Head Start's annual appropriations levels.

In the past, with appropriations levels for Head Start lagging far behind authorized funding levels, this hasn't been such an important issue. The needs have been so great—and the numbers of children served so far below the number of children eligible—that we needed to place highest priority on what one might call the "quantitative aspects of full funding."

Mr. President, I believe we are now entering a new era during which we must give more focus to quality outcomes in programs like Head Start, * * * and a new era during which we must ensure that all programs serving children and families are more responsive to the interests of both those we intend to benefit, and those who pay the bills.

The issue, in other words, is not whether we continue to increase funding for Head Start, but how. And, as we do that, we must make sure that we get the maximum benefit for the children and families that Head Start has traditionally served.

My decision to become an original co-sponsor of this legislation, Mr. President, is not only intended to signal my strong support for this vital program, but also to signal my commitment to play an active role in improving this legislation between now and its final passage.

To do that, I intend to consult closely with Head Start leaders and others in Minnesota.

And, I intend to use my positions on both the Finance and Labor Committees to consider this reauthorization in the larger context of the initiatives we are considering this year on health care reform and welfare reform.

Among the issues I would like to see explored during this reauthorization, Mr. President, are:

Whether additional resources in Head Start should be directed only to meeting numerical targets or also to improving quality.

How quality and outcomes in Head Start can and should be measured and whether and how quality and outcomes should be tied to funding.

Whether the part-day, part-week, part-year model under which Head Start was founded is now relevant in an era of increased need for full-day supervision and care for children of low income parents who are working outside the home or in school or job training programs.

How funding for families eligible for Head Start and Federal and State child care assistance can be better integrated—for example, to provide Head Start services in child care settings and child care services at Head Start centers.

How closer links can be established between Head Start and elementary school programs—without losing the separate identity and organizational autonomy of Head Start.

At what pace the numbers of children in Head Start can grow relative to its infrastructure including availability of licensable facilities and recruitment and training of personnel.

Whether changes in the Head Start formula—between and within States—should be made to more closely reflect actual geographic differences in need and levels of eligible children being served.

How States and local communities could be given additional incentives to provide supplementary funding for Head Start programs—again, without losing the separate identity and organizational autonomy of Head Start.

Again, Mr. President, this is not intended to be an exhaustive list of questions that need to be addressed as we use the opportunity represented by this year's reauthorization. But, I do believe we owe the children and families of this country an in-depth debate on these and other issues as we reauthorize—and continue to increase overall funding for—this vital national program.

Mr. President, I realize that many of these questions have been asked during the extensive and bipartisan consultative process that has led up to this introduction. And, I believe a number of these questions are being addressed, at least in part, through the changes that the administration is recommending.

I look forward to continuing the dialogue that has produced this legislation, Mr. President, as we gain even broader input on how to position a vital national program for the 21st century.

I appreciate very much the leadership already taken on this issue by the administration, by the majority and minority leaders of the Labor Committee and its Subcommittee on Children, and by the Head Start community.

This bill will only get better as it works its way through the legislative process, Mr. President. I am committed to helping make Head Start an even better program for the generations of young Americans who will depend on its future.

By Mr. BROWN (for himself, Mr. AKAKA, Mr. CAMPBELL, Mr. COATS, Mr. CRAIG, Mr. DASCHLE, Mr. DORGAN, Mr. DURENBERGER, Mr. FORD, Mr. GRAMM, Mr. HATCH, Mr. HEFLIN, Mr. JEFFORDS, Mr. KOHL, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. MATHEWS, Mr. METZENBAUM, Mr. PACKWOOD, Mr. PELL, Mr. REID, Mr. ROCKEFELLER, Mr. SARBANES, Mr. SIMPSON, Mr. SPECTER, and Mr. DECONCINI):

S.J. Res. 164. A joint resolution to designate June 4, 1994, as "National

Trails Day"; to the Committee on the Judiciary.

NATIONAL TRAILS DAY

• Mr. BROWN. Mr. President, I introduce legislation to designate June 4, 1994, as "National Trails Day." Our National Trails System consists of tens of thousands of miles nationwide, including 19 national scenic and historic trails. In addition to providing greater access to some of our country's most beautiful scenic vistas, trails also serve an educational role in the heightening awareness of our cultural heritage. National historic trails, such as the Pony Express and Santa Fe, enable people all across this country to hike, bike, or walk along routes which played an important part in America's history.

One lesser-known benefit of our trails system is the positive economic impact trails can have on surrounding communities. For example, each year an estimated $122 billion is spent on outdoor recreation. Recreation opportunities in our national forests generate nearly $3 billion and almost $190 million in jobs for nearby communities.

Our National Trails System also fosters an increased appreciation and responsibility for our public lands. Our trails give people a better perspective of our role in nature and how we can manage our public lands to allow for sustainable development while preserving our natural heritage.

In an era of growing appreciation of our public lands and increased physical awareness and fiscal restraint, trails provide healthy, inexpensive entertainment opportunities for people of all ages.•

ADDITIONAL COSPONSORS

S. 359

At the request of Mr. DECONCINI, the name of the Senator from Oklahoma [Mr. BOREN] was added as a cosponsor of S. 359, a bill to require the Secretary of Treasury to mint coins in commemoration of the National Law Enforcement Officers Memorial, and for other purposes.

S. 1119

At the request of Mr. ROBB, the names of the Senator from Missouri [Mr. DANFORTH] and the Senator from Texas [Mrs. HUTCHISON] were added as cosponsors of S. 1119, a bill to amend the International Emergency Economic Powers Act to provide for the payment of certain secured debts, and for other purposes.

S. 1175

At the request of Mr. LIEBERMAN, the name of the Senator from Louisiana [Mr. JOHNSTON] was added as a cosponsor of S. 1175, a bill to amend the Internal Revenue Code of 1986 to allow corporations to issue performance stock options to employees, and for other purposes.

S. 1329

At the request of Mr. D'AMATO, the name of the Senator from Florida [Mr. GRAHAM] was added as a cosponsor of S. 1329, a bill to provide for an investigation of the whereabouts of the United States citizens and others who have been missing from Cyprus since 1974.

S. 1406

At the request of Mr. KERREY, the name of the Senator from Idaho [Mr. CRAIG] was added as a cosponsor of S. 1406, a bill to amend the Plant Variety Protection Act to make such act consistent with the International Convention for the Protection of New Varieties of Plants of March 19, 1991, to which the United States is a signatory, and for other purposes.

S. 1439

At the request of Mr. LIEBERMAN, the names of the Senator from Arizona [Mr. DECONCINI], the Senator from Ohio [Mr. METZENBAUM], the Senator from Maryland [Ms. MIKULSKI], and the Senator from Illinois [Ms. MOSELEY-BRAUN] were added as cosponsors of S. 1439, a bill to provide for the application of certain employment protection laws to the Congress, and for other purposes.

S. 1576

At the request of Mr. COATS, the name of the Senator from North Carolina [Mr. FAIRCLOTH] was added as a cosponsor of S. 1576, a bill to provide a tax credit for families, to provide certain tax incentives to encourage investment and increase savings, and to place limitations on the growth of spending.

S. 1648

At the request of Mr. GLENN, the names of the Senator from Hawaii [Mr. AKAKA] and the Senator from Maryland [Mr. SARBANES] were added as cosponsors of S. 1648, a bill to direct the Secretary of Transportation to demonstrate on vessels ballast water management technologies and practices, including vessel modification and design, that will prevent aquatic nonindigenous species from being introduced and spread in the Great Lakes and other United States waters, and for other purposes.

S. 1669

At the request of Mrs. HUTCHISON, the names of the Senator from Mississippi [Mr. LOTT], the Senator from Indiana [Mr. LUGAR], the Senator from Tennessee [Mr. MATHEWS], and the Senator from Pennsylvania [Mr. SPECTER] were added as cosponsors of S. 1669, a bill to amend the Internal Revenue Code of 1986 to allow homemakers to get a full IRA deduction.

S. 1715

At the request of Mrs. HUTCHISON, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 1715, a bill to provide for the equitable disposition of distributions that are held by a bank or other intermediary as to which the beneficial owners are unknown or whose addresses are unknown, and for other purposes.

S. 1795

At the request of Mr. BROWN, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S. 1795, a bill to amend title IV of the Social Security Act and other provisions to provide reforms to the welfare system in effect in the United States.

S. 1805

At the request of Mr. WARNER, the names of the Senator from Nevada [Mr. BRYAN] and the Senator from Alaska [Mr. MURKOWSKI] were added as cosponsors of S. 1805, a bill to amend title 10, United States Code, to eliminate the disparity between the periods of delay provided for civilian and military retiree cost-of-living adjustments in the Omnibus Budget Reconciliation Act of 1993.

S. 1817

At the request of Mr. ROBB, the name of the Senator from Arizona [Mr. MCCAIN] was added as a cosponsor of S. 1817, a bill to amend subchapter II of chapter 73 of title 10, United States Code, to prevent cost-of-living increases in the survivor annuity contributions of uniformed services retirees from becoming effective before related cost-of-living increases in retired pay become payable.

S. 1837

At the request of Mr. RIEGLE, the name of the Senator from California [Mrs. FEINSTEIN] was added as a cosponsor of S. 1837, a bill to suspend temporarily the duty on the personal effects of participants in, and certain other individuals associated with, the 1994 World Cup soccer games.

SENATE CONCURRENT RESOLUTION 35

At the request of Mr. WOFFORD, the names of the Senator from Illinois [Mr. SIMON], the Senator from Maryland [Ms. MIKULSKI] and the Senator from Louisiana [Mr. BREAUX] were added as cosponsors of Senate Concurrent Resolution 35, A concurrent resolution to express the sense of the Congress with respect to certain regulations of the Occupational Safety and Health Administration.

AMENDMENT NO. 1452

At the request of Mr. KERRY the name of the Senator from Minnesota [Mr. WELLSTONE] was added as a cosponsor of Amendment No. 1452 proposed to H.R. 3759, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 1994, and for other purposes.

AMENDMENT NO. 1453

At the request of Mr. DORGAN his name was added as a cosponsor of amendment No. 1453 proposed to H.R. 3759, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 1994, and for other purposes.

SENATE RESOLUTION 181—RELATIVE TO THE TESTIMONY OF A SENATE EMPLOYEE

Mr. FORD (for Mr. MITCHELL, for himself, and Mr. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 181

Whereas, in the case of *United States* v. *Eduardo Lopez Ballori*, Cr. No. 91-380(GG), which was tried in the United States District Court for the District of Puerto Rico in 1992, the United States obtained the trial testimony of Claudia Breggia, a Senate employee;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate is needed for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate;

Whereas, pursuant to 2 U.S.C. §130b(e)(1), the Senate's authorization of testimony is required in order for witness travel expenses to be reimbursable: Now therefore be it

Resolved, That the testimony of Claudia Breggia in *United States* v. *Eduardo Lopez Ballori*, Cr. No. 91-380(GG) is deemed authorized.

AMENDMENTS SUBMITTED

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR FISCAL YEAR 1994

COHEN (AND OTHERS) AMENDMENT NO. 1455

Mr. COHEN (for himself, Mr. DOLE, Mrs. KASSEBAUM, Mr. GORTON, Mr. THURMOND, Mr. LAUTENBERG, Mr. CHAFEE, and Mr. D'AMATO) proposed an amendment to the bill (H.R. 3759) making emergency supplemental appropriations for the fiscal year ending September 30, 1994, and for other purposes; as follows:

At the appropriate place insert the following:

(a) Section 223(d)(4) of the Social Security Act (42 U.S.C. 423(d)(4)) is amended by inserting the following after the first sentence: "If an individual engages in a criminal activity to support substance abuse, any proceeds derived from such activity shall demonstrate such individual's ability to engage in substantial gainful activity.".

(b) Section 1614(a)(3)(D) of the Social Security Act (42 U.S.C. 1382(a)(3)(D)) is amended by inserting the following after the first sentence: "If an individual engages in a criminal activity to support substance abuse, any proceeds derived from such activity shall demonstrate such individual's ability to engage in substantial gainful activity.".

(c) The amendments made by this section shall apply to disability determinations conducted on or after the date of the enactment of this Act.

MCCAIN AMENDMENT NO. 1456

Mr. MCCAIN proposed an amendment to the bill H.R. 3759, supra; as follows:

On page 108, on line 20, insert the following new proviso:

"*Provided further*, That of the amounts appropriated for the Federal Highway Administration, an additional amount of $2,209,716,000 is hereby rescinded in accordance with the rescission proposals reflected on page 1018 of the "Budget of the U.S. Government Appendix for Fiscal Year 1995."

BROWN AMENDMENT NO. 1457

Mr. BROWN proposed an amendment to the bill H.R. 3759, supra; as follows:

On page 72 line 16 after the word Congress: insert "provided further, that the President's request shall specifically identify programs, projects and activities to be funded and no funds shall be available for 15 days after the submission of the request."

BROWN AMENDMENT NO. 1458

Mr. BROWN proposed an amendment to the bill H.R. 3759, supra; as follows:

On page 50, strike line 1 and all that follows through page 89, line 10, and insert the following:

TITLE I—EMERGENCY SUPPLEMENTAL APPROPRIATIONS

CHAPTER 1

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

DEPARTMENT OF AGRICULTURE

SOIL CONSERVATION SERVICE

WATERSHED AND FLOOD PREVENTION OPERATIONS

For an additional amount for "Watershed and flood prevention operations" to repair damage to the waterways and watersheds resulting from the Midwest floods and California fires of 1993 and other natural disasters, and for other purposes, $340,500,000, to remain available until expended: *Provided*, That not more than $50,000,000 of assistance shall be made available where the primary beneficiary is agriculture and agribusiness regardless of drainage size: *Provided further*, That such amounts are designated by Congress as emergency requirements pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That if the Secretary determines that the cost of land and levee restoration exceeds the fair market value of an affected cropland, the Secretary may use sufficient amounts from funds provided under this heading to accept bids from willing sellers to enroll such cropland inundated by the Midwest floods of 1993 in any of the affected States in the Wetlands Reserve Program, authorized by subchapter C of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3837).

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

EMERGENCY CONSERVATION PROGRAM

For an additional amount for "Emergency conservation program" for expenses resulting from the Midwest floods and California fires of 1993 and other natural disasters, $25,000,000, to remain available until September 30, 1995: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

COMMODITY CREDIT CORPORATION

Funds made available in Public Law 103-75 for the Commodity Credit Corporation shall be available to fund the costs of replanting, reseeding, or repairing damage to commercial trees and seedlings, including orchard and nursery inventory as a result of the Midwest Floods of 1993 or other natural disasters: *Provided*, That the use of these funds for these purposes is designated by Congress as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 and that such use shall be available only to the extent the President designates such use an emergency requirement pursuant to such Act.

The second proviso of the matter under the heading "DISASTER ASSISTANCE" under the heading "COMMODITY CREDIT CORPORATION" of chapter I of the Supplemental Appropriations Act of 1993 (Public Law 103-50; 107 Stat. 241) is amended by inserting before the colon at the end the following: ", including payments to producers for the 1993, 1994, and 1995 crops of papaya if (1) the papaya would have been harvested if the papaya plants had not been destroyed, and (2) the papaya plants would not have produced fruit for a lifetime total of more than 3 crop years based on normal cultivation practices". Payments under this paragraph shall be made only to the extent that claims for the payments are filed not later than the date that is 60 days after the date of enactment of this Act: *Provided*, That the use of funds for this purpose is designated by Congress as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 and that such use shall be available only to the extent the President designates such use an emergency requirement pursuant to such Act.

CHAPTER 2

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

RELATED AGENCY

SMALL BUSINESS ADMINISTRATION

DISASTER LOANS PROGRAM ACCOUNT

For an additional amount for emergency expenses resulting from the January 1994 earthquake in Southern California and other disasters, $309,750,000, to remain available until expended, of which up to $55,000,000 may be transferred to and merged with the appropriations for "Salaries and expenses" for associated administrative expenses: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

ADMINISTRATIVE PROVISION

Section 24 of the Small Business Act (15 U.S.C. 651) is amended in subsection (a) by striking the period at the end thereof and by inserting in lieu thereof the following: ", and shall give priority to a proposal to restore an area determined to be a major disaster by the President on a date not more than three years prior to the fiscal year for which the application is made.".

