# HOUSE OF REPRESENTATIVES—*Tuesday, April 7, 1992*

The House met at 12 noon.

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

O gracious God, from whom has come the creation of the whole world and whose power has given all life and love, we give thanks for every good gift. May Your blessing, O God, that is above all we could ask or imagine, be with us and bless each of us in the depths of our own hearts. In the stillness of this moment of prayer, we place before You our own needs, asking that You would give us renewed hope and life this day and every day. Amen.

## THE JOURNAL

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

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

## PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from New Jersey [Mr. ZIMMER] please come forward and lead the House in the Pledge of Allegiance?

Mr. ZIMMER led the Pledge of Allegiance as follows:

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

## MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 2507. An act to amend the Public Health Service Act to revie and extend the programs of the National Institutes of Health, and for other purposes.

## LETTER TO THE PRESIDENT

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

Mr. BONIOR. Mr. Speaker, the President has a plan to provide billions in aid to the former Soviet Republic, a billion to stabilize the ruble.

Today, the gentleman from West Virginia [Mr. WISE] and I will circulate a letter to be presented to the President, and it says this:

Jobs for Americans must come first. We have 7.3 percent of our people in this country out of work, and, if you include those who are discouraged and those who have part-time jobs, looking for full time, it approaches close to 14 percent. It's fine to help the ex-Soviet states, but what about the United States?

Mr. Speaker, our letter says we will support the President's plan once he supports two things, first, an extension of unemployment benefits; and, second, an accelerated jobs bill to speed up the creation of jobs here at home.

I urge my colleagues to sign the letter. Let us tell the President we will join him in helping stabilize the ruble once he joins us in helping Americans trying to earn a buck.

## DEMOCRAT-CONTROLLED CONGRESS' ABUSE OF POWER: HOUSE POST OFFICE—MAKE ALL GAO REPORTS PUBLIC

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

Mr. BALLENGER. Mr. Speaker, marble floors in elevators; unauthorized construction in the Capitol; Members of the House writing hot checks out of the Democrat-controlled bank to cover last minute campaign expenses; embezzlement and cocaine sales at the Democrat-controlled post office. Where will it end?

The House has been brought into disrepute. The people do not trust us. And, sadly, we no longer trust ourselves. And with good reason. The secrecy with which the Democrat-controlled House has been run in these last years has now come home to roost. Members have not been made aware of problems. It appears that much time and effort went into covering these problems rather than bringing them into the light of day so we could fix them.

Now we learn that the GAO tried to sound the alarm on some of these problems as early as 1984. And their advice went unheeded. Where will it end?

Mr. Speaker, I ask now that you make public all GAO reports in your possession concerning the Democrat-controlled bank and the post office—unedited and unsanitized. Only when we know the full extent of the problem may we undertake the bold action necessary to fix the problems and to prevent them from ever happening again.

## AMERICA IS PROCHOICE

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

Mr. EDWARDS of California. Mr. Speaker, once again President Bush has decided to pander to the right wing, this time by filing an amicus brief, a friend-of-the-court brief, in the Pennsylvania case before the Supreme Court. Initially, President Bush had decided not to file this brief. But the enormous success of the prochoice march this weekend must have dismayed his supporters, and they must have insisted that this brief be filed.

America is prochoice. By continuing to highlight this antichoice position, President Bush is only digging in deeper. And, by insisting in the brief that life begins at conception, the administration would impose a particular religious belief on the rest of us when most religions do not share that belief.

Mr. Speaker, President Bush's insistence is just a cynical sop thrown to his supporters who apparently are very much dismayed at the success of the ProChoice march this weekend.

## DEMOCRAT-CONTROLLED CONGRESS' ABUSE OF POWER: HOUSE POST OFFICE—DEMOCRATS MORE CONCERNED ABOUT PATRONAGE THAN FIXING THE PROBLEMS

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

Mr. DELAY. Mr. Speaker, the mismanagement of the House post office by the House Democrat leadership continues as evidenced by the surprise audit by the General Accounting Office just 2 weeks ago.

The GAO indicated a number of shortcomings in the House post office system as designated in the April 4 issue of the Congressional Quarterly. Among these shortcomings were an "open vault with keys in it" containing a stack of $100 money orders worth $75,000; cash shortages in significant amounts; personal funds being "commingled with public funds;" mishandling of important documents showing gross financial mismanagement and other similar incidents.

The post office and bank scandals are indications of the overall Democrat leadership mismanagement of this House. Is it any wonder the Federal Government now has deficits of $400 billion a year when the House Democrat leadership can't even manage a tiny post office system and a tiny bank? As usual, the Democrats are more concerned about patronage than

the quality of services provided by House officers like the postmaster and the Sergeant at Arms.

Mr. Speaker, incompetent management by the Democrat leadership in this House have created all the scandals during the past year. Mr. Speaker, you must realize all the GAO reports, not only about the House post office, but about the House bank, and do it now.

## ADMINISTRATION'S ANSWER TO PROCHOICE RALLY

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

Mrs. SCHROEDER. Mr. Speaker, hundreds of thousands of families came to Washington this weekend to speak for choice, and yesterday, unfortunately, the administration answered. It accepted Soliciter General Ken Starr to the court to enter an appearance on behalf of the administration in the Pennsylvania case requesting Roe versus Wade be overturned. Starr said in his brief to the court:

A State's interest in protecting fetal life throughout pregnancy overweighs a woman's liberty.

Mr. Speaker, that tells us how this administration views women. They have no fundamental rights or liberties, and, while they have not done such a good job managing the debt, or managing this Government, or regulation or anything else, they are going to take time to manage women's lives and do everything that they can to put restrictions on women's most private health choices and personal religious choices.

Mr. Speaker, that is not what this country is about. The people who were here on Sunday understood what this country is about. This country is big enough for more than one opinion, and it is outrageous that this country would treat over half of its citizens as less than citizens, as the administration did yesterday by asking for this 20-year constitutional right to be rescinded.

□ 1210

## ANOTHER HOUSE BANK FOR MEMBERS—CAMPAIGN FINANCE REFORM

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

Mr. HENRY. Mr. Speaker, belatedly but blessedly, the House closed down its bank. How shocked we ought to be and how shocked the American people ought to be, however, to learn that now the leadership this week wants to open up a new bank for Members called campaign finance reform. This new bank would give every incumbent Member of Congress a $200,000 line of credit paid for by the taxpayer to finance Members' elections. Note that in this so-called campaign finance reform, to be eligible for the $200,000 taxpayer-subsidized line of credit as an incumbent Member of Congress, one would not have to raise one single penny from individual contributions within one's own congressional district. Yes, there would be so-called private match, but there would be no assurance that any of this matching is drawn from those who are called upon to cast judgment upon the electability of a Member.

Mr. Speaker, we have closed down one bank. Let us not open another.

## A COMMITMENT TO FREEDOM AND LIBERTY

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

Mrs. MINK. Mr. Speaker, this Nation witnessed on Sunday a spectacular expression of commitment to freedom and liberty. Over half a million people—men, women, and children—assembled to express their belief in themselves and in their country and in their country's ability to understand the deepest signal of freedom and liberty that is expressed in many of our court decisions that have become part of the fabric of this country. That is exactly what Roe versus Wade has meant to millions of people across this land.

The march on Sunday was a march of freedom, an expression of determination that our freedom is not going to be taken away by mere people.

So I am astounded today to learn that the President has decided to file and did indeed file a brief. For the first time in the history of this country a President and his administration have asked for the withdrawal of a fundamental liberty given to the citizens of this country. This matter of Roe versus Wade is a matter of freedom, and if women are to be free and equal citizens of this country, that decision has to be maintained.

## WASHINGTON POST FINDS ABORTION RIGHTS MARCHERS DO NOT REPRESENT THE VIEW OF MAJORITY OF AMERICANS

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

Mr. SMITH of New Jersey. Madam Speaker, the Washington Post probed past the obvious in its coverage of Sunday's proabortion march in Washington and found exactly what many of us have been saying for some time: mainstream America is pro-life and the abortion rights activists do not speak for most Americans.

The Post randomly interviewed 881 demonstrators and found that:

Virtually all of those who marched yesterday favor abortion in cases where parents do not want or cannot afford another child—circumstances under which majorities of Americans say abortion should not be legal.

Nearly eight out of ten said they were politically liberal, an ideology they share with about a third of all Americans. Only 4% said they were politically conservative, and 16% identified themselves as moderates. Six out of ten said they were Democrats. Only 5% said they were Republicans.

Six out of ten said they had previously participated in an abortion rights rally or demonstration.

A third of the demonstrators said they had attended a rally in support of gay or lesbian rights, and an equal proportion had participated in an organized demonstration against the Persian Gulf War.

Nine out of ten rally participants also said a pregnant teenager should not have to notify a parent before obtaining an abortion, a view shared by only 18% of those in the national survey * * *.

Just as the abortion rights marchers are out of step with the American public, their priority agenda item—the so-called Freedom of Choice Act—does not enjoy public support. This legislation—H.R. 25, S. 25—"would impose on all 50 States an unprecedented regime of abortion on demand," according to Attorney General William Barr.

The Post poll, along with Gallup, Wirthlin, and others, demonstrates that a majority of the American public is opposed to abortions which are performed for social and economic reasons. These are the reasons for which most abortions are performed, according to the Alan Guttmacher Institute—the research arm of Planned Parenthood.

Madam Speaker, the Post performed a valuable public service in showing us who the proabortionists really are and that they are out of the mainstream by a wide margin.

## CAMPAIGN FINANCE REFORM DESERVES MEMBERS' SUPPORT

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

Mr. MAZZOLI. Madam Speaker, this week the House has an opportunity to take a positive step toward restoring waning public confidence in government, not just the Federal Government but all government, and that is by passing resoundingly the conference report on campaign finance reform. The bill is not a great bill, but it is a good bill and a very strong step forward in extricating the political process from the coils of big money and big special interests. It calls for limiting campaign contributions, it calls for limiting campaign expenditures, it calls for eliminating bundling, and it calls for restricting the use of soft money.

I would prefer at some point to see political action committees entirely

banned and contributions severely reduced but that will be for a later day.

Madam Speaker, I understand the President has vowed to veto this bill. I hope that the President will reconsider. This is a good bill. It is a step forward. I hope the President will sign it into law.

## GOTTI CONVICTION IS MAJOR STEP IN WAR AGAINST CRIME

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

Mr. OXLEY. Madam Speaker, it was a decade ago that President Ronald Reagan declared war on the mob, calling it this dark, evil enemy within. In the intervening years literally hundreds of gangsters have been caught and convicted, but none bigger than Don John Gotti.

Gotti was convicted of 13 felonies, including 6 murder counts, last Thursday in New York City. Every charge stuck to the former "Teflon Don," culminating a 6-year campaign by Federal prosecutors. He now faces possible life in prison when sentenced on June 23.

The investigators and prosecutors of the Federal Bureau of Investigation and the Justice Department deserve enormous credit for their skill and perseverance. The judge and jurors earned equal praise for their good judgment, mettle, and courage.

The war against organized crime is far from over, but a major battle has been won. It is only appropriate to thank the soldiers who fought it.

## UNTIE THE GAG RULE

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

Mr. ANDERSON. Madam Speaker, the countdown has begun. Two weeks ago the administration released a guidance memo on new abortion regulations for title 10 clinics, commonly referred to as the gag rule. Sixty days from now family planning clinics will be forced to withhold information from patients. In the memo the administration stated that doctors will have the authority to discuss medical information with their patients. I am sure the President is aware that a vast majority of counseling at title 10 clinics is handled by nurses or physician assistants, not doctors. In effect, while appearing to compromise, the administration has put family planning clinics in the cruel position of choosing between reducing services or denying information. If these clinics wish to give poor women access to all available medical information, they will be forced to hire doctors to do all of the counseling. This is a luxury they cannot afford without vastly reducing the number of women they serve. The other option is to deny poor women medical information. I cannot support either option.

The administration is trying to convince the public that it has taken the gag out of the gag rule. However, even with this recent clarification, women will be prohibited from receiving full information on all pregnancy options. It is left to Congress to correct this restrictive policy. The clock is ticking, the gag rule must be untied.

## "LOVE ME TENDER" OR "HOUND DOG"

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

Mr. TRAFICANT. Madam Speaker, it is decision time. America is on fire, and never before have voters had to make such a crucial decision. And make no mistake, only one will be chosen, like it or not.

I am not talking about Brown or Clinton today. I am talking about Elvis. Will it be the old or the young, the clean-shaven or the sideburns? Will it be "Love Me Tender" or "Hound Dog"?

But the tragedy is, Madam Speaker, that there will be more people voting for Elvis than will vote in the Democratic primary, and they will pay 29 cents to vote for Elvis.

This may be great for Elvis fans, but it is "Heartbreak Hotel" for the Democratic Party and the rest of the country.

## CAMPAIGN SPENDING CHANGES ARE NEEDED

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

Mr. GLICKMAN. Madam Speaker, it is time to pass campaign law changes, and the bill we have before us this week is a first start. Frankly, it is a much weaker proposal than I would like to see. I would rather see much stricter limits on campaign spending to reduce the obscene costs of Senate and House races, but the bill does open the door to reducing special interest dominance of the American political process.

Contributions of $250 or less are rewarded in a special way, and perhaps those contributions will begin to squeeze out reliance on $1,000 individual contributions and $5,000 PAC checks. The bill will cause us to focus on fundraising efforts at home, rather than at breakfast and evening receptions at the Republican and Democratic Clubs in Washington, which have been all too frequent occurrences in recent years.

These are tough times for American politicians. But these are even tougher times for the struggling American voter. The message from the public to politicians this year is—"Put yourselves in our shoes and do not separate yourselves from your communities." Opening the door to greater citizen control of campaigns is a good first step.

Madam Speaker, H. Ross Perot has said, "The people own the country." This bill is a small important first step to reinforce that right.

□ 1220

## COMPREHENSIVE AIDS PROGRAM NEEDED NOW

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

Mr. BURTON of Indiana. Madam Speaker, recently I received information that a number of high schools in the country are finding that more and more high school students are testing HIV positive. Recently we also found out that approximately 80 percent of the high school and college students around the country are sexually active, and I do not think that is any big surprise to anybody.

But the fact of the matter is this deadly disease AIDS is spreading silently through the future generations of this country. The future of this country depends upon these young people. Unless we take steps to protect these young people and educate them and create the kind of environment that is going to protect their lives and their future, we are going to see a terrible catastrophe, not only in the health care field, but in the economy of this country.

Madam Speaker, I have said on this floor many times that we have right now over 300,000 people dead or dying of the AIDS virus. By the mid-1990's it is going to be well over 1 million. Many of these are going to be young people.

So I say to my colleagues one more time, if we are going to do the right thing and protect the public in this country, we are going to have to come up with a comprehensive program to deal with this terrible pandemic, including education, scientific research, testing, contact tracing, protection of civil rights, and penalties for those who knowingly spread the disease. We cannot keep our head in a sack on this issue any longer.

## THE REAL PERK OFFENDERS IN AMERICA

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

Mr. APPLEGATE. Madam Speaker, I think what we ought to do is try to get our priorities straight. We hear all

these Republicans, particularly, coming up here and knocking the Democrats about the bank scandal, if it is a bank scandal. It is nothing but a cover for all the indebtedness that the Republicans are heaping down upon the Democrats, the Republicans, the independents, and everybody else.

This pales alongside of George Bush, the king of check bouncers. He gave us one for $1.5 trillion, and it was $400 billion insufficient funds. How is it going to be covered and who is talking about it?

What about George Bush, who is the king of perks, with his 100 servants, his myriads of limos, his golf courses, his Air Force One which he runs around the country campaigning in. Yes, it costs $30,000 an hour, and he gives regular rates and says he is paying for it.

Come on, America. Let us wake up and find out where the real problem is and where the real offenders are.

## AMERICA WANTS AN ISSUE-ORIENTED ELECTION

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

Mr. NAGLE. Madam Speaker, I listened with some puzzlement to my colleagues this morning from the Republican side. I did not realize the Speaker had taken a gun and held it at their heads and forced them to write all those checks on that bank. Somewhere I missed something as to why it would be solely our responsibility for their personal finances.

It is an unfortunate situation, the rule changes abused by some on both sides of the aisle.

Why then would they try to make it a Democratic problem solely? It is very simple.

I would like to introduce myself. I am a Member of the Congress of the United States. But for all of 1992, to cover the absence of a Republican legislative agenda, I shall be forever known as Willie Horton. This is one more of the President's attempts to shift the balance of blame and responsibility from the failure of his own policies to the back of the opposition.

The American people, however, are too smart for that. When all the dust has cleared, when the recriminations are over, this country wants an issue-oriented election in the fall, and there I think my side of the aisle will stand very well and very strong.

## DEMOCRATS HAVE CONTROLLED HOUSE FOR 38 YEARS

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

Mr. WALKER. Madam Speaker, for the edification of some of those on the Democratic side who do not seem to understand, the problem in the House bank arose from the fact the Democrats have controlled this body for 38 years and have picked all the officers and have made all the decisions with regard to the policies that ran the House bank, the House post office, and the other constitutional officers in this body.

Not one Republican has ever voted for any of those officers, not one Republican has ever voted for any of those policies, and now the Democrats, who have been responsible for all of those policies, want to duck the blame.

I am sorry, folks, the blame is yours, completely, and irrefutably.

There is no Republican that has ever voted for any of these things for the last 38 years. You have given us one vote on opening day, and then you have used your power to conduct things the way you wanted it.

The way you wanted it resulted in chaos, confusion, and scandal. The country cannot continue any longer to have the kind of operation of the House of Representatives that daily holds us up to ridicule and scandal throughout the country.

We need change. We need reform. Republicans are determined to work toward reform, but the Democrats cannot continue to come to the well and say, "Oh, we had nothing to do with it." You had everything to do with it, folks.

## WOMEN WILL NOT GO QUIETLY BACK INTO THE NIGHT

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

Ms. NORTON. Madam Speaker, we will not go quietly back into the night. So said the three quarters of a million Americans who gathered in the bright sun here on Sunday. Bush administration lawyers may be able to argue their way back before this count. But we must see that they do not carry women with them. The Freedom of Choice Act has now become imperative.

The administration's brief in Planned Parenthood of Southeastern Pennsylvania versus Casey looked back to where we must not go. The brief argued that a woman's reproductive right should be reduced precipitously from fundamental to one that can be judged by the lowest constitutional standard—a legitimate State interest.

Madam Speaker, women's bodies cannot be regulated like rancid meat. The State's interest lies in protecting the fundamental right to choose, not destroying it. Only the Freedom of Choice Act can stop the march backward into discredited history.

## COMMUNICATION FROM THE CLERK OF THE HOUSE

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

WASHINGTON, DC, *April 3, 1992.*

Hon. THOMAS S. FOLEY,
*Speaker of the U.S. House of Representatives, Washington, DC.*

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on Friday, April 3, 1992 and said to contain a message from the President wherein he transmits a report pursuant to subsection 402 (c)(2)(A) of the Trade Act of 1974 (Jackson-Vanik Amendment), determinating that a waiver is desirable with regard to Armenia, Belarus, Kyrgyzstan, and Russia. A copy of Presidential Determination No. 92-20 is attached.

With great respect, I am

Sincerely yours,

DONNALD K. ANDERSON,
*Clerk, House of Representatives.*

## WAIVER OF CERTAIN PORTIONS OF TRADE ACT OF 1974 RELATING TO EMIGRATION PRACTICES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 102-283)

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

*To the Congress of the United States:*

Pursuant to subsection 402(c)(2)(A) of the Trade Act of 1974 (the "Act") (19 U.S.C. 2432(c)(2)(A)), I have determined that a waiver of the application of subsections (a) and (b) of section 402 with respect to Armenia, Belarus, Kyrgyzstan, and Russia will substantially promote the objectives of section 402. A copy of that determination is enclosed. I have also received assurances with respect to the emigration practices of Armenia, Belarus, Kyrgyzstan, and Russia required by subsection 402(c)(2)(B) of the Act. This letter constitutes the report to the Congress required by subsection 402(c)(2).

Pursuant to subsection 402(c)(2), I shall waive by Executive order the application of subsections (a) and (b) of section 402 of the Act with respect to Armenia, Belarus, Kyrgyzstan, and Russia.

GEORGE BUSH.

THE WHITE HOUSE, *April 3, 1992.*

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

clause 4 of rule XV. Such rollcall votes, if postponed, will be taken after the debate has concluded on all motions to suspend the rules.

## EDWARD P. BOLAND DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER

Mr. MONTGOMERY. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4184) to designate the Department of Veterans Affairs Medical Center located in Northampton, MA, as the Edward P. Boland Department of Veterans Affairs Medical Center.

The Clerk read as follows:

H.R. 4184

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

**SECTION 1. DESIGNATION.**

The Department of Veterans Affairs Medical Center located in Northampton, Massachusetts, shall be known and designated as the "Edward P. Boland Department of Veterans Affairs Medical Center".

**SEC. 2. LEGAL REFERENCES.**

Any reference in any law, regulation, document, record, map, or other paper of the United States to the medical center referred to in section 1 shall be deemed to be a reference to the "Edward P. Boland Department of Veterans Affairs Medical Center".

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

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

GENERAL LEAVE

Mr. MONTGOMERY. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include therein extraneous material, on H.R. 4184.

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

There was no objection.

□ 1240

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

Mr. SPEAKER, our friend and distinguished colleague, Eddie Boland, devoted most of his life to his country, his State, and his family. He served for 36 years in this body as a Representative of the Second Congressional District of the State of Massachusetts. Thirty-six years of service in the House is, in itself, a remarkable achievement, but it is much more than longevity for which one is paid tribute, it is for the quality and style of one's work. During his years in the Congress, Mr. Boland established a reputation as a gentleman of great integrity. He continues to be highly respected by members of both political parties.

Upon his retirement in 1988, his colleague, the late Silvio Conte remarked:

I can say without hesitation that I've never known a more trustworthy and reasonable man than Eddie. He has anchored this institution to the fundamental virtues of good government.

Eddie served 34 years as a member of the Committee on Appropriations, 18 as chairman of the Subcommittee on VA, HUD, and Independent Agencies. Eddie was a strong champion of veterans' benefits and services, and before leaving the House, several of the major veterans organizations recognized his good work by presenting him with their highest awards, including the American Legion's Distinguished Public Service Award and AMVETS' Silver Helmet Award.

During his 34 years on the Appropriations Committee, Eddie played a major role in preserving VA programs and made certain they were properly funded. Veterans were high on Eddie's priority list. He listened to the recommendations of the authorization committee and over the years we established a warm relationship between our two committees that continues today. Through his leadership, the VA budget was carefully reviewed and always strengthened. Staffing levels were maintained at a steady level in VA hospitals in spite of repeated attempts by OMB to eliminate thousands of health care positions.

Mr. Speaker, naming the Northampton VA Hospital in honor of Eddie Boland is supported by the entire Massachusetts congressional delegation and by all of the federally chartered veterans' service organizations in the State of Massachusetts. That says a lot about the man. But the admiration and appreciation for him goes far beyond the borders of his home State. And I can tell you that in the opinion of this Mississippi Congressman, he is, and always will be, one of the best. He is certainly deserving of the honor this bill would grant to him. We are very proud to present this legislation to the House.

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

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

Mr. Speaker, I want to state my strong support for H.R. 4184, a bill to name the Department of Veterans Affairs Medical Center in Northampton, MA, for our colleague, Congressman Edward Patrick Boland.

As my colleagues are aware, Mr. Boland served as the first chairman of the Intelligence Oversight Committee.

In addition, Mr. Boland served as chairman of the Appropriation's VA, HUD and Independent Agencies Subcommittee for 17 years. Under his leadership, this subcommittee, which has responsibility for the final funding provided to VA programs, was able to maintain the strong commitment this Nation has made to veterans.

While I did not have the honor of serving with Mr. Boland personally, many of my colleagues have spoken warmly of his great integrity, sense of dedication, and gentlemanly presence here in Congress.

The naming of the Northampton VA Medical Center for Ed Boland is a small way in which we can recognize his exceptional public service.

Mr. Speaker, I urge the support of my colleagues to pass H.R. 4184.

Mr. Speaker, if there are no further requests for time, I yield back the balance of my time.

Mr. NEAL of Massachusetts. Mr. Speaker, I want to thank the gentleman from Mississippi [Mr. MONTGOMERY] for yielding time to me. Mr. Speaker, it is an honor to be the sponsor of H.R. 4184, which would name the Department of Veterans Affairs Medical Center in Northampton, MA, the Edward P. Boland Department of Veterans Affairs Medical Center. I would like to thank Chairman MONTGOMERY of the Veterans' Affairs Committee for taking quick action on this measure, which was submitted just 2 months ago.

Many of you here in this Chamber served with former Congressman Edward Boland during his 36 years in the House of Representatives. His list of accomplishments is too long to completely cover here today. Let me just hit the highlights; for nearly 20 years, Eddie Boland chaired the Appropriations Committee Subcommittee on HUD-Independent Agencies. This subcommittee also has the responsibility to insure that programs vital to the nearly 30 million military veterans in this country are adequately funded.

Through this chairmanship Boland also fought hard for housing programs that provided hundreds of thousands of homes for low- and moderate-income Americans. In this post Boland also worked to expand and improve our space program. During the Boland years the space shuttle became a reality. In the late 1970's, Eddie Boland was appointed by Speaker Tip O'Neill to be the first chairman of the Select Committee on Intelligence. At the time, Speaker O'Neill said, "I know of nobody more trustworthy than Eddie Boland." Boland's service in that sensitive post established the Intelligence Committee and set a high standard for future chairmen. And, of course, history will remember Edward Boland for his steadfast belief that United States involvement in the war in Nicaragua would be a disaster. The foreign policy struggles in the 1980's in this body center largely around the Boland amendment.

Mr. Speaker, this is merely a thumbnail sketch of the career of Eddie Boland. As his successor in the Second District of Massachusetts and, like Boland, a native of Springfield, I had the privilege of working with Eddie Boland

as a member of the Springfield City Council and as mayor. It may be a cliche, but for Eddie Boland, it is one of the truest things you can say about him; he never forgot where he came from. His good friend Tip O'Neill says that "all politics is local." Boland practiced this rule better than any politician in America. He would talk to reporters from Springfield, but paid little attention to the national press. He returned to Springfield from Washington every weekend.

Mr. Speaker and Chairman MONTGOMERY, today we are considering a bill to name the Northampton, MA, VA medical center after Eddie Boland. This is an altogether fitting tribute to former chairman Boland. In addition to his work funding the VA, Boland is a veteran himself, serving for 4 years during World War Two. Eddie enlisted as a private in the Army and left as a captain. He served in the Pacific theater as we fought Japan. As I noted earlier, many of you worked with chairman Boland to create and adequately fund the programs that our military veterans depend upon. Although I was not in Congress at the time, I have heard from a tremendous number of vets who speak with great respect of Eddie Boland and his support for VA programs. He truly was a friend to our men and women in uniform.

To get this bill ready for our consideration, I had to seek the support of each and every federally chartered veterans group in Massachusetts. It almost goes without saying that this was not a problem. They all wrote back almost immediately with their strong support. State Commander William J. Madera of the Massachusetts Department of the Veterans of Foreign Wars wrote, "former Congressman Edward Boland did so very much to support and advance the cause of the veteran." Eddie Boland has been to the Northampton facility many times and lives just 20 miles away. I urge my colleagues to support his measure and honor Edward Boland for his years of dedicated service to America's military veterans.

Mr. Speaker, I would like to thank Chairman MONTGOMERY, ranking member BOB STUMP and the staff at the VA Committee for their assistance in this matter. Two of my colleagues from Massachusetts also deserve recognition for their work with this bill; Congressman JOSEPH KENNEDY, a member of the VA Committee and Rules Committee chairman JOE MOAKLEY.

□ 1240

Mr. MONTGOMERY. Mr. Speaker, I thank the gentleman from Massachusetts [Mr. NEAL], who represents Mr. Boland's district, for his remarks.

Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts [Mr. MOAKLEY], chairman of the Committee on Rules.

Mr. MOAKLEY. Mr. Speaker, it gives me great pleasure to rise today in support of H.R. 4184, a bill to name the Northampton, MA Veteran's Medical Center after my dear friend, Eddie Boland.

When my colleague from Massachusetts, RICHIE NEAL, and I first considered this bill, we were not sure that Eddie would be in favor of it. He had always been such a low key, behind the scenes operator. But when we spread the word that we were considering it, the response was immediate and overwhelming.

I remember talking to Eddie when the bill had met all the necessary requirements and was before the Committee on Veterans' Affairs. He was a little bit embarrassed by it all. I told him that there had been unanimous support for the measure in the Congress and in the Commonwealth and that the bill was rolling along. We are moving ahead, I told him, so you might as well enjoy the ride.

In my years in Congress, one of the greatest losses I have ever felt was when Eddie Boland told me that he was going to retire. I was stunned. Eddie has been representing the citizens of the Commonwealth for so long, it seemed like it would always be that way. I asked him, "Why are you leaving?"