CHAPTER 3

ENERGY AND WATER DEVELOPMENT

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for "Flood control and coastal emergencies", $70,000,000, to remain available until expended: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget

and Emergency Deficit Control Act of 1985, as amended.

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

The prohibition against obligating funds for construction until sixty days from the date the Secretary transmits a report to the Congress in accordance with section 5 of the Reclamation Safety of Dams Act of 1978 (43 U.S.C. 509) is waived for the Crooked River Project, Ochoco Dam, Oregon, to allow for an earlier start of emergency repair work.

CHAPTER 4

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

DEPARTMENT OF HEALTH AND HUMAN SERVICES

ADMINISTRATION FOR CHILDREN AND FAMILIES

LOW-INCOME HOME ENERGY ASSISTANCE

Of the amounts provided under this heading in Public Law 103-112 and designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, subject to the terms and conditions specified in Public Law 103-112, $300,000,000, if designated by the President as an emergency, may be allotted by the Secretary of the Department of Health and Human Services, as she determines is appropriate, to any one or more of the jurisdictions funded under title XXVI of the Omnibus Budget Reconciliation Act of 1981, to meet emergency needs.

The second paragraph under this heading in Public Law 102-394 is amended as follows: strike "June 30, 1994" and insert "September 30, 1994".

DEPARTMENT OF EDUCATION

IMPACT AID

For carrying out disaster assistance activities resulting from the January 1994 earthquake in Southern California and other disasters as authorized under section 7 of Public Law 81-874, $165,000,000, to remain available through September 30, 1995: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

STUDENT FINANCIAL ASSISTANCE

For an additional amount for "Student financial assistance" for payment of awards made under title IV, part A, subpart 1 of the Higher Education Act of 1965, as amended, $80,000,000, to remain available through September 30, 1995: *Provided*, That notwithstanding sections 442(e) and 462(j) of such Act, the Secretary may reallocate, for use in award year 1994-1995 only, any excess funds returned to the Secretary of Education under the Federal Work-Study or Federal Perkins Loan programs from award year 1993-1994 to assist individuals who suffered financial harm from the January 1994 earthquake in Southern California and other disasters: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That fiscal year 1992 Federal Work-Study and Federal Perkins Loan funds that were reallocated to institutions for use in award year 1993-1994, pursuant to Public Law 103-75, and fiscal year 1992 Federal Supplemental Educational Opportunity Grant funds that were reallocated to institutions by the Secretary for use in award year 1993-1994, pursuant to section 413D(e) of the Higher Education Act of 1965, as amended, to assist individuals who suffered financial harm as a result of the Midwest floods of 1993 shall remain available for use in award year 1994-1995 by institutions that received such reallocations.

CHAPTER 5

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES

FEDERAL HIGHWAY ADMINISTRATION

FEDERAL-AID HIGHWAYS

EMERGENCY RELIEF PROGRAM

(HIGHWAY TRUST FUND)

For the Emergency Fund authorized by 23 U.S.C. 125 to cover expenses arising from the January 1994 earthquake in Southern California and other disasters, $950,000,000; and in addition $400,000,000, which shall be available only to the extent an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress, all to be derived from the Highway Trust Fund and to remain available until expended: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the limitation on obligations per State in 23 U.S.C. 125(b) shall not apply to projects relating to such earthquake: *Provided further*, That notwithstanding 23 U.S.C. 120(e), the Federal share for any project on the Federal-aid highway system related to such earthquake shall be 100 percent for the costs incurred in the 180 day period beginning on the date of the earthquake: *Provided further*, That project costs incurred prior to implementation of this bill and subsequent to the January 17, 1994, Northridge Earthquake, that are funded from other than Federal Emergency Relief funds that were otherwise eligible for Emergency Relief funding, are approved for Emergency Relief funds and such costs regardless of initial funding sources are to be reimbursed with Emergency Relief funds: *Provided further*, That notwithstanding any other provision of law, of the funds made available by the Dire Emergency Supplemental Appropriations Act, 1992 (Public Law 102-368) under "Federal Highway Administration, Metropolitan Planning (Highway Trust Fund)," $337,000 of the funds received by Hawaii shall be made available by the State of Hawaii directly to the County of Kauai, Hawaii, for conducting comprehensive reviews of transportation infrastructure needs incurred in connection with Hurricane Iniki, and, these funds shall remain available until expended.

CHAPTER 6

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

DEPARTMENT OF VETERANS AFFAIRS

VETERANS HEALTH ADMINISTRATION

MEDICAL CARE

For an additional amount for emergency expenses resulting from the January 1994 earthquake in Southern California, $21,000,000, to remain available until expended, of which not to exceed $802,000 is available for transfer to General Operating Expenses, the Guaranty and Indemnity Program Account, and the Vocational Rehabilitation Loans Program Account: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CONSTRUCTION, MAJOR PROJECTS

For an additional amount for "Construction, major projects" for emergency expenses resulting from the January 1994 earthquake in Southern California and other disasters, $45,600,000, to remain available until expended, of which such sums as may be necessary may be transferred to the "Medical care" and "Construction, minor projects" accounts: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

For an additional amount under this head, $225,000,000, to remain available until December 31, 1995, of which $200,000,000 shall be for rental assistance under the section 8 existing housing certificate program (42 U.S.C. 1437f) and the housing voucher program under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)), and $25,000,000 shall be for the modernization of existing public housing projects pursuant to section 14 of the United States Housing Act of 1937 (42 U.S.C. 1437l): *Provided*, That these funds shall be used first to replenish amounts used from the headquarters reserve established pursuant by section 213(d)(4)(A) of the Housing and Community Development Act of 1974, as amended, for assistance to victims of the January 1994 earthquake in Southern California: *Provided further*, That any amounts remaining after the headquarters reserve has been replenished shall be available under such programs for additional assistance to victims of the earthquake referred to above: *Provided further*, That in administering these funds, the Secretary may waive or specify alternative requirements for any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or any use by the recipient of these funds, except for the requirements relating to fair housing and nondiscrimination, the environment, and labor standards, upon finding that such waiver is required to facilitate the obligation and use of such funds and would not be inconsistent with the overall purpose of the statute or regulation: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

FLEXIBLE SUBSIDY FUND

For emergency assistance to owners of eligible multifamily housing projects damaged by the January 1994 earthquake in Southern California who are either insured or formerly insured under the National Housing Act, as amended, or otherwise eligible for assistance under section 201(c) of the Housing and Community Development Amendments of 1978, as amended (12 U.S.C. 1715z-1a), in the program of assistance for troubled multifamily housing projects under the Housing and Community Development Amendments of 1978, as amended, $100,000,000, to remain available until September 30, 1995: *Provided*, That assistance to an owner of a multifamily hous-

ing project assisted, but not insured under the National Housing Act, may be made if the project owner and the mortgagee have provided or agreed to provide assistance to the project in a manner as determined by the Secretary of Housing and Urban Development: *Provided further*, That assistance is for the repair of damage or the recovery of losses directly attributable to the Southern California earthquake of 1994: *Provided further*, That in administering these funds, the Secretary may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or any use by the recipient of these funds, except for statutory requirements relating to fair housing and nondiscrimination, the environment, and labor standards, upon finding that such waiver is required to facilitate the obligation and use of such funds, and would not be inconsistent with the overall purpose of the statute or regulation: *Provided further*, That after assisting economically viable FHA insured projects, to the extent funds remain available the Secretary may provide assistance to economically viable projects assisted with a loan made under section 312 of the National Housing Act of 1964 and projects assisted under section 8 of the United States Housing Act of 1937 but not insured under the National Housing Act: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

FEDERAL HOUSING ADMINISTRATION

FHA—GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

For higher mortgage limits and improved access to mortgage insurance for victims of the January 1994 earthquake in Southern California and other disasters, title II of the National Housing Act, as amended, is further amended, as follows:

(1) In section 203(h), by—

(A) striking out "section 102(2) and 401 of the Disaster Relief and Emergency Assistance Act" and inserting "Robert T. Stafford Disaster Relief and Emergency Assistance Act"; and

(B) adding the following new sentence at the end thereof: "In any case in which the single family residence to be insured under this subsection is within a jurisdiction in which the President has declared a major disaster to have occurred, the Secretary is authorized, for a temporary period not to exceed 18 months from the date of such Presidential declaration, to enter into agreements to insure a mortgage which involves a principal obligation of up to 100 percent of the dollar limitation determined under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act for single family residence, and not in excess of 100 percent of the appraised value.".

(2) In section 203(k), by adding at the end thereof the following new paragraph:

"(6) The Secretary is authorized, for a temporary period not to exceed 18 months from the date on which the President has declared a major disaster to have occurred, to enter into agreements to insure a rehabilitation loan under this subsection which involves a principal obligation of up to 100 percent of the dollar limitation determined under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act for a residence of the applicable size, if such loan is secured by a structure and property that are within a jurisdiction in which the President has declared such disaster, pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act, and if such loan otherwise conforms to the loan-to-value ratio and other requirements of this subsection.".

(3) In section 234(c), by inserting after "203(b)(2)" in the third sentence the phrase: "or pursuant to section 203(h) under the conditions described in section 203(h)".

Eligibility for loans made under the authority granted by the preceding paragraph shall be limited to persons whose principal residence was damaged or destroyed as a result of a Presidentially declared major disaster event: *Provided*, That the provisions under this heading shall be effective only for the 18 month period following the date of enactment of this Act.

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT GRANTS

For an additional amount for "Community development grants", as authorized under title I of the Housing and Community Development Act of 1974, for emergency expenses resulting from the January 1994 earthquake in Southern California or the Midwest Floods of 1993, $500,000,000, to remain available until September 30, 1996 for all activities eligible under such title I except those activities reimbursable by the Federal Emergency Management Agency (FEMA) or available through the Small Business Administration (SBA): *Provided*, That from this amount, the Secretary may transfer up to $75,000,000 to the "HOME investment partnerships program", as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act, as amended (Public Law 101-625), to remain available until expended, as an additional amount for such emergency expenses for all activities eligible under such title II except activities reimbursable by FEMA or available through SBA: *Provided further*, That the recipients of amounts under this appropriation, including the foregoing transfer (if any), shall use such amounts first to replenish amounts previously obligated under their Community Development Block Grant or HOME programs, respectively, in connection with the Southern California earthquake of January 1994: *Provided further*, That in administering these funds, the Secretary may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or any use by the recipient of these funds, except for statutory requirements relating to fair housing and nondiscrimination, the environment, and labor standards, upon finding that such waiver is required to facilitate the obligation and use of such funds, and would not be inconsistent with the overall purpose of the statute or regulation: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

INDEPENDENT AGENCY

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

For an additional amount for "Disaster Relief" for the January 1994 earthquake in Southern California and other disasters, $4,709,000,000 to remain available until expended: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE

For an additional amount for "Emergency Management Planning and Assistance", to carry out activities under the Earthquake Hazards Reduction Act of 1977, as amended (42 U.S.C. 7701 et seq.) $15,000,000, to remain available until expended, to study the January 1994 earthquake in Southern California in order to enhance seismic safety throughout the United States: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER 7

FUNDS APPROPRIATED TO THE PRESIDENT

UNANTICIPATED NEEDS

For an additional amount for emergency expenses resulting from the January 1994 earthquake in Southern California, the Midwest Floods and other disasters, $550,000,000, to remain available until expended: Provided, That these funds may be transferred to any authorized Federal governmental activity to meet the requirements of such disasters: Provided further, That the entire amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

This title may be cited as the "Emergency Supplemental Appropriations Act of 1994".

DOLE (AND OTHERS) AMENDMENT NO. 1459

Mr. DOLE (for himself, Mr. NICKLES, Mr. SIMPSON, Mr. BURNS, Mr. ROTH, Mr. GORTON, and Mr. KEMPTHORNE) proposed an amendment to the bill H.R. 3759, supra; as follows:

Resolved, That the bill from the House of Representatives (H.R. 3759) entitled "An Act making emergency supplemental appropriations for the fiscal year ending September 30, 1994, and for other purposes", do pass with the following amendments:

Strike out all after the enacting clause and insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to provide emergency supplemental appropriations for the fiscal year ending September 30, 1994, and for other purposes, namely:

TITLE I—EMERGENCY SUPPLEMENTAL APPROPRIATIONS

CHAPTER 1

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

DEPARTMENT OF AGRICULTURE

SOIL CONSERVATION SERVICE

WATERSHED AND FLOOD PREVENTION OPERATIONS

For an additional amount for "Watershed and flood prevention operations" to repair damage to the waterways and watersheds resulting from the Midwest floods and California fires of 1993 and other natural disasters, and for other pur-

poses, $340,500,000, to remain available until expended: Provided, That such assistance may be made available when the primary beneficiary is agriculture or agribusiness regardless of drainage size: Provided further, That if the Secretary determines that the cost of land and levee restoration exceeds the fair market value of an affected cropland, the Secretary may use sufficient amounts from funds provided under this heading to accept bids from willing sellers to enroll such cropland inundated by the Midwest floods of 1993 in any of the affected States in the Wetlands Reserve Program, authorized by subchapter C of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3837).

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

EMERGENCY CONSERVATION PROGRAM

For an additional amount for "Emergency conservation program" for expenses resulting from the Midwest floods and California fires of 1993 and other natural disasters, $25,000,000, to remain available until September 30, 1995.

COMMODITY CREDIT CORPORATION

Funds made available in Public Law 103-75 for the Commodity Credit Corporation shall be available to fund the costs of replanting, reseeding, or repairing damage to commercial trees and seedlings, including orchard and nursery inventory as a result of the Midwest Floods of 1993 or other natural disasters.

The second proviso of the matter under the heading "DISASTER ASSISTANCE" under the heading "COMMODITY CREDIT CORPORATION" of chapter I of the Supplemental Appropriations Act of 1993 (Public Law 103-50; 107 Stat. 241) is amended by inserting before the colon at the end the following: ", including payments to producers for the 1993, 1994, and 1995 crops of papaya if (1) the papaya would have been harvested if the papaya plants had not been destroyed, and (2) the papaya plants would not have produced fruit for a lifetime total of more than 3 crop years based on normal cultivation practices". Payments under this paragraph shall be made only to the extent that claims for the payments are filed not later than the date that is 60 days after the date of enactment of this Act.

CHAPTER 2

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

RELATED AGENCY

SMALL BUSINESS ADMINISTRATION

DISASTER LOANS PROGRAM ACCOUNT

For an additional amount for emergency expenses resulting from the January 1994 earthquake in Southern California and other disasters, $309,750,000, to remain available until expended, of which up to $55,000,000 may be transferred to and merged with the appropriations for "Salaries and expenses" for associated administrative expenses.

ADMINISTRATIVE PROVISION

Section 24 of the Small Business Act (15 U.S.C. 651) is amended in subsection (a) by striking the period at the end thereof and by inserting in lieu thereof the following: ", and shall give priority to a proposal to restore an area determined to be a major disaster by the President on a date not more than three years prior to the fiscal year for which the application is made.".

CHAPTER 3

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for "Military Personnel, Army", $6,600,000.

MILITARY PERSONNEL, NAVY

For an additional amount for "Military Personnel, Navy", $19,400,000.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for "Military Personnel, Air Force", $18,400,000.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for "Operation and Maintenance, Army", $420,100,000.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for "Operation and Maintenance, Navy", $104,800,000.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Operation and Maintenance, Air Force", $560,100,000.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for "Operation and Maintenance, Defense-Wide", $21,600,000.

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For an additional amount for "Aircraft Procurement, Army", $20,300,000, to remain available for obligation until September 30, 1996.

OTHER PROCUREMENT, ARMY

For an additional amount for "Other Procurement, Army", $200,000, to remain available for obligation until September 30, 1996.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for "Other Procurement, Air Force", $26,800,000, to remain available for obligation until September 30, 1996.