He told me:

Joe, I know the time is right. I have a wonderful family and it is time to enjoy being with them.

Eddie is a wonderful family man; he's a loving husband and a caring father. He started this part of his life a little later than some, as a matter of fact, he is known for being the oldest third base coach in Springfield Little League.

The passion and commitment that he always brought to his job, he now brings to his family. When he was in the Congress, no issue stirred him more than caring for our Nation's veterans. He regarded our promise to our veterans as an unbreakable vow. Tirelessly and unceasingly, Eddie would use his years of experience, his position on the Appropriations Committee, and his ability to persuade others to guarantee that those who had served the country received what they deserved.

Eddie knew that it would be impossible to ever fully repay those people for the disruption in their lives. He knew that there were many things he could not fix or replace. But he also knew that there were things he could do for them. He could see to it that they never wanted for health care, that they never felt alone, that they never felt that their country had turned its back on them.

Mr. Speaker, it would be impossible to stand here today and recite the accomplishments of Eddie Boland. There has rarely been a public servant so dedicated and so well regarded. Eddie was truly liked by all who knew him and the Commonwealth of Massachusetts and the entire Nation are richer for his having served.

I commend the gentleman from Springfield, Mr. NEAL, for introducing this bill. I also want to recognize the fine work of the chairman of the committee, Mr. MONTGOMERY, and his staff for bringing this measure to the floor today. But more than anything, I want to state how much Eddie Boland has meant to me and to us all. There could be no more deserving person of this honor than Eddie Boland.

Mr. Speaker, they just don't make 'em like that anymore.

Mr. MONTGOMERY. Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts [Mr. KENNEDY], who is a member of the Committee on Veterans' Affairs.

Mr. KENNEDY. Mr. Speaker, first of all I thank very much the gentleman from Mississippi [Mr. MONTGOMERY], the chairman of the Committee on Veterans' Affairs, for the tremendous leadership that he has shown on the committee in looking out for our Nation's veterans.

I also think that there has been no one who could more personify Eddie Boland's leadership on the Committee on Appropriations than the current chairman of the Subcommittee on VA, HUD and Independent Agencies, the gentleman from Michigan [Mr. TRAXLER] for the job that he has done in looking out for our Nation's veterans. I know Eddie Boland would be delighted with the work that has continued in his absence by Mr. TRAXLER and the leadership that the gentleman from Mississippi [Mr. MONTGOMERY] has shown.

I also want to thank and pay tribute to the man who we are here to honor today, the individual who has served this House for over a half century and who has made life better for the citizens of Massachusetts, and who has devoted a great deal of his life for the improvement of our great country.

Eddie Boland was one of the most respected Members of Congress during his 36 years of service. And during his tenure as chairman of the Appropriations Subcommittee with jurisdiction over the Veterans' Administration, I can truly say that Eddie has been a great friend of veterans all across America. It is only fitting that we honor him now by supporting legislation that will name the Department of Veterans Affairs Medical Center in Northampton, MA, as the "Edward P. Boland Department of Veterans Affairs Medical Center."

During his service on the Appropriations Committee, Eddie Boland worked tirelessly to make sure that Americans' tax dollars were spent efficiently and effectively. He also championed the cause of nonprofits through the section 202 housing program. Most importantly, we are here today to honor

the work that he did through the cutback years of the Reagan administration, making sure that time and time again, when this Congress saw fit to cut programs, that he was there to defend veterans programs.

As a result of his work with that program, our elderly and handicapped citizens are better housed than they have ever been in the history of our Nation.

At home in Massachusetts, Eddie Boland was well loved and respected. From the time he was first elected to the Massachusetts House of Representatives in 1935 until his retirement 4 years ago in 1988, Eddie Boland never lost an election. For 7 of his 17 congressional campaigns, the Republicans never even offered an opponent to run against him.

Along with the late Representative Silvio Conte, Eddie Boland helped reshape and revitalize central Massachusetts by helping the people of that city secure financing for their homes, their schools, their post offices, hospitals, and community centers. As a public citizen who always avoided the limelight, the designation of the Northampton Veterans Center will serve as an everlasting, silent tribute to an outstanding citizen.

On a more personal note, Eddie's friendship has enriched the lives of my family for many years. As a little boy, I can remember walking into our living room to see my father and my uncles planning strategies for winning elections or policy fights. It was Eddie Boland whose speech and endorsement helped my Uncle TED win a tough Senate primary in 1962. He was also there to help his old friend, my uncle Jack Kennedy in 1960, and he was there for my father in 1968.

Eddie Boland was always an integral part of the team. Through the good times and all of the sad times, Eddie has been someone that everyone in my family has been glad to call a friend.

It is with great pleasure that on behalf of the entire Massachusetts delegation, that we ask the House of Representatives to consider H.R. 4184, and designate the Northampton Department of Veterans Affairs Medical Center, as the "Edward P. Boland Department of Veterans Affairs Medical Center."

Mr. MONTGOMERY. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan [Mr. TRAXLER], who is chairman of the Subcommittee on VA, HUD and Independent Agencies of the Committee on Appropriations, the subcommittee Mr. Boland chaired for a number of years.

Mr. TRAXLER. Mr. Speaker, I wish to express my appreciation and thanks to the chairman of the full Committee on Veterans' Affairs, who has been an outstanding advocate for America's veterans and has done so much to make their lives so well worthwhile.

Mr. Speaker, it is my pleasure to join with my colleagues in supporting this resolution to name the hospital after Representative Boland. He was a giant among men in this institution. He was a Congressman of Congressmen. He never forgot where he came from. He knew who his people were. He always represented them to the very best of his ability.

In the course of his long career—and he was 36 years a Member of this body and 34 years as a member of the full Committee on Appropriations—and additionally, he served 34 years as a member of the Subcommittee on VA, HUD, and Independent Agencies of the Committee on Appropriations. Furthermore, he was the chairman of that subcommittee, which it is my honor to further chair at this time. He was the chairman there for 18 years, a remarkable record.

During that time, and we are emphasizing now, of course, what he did for the veterans, during that time he was responsible for considerable facility improvements at Northhampton, but additionally and more importantly—as has been indicated earlier—Mr. Boland presided over the subcommittee during very, very difficult budgetary periods.

□ 1250

It was through his effort that moneys were channeled—with the full support of the gentleman from Mississippi [Mr. MONTGOMERY]—channeled into the Veterans Administration, above and beyond the President's request, millions and indeed several billions of dollars over a 12-year period beyond the President's request. And it was those additional dollars that Mr. Boland made available that preserved the VA medical system and kept it alive for what it is today, and he deserves the thanks of every veteran.

But I would also say in the course of those years as chairman and as a member of that subcommittee he was instrumental in the growth of NASA [the National Aeronautics and Space Administration]. He was instrumental in seeing that the EPA was firmly launched as an agency, and he saw to it that they were adequately funded. He played an important role in our Nation's housing through the funding of the Housing and Urban Development Agency.

Among all other things, he was a person who cared about this Nation and its people—and he strove to do those things which were in the national interest—a person of great courage, a person who was a friend of many of the Members here, a person whom we have always admired and looked up to, and whom we have missed over these past 4 years. That is a totally appropriate honor for him, and it is one that I look forward to joining with him in at the time of the appropriate dedication ceremonies.

The SPEAKER pro tempore (Mr. MAZZOLI). The time of the gentleman from Mississippi [Mr. MONTGOMERY] has expired.

Mr. JAMES. Mr. Speaker, I ask unanimous consent to yield the balance of my time, which I had relinquished, to the gentleman from Mississippi [Mr. MONTGOMERY].

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

There was no objection.

Mr. MONTGOMERY. Mr. Speaker, I yield myself half a minute.

Mr. Speaker, Eddie Boland is certainly a friend of the veterans, and I urge all of my colleagues to support the adoption of this legislation.

Mr. GREEN of New York. Mr. Speaker, I rise in support of H.R. 4184, to name the VA hospital in Northampton, MA, after our retired colleague Ed Boland.

I had the distinct honor of serving with Mr. Boland for 8 years on the VA, HUD and Independent Agencies Subcommittee. I can tell those Members who did not serve with him that there was no greater friend of the veterans in the Congress than Ed Boland. He recognized that a great nation owes a great debt to those who defended their Nation in its time of need.

That debt is most visibly repaid by caring for the medical needs of our Nation's veterans. It is, therefore, especially fitting that we should name a veterans hospital after our colleague because, as chairman of our subcommittee, he always made sure that veterans' health care needs were taken care of first—before any other need in our bill.

Mr. Speaker, Ed Boland came to the House of Representatives in 1952 and served until 1989. From 1953 on, he served on the House Appropriations Committee, and for 18 years as chairman of the HUD and Independent Agencies Subcommittee. In that position, he saw to the needs of not only the Nation's veterans, but the Government's housing program, its space program, its science program, and its environmental program.

Chairman Boland led our committee through the Apollo era, the shuttle era and into the space station era—with some trepidation, I might add. He presided over a near doubling of the National Science Foundation budget, both the creation of the Nation's environmental programs and their restoration and protected our Nation's housing against a complete evisceration.

Yet, Mr. Speaker, in no area did he lead us as ably as in providing for our Nation's veterans. At a time when expenditures for veterans' health care began to increase enormously as WWII veterans aged and the needs of Vietnam-era veterans became apparent, Ed Boland proved himself to be a true friend of the Nation's veterans and a genuine leader in the Congress.

It gives me great pleasure to rise in favor of this bill and I urge my colleagues to support it unanimously.

Mr. STOKES. Mr. Speaker, I rise today in strong support of H.R. 4184, a bill to rename the Northampton, MA, Veterans Affairs Medical Center as the "Edward P. Boland Department of Veterans Affairs Medical Center." I had the privilege of serving with Chairman Boland on the VA/HUD and Independent Agencies Appropriations Subcommittee. His record in Congress for 36 years, and the leadership that he provided during the 34 years he served on the subcommittee and chaired for 18 years, is to be commended.

Mr. Speaker, Edward Boland is one of the finest individuals I have had the pleasure of knowing during my tenure in Congress. The designation of this VA facility in his name is a meaningful tribute to an outstanding and worthy individual. I ask my colleagues to join me in support of this measure.

Mr. MURTHA. Mr. Speaker, I want to offer my strong support for H.R. 4184, a bill designating the Department of Veterans Affairs Medical Center in Northampton, MA, as the Edward P. Boland Department of Veterans Affairs Medical Center.

It was an honor for me to have served with Eddie Boland in the House of Representatives and on the Appropriations Committee on which Eddie served for several years. He was one of the most admired, well respected, and effective Members of Congress this institution has ever seen and is missed dearly by friends and colleagues.

Our mutual friend Tip O'Neill chose Eddie Boland as the chairman of the Select Committee on Intelligence when created in 1977. Eddie ably served as chairman of the Intelligence Committee which has a reputation for confidentiality and professionalism—the direct result of the manner in which Congressman Boland ran it during his tenure as chairman.

Eddie was considered one of the most able subcommittee chairmen in Congress and always presented an excellent bill to the House of Representatives. As chairman of the Appropriations Subcommittee on VA, HUD, and Independent Agencies, Eddie kept alive housing for the elderly, was a life-long supporter of public housing, and originated an entire program for the homeless. Eddie was committed to our Nation's veterans and fought for their benefits and medical construction projects throughout the Nation.

During his 36 years in Congress, Eddie Boland diligently attended to the advancement and development of the Northampton Veterans Medical Center. Thousands of veterans have benefited because of Congressman Boland's determination and dedication to the veterans of our Nation. It is only appropriate the Northampton Center be named for Eddie Boland.

Mr. Speaker, for these reasons I respectfully request your support for H.R. 4184.

Mr. MAVROULES. Mr. Speaker, for a decade it was my honor to serve with one of the most respected Members of Congress, the Honorable Edward Patrick Boland. For 36 years, Eddie served the Second Congressional District of Massachusetts in the House of Representatives, playing a prominent role on behalf of the Veterans' Administration and its programs.

As chairman of the House Appropriations Subcommittee on HUD-Independent Agencies, which has jurisdiction over VA funding, Edward Boland fought a ceaseless battle with the White House Office of Management and Budget, saving thousands of VA jobs across the country. His tireless work on behalf of our Nation's vets serves as a model for those who have followed in his footsteps.

Eddie, a dear friend and colleague, is an honest, hardworking individual who dedicated his life to the service of his country. Eddie rose not only through the ranks of the U.S. Army to become a captain, but also through the ranks of public service. Elected as a member of the Massachusetts House of Representatives from 1935 to 1940, and later as the registrar of deeds for Hampden County, Eddie served the people of Massachusetts for more than half a century. The quintessential public servant, Eddie represents the hearty New England spirit, tenacious yet reasonable, with rock-solid integrity.

So it is today that I voice my strong support for H.R. 4184, which would rename the Northampton Veterans Medical Center in Eddie's honor. It is a very fitting tribute to Ed Boland that one of the VA's health care facilities be named in his honor. I can think of few people more worthy of such a distinction, and I am honored to lend my support to the effort.

Mr. HAMMERSCHMIDT. Mr. Speaker, I, too, want to lend my support to H.R. 4184, a bill to designate the VA medical center in Northampton, MA, as the "Edward P. Boland VA Medical Center."

I consider Eddie Boland a good friend and it was a privilege to serve with him for 21 years in Congress. He is a man of high integrity and his 36 years of distinguished service here was marked by his dedication to the institution.

In Eddie Boland's 17 years as chairman of the VA-HUD Appropriations Subcommittee, he was committed to ensuring that veterans' programs received adequate funding. As we all know, this is no easy task. We were very fortunate on the Veterans' Affairs Committee to have Representative Boland as our ally.

It is only fitting that the Northampton VAMC be named in his honor. I urge my colleagues to support H.R. 4184.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi [Mr. MONTGOMERY] that the House suspend the rules and pass the bill, H.R. 4184.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

## HISTORIC SITES SELECTION REFORM ACT OF 1992

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4276) to amend the Historic Sites, Buildings, and Antiquities Act to place certain limits on appropriations for projects not specifically authorized by law, and for other purposes.

The Clerk read as follows:

H.R. 4276

*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 "Historic Sites Selection Reform Act of 1992".

**SEC. 2. REQUIREMENT FOR SPECIFIC AUTHORIZATION FOR PROJECTS UNDER THE HISTORIC SITES, BUILDINGS, AND ANTIQUITIES ACT.**

Section 6 of the Act entitled "An Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes" (16 U.S.C. 461–467) is amended to read as follows:

"SEC. 6. (a) Notwithstanding any other provision of law, no funds appropriated or otherwise made available to the Secretary of the Interior to carry out section 2(e) or 2(f) may be obligated or expended after the date of enactment of this section—

"(1) unless the appropriation of such funds has been specifically authorized by law enacted on or after the date of enactment of this section; or

"(2) in excess of the amount prescribed by law enacted on or after such date.

"(b) Except as provided by subsection (a), there is authorized to be appropriated for carrying out the purposes of this Act such sums as the Congress may from time to time determine.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes, and the gentleman from California [Mr. LAGOMARSINO] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the measure before us.

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

There was no objection.

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

Mr. Speaker, H.R. 4276 amends the Historic Sites Act of 1935 to prevent the earmarking of special interest funds through the appropriations process for non-Federal sites which have neither been reviewed through the historic preservation fund process nor authorized directly by Congress. I introduced H.R. 4276 on February 19, 1992, with bipartisan sponsorship, and the bill was unanimously approved by the Interior and Insular Affairs Committee on March 25, 1992.

Mr. Speaker, I have become greatly concerned about the increasing use of special interest earmarks in appropriations acts for non-Federal sites which have neither been reviewed through the historic preservation fund process nor authorized directly by Congress. In the last 2 fiscal years alone, $33 million of National Park Service funds have been

funneled into such projects, using the open-ended language of the Historic Sites Act of 1935 as the authority.

While these earmarks have been included in the Interior appropriations bills, my purpose is not to disparage the work of the Interior Appropriations Subcommittee or to engage in a jurisdictional dispute. In fact, the chairman of the Interior Appropriations Subcommittee, Mr. YATES, has been a great friend and supporter of the National Park System, and has consistently presented the House with appropriations bills reflecting a commitment to both budgetary restraint and national parks protection. I know of no Member with a stronger appreciation for our existing natural and cultural resources or a deeper abhorrence for actions which erode public and congressional support for the National Park System and stigmatize legitimate historic preservation projects. We have worked closely in the past to assure the continued efficient operation of the National Park Service, and I know firsthand of his strong commitment to the protection of our most valuable resources.

However, because the projects that H.R. 4276 takes aim at are technically authorized through the Historic Sites Act, it is almost impossible for these earmarks to be challenged. In fact, it is predominantly Members of the other body who are responsible for these add-ons. And, while they also decry this practice, the administration has found the Historic Sites Act useful when requesting funding for projects they wish to undertake without congressional review. In fact, Mr. Speaker, when the administration was afforded the chance to take a stand against these special interest projects they incredibly chose to oppose H.R. 4276, citing their concern that the bill would deprive them of flexibility. In other words, the administration is apparently reluctant to cut off this process because they hope to use it themselves. I suggest that that offers even further reason to curtail this process and change the law. Mr. Speaker, I make no apology for taking away such flexibility to the Bush administration or Members of Congress.

Testimony presented by the National Park Service, the Advisory Council on Historic Preservation, and other interested groups at a hearing on H.R. 4276 on March 10, 1992, exposed a highly abused process in which the wishes of a few influential Members of Congress and the executive branch override the views of both professionals who customarily review such proposals and the authorizing committee charged with ensuring that special interest economic development projects do not usurp scarce National Park Service resources. Currently, the National Park Service cites a construction backlog of approximately $2 billion. Independence Hall, the Lincoln and Jefferson Memorials and many other established park sites today are in desperate need of repair and the Interior Appropriations Subcommittee is hard pressed to find the necessary funds. Yet, as I pointed out earlier, in the past 2 years alone at least $33 million of National Park Service funds have been poured into non-Federal projects such as a sports stadium in Louisiana and a movie theater in West Virginia.

Funds so appropriated are subject to none of the safeguards established for properties assisted through the historic preservation fund or authorized directly by Congress. There are no requirements that the site remain protected in the future, nor are there guidelines for the NPS to use in obligating or expending these funds. A site funded 1 year could be destroyed or used for totally unrelated purposes the next. These Federal dollars come with virtually no strings attached. In fact, the National Park Service acts as merely a conduit for these funds, choosing not to exercise any discretion in the contracts and agreements governing their obligation and expenditure. Ironically, renovations at the Tad Gormley Stadium in New Orleans are being reviewed by the Advisory Council for Historic Preservation as possibly destroying the historic fabric of the site. In this instance at least, funds designed to protect historic sites ironically may support projects which destroy them.

As chairman of the Subcommittee on National Parks and Public Lands, I am very concerned about this back door approach which allows funding for projects whose national significance has never been established. That is why I introduced H.R. 4276, and am moving this keep pork out of parks legislation as quickly as possible.

Budgetary reality requires significant limits in many National Park Service programs today. There is no justification for earmarking funds for non-Federal special interests especially when worthy historic preservation programs are underfunded or receive no funds at all.

We must demand that the guidelines established in Federal law to differentiate between park pork and legitimate projects are followed. The historic preservation fund [HPF] is designed to provide a fair and equitable method of determining which non-Federal projects merit Federal assistance in partnership with State and local governments. Ironically, the HPF is authorized to receive $150 million annually, but this program has been disregarded while special interest projects blatantly absorb tens of millions in scarce National Park appropriations dollars. Consequently, many important historical sites have been underfunded while others, incidental at best to our understanding of American history and culture, continue to soak up funding. The authorization process of the House and Senate, with its hearings and open debate, is designed to ensure that proposals are considered thoroughly and grounded in historical research. This process has been perverted by the present use of the Historic Sites Act.

I have been very concerned not only about the cost of these projects but about the message we are sending with regard to our commitment to historic preservation. Not surprisingly, the national media have seized upon these blatant examples of what is described as park pork to illustrate Congress' irresponsibility, pointing out their significant cost, especially in view of national budget limits. However, using National Park Service funds for these non-Federal projects, initiated by some to funnel Federal dollars to depressed areas, also implies, rather cynically, that historic and cultural value is determined solely by potential economic development. Such special interest initiatives really corrupt the National Park Service budget, and the NPS's strong base of public and congressional support will be seriously eroded unless such special interest funding is brought to a halt.

As chairman of the Subcommittee on National Parks and Public Lands, I have been receptive to worthy proposals from members who seek the establishment or expansion of nationally significant and qualified national park sites, and the committee and I will continue to provide deliberate careful analysis and guidance to such efforts to improve our National Park System. I believe, as do most of my colleagues, that the historic and cultural preservation process must remain faithful to its purpose—"to preserve for public use historic sites, buildings, and objects of national significance for the inspiration and benefit of the people of the United States." The authorization proposals from the Interior and Insular Affairs Committee are specifically subject to full and open debate in committee and in both Houses of Congress. Hopefully, they will be enacted on their merits. The process works and Members and advocates of various proposals should be willing to use it.

Clearly, the actions of recent years' funding indicate that problem projects have eclipsed whatever good intent exists in the 1935 act. We need to eliminate the abuse of this law now and restore basic credibility and integrity to the designation and funding of historic preservation in the U.S. Congress. H.R. 4276 is a bipartisan initiative to do just that and I urge my colleagues' support for this measure.

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

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

Mr. Speaker, I rise in support of H.R. 4276, a bill to limit expenditures under

the 1935 Historic Sites Act. I am very concerned about the number of unauthorized projects which have been funded in the National Park Service portion of the Interior appropriation bill in recent years. Many of these projects have not been subject to full public review and to at least some extent, funding of these projects is causing a reduction in funding available to meet the significant backlog of needs faced by the agency. Furthermore, funds appropriated through this method are subject to none of the normal safeguards contained in the historic preservation fund.

While this measure will not solve all of my concerns in this area, with its passage we will begin to restore some of the integrity to the authorization/appropriation process. I believe that Members from this side of the aisle are willing to work with the chairman in this regard if we can be assured that these efforts will be across the board and not selective.

I commend the chairman for his efforts on this bill, and am disappointed that the administration testified on the one hand that they are in complete agreement with our concerns, but fail to provide any assistance in the resolution of this issue.

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

Mr. VENTO. Mr. Speaker, I yield 4 minutes to the gentleman from Maine [Mr. ANDREWS]. He is a sponsor of the measure and a strong supporter of it, and I appreciate that.

Mr. ANDREWS of Maine. Mr. Speaker, I thank the gentleman for yielding this time to me. I also want to thank Chairman VENTO for his leadership in this area. This piece of legislation not only deserves our support and our vote, but we also need to provide a good slap on the back to Congressman VENTO for his leadership in this area.

Mr. Speaker, we are talking here pure and simple about pork barrel politics. We are talking about sacred cows. We are talking about special interests. And we are talking about taxpayer dollars that are being invested not in the national interest, but in the interest of a few powerful, influential people who are able to get their particular projects into the process.

□ 1300

There are two ways that we can take on this kind of spending. One way is to be able to come to the floor and vote against pork barrel spending that has no relationship to the national interest, and there are times when we have the opportunity to do that, and it takes sometimes a lot of courage to do it, but I am grateful that there are many Members in this House that are willing to do it.

But the second way we can do it is attack some of the structural problems that allow pork barrel politics to be built into the system and not see the light of day of public scrutiny.

What the gentleman from Minnesota [Mr. VENTO], the chairman, is doing with this piece of legislation is shining the light on those dark corners that allow pork barrel politics to continue and wasteful spending to go on without the public accountability that we have a right to have. That is why I support this legislation.

This particular process that this bill is attacking has been described as a highly corrupted process where the wishes of a few influential Members of Congress and a few influential members of the executive branch come together and override common sense and the national interest to support the secular narrow interests of a few influential people and groups.

Mr. Speaker, I am happy to see that we have some bipartisan support here for this legislation. I would hope that the administration would change its mind and support this initiative.

It takes us a step in the direction that this country so desperately needs, that politicians like to give lipservice to but too often are afraid to take. Mr. Speaker, let us take on pork barrel politics. Let us do it in a bipartisan fashion. Let us pass this initiative, and I say to the President, let us sign this bill.

Mr. VENTO. Mr. Speaker, I yield such time as he may consume to the gentleman from Idaho [Mr. LAROCCO].

Mr. LAROCCO. Mr. Speaker, in a continuing effort to control unauthorized Federal spending, I rise in support of the Historic Site Selection Reform Act of 1992, which amends the Historic Sites Act of 1935.

The act currently provides Federal funds for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and other purposes. Unfortunately, many of these other purposes lately have included such items as a sports stadium in New Orleans and a movie theater in West Virginia, neither of which are units of the National Park System nor have they been designated historic landmarks.

Mr. Speaker, too frequently, the relevant authorizing committees in Congress are being bypassed. These costly "pork" barrel projects tarnish the image of the National Park Service and discredit the preservation process. Financing questionable projects consumes resources for projects that were never intended to be funded under the Historic Sites Act.

Broad concern over the misapplication of the Historic Sites Act has made this legislation necessary. With the adoption of this reform legislation, the unauthorized projects will not be funded. Congressionally authorized projects under the National Park Service will get the protection they need. I urge approval of the Historic Sites Selection Reform Act.

At the same time, legitimate historic sites such as the Lincoln and Jefferson Memorials need to be repaired.

This bill seeks to redirect funds to their rightful ends and eliminate the blatant disregard for the congressional authorization process. The open-ended language of the original act does not prohibit line-item expenditures which are added in appropriations bills without the approval of the appropriate congressional authorizing committees.

Under this bill, project funds appropriated without authorization will be suspended until such time as these sites are deemed worthy of preservation. This will be done in cooperation with State and local governments and the Secretary of the Interior.

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

Mr. Speaker, I would just point out that the problems with the 1935 act that have come to the surface in the last several years have been distressing to all of us, but the point is that we have, as I said before in my preliminary remarks—and I note that my distinguished colleague, the gentleman from Illinois [Mr. YATES], the subcommittee chairman of the Interior Appropriations, is now on the floor—but I want to reiterate that I commented about his diligence in attempting to curtail projects that are unworthy and to try and channel dollars to the Park Service in an appropriate manner.

But the problem here, of course, is that he is faced with a dilemma as I am faced with a dilemma of projects that are interpreted by law and interpreted by practice as actually being authorized under the 1935 Historic Sites Act.

So what we choose to do here or attempt to do is to close that loophole where some $30 million have been appropriated, over $30 million, in the last two appropriation measures without any of the traditional safeguards that are necessary. As an example, the Park Service has chosen not to exercise and to monitor the funds, that is, funds that go into a site in one given year. The site could be completely obliterated or destroyed the next year. It does not sound sensical, but that type of authority and check is not in place.

Funds that are expended ostensibly for the purpose of historic preservation or cultural-resource preservation could, in fact, do quite the opposite, as is indicated in the preliminary work dealing with the facility in Louisiana. So I think it is enormously important that we could curtail that.

We have other disagreements clearly. It is not an effort, and we certainly do not need more work in our committees, but we certainly want to take on the major tasks that we are expected to.

I think the most damaging aspects of these types of actions, and these dol-

lars spent, is that they simply paint the entire National Park Service with a color and character of these types of projects and, therefore, undermine the ability of us to sustain a credibility in the minds of the public with regard to the National Park Service.

At this time and in this period, we simply cannot afford that type of loss of credibility with regard to our national parks. They pay the price, the real resources, the cultural and natural resources which are paying the price for the type of expenditures and actions that have taken place.

Mr. Speaker, I yield such time as he may consume to my distinguished colleague, the gentleman from Illinois [Mr. YATES].

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

Mr. Speaker, I support this measure. I support the purposes of the bill.

I rise only to assure the gentleman and those who may have given the impression that the funds that go to the Park Service only go to pork barrel projects rather than those that should receive the funding, that monuments like the Lincoln Memorial, like the Jefferson Memorial, like Faneuil Hall in Boston, like Old South Church and the other historic buildings, are receiving funds from our committee. We are preserving them. We recognize how important they are to the history and to the heritage of the country.

As the gentleman knows, during the discussion on the conference report on the Interior bill last year, the gentleman from California [Mr. MILLER] and I engaged in a colloquy in which I said that I assured him that I would not place in my bill funds for any projects that had not received the approval of the authorizing committees. I intend to follow that out and, of course, that is the purpose of this bill.

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

Mr. Speaker, I thank the gentleman for his support, and I know that I certainly want to indicate my appreciation for his support for this.

What we are talking about in this instance, as the chairman is aware, are projects that basically end up receiving the imprimatur of authorization under the Historic Sites Act. It has, I think, proven to be a problem.

Beyond that, I want to say that I am going to support the chairman in his efforts. He is a powerful member of the Committee on Appropriations, but one member, and obviously under a great pressure at the end of the session to come forth with bills and has been forced, I think, in the past to accept measures that he is reluctant—but he has to exercise his judgment. I certainly intend to support that and appreciate his efforts to deal with the matter. I will work strongly with him to the end that he has agreed to, with regard to this, and that he has made commitments to.