GENERAL PROVISIONS—CHAPTER 3

SEC. 301. Notwithstanding sections 607 and 630 of the Foreign Assistance Act of 1961 (22 U.S.C. 2357 and 22 U.S.C. 2390), reimbursements received from the United Nations for expenses of the Department of Defense charged to the appropriations provided by this Act shall be deposited to the miscellaneous receipts of the Treasury.

SEC. 302. Funds appropriated in this chapter shall only be obligated and expended to fund the incremental and associated costs of the Department of Defense incurred in connection with the ongoing United States operations relating to Somalia; the ongoing United States humanitarian airdrops, hospital operations, and enforcement of the no-fly zone relating to Bosnia; the ongoing United States operations relating to Southwest Asia; and the ongoing United States operations supporting the maritime interception operations relating to Haiti.

CHAPTER 4

ENERGY AND WATER DEVELOPMENT

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for "Flood control and coastal emergencies", $70,000,000, to remain available until expended.

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

The prohibition against obligating funds for construction until sixty days from the date the Secretary transmits a report to the Congress in accordance with section 5 of the Reclamation Safety of Dams Act of 1978 (43 U.S.C. 509) is waived for the Crooked River Project, Ochoco Dam, Oregon, to allow for an earlier start of emergency repair work.

CHAPTER 5

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

DEPARTMENT OF HEALTH AND HUMAN SERVICES

ADMINISTRATION FOR CHILDREN AND FAMILIES

LOW-INCOME HOME ENERGY ASSISTANCE

Of the amounts provided under this heading in Public Law 103-112 subject to the terms and conditions specified in Public Law 103-112, $300,000,000, if designated by the President as an emergency, may be allotted by the Secretary of the Department of Health and Human Services, as she determines is appropriate, to any one or more of the jurisdictions funded under title XXVI of the Omnibus Budget Reconciliation Act of 1981, to meet emergency needs.

The second paragraph under this heading in Public Law 102-394 is amended as follows: strike "June 30, 1994" and insert "September 30, 1994".

DEPARTMENT OF EDUCATION

IMPACT AID

For carrying out disaster assistance activities resulting from the January 1994 earthquake in Southern California and other disasters as authorized under section 7 of Public Law 81-874, $165,000,000, to remain available through September 30, 1995.

STUDENT FINANCIAL ASSISTANCE

For an additional amount for "Student financial assistance" for payment of awards made under title IV, part A, subpart 1 of the Higher Education Act of 1965, as amended, $80,000,000, to remain available through September 30, 1995: Provided, That notwithstanding sections 442(e) and 462(j) of such Act, the Secretary may reallocate, for use in award year 1994-1995 only, any excess funds returned to the Secretary of Education under the Federal Work-Study or Federal Perkins Loan programs from award year 1993-1994 to assist individuals who suffered financial harm from the January 1994 earthquake in Southern California and other disasters: Provided further. That fiscal year 1992 Federal Work-Study and Federal Perkins Loan funds that were reallocated to institutions for use in award year 1993-1994, pursuant to Public Law 103-75, and fiscal year 1992 Federal Supplemental Educational Opportunity Grant funds that were reallocated to institutions by the Secretary for use in award year 1993-1994, pursuant to section 413D(e) of the Higher Education Act of 1965, as amended, to assist individuals who suffered financial harm as a result of the Midwest floods of 1993 shall remain available for use in award year 1994-1995 by institutions that received such reallocations.

CHAPTER 6

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES

FEDERAL HIGHWAY ADMINISTRATION

FEDERAL-AID HIGHWAYS

EMERGENCY RELIEF PROGRAM

(HIGHWAY TRUST FUND)

For the Emergency Fund authorized by 23 U.S.C. 125 to cover expenses arising from the January 1994 earthquake in Southern California and other disasters, $950,000,000; and in addition $400,000,000, which shall be available only to the extent an official budget request for a specific dollar amount, transmitted by the President to the Congress, all to be derived from the Highway Trust Fund and to remain available until expended. Provided further, That the limitation on obligations per State in 23 U.S.C. 125(b) shall not apply to projects relating to such earthquake: Provided further, That notwithstanding 23 U.S.C. 120(e), the Federal share for any project on the Federal-aid highway system related to such earthquake shall be 100 per-

cent for the costs incurred in the 180 day period beginning on the date of the earthquake: Provided further, That project costs incurred prior to implementation of this bill and subsequent to the January 17, 1994, Northridge Earthquake, that are funded from other than Federal Emergency Relief funds that were otherwise eligible for Emergency Relief funding, are approved for Emergency Relief funds and such costs regardless of initial funding sources are to be reimbursed with Emergency Relief funds: Provided further, That notwithstanding any other provision of law, of the funds made available by the Dire Emergency Supplemental Appropriations Act, 1992 (Public Law 102-368) under "Federal Highway Administration, Metropolitan Planning (Highway Trust Fund)," $337,000 of the funds received by Hawaii shall be made available by the State of Hawaii directly to the County of Kauai, Hawaii, for conducting comprehensive reviews of transportation infrastructure needs incurred in connection with Hurricane Iniki, and, these funds shall remain available until expended.

CHAPTER 7

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

DEPARTMENT OF VETERANS AFFAIRS

VETERANS HEALTH ADMINISTRATION

MEDICAL CARE

For an additional amount for emergency expenses resulting from the January 1994 earthquake in Southern California, $21,000,000, to remain available until expended, of which not to exceed $802,000 is available for transfer to General Operating Expenses, the Guaranty and Indemnity Program Account, and the Vocational Rehabilitation Loans Program Account.

CONSTRUCTION, MAJOR PROJECTS

For an additional amount for "Construction, major projects" for emergency expenses resulting from the January 1994 earthquake in Southern California and other disasters, $45,600,000, to remain available until expended, of which such sums as may be necessary may be transferred to the "Medical care" and "Construction, minor projects" accounts.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

For an additional amount under this head, $225,000,000, to remain available until December 31, 1995, of which $200,000,000 shall be for rental assistance under the section 8 existing housing certificate program (42 U.S.C. 1437f) and the housing voucher program under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)), and $25,000,000 shall be for the modernization of existing public housing projects pursuant to section 14 of the United States Housing Act of 1937 (42 U.S.C. 1437l): Provided, That these funds shall be used first to replenish amounts used from the headquarters reserve established pursuant by section 213(d)(4)(A) of the Housing and Community Development Act of 1974, as amended, for assistance to victims of the January 1994 earthquake in Southern California: Provided further, That any amounts remaining after the headquarters reserve has been replenished shall be available under such programs for additional assistance to victims of the earthquake referred to above: Provided further, That in administering these funds, the Secretary may waive or specify alternative requirements for any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or any use by the recipient of these funds, except for the requirements relating to fair housing and nondiscrimination, the environment, and labor standards, upon finding that such waiver is required to facilitate the obligation and use of such funds and would not be inconsistent with the overall purpose of the statute or regulation.

FLEXIBLE SUBSIDY FUND

For emergency assistance to owners of eligible multifamily housing projects damaged by the January 1994 earthquake in Southern California who are either insured or formerly insured under the National Housing Act, as amended, or otherwise eligible for assistance under section 201(c) of the Housing and Community Development Amendments of 1978, as amended (12 U.S.C. 1715z-1a), in the program of assistance for troubled multifamily housing projects under the Housing and Community Development Amendments of 1978, as amended, $100,000,000, to remain available until September 30, 1995: Provided, That assistance to an owner of a multifamily housing project assisted, but not insured under the National Housing Act, may be made if the project owner and the mortgagee have provided or agreed to provide assistance to the project in a manner as determined by the Secretary of Housing and Urban Development: Provided further, That assistance is for the repair of damage or the recovery of losses directly attributable to the Southern California earthquake of 1994: Provided further, That in administering these funds, the Secretary may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or any use by the recipient of these funds, except for statutory requirements relating to fair housing and nondiscrimination, the environment, and labor standards, upon finding that such waiver is required to facilitate the obligation and use of such funds, and would not be inconsistent with the overall purpose of the statute or regulation: Provided further, That after assisting economically viable FHA insured projects, to the extent funds remain available the Secretary may provide assistance to economically viable projects assisted with a loan made under section 312 of the National Housing Act of 1964 and projects assisted under section 8 of the United States Housing Act of 1937 but not insured under the National Housing Act.

FEDERAL HOUSING ADMINISTRATION

FHA—GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

For higher mortgage limits and improved access to mortgage insurance for victims of the January 1994 earthquake in Southern California and other disasters, title II of the National Housing Act, as amended, is further amended, as follows:

(1) In section 203(h), by—

(A) striking out "section 102(2) and 401 of the Disaster Relief and Emergency Assistance Act" and inserting "Robert T. Stafford Disaster Relief and Emergency Assistance Act"; and

(B) adding the following new sentence at the end thereof: "In any case in which the single family residence to be insured under this subsection is within a jurisdiction in which the President has declared a major disaster to have occurred, the Secretary is authorized, for a temporary period not to exceed 18 months from the date of such Presidential declaration, to enter into agreements to insure a mortgage which involves a principal obligation of up to 100 percent of the dollar limitation determined under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act for single family residence, and not in excess of 100 percent of the appraised value.".

(2) In section 203(k), by adding at the end thereof the following new paragraph:

"(6) The Secretary is authorized, for a temporary period not to exceed 18 months from the date on which the President has declared a major disaster to have occurred, to enter into agreements to insure a rehabilitation loan under this subsection which involves a principal obligation of up to 100 percent of the dollar limitation determined under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act for a residence of the applicable size, if such loan is secured by a structure and property that are within a jurisdiction in which the President has declared such disaster, pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act, and if such loan otherwise conforms to the loan-to-value ratio and other requirements of this subsection.".

(3) In section 234(c), by inserting after "203(b)(2)" in the third sentence the phrase: "or pursuant to section 203(h) under the conditions described in section 203(h)".

Eligibility for loans made under the authority granted by the preceding paragraph shall be limited to persons whose principal residence was damaged or destroyed as a result of a Presidentially declared major disaster event: Provided, That the provisions under this heading shall be effective only for the 18 month period following the date of enactment of this Act.

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT GRANTS

For an additional amount for "Community development grants", as authorized under title I of the Housing and Community Development Act of 1974, for emergency expenses resulting from the January 1994 earthquake in Southern California or the Midwest Floods of 1993, $500,000,000, to remain available until September 30, 1996 for all activities eligible under such title I except those activities reimbursable by the Federal Emergency Management Agency (FEMA) or available through the Small Business Administration (SBA): Provided, That from this amount, the Secretary may transfer up to $75,000,000 to the "HOME investment partnerships program", as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act, as amended (Public Law 101-625), to remain available until expended, as an additional amount for such emergency expenses for all activities eligible under such title II except activities reimbursable by FEMA or available through SBA: Provided further, That the recipients of amounts under this appropriation, including the foregoing transfer (if any), shall use such amounts first to replenish amounts previously obligated under their Community Development Block Grant or HOME programs, respectively, in connection with the Southern California earthquake of January 1994: Provided further, That in administering these funds, the Secretary may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or any use by the recipient of these funds, except for statutory requirements relating to fair housing and nondiscrimination, the environment, and labor standards, upon finding that such waiver is required to facilitate the obligation and use of such funds, and would not be inconsistent with the overall purpose of the statute or regulation.

INDEPENDENT AGENCY

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

For an additional amount for "Disaster Relief" for the January 1994 earthquake in Southern California and other disasters, $4,709,000,000 to remain available until expended.

EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE

For an additional amount for "Emergency Management Planning and Assistance", to carry out activities under the Earthquake Hazards Reduction Act of 1977, as amended (42

U.S.C. 7701 et seq.) $15,000,000, to remain available until expended, to study the January 1994 earthquake in Southern California in order to enhance seismic safety throughout the United States.

CHAPTER 8

FUNDS APPROPRIATED TO THE PRESIDENT

UNANTICIPATED NEEDS

For an additional amount for emergency expenses resulting from the January 1994 earthquake in Southern California, the Midwest Floods and other disasters, $550,000,000, to remain available until expended: Provided, That these funds may be transferred to any authorized Federal governmental activity to meet the requirements of such disasters: Provided further, That the entire amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount is transmitted by the President to Congress.

This title may be cited as the "Emergency Supplemental Appropriations Act of 1994".

TITLE II—SUPPLEMENTAL APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 1994

CHAPTER 1

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

DEPARTMENT OF AGRICULTURE

EXTENSION SERVICE

For an additional amount for "Extension Service," $1,400,000, to remain available until September 30, 1995, of which up to $750,000 may be transferred to the Cooperative State Research Service.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses" from fees collected pursuant to section 736 of the Federal Food, Drug, and Cosmetic Act, not to exceed $2,284,000, to remain available until expended: Provided, That fees derived from applications received during fiscal year 1994 shall be credited to the appropriation current in the year in which fees are collected and subject to the fiscal year 1994 limitation.

CHAPTER 2

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

RELATED AGENCY

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

SALARIES AND EXPENSES

For an additional amount for salaries and expenses, $75,000, to remain available until expended, for electronic records management activities to comply with Armstrong against Executive Office of the President.

CHAPTER 3

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES

DEPARTMENT OF THE INTERIOR

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Resource Management" to carry out the Forest Plan in the Pacific Northwest, $2,100,000, of which $400,000 shall be derived by transfer from the "Oil spill emergency fund" and $1,700,000 shall be derived by transfer from the "Compact of Free Association".

LAND ACQUISITION

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Land acquisition" for the acquisition of land or interests in land, from willing sellers, in the Midwest area flooded in 1993, $4,000,000, to remain available until expended, to be derived by transfer from amounts appropriated to the United States Fish and Wildlife Service under the heading "Construction" in Public Law 103-75, to be used for nonstructural measures to meet flood damage control and fish and wildlife habitat restoration objectives.

NATIONAL PARK SERVICE

CONSTRUCTION

For an additional amount for "Construction," to replenish funds used for emergency actions related to storm damaged facilities within National Park System areas, $13,102,000, to remain available until expended.

LAND ACQUISITION AND STATE ASSISTANCE

For an additional amount for "Land acquisition and state assistance," $1,274,000, to be derived from the Land and Water Conservation Fund, to remain available until expended, to replenish funds used for emergency actions related to storm damaged facilities within National Park System areas; and in addition, an additional amount not to exceed $6,000,000, to remain available until expended, to be derived by transfer from balances under the heading "Construction," for project modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989, to be available for Federal assistance to the State of Florida for acquisition of lands or interests therein adjacent to, or affecting the restoration of, natural water flows to Everglades National Park and Florida Bay.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

The paragraph under this heading in Public Law 103-138 is amended by inserting the words "not to exceed" before the amount "$316,111,000".

CONSTRUCTION

For an additional amount for "Construction," $12,363,000, to remain available until expended.

INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS

The paragraph under this heading in Public Law 103-138 is amended by adding the following before the last period: ", and (3) to reimburse Indian trust fund account holders for loss(es) to their respective accounts where the claim for said loss(es) has been reduced to a judgment or settlement agreement approved by the Department of Justice".

DEPARTMENT OF ENERGY

ADMINISTRATIVE PROVISIONS, DEPARTMENT OF ENERGY

Section 303 of Public Law 97-257, as amended, is repealed.

The seventh proviso under the head "Clean Coal Technology" in Public Law 101-512, and the seventh proviso under the head "Clean Coal Technology" in Public Law 102-154, both concerning Federal employment, are repealed.

CHAPTER 4

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

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

For an additional amount for "Advances to the unemployment trust fund and other funds," $61,400,000, to remain available until September 30, 1995.

BUREAU OF LABOR STATISTICS

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses" for the current population parallel survey, $10,100,000: Provided, That an amount equal to the amount obligated in the "Training and employment services" account for this purpose upon the date of enactment of this Act shall be transferred from this account and merged into the "Training and employment services" account.

CHAPTER 5

LEGISLATIVE BRANCH

CONGRESSIONAL OPERATIONS

SENATE

SALARIES, OFFICERS AND EMPLOYEES

For an additional amount for "Office of the Secretary", $450,000.