Mr. OWENS of Utah. Mr. Speaker, I rise in support of Chairman BRUCE VENTO's Historic Site Selection Reform Act of 1992. It is our duty to preserve the country's heritage, and not to subvert needed funds to unrelated projects that have more to do with pork than parks. Our history represents the common threads of heritage and culture that hold the Nation together. Independence Hall, the Lincoln and Jefferson Memorials, and other historic sites of our Nation, require immediate restoration. It's tough enough to find the needed funds, without having to pay for unnecessary and unrelated projects.

H.R. 4276 will halt the earmarking of special-interest funds for non-Federal sites. These projects stigmatize the legitimate need for historic preservation. After this bill is passed, projects will undergo appropriate review or be authorized directly by Congress. National Park Service funds are far too precious to waste. I encourage my colleagues to vote to eliminate this park pork. I commend Chairman VENTO for his leadership on this issue. it's good for the Park Service, good for the budget, and good for the integrity of this institution.

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

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 4276.

The question was taken.

Mr. VENTO. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

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## LITTLE RIVER CANYON NATIONAL PRESERVE ACT OF 1992

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3665) to establish the Little River Canyon National Preserve in the State of Alabama, as amended.

The Clerk read as follows:

H.R. 3665

*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 "Little River Canyon National Preserve Act of 1992".

**SEC. 2. ESTABLISHMENT.**

(a) IN GENERAL.—In order to protect and preserve the natural, scenic, recreational, and cultural resources of the Little River Canyon area in DeKalb and Cherokee Counties, Alabama, and to provide for the protection and public enjoyment thereof, there is hereby established the Little River Canyon National Preserve (hereinafter in this Act referred to as the "preserve").

(b) AREA INCLUDED.—The preserve shall consist of the land, waters, and interests therein generally depicted on the boundary map entitled "Little River Canyon National Preserve", numbered NA–LRNP–80,001C, and dated March 1992. The map shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior, Washington, D.C. and shall be filed with the appropriate offices of DeKalb and Cherokee Counties in the State of Alabama. The Secretary of the Interior (hereinafter in this Act referred to as the "Secretary") shall, as soon as practicable after the enactment of this Act, publish in the Federal Register a detailed description of the boundaries of the preserve.

**SEC. 3. ADMINISTRATION.**

(a) IN GENERAL.—The preserve shall be administered by the Secretary in accordance with this Act and in accordance with the provisions of law generally applicable to units of the National Park System, including the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (16 U.S.C. 1–4) and the Act of August 21, 1935 (16 U.S.C. 461–467).

(b) HUNTING AND FISHING.—The Secretary shall permit hunting, sport and subsistence trapping, and fishing on lands and waters under his jurisdiction within the preserve in accordance with applicable Federal and State laws. The Secretary may, after consultation with the State of Alabama Department of Conservation and Natural Resources and adjacent land owners, designate zones where, and establish periods when, such activities will not be permitted for reasons of public safety, administration, fish and wildlife habitat or public use and enjoyment subject to such terms and conditions as he deems necessary in the furtherance of this Act. Nothing in this Act shall be construed as affecting the jurisdiction or responsibilities of the State of Alabama with respect to fish and wildlife. After consultation with the State of Alabama Department of Conservation and Natural Resources, and with the owners of lands contiguous to the preserve, the Secretary may restrict hunting in areas within the preserve which are adjacent to the boundaries of the preserve where such restriction is necessary or appropriate to protect public safety.

(c) APPLICATION OF OTHER PROVISIONS.—The provisions of section 7(a) of the Act of October 2, 1968 (16 U.S.C. 1278(a)), shall apply to the preserve in the same manner and to the same extent as such provisions apply to river segments referred to in such provisions. The application of such provisions to the preserve shall not affect the determination of the valuation of the land, waters, or interests therein within the boundaries of the preserve.

(d) COOPERATIVE AGREEMENTS WITH STATE.—In administering the preserve the Secretary is authorized to enter into cooperative agreements with the State of Alabama, or any political subdivision thereof, for the rendering of rescue, fire fighting, and law enforcement services and cooperative assistance by nearby law enforcement and fire preventive agencies. To facilitate the purposes of this section, the Secretary may enter into cooperative agreements with the State and its directly affected political subdivisions to provide professional assistance in the preparation of the management plan for the preserve.

(e) DESOTO STATE PARK.—If the lands within the DeSoto State Park are acquired by the Secretary, at the request of the State of Alabama Department of Conservation and Natural Resources, the Secretary shall enter into a cooperative agreement with such Department for the continued management by the Department of the lodge and other facilities which, as of the date of enactment of

this Act, are part of the DeSoto State Park. Such cooperative agreement should provide for the management and operation of such lodge and facilities in a manner which, to the maximum extent practicable, is generally consistent with similar operations elsewhere in the National Park System.

(f) PUBLIC INVOLVEMENT.—The Secretary shall promote awareness of and participation in the development of the general management plan for the preserve, and shall develop and conduct a concerted program to this end. Prior to final approval of such plan, the Secretary shall hold public meetings in DeKalb and Cherokee counties. The Secretary shall promote and encourage participation in the development of such plan by persons owning property in the vicinity of the preserve, other interested groups and individuals, State, county, and municipal agencies, and the general public. In preparing and implementing such plan, the Secretary shall give full consideration to the views and comments of such persons, groups, individuals, agencies, and the general public.

(g) GREEN PITCHER PLANT.—Upon the transfer by the Alabama Power Company to the United States of any lands within the boundaries of the preserve which contain the Green Pitcher Plant (Sarracenia oreophila), all rights and obligations of the Alabama Power Company under the agreement entered into between the company and the Department of the Interior (including the United States Fish and Wildlife Service) on May 12, 1983, in settlement of the action brought on September 24, 1980, against the Secretary and Director of the Fish and Wildlife Service in the United States District Court for the Northern District of Alabama (Civil Action No. CV 80-C-1242-M) shall be extinguished.

**SEC. 4. ACQUISITION.**

(a) IN GENERAL.—(1) The Secretary is authorized to acquire lands, waters, or interests therein within the boundaries of the preserve by donation, purchase with donated or appropriated funds, or exchange, except that no lands, waters, or interests therein may be acquired for purposes of the preserve without the consent of the owner thereof. Lands, waters, and interests therein within the boundaries of the preserve which are owned by the State of Alabama or any political subdivision thereof, may be acquired only by donation.

(2) Immediately after publication of the boundaries of the preserve the Secretary shall commence negotiations for the acquisition of the lands, waters, and interests therein. Within 1 year after the enactment of this Act, the Secretary shall submit, in writing, to the Committee on Interior and Insular Affairs of the United States House of Representatives, to the Committee on Energy and Natural Resources of the United States Senate, and to the Committees on Appropriations of the United States Congress a detailed schedule of actions and a progress report regarding such acquisition.

(3) Promptly following completion of any environmental audit performed by or on behalf of the Secretary with respect to any property proposed to be acquired for purposes of this Act, the Secretary shall make available to the owner of such property a copy of such audit.

**SEC. 5. TECHNICAL AND PLANNING ASSISTANCE.**

The Secretary is authorized and directed to provide technical and planning assistance to political subdivisions of the State of Alabama having jurisdiction over land and waters adjacent to the Preserve for the purpose of developing and implementing plans, programs, regulations, or such other means as may be necessary for the development and use of such lands and waters in a manner which will not have a direct and adverse effect on the Preserve.

**SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

The SPEAKER pro tempore (Mr. MAZZOLI). Pursuant to the rule, the gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes, and the gentleman from California [Mr. LAGOMARSINO] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include therein extraneous material, on H.R. 3665, the bill now under consideration.

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

There was no objection.

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

Mr. Speaker, H.R. 3665 is legislation introduced by Representative TOM BEVILL to establish the Little River Canyon National Preserve in the State of Alabama.

The Little River Canyon area of northeastern Alabama has long been recognized for its unique natural and cultural resources. With an average depth of 400 feet, the canyon is the second deepest gorge east of the Mississippi River. The canyon's relative isolation and lack of development has led to the emergence of several rare plants and animals, including the endangered green pitcher plant. In addition to its natural and cultural features, the canyon provides numerous recreation opportunities including camping, kayaking, rock climbing, hunting, hiking and other pursuits.

H.R. 3665, as amended, would establish a 14,000-acre Little River Canyon National Preserve to protect and provide public enjoyment of the natural and cultural resources of the Little River Canyon. This area was extensively studied by the National Park Service in 1990 and 1991. The National Park Service concluded that the area met the criteria of national significance, suitability and feasibility, and the administration testified in support of the bill at the hearing last November before the Subcommittee on National Parks and Public Lands.

The bill, as reported by the Committee on Interior and Insular Affairs, contains an amendment in the nature of a substitute adopted by the committee which makes several changes in the bill as introduced to reduce costs and improve the manageability of the preserve. Most significantly, the committee amendment deletes the secondary resource boundary contained in the bill as introduced. This change means that the only landowners in the boundaries will be the Alabama Power Co., which is a willing seller; the State of Alabama; and Cherokee County. This boundary is based on one of the alternatives proposed by the National Park Service and includes the primary resources of the river and the canyon and adequate space for endangered species protection and park administration. While a larger park area would have provided more resource protection and greater recreation opportunities, the primary boundary is a viable unit which is more manageable and less costly than the larger area proposed in the bill as introduced.

The committee amendment also makes several other changes including deleting a provision in the bill which would have interfered with the authority of the State of Alabama under the clean air act and adding a new section authorizing the Secretary of Interior to provide technical assistance to State and local governments on a voluntary basis for plans to encourage compatible development outside the park boundaries.

Mr. Speaker, H.R. 3665, as amended, is a well-crafted bill which will protect and preserve a natural area of outstanding quality in a region of the country with very new nationally recognized areas. It meets the National Park Service standards of significance, suitability, and feasibility. The bill has been scaled back substantially in terms of cost and acreage from the bill as introduced, and all concerns of private landowners have been addressed by the committee amendment. I urge Members to support the bill and want to commend the gentleman from Alabama [Mr. BEVILL] for the leadership and foresight he has exhibited in developing this worthy conservation initiative.

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

Mr. Speaker, I rise to be recognized on H.R. 3365, a bill to establish the Little River National Preserve in Alabama. While I do not intend to oppose this bill before us today, I must say that I have two basic concerns with the measure. The first concern relates to the basic underlying premise of this bill that because a relatively small portion of this area contains resources of national significance, the proper course of action is for Congress to enact legislation creating a new Federal area. The second concern I have relates to what I believe is an unprecedented authorization for a State-run concessions operation within a unit of the park system.

It is somewhat ironic that we are considering this bill on the floor on the same day that we are also considering

H.R. 4276, a bill to limit Federal expenditures under the 1935 Historic Sites Act. Our committee chairman introduced that bill, which has received strong support through the committee process from this side of the aisle. In large part he was concerned that funds were being diverted from essential needs of existing parks, under the broadly worded 1935 act.

However, I would contend that the cost of nonessential authorization bills passed through our committee far exceeds the minor amount of funds which have been diverted from Park Service purposes by the Appropriation Committee under that 1935 act. With this bill we will be authorizing the Federal takeover of an existing State park. We will be creating another obligation for the Federal Govenment without any real benefits to be gained in terms of visitor use or resource preservation. I note the administration agrees with this concern in their views.

This is clearly a beautiful area and clearly deserves preservation, but it does not require the participation of the Federal Government. This resource is in good condition and is not threatened. Even the park service new area study for this site states:

There are no natural or cultural themes or types of recreational resources not represented in the National Park System known to this site.

While the initial cost of this site may only be in the range of $15 million, and constructive changes have been made, environmentalists and a number of Members of Congress have made their desires known during consideration of this bill, that future expansion is likely.

Second, I must also comment on the concession operation authorized in this bill. I find it curious that at a time when there is so much concern in Congress over concession management issues, we are going to legislate continuation of a concession operation in a park which may or may not even be needed and forego any future attempts at competitive bidding for this operation.

The existing lodge must be a good deal for the people of Alabama, or the State would not want to retain this operation, but I am not sure it is a good deal for the Federal Government.

Mr. VENTO. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from Alabama [Mr. BEVILL]. The gentleman from Alabama is the principal sponsor and architect of this measure and has worked long and hard on it.

Mr. BEVILL. Mr. Speaker, I thank the committee chairman for yielding me this time.

Mr. Speaker, I rise today to strongly urge my colleagues to support H.R. 3665, my legislation which would establish the Little River Canyon National Preserve in northeast Alabama.

This legislation would protect some of the most spectacular scenery in the Southeast. The National Park Service has studied this area extensively and after finding it to be of national significance recommended it for national designation.

The Little River Canyon is a breathtaking sight. It is 700 feet deep in some places and has huge sandstone cliffs. It is one of the deepest canyons east of the Mississippi River and one of the most unusual. The Little River, which formed the canyon, flows entirely on top of Lookout Mountain. The water in the river is about as pure as you can get.

The area supports a number of rare plants and fish, including the green pitcher plant which is on the endangered species list.

My legislation provides needed protection for this unique area so that it can be preserved and enjoyed by generations to come.

The preserve boundary would encompass about 14,000 acres of land which is owned by the State of Alabama, Cherokee County and Alabama Power Co. No other landowners are involved.

I want to thank my good friend and colleague chairman BRUCE VENTO and his committee which made a field inspection trip to the Little River Canyon last year. I appreciate his committee's help on this bill.

We worked for months with the area landowners and other interested parties. I made every effort to answer all the concerns expressed by the public.

The vast majority of people want to see the canyon permanently protected. This legislation does that.

We have also been concerned about protecting the rights of area landowners. This legislation does that.

In fact, we are only talking about one major landowner and that's Alabama Power Co. The company is a willing seller and they plan to use the proceeds from selling their land to fund a special educational foundation.

I want to stress that no private homes or privately-held lands are included within the boundary of the preserve.

As I have mentioned, this bill is the result of active and beneficial public involvement, which has improved it. My legislation also provides for ongoing public participation during the development of the management plan for the preserve.

The area is currently used by a number of outdoor enthusiasts including hunters, fishermen, boaters, hikers, rock climbers, birdwatchers and picnickers. These recreational uses are important and they will be encouraged and promoted.

My legislation designates the area as a preserve because that is what the majority of citizens want to see accomplished here. They know this area is unique and they want to preserve it for many, many years to come.

I have also worked closely with the Alabama Department of Conservation and Natural Resources on this legislation. I want to commend my good friend, commissioner Jim Martin, for his hard work and determination in this effort.