CONTINGENT EXPENSES OF THE SENATE

SECRETARY OF THE SENATE

For an additional amount for expenses of the "Office of the Secretary of the Senate", $600,000.

CHAPTER 6

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

COAST GUARD

OPERATING EXPENSES

Of funds provided under this heading under Public Law 103-75, $4,000,000 shall, in combination with funds made available under this heading under Public Law 102-368, be made available for operating, acquisition, construction, and improvement costs associated with the Midwest floods, and shall remain available until expended.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

Of the funds made available under this heading under Public Law 102-368, $2,000,000 shall be made available for costs associated with the Midwest floods, and shall remain available until expended.

FEDERAL RAILROAD ADMINISTRATION

PENNSYLVANIA STATION REDEVELOPMENT PROJECT

For grants to the National Railroad Passenger Corporation, $10,000,000, to remain available until expended, for engineering and design activities to enable the James A. Farley Post Office in New York City to be used as a train station and commercial center: Provided, That the Secretary may retain from these funds such amounts as the Secretary shall deem appropriate to undertake the environmental and historic preservation analyses associated with this project: Provided further, That no funds provided under this head shall be available for construction until the Secretary submits a report to the House and Senate Committees on Appropriations regarding the financing of necessary improvements to the existing Pennsylvania Station and the financing of the operating and capital costs accruing to the commuter rail authorities operating in said station as a result of this redevelopment project.

TRUST FUND SHARE OF NEXT GENERATION RAIL TECHNOLOGY DEVELOPMENT

(HIGHWAY TRUST FUND)

The obligation limitation for the "High-Speed Ground Transportation" program in Public Law 103-122 is amended by deleting "$3,500,000" and inserting "$7,952,000".

GENERAL PROVISION

Section 310(c)(3) of the Department of Transportation and Related Agencies Appropriations Act, 1994, is amended by—

(a) inserting "6005," after "6001,"; and

(b) inserting ": Provided, That notwithstanding any other provision of law, amounts made

available under section 6005 of Public Law 102–240 shall be subject to the obligation limitation for Federal-aid highways and highway-safety construction programs under the head 'Federal-Aid Highways' in this Act" after "section 104(a) of title 23, United States Code".

CHAPTER 7

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF ADMINISTRATION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for salaries and expenses for the costs of electronic communications records management activities for compliance with and resolution of Armstrong v. Executive Office of the President, $7,030,000, to remain available until expended, of which $6,000,000 shall be derived by transfer from Department of Defense, "Research, Development, Test and Evaluation, Air Force."

NATIONAL SECURITY COUNCIL

SALARIES AND EXPENSES

For necessary expenses for salaries and expenses for the costs of electronic communications records management activities for compliance with and resolution of Armstrong v. Executive Office of the President, $5,320,000, to remain available until expended.

CHAPTER 8

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

DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

For an additional amount for "Compensation and pensions," $698,000,000, to remain available until expended.

READJUSTMENT BENEFITS

For an additional amount for "Readjustment benefits," $103,200,000, to remain available until expended.

VETERANS HEALTH ADMINISTRATION

MEDICAL ADMINISTRATION AND MISCELLANEOUS OPERATING EXPENSES

(BY TRANSFER)

For an additional amount for "Medical administration and miscellaneous operating expenses", $3,500,000, to be derived by transfer from amounts appropriated under the head "Medical care" in Public Law 103–124.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

FEDERAL HOUSING ADMINISTRATION

FHA—MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT

During fiscal year 1994, the limitation on commitments to guarantee loans to carry out the purposes of section 203(b) of the National Housing Act, as amended, is increased by an additional loan principal of not to exceed $20,000,000,000.

FHA—GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

The limitation on commitments during fiscal year 1994 to guarantee loans authorized by sections 238 and 519 of the National Housing Act, as amended (12 U.S.C. 1715z–3(b) and 1735c(f), is increased by an additional loan principal, any part of which is to be guaranteed, of not to exceed $2,000,000,000.

ADMINISTRATIVE PROVISIONS

Of the $260,000,000 earmarked in Public Law 102–389, in the 14th proviso under the head Annual Contributions for Assisted Housing, for special purpose grants (106 Stat. 1571, 1584), $1,300,000 made available for continued assistance to two sugarcane mills on the Hilo-Hamakua Coast of Hawaii shall also be available to community-based and employee-support organizations along the Hamakua Coast, to address social and economic needs in such area.

INDEPENDENT AGENCIES

ENVIRONMENTAL PROTECTION AGENCY

WATER INFRASTRUCTURE STATE REVOLVING FUNDS

Of the funds made available under this heading in Public Law 103–124, the $500,000,000 earmarked to not become available until May 31, 1994, shall instead not become available until September 30, 1994.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

RESEARCH AND DEVELOPMENT

The second proviso under this heading in Public Law 103–124 is amended to read as follows: "Provided further, That of the funds provided under this heading, for the redesigned Space Station, (1) not to exceed $160,000,000 shall be for termination costs connected only with Space Station Freedom contracts, (2) not to exceed $172,000,000 shall be for space station operations and utilization capability development, and (3) not to exceed $99,000,000 shall be for supporting development:".

The fifth and sixth provisos under this heading in Public Law 103–124 are deleted and the fourth proviso thereunder is amended to read: "Provided further, That of the funds made available under this heading, not to exceed $117,200,000 shall be available for activities to support cooperative space ventures between the United States and the Republic of Russia outlined in the joint agreement of September 2, 1993:".

RESEARCH AND PROGRAM MANAGEMENT

For an additional amount for "Research and program management," $60,000,000.

NATIONAL SERVICE INITIATIVE

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

From the amounts appropriated to the Corporation for National and Community Service in Public Law 103–124, up to $3,000,000 may be made available for a demonstration program for Stafford Loan Forgiveness authorized under section 428 of the Higher Education Act of 1965 (20 U.S.C. 1078).

GENERAL PROVISIONS

SEC. 2001. (a) Section 1205(a)(1) of the Supplemental Appropriations Act of 1993 is amended by inserting before the semicolon the following: "and amounts transferred by the Architect of the Capitol from funds appropriated to the Architect".

(b) Section 1205(b) of such Act is amended—

(1) by striking "and payments" and inserting ", payments"; and

(2) by inserting before the period at the end the following: ", and payments pursuant to Senate Resolution 139, 103d Congress, agreed to August 4, 1993".

(c) Section 1205 of such Act is amended by adding at the end the following:

"(d) In case of an award under section 307 of Public Law 102–166, a payment pursuant to an agreement under section 310 of such Public Law, or a payment pursuant to Senate Resolution 139, 103d Congress, agreed to August 4, 1993, to an employee described in section 301(c)(1)(B) of such Public Law, to an applicant for a position described in section 301(c)(1)(C) of such Public Law that is to be occupied by such an employee, or to an individual described in section 301(c)(1)(D) of such Public Law who was formerly such an employee, the Architect of the Capitol, at the direction of the Secretary of the Senate, shall transfer to the account established by subsection (a), from funds that are appropriated to the Architect of the Capitol under the heading 'CAPITOL BUILDINGS AND GROUNDS' under the subheading 'SENATE OFFICE BUILDINGS' and that are otherwise available for obligation at the time the award is ordered or the agreement is entered into, an amount sufficient to pay such award or make such payment.".

(d) The amendments made by this section shall be effective on and after October 1, 1992.

SEC. 2002. (a) The Senate finds that—

(1) historically it is the policy of the Federal Government to provide financial and other assistance to the victims of natural disasters;

(2) since fiscal year 1988, the Congress has enacted 6 major disaster relief supplemental appropriations Acts providing a total of $17,012,000,000 in budget authority for Federal disaster assistance for domestic disasters;

(3) the provision of Federal disaster assistance reflects the traditions and values of the American people who have always been willing to provide help to those who have been victimized by catastrophic events and forces beyond their control;

(4) the unprecedented growth in the cost of disaster assistance needs to be reconciled with the restraints imposed on discretionary spending and with the deficit reduction goals of the Budget Enforcement Act of 1990 and the Omnibus Budget Reconciliation Act of 1993, under which significant progress is being made in reducing the Federal deficit; and

(5) a prospective policy should be developed for anticipating and funding disaster needs and other emergencies in keeping with continuing fiscal constraints on the Federal Government.

(b) It is the sense of the Senate that—

(1) there should be established in the Senate a Bipartisan Task Force on Funding Disaster Relief; and

(2) the Task Force should—

(A) consult with the Senate committees with jurisdiction over disaster relief programs;

(B) compile information on the history of Federal disaster relief and recovery funding;

(C) evaluate the types and amounts of Federal financial assistance provided to individuals, State and local governments, and nonprofit organizations after disasters strike, as well as relevant insurance coverage and loss experience;

(D) consider the relationship between funding disaster relief and complying with the deficit control requirements of the Budget Enforcement Act of 1990, the Omnibus Budget Reconciliation Act of 1993, and other deficit control provisions enacted prior to 1990; and

(E) report its findings, options, and recommendations to the Senate with regard to the consideration of future disaster assistance funding requests prior to the convening of the 104th Congress.

SEC. 2003. (a) AMENDMENT TO TITLE 31.—Section 301(d) of title 31, United States Code, is amended by inserting "an Under Secretary for Enforcement," after "2 Under Secretaries,".

(b) AMENDMENT TO TITLE 5.—Section 5314 of title 5, United States Code, is amended by striking "Under Secretary of the Treasury (or Counselor)." and striking "Under Secretary of the Treasury for Monetary Affairs." and inserting in lieu thereof, "Under Secretaries of the Treasury (3).".

TITLE III—RESCINDING CERTAIN BUDGET AUTHORITY

CHAPTER 1

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

DEPARTMENT OF AGRICULTURE

ECONOMIC RESEARCH SERVICE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–111, $4,000,000 are rescinded.

COOPERATIVE STATE RESEARCH SERVICE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–111, $12,463,000 are rescinded, including $4,375,000 of contracts and grants for agricultural research under the Act of August 4, 1965, as amended; $6,729,000 for competitive research grants under section 2(b) of the Act of August 4, 1965; and $1,359,000 for necessary expenses of Cooperative State Research Service activities.

BUILDINGS AND FACILITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–111, $2,897,000 are rescinded.

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–111, $12,167,000 are rescinded.

SOIL CONSERVATION SERVICE

CONSERVATION OPERATIONS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–111, $12,167,000 are rescinded.

WATERSHED AND FLOOD PREVENTION OPERATIONS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–111, $21,158,000 are rescinded.

FARMERS HOME ADMINISTRATION

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

Of the amounts provided under this heading for the cost of credit sales of acquired property direct loans in Public Law 103–111, $5,094,000 are rescinded.

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

Of the amounts provided under this heading in Public Law 103–111, the following amounts are rescinded: for the cost of low-income housing section 502 direct loans, $1,515,000; for the cost of section 515 rental housing loans, $12,443,000; for the cost of section 504 housing repair loans, $1,204,000; for the cost of section 514 farm labor housing loans, $483,000.

RURAL HOUSING VOUCHER PROGRAM

(RESCISSION)

Of the funds made available under this heading in Public Law 103–111, $25,000,000 are rescinded.

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–111, $12,167,000 are rescinded.

RURAL ELECTRIFICATION ADMINISTRATION

RURAL ELECTRIFICATION AND TELEPHONE LOANS PROGRAM ACCOUNT

(RESCISSION)

Of the amounts provided under this heading in Public Law 103–111, the following amounts are rescinded: for the cost of 5 percent rural electrification direct loans, $3,388,000; for the cost of 5 percent rural telephone direct loans, $3,222,000.

FOOD AND NUTRITION SERVICE

COMMODITY SUPPLEMENTAL FOOD PROGRAM

(RESCISSION)

Of the funds made available under this heading in Public Law 102–341, $6,100,000 are rescinded.

FOOD DONATIONS PROGRAM FOR SELECTED GROUPS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–111, $5,200,000 are rescinded.

THE EMERGENCY FOOD ASSISTANCE PROGRAM

(RESCISSION)

Of the funds made available under this heading in Public Law 103–111, $30,000,000 are rescinded.

PUBLIC LAW 480 PROGRAM ACCOUNT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–111 for title III, $45,000,000 are rescinded, and of the amounts made available for ocean freight differential costs, $4,600,000 are rescinded.

Of the funds made available under this heading in Public Law 103–111 for the cost of direct credit agreements, including the cost of modifying credit agreements, $35,400,000 are rescinded.

CHAPTER 2

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

DEPARTMENT OF COMMERCE

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

(RESCISSION)

Of the funds made available under this heading, $2,000,000 are rescinded.

EXPORT ADMINISTRATION

OPERATIONS AND ADMINISTRATION

(RESCISSION)

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

MINORITY BUSINESS DEVELOPMENT AGENCY

MINORITY BUSINESS DEVELOPMENT

(RESCISSION)

Of the funds made available for the Catawba Indian Tribe in Public Law 103–121, $500,000 are rescinded.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

INFORMATION INFRASTRUCTURE GRANTS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–121, $4,254,000 are rescinded.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT REVOLVING FUND

(RESCISSION)

From unobligated balances available under this heading, $20,000,000 are rescinded.

ECONOMIC DEVELOPMENT ASSISTANCE FUNDS

From unobligated balances available under this heading, $40,000,000 are rescinded.

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–121, $600,000 are rescinded.

BUYING POWER MAINTENANCE

(RESCISSION)

Of the balances in the Buying power maintenance account, $8,800,000 are rescinded.

THE JUDICIARY

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

DEFENDER SERVICES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–121, $3,000,000 are rescinded.

RELATED AGENCIES

BOARD FOR INTERNATIONAL BROADCASTING

ISRAEL RADIO RELAY STATION

(RESCISSION)

Of the balances available under this heading, $1,700,000 are rescinded.

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–121, $4,100,000 are rescinded.

STATE JUSTICE INSTITUTE

SALARIES AND EXPENSES

(RESCISSION)

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

UNITED STATES INFORMATION AGENCY

SALARIES AND EXPENSES

(RESCISSION)

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

NORTH/SOUTH CENTER

(RESCISSION)

Of the funds made available under this heading, $8,700,000 are rescinded.

CHAPTER 3

DEPARTMENT OF DEFENSE

PROCUREMENT

AIRCRAFT PROCUREMENT, AIR FORCE

(RESCISSION)

Of the funds made available under this heading in Public Law 102–396, $12,800,000 are rescinded.

OTHER PROCUREMENT, AIR FORCE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–139, $27,500,000 are rescinded.

PROCUREMENT, DEFENSE-WIDE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–139, $104,500,000 are rescinded.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

(RESCISSION)

Of the funds made available under this heading in Public Law 102–396, $50,000,000 are rescinded.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–139, $110,500,000 are rescinded.

CHAPTER 4

ENERGY AND WATER DEVELOPMENT

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

GENERAL INVESTIGATIONS

(RESCISSION)

Of the amounts made available under this heading in Public Law 102–377 and prior years Energy and Water Development Acts, $24,970,000 are rescinded.

CONSTRUCTION, GENERAL

(RESCISSION)

Of the amounts made available under this heading in Public Law 102–377 and prior years Energy and Water Development Acts, $97,319,000 are rescinded.

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

CONSTRUCTION PROGRAM

(RESCISSION)

Of the amounts made available under this heading in Public Laws 102–27, 102–368, 102–377 and prior years Energy and Water Development Acts, $40,000,000 are rescinded.

DEPARTMENT OF ENERGY

ENERGY SUPPLY RESEARCH AND DEVELOPMENT ACTIVITIES

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103–126, $107,300,000 are rescinded: Provided, That the reduction shall be taken as a general reduction, applied to each program equally, so as not to eliminate or disproportionately reduce any program, project or activity in the Energy Supply, Research and Development Activities account as included in the reports accompanying Public Law 103–126.

Of the funds made available under this heading for superconducting magnetic energy storage in Public Law 103–126, $10,000,000 are rescinded.

URANIUM SUPPLY AND ENRICHMENT ACTIVITIES

(RESCISSION)

Of the amounts made available under this heading in Public Law 102–377 and prior years' Energy and Water Development Appropriations Acts, $42,000,000 are rescinded.

RELATED AGENCY

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–126, $12,700,000 are rescinded.

CHAPTER 5

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS

MULTILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL FINANCIAL INSTITUTIONS

CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

(RESCISSION)

Of the funds made available under this heading in Public Law 103–87, for the United States contribution to the sixth replenishment of the African Development Fund, $2,700,000 are rescinded.

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

AGENCY FOR INTERNATIONAL DEVELOPMENT

DEVELOPMENT ASSISTANCE FUND

(RESCISSION)

Of the unexpended or unobligated balances of funds (including earmarked funds) made available for fiscal year 1994 and prior fiscal years to carry out the provisions of sections 103 through 106 of the Foreign Assistance Act of 1961, $16,100,000 are rescinded.

OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–87, for expenses related to the implementation of the recommendations of the Report of the National Performance Review, $3,000,000 are rescinded.

ASSISTANCE FOR THE NEW INDEPENDENT STATES OF THE FORMER SOVIET UNION

(RESCISSION)

Of the unexpended or unobligated balances of funds made available under this heading and title VI of Public Law 103–87, and prior Acts making appropriations for foreign operations, export financing, and related programs, for assistance for the new independent states of the former Soviet Union, $253,700,000 are rescinded.

INTERNATIONAL SECURITY ASSISTANCE

ECONOMIC SUPPORT FUND

(RESCISSION)

Of the unexpended or unobligated balances of funds (including earmarked funds) made available for fiscal years 1987 through 1994 to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961, $32,700,000 are rescinded.

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

FOREIGN MILITARY FINANCING PROGRAM

(RESCISSIONS)

Of the funds made available under this heading (including earmarked funds) in Public Law 102–391 and prior appropriations acts, for grants to carry out the provisions of section 23 of the Arms Export Control Act, $65,562,000 are rescinded.

Of the funds made available under this heading in Public Law 103–87, for grants to carry out the provisions of section 23 of the Arms Export Control Act, $25,721,000 are rescinded: Provided, That such rescission shall be derived only from nonearmarked amounts.

MILITARY ASSISTANCE

(RESCISSION)

Of the funds made available (including earmarked funds) under this heading in Public Law 102–391 and prior appropriations acts, $438,000 are rescinded.

PEACEKEEPING OPERATIONS

Of the funds made available for necessary expenses to carry out the provisions of section 551 of the Foreign Assistance Act of 1961, $13,123,000 are rescinded.

INTERNATIONAL FINANCIAL INSTITUTIONS

CONSTRIBUTION TO THE INTERNATIOAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

CHAPTER 6

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES

DEPARTMENT OF THE INTERIOR

UNITED STATES FISH AND WILDLIFE SERVICE

CONSTRUCTION AND ANADROMOUS FISH

(RESCISSION)

Of the funds made available under this heading in Public Law 100–446 and Public Law 102–154, $3,874,000 are rescinded.

DEPARTMENT OF THE TREASURY

BIOMASS ENERGY DEVELOPMENT

(RESCISSION)

Of the funds available under this heading, $16,275,000 are rescinded.

Of the funds made available under the heading "Contribution to the International Bank for Reconstruction and Development" in the Foreign Operations, Export Financing and Related Programs Appropriations Act, 1994 (Pub. L. 103–87)—

(1) $27,910,500 provided for paid-in capital is rescinded; and

(2) $902,439,500 provided for callable capital is rescinded.

CHAPTER 7

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

DEPARTMENT OF LABOR

(RESCISSION)

Of the amounts appropriated in Public Law 103–112 for salaries and expenses and administrative costs of the Department of Labor, $4,000,000 are rescinded.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

(RESCISSION)

Of the amounts appropriated in Public Law 103–112 for salaries and expenses and administrative costs of the Department of Health and Human Services (except the Social Security Administration), $37,500,000 are rescinded.

SOCIAL SECURITY ADMINISTRATION

SUPPLEMENTAL SECURITY INCOME PROGRAM

(RESCISSION)

Of the amounts appropriated in the first paragraph under this heading in Public Law 103–112, $10,909,000 are rescinded.

LIMITATION ON ADMINISTRATIVE EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–112 to invest in a state-of-the-art computing network, $80,000,000 are rescinded.

DEPARTMENT OF EDUCATION

DEPARTMENTAL MANAGEMENT

PROGRAM ADMINISTRATION

(RESCISSION)

Of the amounts appropriated in Public Law 103–112 for salaries and expenses and administrative costs of the Department of Education, $8,500,000 are rescinded.

CHAPTER 8

LEGISLATIVE BRANCH

CONGRESSIONAL OPERATIONS

SENATE

CONTINGENT EXPENSES OF THE SENATE

(RESCISSION)

Of the funds made available for the Senate under the heading "Sergeant at Arms and Doorkeeper of the Senate" in Public Law 102–90, $1,500,000 are rescinded.

HOUSE OF REPRESENTATIVES

SALARIES AND EXPENSES

(RESCISSION)

Of the amounts made available under this heading in Public Law 101–520, $633,000 are rescinded in the amounts specified for the following headings and accounts:

"ALLOWANCES AND EXPENSES", $633,000, as follows:

"Official Expenses of Members", $128,000; "supplies, materials, administrative costs and Federal tort claims", $125,000; "net expenses of purchase, lease and maintenance of office equipment", $364,000; and "Government contributions to employees' life insurance fund, retirement funds, Social Security fund, Medicare fund, health benefits fund, and worker's and unemployment compensation", $16,000.

Of the amounts made available under this heading in Public Law 102–90, $2,352,000 are rescinded in the amounts specified for the following headings and accounts:

"HOUSE LEADERSHIP OFFICES", $253,000;

"COMMITTEE ON THE BUDGET (STUDIES)", $4,000;

"STANDING COMMITTEES, SPECIAL AND SELECT", $378,000;

"ALLOWANCES AND EXPENSES", $943,000, as follows:

"Official Expenses of Members", $876,000; and "stenographic reporting of committee hearings", $67,000;

"COMMITTEE ON APPROPRIATIONS (STUDIES AND INVESTIGATIONS)", $595,000;

"SALARIES, OFFICERS AND EMPLOYEES", $179,000, as follows:

"Office of the Postmaster", $19,000; "for salaries and expenses of the Office of the Histo-

rian", $26,000; "the House Democratic Steering and Policy Committee and the Democratic Caucus", $73,000; and "the House Republican Conference", $61,000.

LIBRARY OF CONGRESS

(RESCISSION)

Of the amounts made available under this heading in Public Law 103-69, $1,000,000 are rescinded.

GENERAL ACCOUNTING OFFICE

(RESCISSION)

Of the amounts made available under this heading in Public Law 103-69, $650,000 are rescinded.

CHAPTER 9

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION

BASE REALIGNMENT AND CLOSURE ACCOUNT, PART III

(RESCISSION)

Of the funds made available under this heading in Public Law 103-110, $601,224,000 are rescinded.

CHAPTER 10

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

PAYMENTS TO AIR CARRIERS

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION)

Of the funds available for programs authorized under section 419 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1389), $10,067,000 are rescinded.

RENTAL PAYMENTS

(RESCISSION)

Of the funds made available under this heading in Public Law 103-122, $1,781,000 are rescinded.

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

(RESCISSION)

Of the funds made available under this heading in Public Law 103-122, $2,750,000 are rescinded.

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAYS TRUST FUND)

(RESCISSION)

Of the available balances under this heading, $65,205,300 are rescinded.

GRANTS-IN-AID FOR AIRPORTS

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION)

Of the unobligated balances authorized under section 14 of Public Law 91-258 as amended, $488,200,000 are rescinded.

FEDERAL HIGHWAY ADMINISTRATION

(HIGHWAY TRUST FUND)

(RESCISSION)

Of the funds made available for specific highway projects, $23,701,035 are rescinded: Provided, That of the amounts made available for Federal-aid highways pursuant to provisions of the Surface Transportation and Uniform Relocation Assistance Act of 1987, $2,517,473 are rescinded: Provided further, That of the authority made available for bridges on Federal dams pursuant to section 320 of title 23, United States Code, $9,478,139 are rescinded: Provided further, That this rescission shall not apply to any emergency relief project under section 125 of title 23, United States Code.

RIGHT-OF-WAY REVOLVING FUND

(HIGHWAY TRUST FUND)

(RESCISSION)

Of the unobligated balances authorized under section 108 of title 23, United States Code, and section 7 of Public Law 90-495, $20,000,000 are rescinded.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

HIGHWAY TRAFFIC SAFETY GRANTS

(HIGHWAY TRUST FUND)

(RESCISSION)

Of the funds available for programs authorized under 153, 402, and 408 of title 23, United States Code, and section 209 of Public Law 95-599, as amended, $219,750,000 are rescinded.

FEDERAL RAILROAD ADMINISTRATION

RAILROAD RESEARCH AND DEVELOPMENT

(RESCISSION)

Of the funds made available under this heading in Public Law 103-122, $17,000,000 are rescinded.

FEDERAL TRANSIT ADMINISTRATION

DISCRETIONARY GRANTS

(RESCISSION)

(HIGHWAY TRUST FUND)

Of the funds made available under this heading in Public Law 99-190, $808,935 are rescinded.

CHAPTER 11

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT

DEPARTMENT OF THE TREASURY

INTERNAL REVENUE SERVICE

INFORMATION SYSTEMS

(RESCISSION)

Of the amount made available under this heading in Public Law 103-123, $6,400,000 are rescinded.

RELATED AGENCY

GENERAL SERVICES ADMINISTRATION

FEDERAL BUILDINGS FUND

(LIMITATIONS ON AVAILABILITY OF REVENUE)

(RESCISSION)

Of the funds made available under this heading in Public Law 103-123, the Independent Agencies Appropriations Act, 1994, and from available unobligated balances from previous appropriations acts, $127,691,000 are rescinded for the following projects in the following amounts:

Alabama:

Montgomery, U.S. Courthouse, $5,000,000.

Arizona:

Naco, U.S. Border Station, $74,000.

Sierra Vista, U.S. Magistrates Office, $1,000,000: Provided, That up to $1,000,000 shall be made available for such project from funds made available in Public Law 103-123 for nonprospectus construction projects.

California:

Calexico, U.S. Border Station, $900,000.

Menlo Park, U.S. Geological Survey Office and Laboratory Buildings, $783,000.

Sacramento, U.S. Courthouse and Federal Building, $3,391,000.

Tecate, U.S. Border Station, $165,000.

District of Columbia:

Army Corps of Engineers, Headquarters Building, $11,309,000.

Federal Office Building No. 6, $11,100,000.

Federal Bureau of Investigation, Field Office, $5,679,000.

White House remote delivery and vehicle maintenance facility, $5,382,000.

U.S. Secret Service, Headquarters, $23,274,000.

Florida:

Lakeland, Federal Building, $4,400,000.

Tampa, U.S. Courthouse, $7,472,000.

Iowa:

Burlington, Parking Facility, $2,400,000.

Massachusetts:

Boston, U.S. Courthouse, $4,076,000.

Maryland:

Bowie, Bureau of Census, Computer Center, $660,000.

New Carrollton, Internal Revenue Service, $30,100,000.

Minnesota:

Minneapolis, Federal Building and U.S. Courthouse, $4,197,000.

New Hampshire:

Concord, U.S. Courthouse, $867,000.

Nevada:

Reno, Federal Building and U.S. Courthouse, $875,000.

New Jersey:

Newark, Federal Building, 20 Washington Plaza, $327,000.

Pennsylvania:

Philadelphia, Veterans Affairs Federal Building, $1,276,000.

Tennessee:

Knoxville, U.S. Courthouse, $800,000.

United States Virgin Islands:

Charlotte Amalie, St. Thomas, U.S. Courthouse and Annex, $2,184,000.

CHAPTER 12

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

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

HOMEOWNERSHIP AND OPPORTUNITY FOR PEOPLE EVERYWHERE GRANTS (HOPE GRANTS)

(RESCISSION)

Of the amounts provided under this heading in Public Law 103-124, an additional $50,000,000 are rescinded.

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

(RESCISSION)

Of the amounts earmarked under this heading in Public Law 103-124, $325,000,000 are rescinded: Provided, That the $541,000,000 earmarked in the sixth proviso under this heading shall be reduced accordingly.

INDEPENDENT AGENCIES

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

RESEARCH AND DEVELOPMENT

(RESCISSION)

Of the funds made available under this heading in Public Law 103-124, $63,000,000 are rescinded.

SPACE FLIGHT, CONTROL, AND DATA COMMUNICATIONS

(RESCISSION)

Of the funds made available under this heading in Public Law 103-124, $32,000,000 are rescinded.

CONSTRUCTION OF FACILITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-124, $25,000,000 are rescinded.

TITLE IV—GENERAL PROVISIONS

SEC. 401. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 402. The Architect of the Capitol shall be considered the agency for the purposes of the election in section 801(b)(2)(B) of the National Energy Conservation Policy Act and the head of the agency for purposes of subsection (b)(2)(C) of such section.

PROHIBITION OF BENEFITS FOR INDIVIDUALS NOT LAWFULLY WITHIN THE UNITED STATES

SEC. 403. None of the funds made available in this Act may be used to provide any benefit or assistance to any individual in the United States when it is known to a Federal entity or

official to which the funds are made available that—

(1) the individual is not lawfully within the United States;

(2) the direct Federal assistance or benefit to be provided is other than search and rescue; emergency medical care; emergency mass care; emergency shelter; clearance of roads and construction of temporary bridges necessary to the performance of emergency tasks and essential community services; warning of further risks or hazards; dissemination of public information and assistance regarding health and safety measures; the provision of food, water, medicine, and other essential needs, including movement of supplies or persons; and reduction of immediate threats to life, property and public health and safety.

SEC. 404. (a) STUDY BY COMPTROLLER GENERAL.—The Comptroller General of the United States shall conduct a study regarding Federal laws, unfunded Federal mandates, and other Federal regulatory requirements, that may prevent or impair the ability of State and local authorities to rebuild expeditiously the areas devastated by the January 1994 earthquake in Southern California. In conducting the study, the Comptroller General shall consult with State and local officials of California.

(b) REPORT.—Not later than 30 days after the date of the enactment of this Act, the Comptroller General shall submit to the Congress a report setting forth findings and recommendations as a result of the study conducted under subsection (a). The report shall include—

(1) an identification of the specific Federal laws, unfunded Federal mandates, and other Federal regulatory requirements, referred to in subsection (a);

(2) an analysis of the manner in which such laws, mandates, and other requirements may prevent or impair the ability of State and local authorities to rebuild expeditiously the areas devastated by the January 1994 earthquake in Southern California; and

(3) recommended forms of, and appropriate time periods for, relief from such laws, mandates, and other requirements.

SEC. 405. In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products, and that notice of this provision be given to each recipient of assistance covered under this Act.

CHAPTER —. REDUCTION IN ADMINISTRATIVE EXPENSES

(a) RESCISSION.—

(1) IN GENERAL.—Of the amounts appropriated in Public Laws 103-110, 103-111, 103-121, 103-127, 103-126, 103-187, 103-138, 103-112, 103-69, 103-122, 103-123, 103-124, and 103-139 for expenses, the amount referred to in paragraph (2) is rescinded. The Director of the Office of Management and Budget shall establish obligational limits for each agency and department to carry out this subsection.

(2) AMOUNT OF RESCISSION.—The amount referred to in paragraph (1) is the amount of budget authority necessary to achieve a reduction in budget outlays of $3,000,000,000 for fiscal year 1994 during the period beginning on the date of enactment of this Act and ending September 30, 1994. The Director of the Office of Management and Budget shall determine the amount.

(b) DEFINITION.—

(1) IN GENERAL.—For purposes of this section, the term "expenses" means the object classes identified by the Office of Management and Budget in Object Classes 21-26 as follows:

(A) * * * Transportation of Persons.

(B) 22.0: Transportation of Things.

(C) 23.2: Rental Payments to Others.