A number of Alabama newspapers have taken strong editorial stands in support of my legislation and see it as a needed method of preserving this rich and unique resource.

I appreciate my colleagues' support for this legislation. I believe that the Little River Canyon National Preserve will become one of the finest units of the National Park Service.

Mr. VENTO. Mr. Speaker, I yield such time as he may consume to the gentleman from Georgia [Mr. DARDEN], a member of the committee, who is from the adjacent district and has had quite a key role on the subcommittee and the committee in the advocacy and working with the gentleman from Alabama [Mr. BEVILL].

Mr. DARDEN. Mr. Speaker, I rise in support of H.R. 3665, the Little River Canyon National Preserve Act. I would like to commend the bill's author, Mr. BEVILL of Alabama and Mr. VENTO, our chairman of the National Parks and Public Lands Subcommittee, for their diligent work in reaching an agreement among a number of interested groups to bring this legislation to the floor today. The addition of the DeSoto State Park and related properties of Alabama Power Co. will make a valuable addition to our Nation's park system.

Mr. Speaker, as you know the land designated in the Little River Canyon National Preserve Act is in the State of Alabama, but I represent parts of northwest Georgia, Chattanooga, Dade, and Floyd Counties, that border the Little River Canyon park area. In protecting the natural, scenic, and recreational value of the Little River Canyon, this measure makes a positive contribution to the quality of life of the people of northwest Georgia.

Mr. Speaker, the facilities and resources included in the Little River Canyon National Preserve Act are currently enjoyed by many people in northwest Georgia. The measure before us today enhances the long-term survival of those resources. In addition to being a short journey away for many residents of the Seventh District of Georgia, this preserve area connects Lake Weiss to other sites serving northwest Georgia as natural and recreational resources. Also, creation of the national recreation preserve recommended in this bill would likely enhance the responsible use and development of the Coosa River in Georgia which flows into Weiss Lake.

Mr. Speaker, this measure creates a preserve that will be available for the enjoyment of people for many uses. As the gentlemen have mentioned, this

measure will not only serve visitors to the Little River Canyon as a natural and river recreation resource, but it will also allow park visitors to make use of the preserve area for fishing, hunting, and trapping.

Mr. Speaker, the importance of preserving this area in some fashion has been under consideration for over two decades. I joined a group of several committee members on a tour of the Little River Canyon area last year and can personally attest to the scenic beauty of the falls and surrounding lands in DeSoto State Park. In addition to the falls and spectacular 400-foot deep gorge, the preserve area has been shown to contain rare plants and animals and significant archeological and historical sites.

Mr. Speaker, it is my understanding that the proceeds from the sale of Alabama Power Co. property in association with establishment of this preserve will go to a charitable organization established to make grants in support of educational, civic, and cultural activities. I am pleased to know that in addition to creating a resource of regional and national importance, there may be secondary benefits in education and the arts resulting from this bill.

Once again I commend the gentlemen from Alabama and Minnesota for their efforts in this matter, and I urge my colleagues to support H.R. 3665.

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Mr. VENTO. Mr. Speaker, I yield such time as he may consume to the gentleman from Alabama [Mr. ERDREICH].

Mr. ERDREICH. Mr. Speaker, I rise today to support H.R. 3665, a bill to establish the Little River Canyon National Preserve in my home State of Alabama.

Hailed as the "Grand Canyon of the South," Little River enjoys great natural, scenic, recreational and wildlife resources. Virtually untouched by man, the beauty of this gorge is unsurpassed, and thousands of visitors in and around north Alabama have shared its treasures over the years.

This bill, introduced by my friend, colleague, and fellow Alabamian TOM BEVILL, would establish the Little River National Preserve to protect the natural beauty, wildlife and endangered species of Little River. The preserve would combine county and State parks with land owned by Alabama Power to encompass over 14,000 serene acres nestled atop Lookout Mountain.

As amended, this bill will not include private properties beyond the 14,000-acre boundary, and will make management of the preserve easier for the National Park Service.

From Spanish explorer Hernando DeSoto and the Cherokee Nation to the Indiana bat and the Southern bald eagle, Little River Canyon is rich in history and natural beauty. I am pleased to offer my support to this worthy measure. Moreover, I am delighted that the beauty of Alabama will be preserved long into the future so that more individuals will be able to witness the bounty of its extraordinary natural resources.

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

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 3665, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended, and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

## DESIGNATING CERTAIN SEGMENTS OF THE DELAWARE RIVER AS COMPONENTS OF THE NATIONAL WILD AND SCENIC RIVERS SYSTEM

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3457) to amend the Wild and Scenic Rivers Act to designate certain segments of the Delaware River in Pennsylvania and New Jersey as components of the National Wild and Scenic Rivers System, as amended.

The Clerk read as follows:

H.R. 3457

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

**SECTION 1. WILD AND SCENIC RIVER.**

(a) DESIGNATION.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding the following new paragraph at the end:

"( ) DELAWARE, PENNSYLVANIA, AND NEW JERSEY.—The segments to be administered by the Secretary of the Interior, generally depicted in the map document entitled 'Delaware River Basin Commission, Flood Plain Management Program, Flood Plain Delineation' dated June, 1973 ('Map') as follows:

"(A) from the Bucks County and Northampton County, Pennsylvania, border as depicted on Plate 6 of the Map as a point just south (downstream) of River Mile 176 to a point just west (upstream) of River Mile 172 on Plate 5 of the Map where the western boundary of the Gilbert Generating Station property begins;

"(B) the segment from a point just east (downstream) of River Mile 171 on Plate 5 of the Map where the eastern boundary of the Gilbert Generating Station property ends to a point just north (upstream) of River Mile 157 on Plate 3 of the Map where the northern boundary of the Point Pleasant Pumping Station property begins;

"(C) the segment from a point just southeast (downstream) of River Mile 157 on Plate 3 of the Map where the southern boundary of the Point Pleasant Pumping Station property ends to a point just southeast (downstream) of River Mile 149 on Plate 2 of the Map at the north side of the Route 202 bridge; and

"(D) the segment from a point just southeast (downstream) of River Mile 148 on Plate 2 of the Map where the southern boundary of the town of New Hope ends to a point just southeast (downstream) of River Mile 142 on Plate 1 of the Map at Washington Crossing."

(b) MANAGEMENT PLAN.—In preparing and implementing the comprehensive management plan for the segments designated under this section, the Secretary shall provide appropriate opportunities for public involvement and shall—

(1) consult and cooperate with appropriate Federal, State, regional, and local agencies, including (but not limited to) the Pennsylvania Department of Environmental Resources, the New Jersey Department of Environmental Protection and Energy, the Delaware and Lehiegh Navigation Canal National Heritage Corridor Commission, and the Delaware and Raritan Canal Commission;

(2) consider previous plans for the protection of affected cultural, recreational, and natural resources (including water supply and water quality) and existing State and local regulations, so as to avoid unnecessary duplication; and

(3) give priority to the acquisition of undeveloped open space along the Delaware River, including islands, not already protected.

**SEC. 2. EXISTING FACILITIES AND POSSIBLE ADDITIONS THERETO.**

The designation of the segments of the Delaware River under section 1 of this Act, and any subsequent management or development plans to implement such designation, shall not be used in any proceeding or otherwise to preclude, prevent, restrict, or interfere with the completion, continued or changed operation, maintenance, repair, construction, reconstruction, replacement, or modification of the Gilbert Generating Station and associated facilities or the Point Pleasant Pumping Station and associated facilities or with the licensing, permitting, relicensing, or repermitting of such stations and associated facilities. Such designation or plans shall not preclude or interfere with the licensing, permitting, construction, operation, maintenance, repair, relicensing, or repermitting of any additions to any such facilities, so long as such additions are outside the segments of the Delaware River designated by this Act and impounded backwater from any such addition does not intrude on any such segment, and so long as the values present in such segments on the date of enactment of this Act are not unreasonably diminished thereby.

**SEC. 3. TRANSMISSION AND DISTRIBUTION FACILITIES.**

The designation of segments of the Delaware River made by section 1 of this Act, and any subsequent management or development plans to implement such designation, shall not be used in any proceeding or otherwise to preclude, prevent, restrict, or interfere with the present or future access to or operation, maintenance, repair, construction, reconstruction, replacement, or modification of electric or gas transmission or distribution lines across such segments, or with the licensing, permitting, relicensing, or repermitting of such lines across such segments: Provided, however, That each new electric or gas transmission or distribution line across any such segment shall be located no further than ½ mile from the center line of any transmission or distribution line across any such segment in existence on the date of enactment of this Act.

**SEC. 4. STUDIES.**

(a) DESIGNATION FOR STUDY.—Section 5(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(a)) is amended by adding the following new paragraph at the end:

"( ) DELAWARE RIVER, PENNSYLVANIA AND NEW JERSEY.—The segment of approximately 4.8 miles from Washington's Crossing to the point where the river intersects the Trenton, New Jersey, city limits, together with the Cook's Creek, Tinicum Creek, and Tohickon Creek tributaries to the Delaware River.".

(b) RIVER CONSERVATION PLAN.—The Secretary of the Interior, pursuant to section 11(b)(1) of the Wild and Scenic Rivers Act, shall undertake a river conservation plan for the segment of the Delaware River from the northern city limits of Trenton, New Jersey, to the southern boundary of Bucks County, Pennsylvania.

**SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes, and the gentleman from California [Mr. LAGOMARSINO] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 3457, the legislation presently under consideration.

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

There was no objection.

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

Mr. Speaker, H.R. 3457 would designate certain segments of the Delaware River in Pennsylvania and New Jersey as components of the National Wild and Scenic Rivers System.

The bill was introduced by our colleague from Pennsylvania Mr. KOSTMAYER, who has been tireless in working for protection of the resources associated with the Delaware River. The bill is similar to a measure—H.R. 3764—that the House passed in the last Congress but on which the Senate did not complete action.

During the consideration of H.R. 3457, the Interior Committee adopted a number of minor amendments, primarily technical in nature, which are explained on the committee's report. I believe that these committee amendments improve the bill, and make clear that appropriate State and local entities will be properly involved in its implementation.

Mr. Speaker, the four river segments that the bill would add to the National Wild and Scenic Rivers System extend from the Northern Boundary of Bucks County, PA, to Washington's Crossing. Excluded from designation would be the areas associated with the existing Gilbert generating station and the Point Pleasant pumping station.

The Delaware River is one of the few remaining free-flowing, relatively undeveloped rivers in its region. It rises in the Appalachian plateau region of the Catskill Mountains, in New York and flows over 300 miles to the Atlantic Ocean. While there is extensive urban development from southern Bucks County, PA, through the port of Philadelphia, the portions of the river dealt with in this bill are comparatively rural or suburban, and afford many valuable opportunities for enjoyment of relatively undisturbed landscapes and outdoor, water-based recreation. The designation of these river segments will also complement and enhance those portions of the Delaware River that were previously designated as part of the National Wild and Scenic Rivers System.

Having personally visited these areas, I can attest to the qualities of this river and its natural, cultural, and other resources. The river segments designated by H.R. 3457 definitely deserve the additional protection and care that they would receive through enactment of this legislation.

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

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

Mr. Speaker, with all due respect to my friend, the gentleman from Pennsylvania [Mr. KOSTMAYER], I must rise in strong opposition to H.R. 3457.

Although I am also concerned about protecting the important resource values on these segments of the lower Delaware River, I believe this bill runs roughshod over existing statutes and administrative practices and sets a dangerous precedent. There are other techniques available such as a national recreation area, as was the case with the Chattahoochee River in Georgia.

There are two fundamental problems with this bill. First, it establishes a precedent of designating a stream under the Wild and Scenic Rivers Act that is far too developed to meet existing criteria. Second, there has been very limited discussion with private landowners on how this designation will affect them.

Members of the Interior Committee frequently discuss the issue of precedence when considering legislation and especially the need to avoid dangerous precedents. The same argument holds here. Passage of this bill will be a directive to the administration to rewrite their criteria for determining how much development is acceptable along a wild, scenic, or recreational river. It is telling other Members to bring forward their proposals for designating any river in their district which they would like to protect, regardless of how developed it is. Of even more concern, it is signaling the administration that greater levels of development are acceptable at existing units of the Wild and Scenic Rivers System.

Finally, I would like to point out that further restrictions would be placed on this river if S. 1081 becomes law. This is a bill to reauthorize the Clean Water Act that has been introduced by key Senators on the Senate Environment and Public Works Committee. Section 8 of that bill contains a provision that the House Public Works Committee believes effectively would establish a zero discharge standard along units of the Federal Wild and Scenic Rivers System. Needless to say, this could have a devastating impact on a highly developed river such as the Delaware.

Mr. Speaker, I will insert into the RECORD letters to Mr. DON YOUNG by a member of the Delaware River Basin Commission as well as a letter from a landowner who would be affected by this bill.

DELAWARE RIVER BASIN COMMISSION,
*Washington, DC, March 31, 1991.*

Hon. DON YOUNG,
*Ranking Minority Member, Committee on Interior and Insular Affairs, House of Representatives, Washington, DC.*

DEAR MR. YOUNG: I note that H.R. 3457, amended, has been reported out of the House Interior Committee and can be scheduled for House floor action at any time. That legislation would instantly designate—without prescribed studies—certain additional segments of the Delaware River mainstem as components of the National Wild and Scenic River System. I believe the legislation is inappropriate and ill-advised for the following reasons:

The area is already used extensively for recreation, without any Federal involvement.

The area is in no danger of being dammed or impounded.

The area is under no great threat from development which could jeopardize the recreational use of the proposed segments. Testimony last October before the National Parks Subcommittee, supported by aerial photographs, indicated only 10% of the land bordering the proposed river segments is now undeveloped privately-owned land. The remainder is already developed, publicly-owned, or unsuitable for development by its topographical nature as palisades, wetlands, or floodplains.

Existing State and local governmental controls are sufficient to protect the area's remaining open spaces and continued recreational use.

In the absence of any threat to the recreational attributes of the area, and in view of the area's presently extensive recreational use and adequate State and local controls, there is no legitimate rationale for the Federal scenic river designations.

The area's developed nature fails to meet established criteria for national river status. Its designation would indicate a Congressional willingness to invest the Nation's limited fiscal resources in an unqualified area while superlative areas may go begging.

The legislation by-passes Congressionally-mandated procedures designed to protect the quality of the National system, and by so doing opens the door to further attacks on the integrity of the system itself.

114 miles of the Delaware mainstem are already included in two segments of the National Wild and Scenic River system. Adding the segments proposed by H.R. 3457 would result in 70 percent of the 200 mile-long nontidal Delaware being set aside in the national system, which raises questions about

the apparent absence of need-based priorities applicable to the national system and about such a disproportionate part of a river, which must meet many needs, being set aside for a single use—recreation.