(D) 23.3: Communications, Utilities, and Misc.

(E) 24.0: Printing and Reproduction.

(F) 25.1: Consulting Services.

(G) 25.2: Other Services.

(H) 26.0: Supplies and Materials.

(2) EXCEPTIONS.—The term "expenses" shall not include the following:

(A) The expenses of the Department of Defense.

(B) Object Class 25.2 "Other Services" expenses of the Atomic Energy Defense Environmental Restoration program that are appropriated under the heading Department of Energy, Defense Environmental Restoration and Waste Management, Public Law 103-126.

(C) Object Class 25.2 "Other Services" expenses of the Superfund that are appropriated under the heading Environmental Protection Agency, Hazardous Substance Superfund, Public Law 103-124.

(D) * * * expenses of the Atomic Energy Defense Weapons Activities program that are appropriated under the heading Department of Energy, Atomic Energy Defense Activities, Weapons Activities, Public Law 103-126.

(E) Object Class 25.2 "Other Services" expenses of the National Aeronautic and Space Administration that are appropriated under the heading Independent Agencies, National Aeronautic and Space Administration, Public Law 103-124.

(F) Object Class 21.0 "Travel and Transportation of Persons" expenses of the Drug Enforcement Agency that are appropriated under the heading Department of Justice and Related Agencies, Drug Enforcement Administration, Salaries and Expenses, Public Law 103-121.

(G) Object Class 21.0 "Travel and Transportation of Persons" and Object Class 26.0 "Supplies and Materials" expenses of the Veterans Health Administration that are appropriated under the heading Department of Veterans Affairs, Veterans Health Administration, Medical Care, Public Law 103-124.

(H) The expenses of the Federal Emergency Management Agency.

(I) Object Class 26.0 "Supplies and Materials" expenses of the Department of Health and Human Services that are appropriated under the heading Centers for Disease Control and * * *.

BYRD AMENDMENT NO. 1460

Mr. BYRD proposed an amendment to the bill H.R. 3759, supra; as follows:

On page 89, between lines 10 and 11, insert the following:

SEC. . Of the funds made available for the purpose of defraying expenses for the automation of fingerprint identification services under the heading "SALARIES AND EXPENSES" under the heading "FEDERAL BUREAU OF INVESTIGATION" in title I of the Departments of Commerce, Justice, and State, and Judiciary, and Related Agencies Appropriations Act, 1994 (Public Law 103-121), $20,000,000 shall be available (to remain available until expended) to hire 500 employees to carry out the automation of fingerprint identification services without regard to any employment ceiling imposed by the President or by law.

McCONNELL (AND OTHERS) AMENDMENT NO. 1461

Mr. McCONNELL (for himself, Mr. DOLE, and Mr. NICKLES) proposed an amendment to the bill H.R. 3759, supra; as follows:

The Senate finds,

That, Investigative reports prepared by the Department of State's Office of Inspector General (OIG) are protected by the Privacy Act, the Freedom of Information Act, and the Inspector General's Act;

That, investigative reports prepared by the State OIG are not publicly releasable without review and redaction of privacy protected information;

That, Congressional committees with legitimate oversight responsibilities have in the past, and may continue to review OIG reports while maintaining the reports confidential status;

That, the OIG recently has concluded a report on whether the contents of personnel files of Bush Administration political appointees had been improperly released to the public by the staff of the White House Liaison Office;

That, based on this report, the OIG forwarded a prosecutive summary to the Department of Justice outlining criminal violations of the Privacy Act;

That, the Department of Justice declined to prosecute the case; and,

That, the OIG re-opened the inquiry to reinterview key witnesses associated with the search and disclosure of Bush personnel files;

Therefore it is the sense of the Senate,

That, the Senate has not been provided sufficient information to reach a conclusion about the circumstances surrounding the disclosure of protected Bush Administration files;

The entire report related annex documents should be made available to the appropriate Congressional offices with legitimate oversight interests;

That the confidentiality of that report should be protected by Congress unless and until the OIG conducts a review and releases the report in accord with relevant statutes;

That the OIG should report in writing to the Majority Leader and the Republican Leader clarifying why such procedures were not observed in the release of the OIG report entitled "Special Inquiry into the Search and Retrieval of William Clinton's Passport File.

That the Attorney General should report in writing to the Majority Leader and the Republican Leader the basis for declining to prosecute the case.

BLACK LUNG BENEFITS RESTORATION ACT

SIMON AMENDMENT NO. 1462

(Ordered referred to the Committee on Finance.)

Mr. SIMON submitted an amendment intended to be proposed by him to the bill (S. 1773) to make improvements in the Black Lung Benefits Act, and for other purposes; as follows:

At the end of the bill, insert the following new section:

SEC. 13. FINANCING PROVISIONS.

(a) INCREASE IN COAL TAX.—Section 4121(b) of the Internal Revenue Code of 1986 (relating to determination of amount of coal tax) is amended to read as follows:

"(b) DETERMINATION OF RATES AND LIMITATION ON TAX.—

"(1) IN GENERAL.—For purposes of subsection (a)—

"(A) the rate of tax on coal from underground mines shall be $1.10,

"(B) the rate of tax on coal from surface mines shall be $.55, and

"(C) the applicable percentage shall be 4.4 percent.

"(2) ADDITIONAL TAX TO FUND BLACK LUNG BENEFITS RESTORATION ACT.—In the case of sales after the date of the enactment of the Black Lung Benefits Restoration Act, for purposes of subsection (a)—

"(A) the rate of tax on coal from underground mines under paragraph (1)(A) shall be increased by 6 cents,

"(B) the rate of tax on coal from surface mines under paragraph (1)(B) shall be increased by 3 cents, and

"(C) the applicable percentage under paragraph (1)(C) shall be increased by .24 percentage point."

(b) BLACK LUNG DISABILITY TRUST FUND.—

(1) TRANSFER TO FUND.—Section 9501(b) of the Internal Revenue Code of 1986 (relating to transfer of taxes to Black Lung Disability Trust Fund) is amended by adding at the end the following new paragraph:

"(3) SEPARATE ACCOUNT FOR ADDITIONAL TAX.—The Secretary shall establish a separate account within the Black Lung Disability Trust Fund and transfer to such account from amounts appropriated under paragraph (1) the portion of the taxes received in the Treasury under section 4121 which is attributable to the increase in the tax under section 4121(b)(2)."

(2) EXPENDITURES.—Section 9501(b) of such Code is amended by adding at the end the following new sentence: "Notwithstanding the first sentence of this subsection, amounts in the account established under subsection (b)(3) shall be available, as provided in appropriation Acts, only for the payment of benefits which are payable by reason of the amendments made by, and the provisions of, the Black Lung Benefits Restoration Act and to the extent of any funds in excess of those benefits, for payments described in paragraph (4)."

(3) CONFORMING AMENDMENT.—The second sentence of section 9501(b) of such Code is amended by striking "this section" and inserting "the Black Lung Benefits Restoration Act".

Mr. SIMON. Mr. President, I am submitting an amendment to S. 1773, the Black Lung Benefits Restoration Act for the information and consideration of my colleagues.

The amendment would pay for the cost of the Black Lung Benefits Restoration Act by modestly increasing the black lung coal tax by 5.5 percent. This translates into an increase of $.06 per ton of coal for underground mines and $.03 per ton of coal for surface mines and an increase of the percentage tax for which the coal was sold to 4.64 percent. A separate account would be established within the black lung disability trust fund for the payment of benefits that are payable by reason of the Black Lung Benefits Restoration Act.

As my colleagues know, the current black lung coal tax is $1.10 per ton of coal for underground mines or 4.4 percent of the price for which the coal was sold, whichever is less—and $.55 per ton of coal for surface mines or 4.4 percent of the price for which the coal was sold, whichever is less.

With this amendment, the legislation will comply with the pay-go rules.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR FISCAL YEAR 1994

LEVIN AMENDMENT NO. 1463

Mr. BYRD (for Mr. LEVIN) proposed an amendment to the bill H.R. 3759, supra; as follows:

In the appropriate place in the bill, add the following new section:

SEC. . TRANSPORTATION GENERAL PROVISION. TO ESTABLISH AN AUXILIARY FLIGHT SERVICE STATION.

The Administrator of the Federal Aviation Administration is directed to establish and operate an Auxiliary Flight Service Station at Marquette, Michigan, no later than September 1, 1994, using available funds.

BOND AMENDMENT NO. 1464

Mr. BYRD (for Mr. BOND) proposed an amendment to the bill H.R. 3759, supra; as follows:

On page 84, after line 9, insert the following new paragraph:

For an additional amount for "Research and development", $40,000,000, of which $20,000,000 shall become available for obligation on October 1, 1994: *Provided*, That these funds shall be available for the commercial mid-deck augmentation module, in addition to such amounts as may be subsequently appropriated.

WARNER (AND MACK) AMENDMENT NO. 1465

Mr. BYRD (for Mr. WARNER for himself and Mr. MACK) proposed an amendment to the bill H.R. 3759, supra; as follows:

At the appropriate place, add

SEC. . Subsection (b) of section 347 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160; 107 Stat. 1626) is amended—

(1) by striking out "section 2774(a)(2)(A) of title 10," and inserting in lieu thereof "section 5584(a)(2)(A) of title 5,"; and

(2) by striking out "section 2774(a)(2) of such title" and inserting in lieu thereof "section 5584(a)(2) of such title".

LEAHY AMENDMENT NO. 1466

Mr. BYRD (for Mr. LEAHY) proposed an amendment to the bill H.R. 3759, supra; as follows:

On page 92, strike lines 19 through 22.

BYRD AMENDMENT NO. 1467

Mr. BYRD proposed an amendment to the bill H.R. 3759, supra; as follows:

On page 98, line 19, strike "$107,300,000", and insert in lieu thereof "$97,300,000"

On page 74, line 19 after the word "amount" insert the following: for "Resource Management"

On page 75, line 24 after the word "amount" insert the following: not to exceed $6,000,000

On page 75, beginning on line 24, strike beginning with the word "to" through the word "Secretary" on page 75, line 25 (saving the comma)

On page 76, line 1 strike the word "head" and insert in lieu thereof the word "heading"

On page 76, line 5 insert a comma after the word "of"

On page 76, line 6 strike the comma after the word "flows".

BAUCUS AMENDMENT NO. 1468

Mr. BYRD (for Mr. BAUCUS) proposed an amendment to the bill H.R. 3759, supra; as follows:

On page 50, strike all after the word "available" on line 14 through the word "provided" on line 18 and insert in lieu thereof, the following: "until expended: *Provided*, That such assistance may be made available when the primary beneficiary is agriculture or agribusiness regardless of drainage size: *Provided*".

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for my colleagues and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The purpose of the hearing is to receive testimony on boron-neutron cancer therapy.

The hearing will take place on Tuesday, May 3, 1994, at 9:30 a.m. in room SD-366 of the Dirksen Senate Office Building, First and C Streets NE., Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the printed hearing record should send their comments to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510, attention: Paul Barnett.

For further information, please contact Paul Barnett of the committee staff at 202-224-7569.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. FORD. Mr. President, I wish to announce that the Committee on Rules and Administration will meet at 9:30 a.m., in SR-301, Russell Senate Office Building, on Thursday, March 10 and Thursday, March 17. The committee will hold hearings on title I, reform of the Senate, of S. 1824, the Legislative Reorganization Act of 1994. This section of the bill includes proposals to amend the Standing Rules of the Senate.

Senators who wish to appear as a witness or to submit a statement for the record should have their staffs contact Jack Sousa of the Rules Committee staff. Individuals and organizations wishing to submit a statement for the record are requested to contact Mr. Sousa. He can be reached at 202-224-5648.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on

Armed Services be authorized to meet at 9:30 a.m. on Thursday, February 10, 1994, in closed session, to receive a briefing on the situation on the Korean Peninsula.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, February 10, to conduct a markup on the committee print of the Fair Trade in Financial Services Act and the nominations of Ricki Tigert to be Chairperson and a member of the FDIC Board of Directors, Andrew C. Hove to be Vice Chairperson and a member of the FDIC Board of Directors, and Anne L. Hall to be a member of the FDIC Board of Directors.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to conduct a hearing on nominations to the U.S. Department of Commerce on Thursday, February 10, 1994, beginning at 9:30 a.m.

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

COMMITTEE ON FINANCE

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Finance be permitted to meet today at 10 a.m. to hear testimony on the subject of health care for the uninsured.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations, be authorized to meet during the session of the Senate on Thursday, February 10, 1994, at 10 a.m. to hold a hearing on the role of U.S. Armed Forces in the post-cold war world.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations, be authorized to meet during the session of the Senate on Thursday, February 10, 1994, at 4:30 p.m. to receive a closed briefing from the administration on the situation in Russia.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Thursday, February 10, 1994, beginning at 9:30 a.m., in 485 Russell Senate Office Building on S. 1357, the Little Traverse Bay Bands of Odawa Indians and the Little River Band of Ottawa Indians Act, and S. 1066, to restore Federal services to the Pokagon Band of Potawatomi Indians.

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

COMMITTEE ON THE JUDICIARY

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Thursday, February 10, 1994, at 2 p.m. to hold a hearing on "review of the national drug control strategy."

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

COMMITTEE ON RULES AND ADMINISTRATION

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Thursday, February 10, 1994, at 9:30 a.m., to hold a hearing on the provisions regarding the Government Printing Office contained in title XIV of H.R. 3400, title XIV of the National Performance Review, and S. 1824, Legislative Reorganization Act of 1994.

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. FORD. The Committee on Veterans' Affairs would like to request unanimous consent to hold a markup on the nomination of R. John Vogel to be Under Secretary for Benefits at the Department of Veterans Affairs. The markup will be held in the reception room after the first rollcall vote after 10 a.m. on Thursday, February 10, 1994.

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

SUBCOMMITTEE ON AGRICULTURAL RESEARCH, CONSERVATION, FORESTRY AND GENERAL LEGISLATION

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry's Subcommittee on Agricultural Research, Conservation, Forestry and general legislation be allowed to meet during the session of the Senate on Thursday, February 10, 1994, at 2:30 p.m., in SR–485, to review activities of the Federal Meat Inspection Program.

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

SUBCOMMITTEE ON CHILDREN, FAMILY, DRUGS AND ALCOHOLISM

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources' Subcommittee on Children, Family, Drugs and Alcoholism be authorized to meet for a joint hearing with the House Committee on Education and Labor's Subcommittee on Human Resources on the administration's proposal for Head Start reform, during the session of the Senate on February 10, 1994, at 9:30 a.m.

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

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands, National Parks and Forests of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 2 p.m., February 10, 1994, to receive testimony of the following bills: H.R. 2947, to amend the Commemorative Works Act, and for other purposes; S. 1552, to extend for an additional 2 years the authorization of the Black Revolutionary War Patriots Foundation to establish a memorial; S. 1612, to extend the authority of the Women in Military Service for America Foundation to establish a memorial in the District of Columbia area; and S. 1790, the National Peace Garden Reauthorization Act.

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

SUBCOMMITTEE ON SUPERFUND, RECYCLING AND SOLID WASTE MANAGEMENT

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Superfund, Recycling and Solid Waste Management, Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Thursday, February 10, beginning at 10 a.m., to conduct a hearing on the administration's Superfund bill.

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

ADDITIONAL STATEMENTS

MACEDONIA

• Mr. DECONCINI. Mr. President, yesterday the United States finally took the step of recognizing the independent statehood of Macedonia, and announced its intention of establishing full diplomatic relations with that country, formerly a Yugoslav Republic. As Chairman of the Helsinki Commission, I have long advocated recognition. From the beginning, it deserved recognition. It did not seek the breakup of Yugoslavia, nor did it participate or encourage the use of force to keep it together. It met the criteria for recognition originally formulated by the European Community. It remains a crucial player in preventing the spread of war in the Balkans and in fostering a return of peace, stability and cooperation to this troubled region in the future.