H.R. 3457 raises questions about the National Park Service supplanting present levels of government to manage urbanized river areas. The National Park Service lacks authorities to deal with the non-recreation water needs of the 22 million people in the Basin and its service area who depend on the Delaware's waters for their social and economic wellbeing.

The legislation amounts to a blank check which could result in violation of the budget control act. The legislation does not specify boundary widths or how much land is to be acquired, but the basic Scenic Rivers Act authorizes up to an average of 100 acres per mile on each side of a designated river to be acquired in fee. There is no limit on less-than-fee acquisition or easements. If only half that amount of expensive riverfront or riverview property in the proposed area were acquired for each of the 32.5 miles to be added to the system, land acquisition and condemnation costs alone could amount to a budget buster—and the legislation has no provision for offsetting revenues.

There is the distinct likelihood that significantly higher waste treatment costs would have to be borne by communities upstream of the proposed scenic river segments, such as Easton and New Hope, Pennsylvania, and Phillipsburg and Lambertville, New Jersey. This likelihood stems from (1) the requirement of the National Wild and Scenic Rivers Act that designated rivers and their immediate environments be protected for future generations and (2) provisions of a water quality program developed by the Commission and the National Park Service, which will go to public hearings in May, that would preclude Delaware waters designated for special protection (such as National scenic river segments) from being used for waste and assimilation of effluents and non-point sources emanating from tributaries and other upstream waters.

In addition, the pending Clean Water Act amendments, S. 1081, would require classification of all National Scenic River components as Outstanding National Resource Waters. The ONRW classification is a no-growth policy that could preclude those townships and industries which now discharge to the proposed Scenic River segments from increasing their discharges—even if the development triggering an increase occurred outside scenic river boundaries.

H.R. 3457's by-passing of study procedures designed to inform the public of such matters has left the local public unaware of such consequences.

And, finally, the bill does not state the purpose of the conservation plan directed to be undertaken in the additional 25-mile stretch from the northern city limits of Trenton, New Jersey, to the southern boundary of Bucks County, Pennsylvania. This area involves a segment of the Delaware Estuary, which is highly urbanized and contains a shipping channel. If the objective of H.R. 3457 is also to set aside this section of the Delaware exclusively for recreation, that intent was not made known and, thus, precluded any informed comments from being made about the proposal.

I am enclosing a copy of my testimony before the National Parks Subcommittee last October, as well as a copy of Executive Director Gerald Hansler's comments on previous comparable legislation.

Sincerely,

IRENE B. BROOKS,
*U.S. Commissioner.*

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TESTIMONY OF IRENE B. BROOKS, U.S. COMMISSIONER OF THE DELAWARE RIVER BASIN COMMISSION, ON H.R. 3457, TO DESIGNATE CERTAIN SEGMENTS OF DELAWARE RIVER AS COMPONENTS OF NATIONAL WILD AND SCENIC RIVERS SYSTEM

Mr. Chairman, I am Irene B. Brooks, United States Commissioner of the Delaware River Basin Commission. President Bush appointed me to this position in September of 1989. I consider myself an environmentalist and a strong supporter of the national scenic and recreational river system. For this very reason, I have serious concerns about this particular scenic river proposal.

According to the National Park Service, the area proposed for national status in H.R. 3457 is too developed to be eligible even for study as a possible component of the National Wild and Scenic Rivers System. The developed nature of the area poses water quality issues which need to be understood because the National Park Service has no authority to control adverse impacts of pollution on the recreational attributes of the river which emanate from urban development upstream and between the four proposed disjointed segments.

Experience in the Upper and Middle Delaware Scenic Rivers has demonstrated that higher-than-normal waste treatment will be required to protect water quality associated with national river status. Those two nationally designated river segments constitute the primary economic base of that area. Rapid development is just beginning there, and a general consensus has grown among those in the area that paying the cost of meeting higher water quality standards is essential to preserve the very amenity that is the source of their economic well-being.

In the area proposed for national status by H.R. 3457, however, growth has already occurred and the economic base is not dependent upon national river status. Imposing tertiary waste treatment coupled with possible spray irrigation and non-point pollution controls upon the communities and industries impacting that area would be extremely expensive. If those measures are insufficient to meet water quality levels associated with national river status, a no-growth policy may have to be imposed in the area. The public needs to fully understand such consequences and, in my own mind, there is no such understanding.

H.R. 3457's immediate designation of four additional segments of the Delaware as components of the National Wild and Scenic Rivers System would defer the determination of local impacts until after the bill becomes law. Not until then would the public be aware of the boundaries and width of the protected river corridors so they could determine what and whose land would be affected, the type of river designation, the total amount of land that would be acquired and removed from the local tax base, the restrictive limitations the Federal Government might impose on privately-owned land, and the diminished land values resulting from such action.

In addition, I am concerned about the signals that adding the segments proposed in H.R. 3457 to the national system would send in light of the National Park Service findings that the area doesn't qualify for such status. Such action would indicate a willingness by Congress to by-pass the very safeguards it has adopted to assure a high-quality national system. It could also signal that Congress condones detracting from the national system and is willing to invest the Nation's limited fiscal resources in such an area while worthy areas elsewhere in the country may go begging.

Certainly, fiscal limitations are of primary importance. H.R. 3457 amounts to a blank check without any indication of estimated costs for administration and land acquisition. Riverfront and riverview land close to urbanized areas is not cheap. Land acquisition, easement and condemnation costs alone could amount to a budget buster without any provision for offsetting revenues. The Federal investment to date in the sparsely populated Upper and Middle Delaware designated segments approximates one-quarter billion dollars.

Also, if the segments proposed by H.R. 3457 are added to the 114 miles of the Delaware that are already in the National Wild and Scenic River system, 70% of the length of the 200 mile-long non-tidal Delaware would end up being administered by the Federal Government. This raised fundamental concerns about:

(1) the appropriateness of the National Park Service managing such a disproportionate length of a river that is vital to the social and economic well being of 22 million Americans, and

(2) preserving such an extensive length of that river for a single purpose—recreation.

Designation of the segments proposed by H.R. 3457 also raises a question about the wisdom of the Federal Government supplanting other levels of government ostensively for the sake of recreation when the area is already being used extensively for recreation.

Finally, H.R. 3457 does not spell out the purpose and objective of the conservation plan directed to be undertaken in Section 4(b). The proposed conservation plan would cover an additional 25-mile stretch of the Delaware—from the northern city limits of Trenton, New Jersey, to the southern boundary of Bucks County, Pennsylvania. This area involves primarily a segment of the Delaware Estuary, which is highly urbanized and industrialized, and also contains a shipping channel.

In all fairness to the affected States and local citizens, if it is the intent of H.R. 3457 to manage this Estuary section exclusively for recreation, the bill should make that intention clear in order to eliminate misunderstandings and elicit meaningful comments.

Mr. Chairman, I appreciate having the opportunity to share these concerns with the committee today.

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POINT PLEASANT CANOE & TUBING,
*Bucks County, PA, March 6, 1992.*

Re H.R. 3457, to designate portions of the Delaware River as wild and scenic.

Hon. ROBERT J. LAGOMARSINO,
*2332 Rayburn Building, Washington, DC.*

DEAR CONGRESSMAN LAGOMARSINO: I testified at the National Parks and Public Lands Subcommittee's hearing on this bill on October 29, 1991.

In my written testimony I pointed out that my wife and I own two substantial properties in the area that the bill would designate as parts of the national wild and scenic rivers system, and that I have firm plans to improve both properties—including building up to 12 detached homes or 60 townhomes on 12 acres of a 280-acre property we own there.

In my verbal testimony I described, with reference to large, official government aerial

maps of the area covered by the bill, how those portions of the area that are developable—i.e., that aren't parkland, flood plain or so frequently flooded that they can't be developed—are all at least partially developed. There simply isn't any undeveloped developable land!

What passage of H.R. 3457 would do, then, isn't to prevent development but halt further development. And that's why most owners of residential property along the banks of the Delaware want this bill. They want to keep others from enjoying what they enjoy and thereby increase the value of their properties.

The old-fashioned, American way for residential property owners to achieve their goals is to buy up the surrounding property and exercise the rights of owners not to develop it. H.R. 3457 achieves those results by enlisting the vast resources of the federal government to take away the property rights of the rest of us without compensation.

H.R. 3457 is elitist legislation. It's the old story: "We're on board. Now pull up the ladder so nobody else can get on board."

If that was a purpose of the Wild and Scenic Rivers Act, then Congress sold the American people a bill of goods when they passed it. But I submit it wasn't a purpose of the Wild and Scenic Rivers Act. I submit H.R. 3457 instead subverts the purpose of the Wild and Scenic Rivers Act.

I urge you to defeat it.

Respectfully,

THOMAS W. MCBRIEN,
*CEO.*

□ 1330

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

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

Mr. Speaker, as I have indicated in my earlier remarks, the gentleman from Pennsylvania [Mr. KOSTMAYER] has long been a champion of the Delaware River, and in protecting it he has achieved past victories. After intense and interested debate, he has brought this bill forward again in this session. It passed the House in the last session, and we hope it will do so now.

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

Mr. KOSTMAYER. Mr. Speaker, I would like to thank you and Chairman VENTO for acting on my proposal to designate approximately 32 miles of the Delaware River as part of the Nation's Wild and Scenic Rivers System.

I first introduced this legislation to protect the portion of the Delaware River flowing through Bucks County on January 25, 1983. During consideration of my bill the National Parks Subcommittee under Chairman Seiberling visited my district and approved the bill on November 17, 1983. However, due to the controversy over the construction of the Point Pleasant pumping station, further progress on the bill was stalled.

I reintroduced my legislation last year because I believe as I did 9 years ago, that the natural, cultural, and historic resources of the river merit its protection from any further development.

My bill is part of a larger effort to restrict development along that portion of the Delaware River corridor from the Bucks County line at Riegelsville to Washington Crossing, to preserve and protect the still undeveloped countryside and farmland of rapidly growing southeastern Pennsylvania.

The Federal Government has already achieved some success in this effort. In 1978, Congress passed legislation designating 114 miles of the upper third of the Delaware as wild and scenic. In 1988, legislation authored by my colleague from Pennsylvania, Mr. RITTER, and me designated the Delaware-Lehigh Canal, much of which parallels the river, as a national heritage corridor.

In a poll taken 4 years ago in my district, the top local concerns of the public were—not taxes, not unemployment, not even drugs, but traffic congestion, overdevelopment, and the environment. This legislation requires that the Federal Government do what it can to save the Delaware so that citizens can be assured that the deterioration of the countryside can be stopped.

I hope we do not debate another 7 years the merits of protecting the Delaware. It is free flowing, it has outstandingly remarkable values, and provides unique recreational resources to millions of Americans. Further delay of Federal protection for this river would be a serious mistake. Let us move forward to save the Delaware, and preserve the countryside through which it flows.

Mr. ZIMMER. Mr. Speaker, as a cosponsor of H.R. 3457, I am delighted to see the House recognize the historical significance and natural value of the Delaware River.

The Delaware River is a truly remarkable river with historic connections to the Revolutionary War, to early barge canal navigation, and to the early settlement of New Jersey and Pennsylvania.

My wife and I love to walk along the banks of the Delaware, which makes up a large portion of the western border of the 12th District of New Jersey, and it never ceases to amaze us how the area has remained so pristine and tranquil despite more than 300 years of development.

The river provides an outstanding recreational opportunity for millions who enjoy canoeing, fishing, and hiking amidst its rustic setting and natural beauty.

While the Delaware River is generally more developed than other rivers designated as wild and scenic, this legislation accounts for this fact by recognizing existing facilities and permitting them to continue.

Designating these segments of the Delaware River as wild and scenic will help to protect the river from further inappropriate development and insure that future generations in America's most densely populated region will continue to be able to appreciate the scenic, recreational, historic, and cultural values of the area.

I want to thank the committee for its timely consideration of this legislation.

Mr. ALLARD. Mr. Speaker, I rise in support of this legislation, introduced by Mr. KOSTMAYER, to designate four segments—totalling some 33 miles—of the lower Delaware River as components of the Wild and Scenic River System.

While I know that my support for this legislation puts me at odds with some of my colleagues on the Republican side of the aisle on the Interior Committee who have dissented, I have reached my conclusions on the merits of this legislation after considerable thought. While it is true that those of us who represent areas in the West are generally skeptical of Government intrusion into our lives, we arrive at our skepticism by firsthand knowledge of the excesses sometimes visited upon our constituents by well-meaning, but wrong, designations of this type. This reasons for this are quite simple, Our constituents live close to the land, and much of that land is federally owned. Westerners love the outdoors—that is why we choose to live there. We also feel we do a pretty good job of stewardship of that land and should be respected to continue to do so without Federal intrusion. By comparison, the eastern part of the United States is largely privately owned, and Federal intrusion into land management is a novel concept.

Therefore, it seems to me to make sense to share the wealth, if you will, with our colleagues in the East. The more Federal designations in the East, the more quickly folks in that part of the country will understand some of the frustrations those of us in the West have felt through the years. In the case of the Delaware River, these frustrations are likely to come sooner, rather than later, due to the significant development on abutting private lands throughout the 33-mile stretch designated by this legislation. This is, without a doubt, a beautiful river. In fact, part of its charm is in its historic homes and buildings which predominate the banks of the river. And, while I wish the good people of this area all the best with this designation, I do hope that they come to understand some of the reasons why those of us in the West feel that such designations in our areas are double-edge swords.

Mr. Speaker, I welcome the people of this region to the ranks of those of us who understand Federal ownership best, and would welcome opportunities to support further designations in the eastern United States.

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

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

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 3457, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

## HORN OF AFRICA RECOVERY AND FOOD SECURITY ACT

Mr. DYMALLY. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 985) to assure the people of the Horn of Africa the right to food and the other basic necessities of life and to promote peace and development in the region, as amended.