Recognition is not an end, but a beginning. Greece needs to recognize its neighbor to the north as well, and be willing to resume a genuine dialog in which its concerns can, in fact, be addressed. Macedonia must, in turn, stand ready to participate in such a dialog, and I note the Macedonian President Kiro Gligorov stated yesterday that his country is prepared to resume immediately the talks held under the auspices of the United Nations.

The international community should also continue the process of integrating Macedonia into European and world affairs, including by granting that country full membership in the CSCE as soon as possible. Macedonia must, in turn, remain committed to respecting the human rights of all its citizens, including those belonging to ethnic minorities, and to building democratic institutions, encouraging social tolerance, and implementing economic reforms, all in accordance with the provisions of the Helsinki Final Act and other CSCE documents.

While we remain a long way from a peaceful, prosperous southeast Europe, Mr. President, I hope that yesterday's recognition of Macedonia by the United States is one small step toward that goal, and that our country, with its tremendous capabilities, will become more actively involved in the region. Again, let me welcome this development, and express my hope for a strong and mutually beneficial relationship between Macedonia and the United States of America.•

THE TECHNOLOGY-RELATED ASSISTANCE FOR INDIVIDUALS WITH DISABILITIES ACT AMENDMENTS OF 1994

• Mr. JEFFORDS. Mr. President, I rise in strong support of the reauthorization of the Technology-Related Assistance for Individuals With Disabilities Act of 1988, or the Tech Act.

This legislation reauthorizes and builds on a visionary program of technology-related assistance for individuals with disabilities enacted in 1988 with strong bipartisan support. As the author of this bill in the House of Representatives, I believed that this legislation was important to advancing our Nation's disability policy. Working with Senator HARKIN in the Senate, we crafted a bipartisan bill that unanimously passed both the House and Senate.

At the core of the act is a competitive grant program which provides seed money to States to set up programs to assist individuals with disabilities in acquiring assistive technology devices and services. The availability of assistive technology to people with disabilities leads to greater mobility and independence in daily living. It helps make life's tasks easier. In essence, it means more freedom and greater control over one's own life.

This legislation will reauthorize the competitive grant program for another 5 years, keeping the intent of the original act, especially with respect to State flexibility. It recognizes the advances that many States have made in the first 5 years of the program. However, it also acknowledges there is still more to do, with a strong need to support ongoing systems change and advocacy activities. I am pleased that States will retain discretion over how their projects are run, wild supporting fundamental systems change and advocacy.

Many States, such as my own State of Vermont, are well on their way to consumer responsive comprehensive systems change through innovative projects. The Vermont Assistive Technology Project has made remarkable progress in expanding access to assistive technology in Vermont. It is using interactive TV to bring assistive technology demonstrations from the Medical Center Hospital of Vermont in Burlington to the remote Northeast Kingdom. It has used grant money to establish alternative funding mechanisms including a loan fund, and a statewide recycling program for finding, repairing, and distributing used assistive technology devices. It has fostered strong consumer advocacy through the use of regional consultants throughout the State. Furthermore, the project has been instrumental in helping individuals with disabilities eliminate barriers to funding. In my mind, this success is directly related to the flexibility of the program.

Assistive technology has made a difference in the lives of thousands of Americans with disabilities. It has helped them to lead fuller and more productive lives, and it will continue to do so. This is a program that has shown results and should be reauthorized.

Mr. President, in closing I would like to commend Senators HARKIN and DURENBERGER, the chairman and ranking member of the Disability Policy Subcommittee, for their work in crafting a truly bipartisan bill, and for working out an earnest compromise with our colleagues in the House. I think we have a strong piece of legislation, one which enhances the concept of a program of technology-related assistance to individuals with disabilities I saw when I introduced the original act in the House in 1988. I urge my colleagues to support it.•

SAMUEL TENENBAUM: HONORS FOR A SOUTH CAROLINA RENAISSANCE MAN

• Mr. HOLLINGS. Mr. President, permit me to take a brief moment of the Senate's time to salute Samuel Tenenbaum on his selection as a 1994 recipient of South Carolina's prestigious Verner Award/Governor's Award. These honors are bestowed annually by the South Carolina Arts Commission to recognize outstanding achievements in the arts. Another winner this year is the Spoleto Festival U.S.A., Charleston's annual international arts exposition.

Mr. President, as a patron of the arts, Sam Tenenbaum is about as close as you get in South Carolina to a Medici prince—a modern-day Renaissance man who has done well in the world of business, and done good in the world of the arts. Sam is vice president of Chatham Steel in Columbia, and is active in a score of community service organizations across the State. He served on former Governor Dick Riley's arts task force and was a member of the South Carolina Arts Commission. For years, he has been a fund-raising wizard and board member for a number of arts groups, including the Columbia City Ballet and the Cultural Council of Richland and Lexington Counties. Sam has been extremely generous with both his time and his money in the cause of enriching South Carolina's cultural endowment.

Mr. President, Sam Tenenbaum is among the best and brightest in South Carolina. And he has been a terrific friend to me.•

100TH ANNIVERSARY FOR KELLY-SPRINGFIELD

• Mr. SARBANES. Mr. President, this year the Kelly-Springfield Corp., headquartered in Cumberland, MD, is celebrating its 100th anniversary, and I want to join in congratulating Kelly-Springfield and its fine employees on this important milestone. Since its founding, the company and its employees have succeeded in making Kelly-Springfield a business known throughout the world for its quality products.

Established in 1894, Kelly-Springfield is one of the oldest tire manufacturing companies in the world. Its first product was a solid rubber tire which silenced the clatter of carriage and buggy wheels.

In 1917 the company decided to consolidate its production in one plant. The Allegany County town of Cumberland was selected as the site for the new facility; however, the first tire in the new Maryland plant was not produced until 1921 due to the advent of World War I and delays in construction of the plant.

During World War II, tire production was curtailed in order to back the war effort. The Cumberland plant converted to the manufacture of 50-caliber small arms ammunition and other explosives. Kelly went back to producing tires in 1942, and due to increased demand for its products Kelly built three more plants during the 1960's, one in Tyler, TX, another in Freeport, IL and another plant in Fayetteville, NC.

Although the Kelly-Springfield plant in Cumberland is no longer in operation, we in Maryland are fortunate to be the site of the company's worldwide corporate headquarters.

Kelly-Springfield brand tires are sold throughout the Nation and the world. A leading supplier of custom brand tires, the firm lists among its customers leaders in the petroleum industry as well as automotive and farm equipment supply companies, discount chain and department stores, and mail-order companies.

Mr. President, I salute the efforts of the Kelly-Springfield Tire Co., its employees and the community. They have worked together to make the company one of Cumberland's and our State's most important economic assets and have, through their imagination, hard work, and diligence earned this company its superb reputation. Each of them deserves our praise and our thanks.●

ELENA DIAZ-VERSON AMOS: CUBAN PATRIOT

● Mr. HOLLINGS. Mr. President, Elena Diaz-Verson Amos is a grand woman, well known to many of us here in the Senate. We know her personally as a friend. We also know her as a passionate champion of restoring democracy and human rights in her native Cuba. Elena yields to no one in her dedication to liberating her homeland from the cancer of Castroism and communism. She has devoted her life to this goal, giving generously of her wealth, her time and her energy.

A year ago, it was Elena Amos who donated money to buy the Cesna jet that pilot Orestes Lorenzo Perez used to fly into Cuba for the daring rescue of his wife and sons. Perez landed on a remote highway where his family was waiting, then eluded Cuban air defenses to fly them to freedom.

Today, in the latest chapter of Elena Amos's crusade for a free Cuba, she has given sanctuary to the daughter and granddaughter of Fidel Castro. The daughter, Alina Fernandez Revuelta, recently escaped in disguise from Cuba. The granddaughter, Alina Maria, was later given permission to join her mother in the United States. The two of them are now living with Elena Amos in Columbus, GA.

Mr. President, Elena Diaz-Verson is a Cuban patriot and a remarkable woman. I would like to share with my colleagues a profile of Elena published in the Washington Post on January 31 edition. I ask that it be reprinted in the RECORD.

The profile follows:

THE BENEFACTRESS: HER HEART BELONGS TO CUBA

(By Gigi Anders)

What is Elena Diaz-Verson Amos—a fabulously wealthy 67-year-old Cuban American lady who favors designs by Chanel—doing in Columbus, Ga., a town so provincial that you can't even get a good cup of espresso?

Don't be misled: Amos, who is playing host to Fidel Castro's estranged daughter and granddaughter, has two other homes. One is on Capitol Hill, where she can be close to any legislative action affecting her beloved Cuba, and another is in Florida, the epicenter of the tumultuous Cuban exile community. And getting around is no problem for Amos; her private plane is hangared at the Columbus airport. She stays in Columbus because that's where her late husband built his health insurance business, AFLA (American Family Life Assurance Co.), the source of the wealth that she has put to work as one of the leading warriors against Castro's Cuba. Her son, 41, now runs the business, and her daughter, 39, lives nearby.

But Amos's heart remains in Cuba, a place she left precisely 50 years ago. She attributes her dogged devotion to the cause to her father, Salvador Diaz-Verson, a Miramar journalist and early critic of communism. He didn't want his only child to be "brain-amputated by the propaganda" of the Cuban school system, and sent her off to college in America in 1944. Two years later she was married to John Amos.

"My father raised me to be a fighter," she says, posed in a regal armchair in her pale mauve library. She is elegant and petite, a size 4 maybe. With her taut skin, high cheekbones and perfectly painted face, she looks startlingly pretty. Her fingernails are painted coral, but her fingers are bent and gnarled with advanced arthritis. Tonight she's wearing a silk emerald green-and-purple blouse with matching green slacks, gold Chanel belt, tasteful gold jewelry and black suede pumps.

"My parents stressed the dignity of human rights," she continues. "My paternal grandmother wrote poetry and always said that freedom is not easy to achieve. She taught me values."

But it was only recently that Amos dedicated herself full time to Cuban issues. Why is she so exceptionally generous?

"I am doing this out of love for my Cuban homeland. The whole situation of the Cuban people is a disgrace. I'm ashamed of Fidel Castro and the human consequences of his regime. Cuba is like a cancer, it destroys. And you have to be healthy to fight this disease. What Fidel Castro has done is not a crime, but a premeditated crime, fueled by cynicism and hatred."

But she's housing the "criminal's" child and grandchild. Isn't she at all ambivalent about her guests?

"No, not at all. For me, they are his victims, not his family. Alina is not the daughter of Fidel. She rejected him as her father, and that act takes a lot of valor. She's so vulnerable now. Have you ever seen a sadder face? And I love to watch this girl Alina Maria, because in her I can see that goodness exists. She didn't get corrupted, yet she's streetwise. * * *

"You know, I've always had the feeling that nothing gold can stay. What lasts is one's education, music and art, spiritually and what's inside the heart. What's truly fascinating is to help others in need, to be of use. That's what happiness is to me."

As for the apartment, it was built on top of AFLAC's employee parking lot in the late '80s, when John Amos became ill and needed to be closer to the office. He spent two Christmases in his opulent new home before his death in 1990.

It's some home. The grand and fragrant foyer has spotless skylights, twinkling chandeliers and softly whirring ceiling fans. There are chirping finches nesting inside a gilded aviary set atop a faux terra cotta pedestal embossed with cherubim. There are a caged trio of squawking parrots, a pair of canaries, some birds of paradise. Only the stuffed partridge squatting nearby is uncooped. Past the delicate fernery, the bestial topiaries, past the mulberry ficus and potted cactuses, past marvelous arrangements of begonias and tulips and floribunda, are glass cases full of antique Japanese dolls and free-standing human-size sculpted warrior figures and Afro-Caribbean artwork on every wall.

Teresita, Amos's daughter, bounces in with Tiffany, her miniature toy Yorkie. Suddenly the air smells all perfumy.

"It's '360 degrees,' " she explains, adjusting the flamingo-pink plastic barrette on Tiffany's head. "The Perry Ellis scent."

"It's nice, isn't it?" Amos remarks.

"Yeah," Teresita replies. "Tiffany really wears it well."

"You have to think responsibly about what may await you in this life," Amos says, stroking Tiffany. "When I first got married, we had nothing. But it's gone well for us, thank God. So to be able to help others with what I have is natural. That's why it's such an honor, such a pleasure to have Alina and Alina Maria stay here, for as long as they want to. Others have always given me a helping hand when I needed it. And I'm glad to be able to reciprocate. That's what I get out of it."●

EVERGLADES NATIONAL PARK PROTECTION AND EXPANSION ACT OF 1989 AMENDMENTS OF 1994

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 363, H.R. 3617, relating to the Everglades National Park; that the bill be deemed read a third time, passed; that the motion to reconsider be laid upon the table; and that any statements relative to the passage of this item appear at the appropriate place in the RECORD.

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

So the bill (H.R. 3617) was deemed read the third time and passed.

AUTHORIZING SENATE EMPLOYEE'S TESTIMONY

Mr. FORD. Mr. President, on behalf of the majority leader and the Republican leader, I send a resolution to the desk on authorization of Senate testimony and ask unanimous consent that the Senate proceed to its immediate consideration; that the resolution be adopted; that the preamble be agreed to; that the motion to reconsider be laid upon the table; and that a statement by the majority leader be placed at the appropriate place in the RECORD.

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

So the resolution (S. Res. 181) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 181

Whereas, in the case *United States* v. *Eduardo Lopez Ballori*, Cr. No. 91-380(GG), which was tried in the United States District Court for the District of Puerto Rico in 1992, the United States obtained the trial testimony of Claudia Breggia, a Senate employee;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the

Senate is needed for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate;

Whereas, pursuant to 2 U.S.C. §130b(e)(1), the Senate, authorization of testimony is required in order for witness travel expenses to be reimbursable: Now therefore be it *Resolved*, That the testimony of Claudia Breggia in *United States* v. *Eduardo Lopez Ballori*, Cr. No. 91-380(GG) is deemed authorized.

Mr. MITCHELL. Mr. President, in the case of *United States* v. *Eduardo Lopez Ballori*, Cr. No. 91-380(GG), which was tried in the United States District Court for the District of Puerto Rico in 1992, the United States obtained the trial testimony of Claudia Breggia, a Senate employee, for the purpose of identifying official records. The purpose of this resolution is to authorize the reimbursement of Ms. Breggia's expenses related to her provision of testimony as a government witness.

Under Senate rule XI and Senate practice, no evidence under the control of the Senate can be taken by judicial process without the Senate's permission. Accordingly, when documents or the testimony of Senate employees in relation to official responsibilities are required for use in judicial proceedings, Senate authorization must be obtained. This authorization is provided by the adoption of a Senate resolution when the Senate is in session. When testimony or production of records is required during periods of recesses or adjournments, authorization may be provided by the Joint Leadership Group acting under Senate Resolution 490 of the 97th Congress.

The requirement of authorization provides the Senate with the opportunity, with review by the Senate Legal Counsel and concerned Members and committees, as the case may be, to determine whether any privileges of the Senate should be asserted in regard to a subpoena or other demand for Senate information. The Senate loses that opportunity when authorization is not sought.

Another consequence of not obtaining authorization is that expenses related to appearing as a witness are not eligible for reimbursement by the Senate. Under 2 U.S.C. §130b(e)(1), a congressional employee who provides testimony in an official capacity, and whose testimony is "authorized * * * by the House of the Congress disbursing his pay," may be reimbursed for travel expenses. The Committee on Rules and Administration has promulgated regulations governing the payment of such expenses. If testimony is not authorized by the Senate, however, witness expenses may not be reimbursed by the Senate.

Last year, a Senate employee, who obtained authorization to testify at trial in one case, inadvertently did not obtain authorization to provide similar testimony in a second trial. Accordingly, without the resolution that is now proposed, the employee could not be paid by the Senate for unreimbursed witness expenses related to her testimony at the second trial. Given the similarity of the employee's testimony at both trials, authorization would readily have been provided for the second trial. For this reason and because the failure to obtain authorization was inadvertent, the proposed resolution would authorize the employee's testimony retroactively, and authorize payment for unreimbursed expenses.

For the future, it is important to bear in mind the need for advance authorization for testimony or the production of documents, in order to protect the interests of the Senate and to avoid adverse consequences for Senate employees who incur expenses when they are summoned to testify or produce documents about official matters.

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PROVIDING FOR ADJOURNMENT OF THE HOUSE AND SENATE

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of House Concurrent Resolution 206, the adjournment resolution, just received from the House; that the concurrent resolution be agreed to and the motion to reconsider be laid upon the table.

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

So the concurrent resolution (H. Con. Res. 206) was agreed to.

UNANIMOUS CONSENT AGREEMENT—NOMINATION OF STROBE TALBOTT, TO BE DEPUTY SECRETARY OF STATE

Mr. FORD. Mr. President, as if in executive session, I ask unanimous consent that on Tuesday, February 22, immediately following the conclusion of the reading of the Washington's Farewell Address, the Senate proceed to executive session to consider the nomination of Strobe Talbott, to be Deputy Secretary of State; that there be 4 hours for debate equally divided between the chairman and ranking member of the Committee on Foreign Relations, or their designees; 20 minutes for debate under the control of Senator MCCAIN; 20 minutes for debate under the control of Senator SPECTER; that immediately following the conclusion or yielding back of time, the Senate vote, without any intervening action, on the nomination; that if confirmed, the President be notified of the Senate's action; and that the Senate return to legislative session.

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

Mr. FORD. Mr. President, I ask unanimous consent that it be in order at this time to request the yeas and nays on the nomination.

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

Mr. FORD. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. FORD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

ORDERS FOR FRIDAY, FEBRUARY 11, 1994

Mr. FORD. Mr. President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 3 p.m., Friday, February 11; that following the prayer, the Journal of proceedings be approved to date and the time for the two leaders reserved for their use later in the day; that there then be a period for morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

RECESS UNTIL FRIDAY, FEBRUARY 11, 1994, AT 3 P.M.

Mr. FORD. Mr. President, if there is no further business to come before the Senate today, I ask unanimous consent that the Senate stand in recess, as previously ordered.

There being no objection, the Senate, at 7:35 p.m., recessed until Friday, February 11, 1994, at 3 p.m.

CONFIRMATIONS

Executive nomination confirmed by the Senate February 10, 1994:

MISSISSIPPI RIVER COMMISSION

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO BE A MEMBER AND PRESIDENT OF THE MISSISSIPPI RIVER COMMISSION, UNDER THE PROVISIONS OF SECTION 2 OF AN ACT OF CONGRESS, APPROVED JUNE 1879 (21 STAT. 37) (33 USC 642):

To be a member and president of the Mississippi River Commission

BRIG. GEN. EUGENE S. WITHERSPOON, 250-62-3736, U.S. ARMY.

FEDERAL EMERGENCY MANAGEMENT AGENCY

RICHARD THOMAS MOORE, OF MASSACHUSETTS, TO BE AN ASSOCIATE DIRECTOR OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

DEPARTMENT OF COMMERCE

WILLIAM W. GINSBERG, OF CONNECTICUT, TO BE AN ASSISTANT SECRETARY OF COMMERCE.

DEPARTMENT OF STATE

SANDRA LOUISE VOGELGESANG, OF OHIO, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF NEPAL.

DAVID NATHAN MERRILL, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE PEOPLE'S REPUBLIC OF BANGLADESH.

WESLEY WILLIAM EGAN, JR., OF NORTH CAROLINA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE HASHEMITE KINGDOM OF JORDAN.

ROBERT H. PELLETREAU, JR., OF CONNECTICUT, TO BE AN ASSISTANT SECRETARY OF STATE.

ESTHER PETERSON, OF THE DISTRICT OF COLUMBIA, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FORTY-EIGHT SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

AFRICAN DEVELOPMENT BANK

ALICE MARIE DEAR, OF NEW YORK, TO BE U.S. DIRECTOR OF THE AFRICAN DEVELOPMENT BANK FOR A TERM OF 5 YEARS.

EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT

JAMES H. SCHEUER, OF NEW YORK, TO BE U.S. DIRECTOR OF THE EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT.

UNITED STATES INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

JILL B. BUCKLEY, OF WASHINGTON, TO BE AN ASSISTANT ADMINISTRATOR OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT.

THOMAS A. DINE, OF OHIO, TO BE AN ASSISTANT ADMINISTRATOR OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT.

DEPARTMENT OF THE TREASURY

MARY ELLEN WITHROW, OF OHIO, TO BE TREASURER OF THE UNITED STATES.

DEPARTMENT OF AGRICULTURE

FREDERICK GILBERT SLABACH, OF MISSISSIPPI, TO BE AN ASSISTANT SECRETARY OF AGRICULTURE.

ASSASSINATION RECORDS REVIEW BOARD

KERMIT L. HALL, OF OKLAHOMA, TO BE A MEMBER OF THE ASSASSINATION RECORDS REVIEW BOARD.

JOHN R. TUNHEIM, OF MINNESOTA, TO BE A MEMBER OF THE ASSASSINATION RECORDS REVIEW BOARD.

WILLIAM L. JOYCE, OF NEW JERSEY, TO BE A MEMBER OF THE ASSASSINATION RECORDS REVIEW BOARD.

ANNA K. NELSON, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE ASSASSINATION RECORDS REVIEW BOARD.

HENRY F. GRAFF, OF NEW YORK, TO BE A MEMBER OF THE ASSASSINATION RECORDS REVIEW BOARD.

POSTAL RATE COMMISSION

EDWARD JAY GLEIMAN, OF MARYLAND, TO BE A COMMISSIONER OF THE POSTAL RATE COMMISSION FOR THE TERM EXPIRING OCTOBER 16, 1998.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

THE JUDICIARY

NANCY GERTNER, OF MASSACHUSETTS, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF MASSACHUSETTS.

THOMAS I. VANASKIE, OF PENNSYLVANIA, TO BE U.S. DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF PENNSYLVANIA, VICE A NEW POSITION CREATED BY PUBLIC LAW 101-650, APPROVED DECEMBER 1, 1990.

TUCKER L. MELANCON, OF LOUISIANA, TO BE U.S. DISTRICT JUDGE FOR THE WESTERN DISTRICT OF LOUISIANA.

MICHAEL A. PONSOR, OF MASSACHUSETTS, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF MASSACHUSETTS.

LESLEY BROOKS WELLS, OF OHIO, TO BE U.S. DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF OHIO.

MARJORIE O. RENDELL, OF PENNSYLVANIA, TO BE U.S. DISTRICT JUDGE FOR THE EASTERN DISTRICT OF PENNSYLVANIA.

DEPARTMENT OF JUSTICE

MICHAEL DAVID SKINNER, OF LOUISIANA, TO BE U.S. ATTORNEY FOR THE WESTERN DISTRICT OF LOUISIANA FOR THE TERM OF 4 YEARS.

JAMES J. MOLINARI, OF CALIFORNIA, TO BE U.S. MARSHAL FOR THE NORTHERN DISTRICT OF CALIFORNIA FOR THE TERM OF 4 YEARS.

JOE RUSSELL MULLINS, OF KENTUCKY, TO BE U.S. MARSHAL FOR THE EASTERN DISTRICT OF KENTUCKY FOR THE TERM OF 4 YEARS.

JOHN PATRICK MCCAFFREY, OF NEW YORK, TO BE U.S. MARSHAL FOR THE WESTERN DISTRICT OF NEW YORK FOR THE TERM OF 4 YEARS.

PHYLLIS JEANETTE HENRY, OF IOWA, TO BE U.S. MARSHAL FOR THE SOUTHERN DISTRICT OF IOWA FOR THE TERM OF 4 YEARS.

CHARLES M. ADKINS, OF WEST VIRGINIA, TO BE U.S. MARSHAL FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA FOR THE TERM OF 4 YEARS.

DON CARLOS NICKERSON, OF IOWA, TO BE U.S. ATTORNEY FOR THE SOUTHERN DISTRICT OF IOWA FOR THE TERM OF 4 YEARS.

STEPHEN JOHN RAPP, OF IOWA, TO BE U.S. ATTORNEY FOR THE NORTHERN DISTRICT OF IOWA FOR THE TERM OF 4 YEARS.

G. RONALD DASHIELL, OF WASHINGTON, TO BE U.S. MARSHAL FOR THE EASTERN DISTRICT OF WASHINGTON FOR THE TERM OF 4 YEARS.

NANCY J. MCGILLIVRAY-SHAFFER, OF MASSACHUSETTS, TO BE U.S. MARSHAL FOR THE DISTRICT OF MASSACHUSETTS FOR THE TERM OF 4 YEARS.

DONALD R. MORELAND, OF FLORIDA, TO BE U.S. MARSHAL FOR THE MIDDLE DISTRICT OF FLORIDA FOR THE TERM OF 4 YEARS.

BRIAN C. BERG, OF NORTH DAKOTA, TO BE U.S. MARSHAL FOR THE DISTRICT OF NORTH DAKOTA FOR THE TERM OF 4 YEARS.

FLOYD A. KIMBROUGH, OF MISSOURI, TO BE U.S. MARSHAL FOR THE EASTERN DISTRICT OF MISSOURI FOR THE TERM OF 4 YEARS.

CHARLES WILLIAM LOGSDON, OF KENTUCKY, TO BE U.S. MARSHAL FOR THE WESTERN DISTRICT OF KENTUCKY FOR THE TERM OF 4 YEARS.

JAMES MARION HUGHES, JR., OF OKLAHOMA, TO BE U.S. MARSHAL FOR THE NORTHERN DISTRICT OF OKLAHOMA FOR THE TERM OF 4 YEARS.

JOHN STEVEN SANCHEZ, OF NEW MEXICO, TO BE U.S. MARSHAL FOR THE DISTRICT OF NEW MEXICO FOR THE TERM OF 4 YEARS.

JAMES V. SERIO, JR., OF LOUISIANA, TO BE U.S. MARSHAL FOR THE EASTERN DISTRICT OF LOUISIANA FOR THE TERM OF 4 YEARS.

WESLEY JOE WOOD, OF TENNESSEE, TO BE U.S. MARSHAL FOR THE WESTERN DISTRICT OF TENNESSEE FOR THE TERM OF 4 YEARS.

STEPHEN SIMPSON GREGG, OF CALIFORNIA, TO BE U.S. MARSHAL FOR THE SOUTHERN DISTRICT OF CALIFORNIA FOR THE TERM OF 4 YEARS.

CONRAD S. PATILLO, OF ARKANSAS, TO BE U.S. MARSHAL FOR THE EASTERN DISTRICT OF ARKANSAS FOR THE TERM OF 4 YEARS.

HUGH DINSMORE BLACK, JR., OF ARKANSAS, TO BE U.S. MARSHAL FOR THE WESTERN DISTRICT OF ARKANSAS FOR THE TERM OF 4 YEARS.

ROBERT DALE ECOFFEY, OF SOUTH DAKOTA, TO BE U.S. MARSHAL FOR THE DISTRICT OF SOUTH DAKOTA FOR THE TERM OF 4 YEARS.

ROSA MARIA MELENDEZ, OF WASHINGTON, TO BE U.S. MARSHAL FOR THE WESTERN DISTRICT OF WASHINGTON FOR THE TERM OF 4 YEARS.

ROBERT JAMES MOORE, OF ALABAMA, TO BE U.S. MARSHAL FOR THE SOUTHERN DISTRICT OF ALABAMA FOR THE TERM OF 4 YEARS.

JAMES ROBERT OAKES, OF LOUISIANA, TO BE U.S. MARSHAL FOR THE WESTERN DISTRICT OF LOUISIANA FOR THE TERM OF 4 YEARS.

CLEVELAND VAUGHN, OF NEBRASKA, TO BE U.S. MARSHAL FOR THE DISTRICT OF NEBRASKA FOR THE TERM OF 4 YEARS.

RICHARD RAND ROCK II, OF KANSAS, TO BE U.S. MARSHAL FOR THE DISTRICT OF KANSAS FOR THE TERM OF 4 YEARS.

REBECCA ALINE BETTS, OF WEST VIRGINIA, TO BE U.S. ATTORNEY FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA FOR THE TERM OF 4 YEARS.

ROBERT CHARLES BUNDY, OF ALASKA, TO BE U.S. ATTORNEY FOR THE DISTRICT OF ALASKA FOR THE TERM OF 4 YEARS.

LARRY HERBERT COLLETON, OF FLORIDA, TO BE U.S. ATTORNEY FOR THE MIDDLE DISTRICT OF FLORIDA FOR THE TERM OF 4 YEARS.

HARRY DONIVAL DIXON, JR., OF GEORGIA, TO BE U.S. ATTORNEY FOR THE SOUTHERN DISTRICT OF GEORGIA FOR THE TERM OF 4 YEARS.

DAVID LEE LILLEHAUG, OF MINNESOTA, TO BE U.S. ATTORNEY FOR THE DISTRICT OF MINNESOTA FOR THE TERM OF 4 YEARS.

DANIEL J. HORGAN, OF FLORIDA, TO BE U.S. MARSHAL FOR THE SOUTHERN DISTRICT OF FLORIDA FOR THE TERM OF 4 YEARS.

PATRICK J. WILKERSON, OF OKLAHOMA, TO BE U.S. MARSHAL FOR THE WESTERN DISTRICT OF OKLAHOMA FOR THE TERM OF 4 YEARS.

JAMES LAMAR WIGGINS, OF GEORGIA, TO BE U.S. ATTORNEY FOR THE MIDDLE DISTRICT OF GEORGIA FOR THE TERM OF 4 YEARS.

PAUL MICHAEL GAGNON, OF NEW HAMPSHIRE, TO BE U.S. ATTORNEY FOR THE DISTRICT OF NEW HAMPSHIRE FOR THE TERM OF 4 YEARS.

MARK TIMOTHY CALLOWAY, OF NORTH CAROLINA, TO BE U.S. ATTORNEY FOR THE WESTERN DISTRICT OF NORTH CAROLINA FOR THE TERM OF 4 YEARS.

JAMES DOUGLAS, JR., OF MICHIGAN, TO BE U.S. MARSHAL FOR THE EASTERN DISTRICT OF MICHIGAN FOR THE TERM OF 4 YEARS.

WILLIAM STEPHEN STRIZICH, OF MONTANA, TO BE U.S. MARSHAL FOR THE DISTRICT OF MONTANA FOR THE TERM OF 4 YEARS.

TERRENCE EDWARD DELANEY, OF ILLINOIS, TO BE U.S. MARSHAL FOR THE SOUTHERN DISTRICT OF ILLINOIS FOR THE TERM OF 4 YEARS.

JANICE MCKENZIE COLE, OF NORTH CAROLINA, TO BE U.S. ATTORNEY FOR THE EASTERN DISTRICT OF NORTH CAROLINA FOR THE TERM OF 4 YEARS.

JAMES HOWARD BENHAM, OF IDAHO, TO BE U.S. MARSHAL FOR THE DISTRICT OF IDAHO FOR THE TERM OF 4 YEARS.

MICHAEL HAYES DETTMER, OF MICHIGAN, TO BE U.S. ATTORNEY FOR THE WESTERN DISTRICT OF MICHIGAN FOR THE TERM OF 4 YEARS.

STEPHEN LAWRENCE HILL, OF MISSOURI, TO BE U.S. ATTORNEY FOR THE WESTERN DISTRICT OF MISSOURI FOR THE TERM OF 4 YEARS.

ALAN D. LEWIS, OF PENNSYLVANIA, TO BE U.S. MARSHAL FOR THE EASTERN DISTRICT OF PENNSYLVANIA FOR THE TERM OF 4 YEARS.

IN THE FOREIGN SERVICE

FOREIGN SERVICE NOMINATIONS BEGINNING ROBERT JOHN MCANNENY, AND ENDING HAROLD EDWARD ZAPPIA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 26, 1994.

FOREIGN SERVICE NOMINATIONS BEGINNING VICTOR B. OLASON, AND ENDING EMI LYNN YAMAUCHI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 26, 1994.

FOREIGN SERVICE NOMINATIONS BEGINNING SUZANNE K. HALE, AND ENDING LYLE J. SEBRANEK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 26, 1994.