The Clerk read as follows:

S. 985

*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 "Horn of Africa Recovery and Food Security Act".*

***SEC. 2. FINDINGS.***

*The Congress makes the following findings:*

*(1) The Horn of Africa (the region comprised of Ethiopia, Somalia, Sudan, and Djibouti) is characterized by an extraordinary degree of food insecurity as a result of war, famine, mounting debt, recurrent drought, poverty, and agricultural disruption, as well as gross violations of human rights, political repression, environmental destruction, and the breakdown of such essential services as primary education and health care.*

*(2) Internal conflict and famine have killed an estimated 2,000,000 people in Ethiopia, Sudan, and Somalia since 1985, and generated another 8,000,000 displaced persons and refugees, a number so high as to make millions wards of the United Nations and the international community. Relief officials now estimate that another 15,000,000 to 20,000,000 people are threatened by starvation as civil war and drought continue to ravage the area.*

*(3) Governments and armed opposition groups in Ethiopia, Sudan, and Somalia have been guilty of gross violations of human rights, which further erode food security in those countries.*

*(4) Assistance policies have failed in large part because of political and economic insecurity, which have prevented the development of programs to achieve sustainable development and programs to achieve food security.*

*(5) Appropriate assistance should promote real food security, which means access by all people at all times to enough food for an active and healthy life and the availability of sufficient income and food to prevent chronic dependency upon food assistance.*

*(6) The end of the Cold War rivalries in the Horn of Africa affords the United States the opportunity to develop a policy which addresses the extraordinary food security problem in the region.*

*(7) Notwithstanding other pressing needs, the United States must accordingly fashion a new foreign policy toward the Horn of Africa and cooperate with other major donors and the United Nations—*

*(A) to develop an emergency relief plan which meets the immediate basic human needs that arise as long as civil strife and famine afflict the region;*

*(B) to promote immediately cease-fires, secure relief corridors, and an end to these conflicts; and*

*(C) to provide creative developmental assistance which attacks the root causes of famine and war and assists these nations on the path to long-term security, reconstruction, voluntary repatriation, economic recovery, democracy, and peace, and which targets assistance to assist the poor majority more effectively.*

***SEC. 3. STATEMENT OF POLICY REGARDING INDIVIDUAL COUNTRIES.***

*(a) ETHIOPIA.—It is the sense of the Congress that the President should—*

*(1) call upon the authorities who now exercise control over the central government in Ethiopia to protect the basic human rights of all citizens, to release from detention all political prisoners and other detainees who were apprehended by the Mengistu regime, and to facilitate the distribution of international relief and emergency humanitarian assistance throughout the country;*

*(2) urge all authorities in Ethiopia to make good faith efforts to—*

*(A) make permanent the cease-fire now in place and to permit the restoration of tranquility in the country, and*

*(B) make arrangements for a transitional government that is broadly-based, that accommodates all appropriate points of view, that respects human rights, and that is committed to a process of reform leading to the writing of a constitution and the establishment of representative government; and*

*(3) support efforts to ensure that the people of Eritrea are able to exercise their legitimate political rights, consistent with international law, including the right to participate actively in the determination of their political future, and call upon the authorities in Eritrea to keep open the ports of Mitsiwa and Aseb and to continue to permit the use of those ports for the delivery and distribution of humanitarian assistance to Eritrea and to Ethiopia as a whole.*

*(b) SOMALIA.—It is the sense of the Congress that the President should—*

*(1) use whatever diplomatic steps he considers appropriate to encourage a peaceful and democratic solution to the problems in Somalia;*

*(2) commit increased diplomatic resources and energies to resolving the fundamental political conflicts which underlie the protracted humanitarian emergencies in Somalia; and*

*(3) ensure, to the maximum extent possible and in conjunction with other donors, that emergency humanitarian assistance is being made available to those in need, and that none of the beneficiaries belong to military or paramilitary units.*

*(c) SUDAN.—It is the sense of the Congress that the President should—*

*(1) urge the Government of Sudan and the Sudanese People's Liberation Army to adopt at least a temporary cessation of hostilities in order to assure the delivery of emergency relief to civilians in affected areas;*

*(2) encourage active participation of the international community to meet the emergency relief needs of Sudan; and*

*(3) take steps to achieve a permanent peace.*

***SEC. 4. HORN OF AFRICA RELIEF AND REHABILITATION PROGRAM.***

*(a) EQUITABLE DISTRIBUTION OF RELIEF AND REHABILITATION ASSISTANCE.—It should be the policy of the United States in promoting equitable distribution of relief and rehabilitation assistance in the Horn of Africa—*

*(1) to assure noncombatants (particularly refugees and displaced persons) equal and ready access to all food, emergency, and relief assistance and, if relief or relief agreements are blocked by one faction in a region, to continue supplies to the civilian population located in the territory controlled by any opposing faction;*

*(2) to provide relief, rehabilitation, and recovery assistance to promote self-reliance; and*

*(3) to assure that relief is provided on the basis of need without regard to political affiliation, geographic location, or the ethnic, tribal, or religious identity of the recipient.*

*(b) MAXIMIZING INTERNATIONAL RELIEF EFFORTS.—It should be the policy of the United States in seeking to maximize relief efforts for the Horn of Africa—*

*(1) to redouble its commendable efforts to secure safe corridors of passage for emergency food and relief supplies in affected areas and to expand its support for the growing refugee population;*

*(2) to commit sufficient resources under title II of the Agricultural Trade Development and Assistance Act of 1954 (relating to emergency and private assistance programs), and under chapter 9 of part I of the Foreign Assistance Act of 1961 (relating to international disaster assistance), to meet urgent needs in the region and to utilize unobligated security assistance to bolster these resources;*

*(3) to consult with member countries of the European Community, Japan, and other major donors in order to increase overall relief and developmental assistance for the people in the Horn of Africa;*

*(4) to lend the full support of the United States to all aspects of relief operations in the Horn of Africa, and to work in support of United Nations and other international and voluntary agencies, in breaking the barriers currently threatening the lives of millions of refugees and others in need; and*

*(5) to urge the Secretary General of the United Nations to immediately appoint United Nations field coordinators for each country in the Horn of Africa who can act with the Secretary General's full authority.*

*(c) HORN OF AFRICA CIVIL STRIFE AND FAMINE ASSISTANCE.—*

*(1) AUTHORIZATION OF ASSISTANCE.—The President is authorized to provide international disaster assistance under chapter 9 of part I of the Foreign Assistance Act of 1961 for civil strife and famine relief and rehabilitation in the Horn of Africa.*

*(2) DESCRIPTION OF ASSISTANCE TO BE PROVIDED.—Assistance pursuant to this subsection shall be provided for humanitarian purposes and shall include—*

*(A) relief and rehabilitation projects to benefit the poorest people, including—*

*(i) the furnishing of seeds for planting, fertilizer, pesticides, farm implements, crop storage and preservation supplies, farm animals, and vaccine and veterinary services to protect livestock;*

*(ii) blankets, clothing, and shelter;*

*(iii) emergency health care; and*

*(iv) emergency water and power supplies;*

*(B) emergency food assistance (primarily wheat, maize, other grains, processed foods, and oils) for the affected and displaced civilian population of the Horn of Africa; and*

*(C) inland and ocean transportation of, and storage of, emergency food assistance, including the provision of trucks.*

*Assistance described in subparagraphs (B) and (C) shall be in addition to any such assistance provided under title II of the Agricultural Trade Development and Assistance Act of 1954.*

*(3) USE OF PVOS FOR RELIEF, REHABILITATION, AND RECOVERY PROJECTS.—Assistance under this subsection should be provided, to the maximum extent possible, through United States, international, and indigenous private and voluntary organizations.*

*(4) MANAGEMENT SUPPORT ACTIVITIES.—Up to two percent of the amount made available for each fiscal year under paragraph (5) for use in carrying out this subsection may be used by the agency primarily responsible for administering part I of the Foreign Assistance Act of 1961 for management support activities associated with the planning, monitoring, and supervision of emergency humanitarian and food assistance in the Horn of Africa provided under this subsection and subsection (d).*

*(5) TRANSFER OF SECURITY ASSISTANCE FUNDS.—The authority of section 610 of the Foreign Assistance Act of 1961 may be used to transfer for use in carrying out this subsection, without regard to the 20-percent increase limitation contained in that section, unobligated secu-*

rity assistance funds made available for fiscal year 1992 and 1993. As used in this paragraph, the term "security assistance funds" means funds available for economic support assistance, foreign military financing assistance, or international military education and training.

(d) EMERGENCY FOOD ASSISTANCE.—The President is urged to use the authorities of title II of the Agricultural Trade Development and Assistance Act of 1954 to provide supplemental emergency food assistance for the various civilian victims of civil strife in the Horn of Africa, in accordance with paragraphs (2)(B), (2)(C), and (3) of subsection (c), in addition to the assistance otherwise provided for such purposes.

**SEC. 5. HORN OF AFRICA PEACE INITIATIVE.**

(a) SUPPORT FOR GRASSROOTS PARTICIPATION.—It shall be the policy of the United States in promoting peace and development in the Horn of Africa—

(1) to support expanded pluralistic and popular participation, the process by which all groups of people are empowered to involve themselves directly in creating the structures, policies, and programs to contribute to equitable economic development, and to local, national, and regional peace initiatives;

(2) to ensure that all citizens enjoy the protection of civil, political, economic, social, religious, and cultural rights, an independent judiciary, and representative governmental institutions, regardless of gender, religion, ethnicity, occupation, or association; and

(3) to provide assistance to indigenous nongovernmental institutions that carry out activities in government-controlled or opposition-controlled territories and have the capacity or potential to promote conflict resolution, to advance development programs, or to carry out relief activities such as those described in section 4(c)(2).

(b) CONSULTATIONS.—The President is encouraged to undertake immediate consultations with appropriate countries, with armed and unarmed parties in the Horn of Africa, and with the Secretary General of the United Nations, in order to bring about negotiated settlements of the armed conflicts in the Horn of Africa.

(c) MECHANISMS.—It is the sense of the Congress that the President should—

(1) direct the United States Representative to the United Nations to—

(A) urge the Secretary General of the United Nations to make cease-fires, safe corridors for emergency relief, and negotiated settlements of the armed conflicts in the Horn of Africa a high and urgent priority;

(B) propose that the United Nations Security Council establish a United Nations arms embargo to end the supply of arms to the region, pending the resolution of civil wars and other armed conflicts; and

(C) pledge diplomatic and material resources for enhanced United Nations peacekeeping and peacemaking activities in the region, including monitoring of cease-fires;

(2) play an active and ongoing role in other fora in pressing for negotiated settlements to armed conflicts in the Horn of Africa; and

(3) support and participate in regional and international peace consultations that include broad representation from the countries and factions concerned.

**SEC. 6. HORN OF AFRICA FOOD SECURITY AND RECOVERY STRATEGY.**

(a) TARGETING ASSISTANCE TO AID THE POOR MAJORITY; USE OF PVOS AND INTERNATIONAL ORGANIZATIONS.—

(1) TARGETING ASSISTANCE.—United States developmental assistance for the Horn of Africa should be targeted to aid the poor majority of the people of the region (particularly refugees, women, the urban poor, and small-scale farmers and pastoralists) to the maximum extent practicable. United States Government aid institutions should seek to—

(A) build upon the capabilities and experiences of United States, international, and indigenous private and voluntary organizations active in local grassroots relief, rehabilitation, and development efforts;

(B) consult closely with such organizations and significantly incorporate their views into the policymaking process; and

(C) support the expansion and strengthening of their activities without compromising their private and independent nature.

(2) PVOS AND INTERNATIONAL ORGANIZATIONS.—While support from indigenous governments is crucial, sustainable development and food security in the Horn of Africa should be enhanced through the active participation of indigenous private and voluntary organizations, as well as international private and voluntary organizations, and international organizations that have demonstrated their ability to work as partners with local nongovernmental organizations and are committed to promoting local grassroots activities on behalf of long-term development and self-reliance in the Horn of Africa.

(3) POLICY ON ASSISTANCE TO GOVERNMENTS.—United States assistance should not be provided to the Government of Ethiopia, the Government of Somalia, or the Government of Sudan until concrete steps toward peace, democracy, and human rights are taken in the respective country.

(4) SUPPORT FOR PVOS.—Meanwhile, the United States should provide developmental assistance to those countries by supporting United States, indigenous, and international private and voluntary organizations working in those countries. Such assistance should be expanded as quickly as possible.

(b) EXAMPLES OF PROGRAMS.—Assistance pursuant to this section should include programs to—

(1) reforest and restore degraded natural areas and reestablish resource management programs;

(2) reestablish veterinary services, local crop research, and agricultural development projects;

(3) provide basic education, including efforts to support the teaching of displaced children, and rebuild schools;

(4) educate young people outside of their countries if conflict within their countries continues;

(5) reconstitute and expand the delivery of primary and maternal health care; and

(6) establish credit, microenterprise, and income generation programs for the poor.

(c) VOLUNTARY RELOCATION AND REPATRIATION.—Assistance pursuant to this section should also be targeted to the voluntary relocation and voluntary repatriation of displaced persons and refugees after peace has been achieved. Assistance pursuant to this Act may not be made available for any costs associated with any program of involuntary or forced resettlement of persons.

(d) DEBT RELIEF; INTERNATIONAL FUND FOR RECONSTRUCTION.—Developmental assistance for the Horn of Africa should be carried out in coordination with long-term strategies for debt relief of countries in the region and with emerging efforts to establish an international fund for reconstruction of developing countries which settle civil wars within their territories.

(e) ASSISTANCE THROUGH PVOS AND INTERNATIONAL ORGANIZATIONS.—Unless a certification has been made with respect to that country under section 8, development assistance and assistance from the Development Fund for Africa, for Ethiopia, Somalia, and Sudan shall be provided only through—

(1) United States, international, and indigenous private and voluntary organizations (as the term "private and voluntary organization" is defined in section 496(e)(2) of the Foreign Assistance Act of 1961); or

(2) through international organizations that have demonstrated effectiveness in working in partnership with local nongovernmental organizations and are committed to the promotion of local grassroots activities on behalf of development and self-reliance in the Horn of Africa (such as the United Nations Children's Fund, the International Fund for Agricultural Development, the United Nations High Commissioner for Refugees, the United Nations Development Program, and the World Food Program).

This subsection does not prohibit the organizations referred to in paragraphs (1) and (2) from working with appropriate ministries or departments of the respective governments of such countries.

(f) WAIVER OF RESTRICTIONS.—Assistance pursuant to this section may be made available to Ethiopia, Somalia, and Sudan notwithstanding any provision of law (other than the provisions of this Act) that would otherwise restrict assistance to such countries.

(g) UNITED STATES VOLUNTARY CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS FOR DEVELOPMENTAL ASSISTANCE FOR THE HORN OF AFRICA.—It should be the policy of the United States to provide increasing voluntary contributions to United Nations agencies (including the United Nations Children's Fund, the International Fund for Agricultural Development, the United Nations High Commissioner for Refugees, the United Nations Development Program, and the World Food Program) for expanded programs of assistance for the Horn of Africa and for refugees from the Horn of Africa who are in neighboring countries.

(h) DEVELOPMENTAL ASSISTANCE AUTHORITIES.—Developmental assistance to carry out this section shall be provided pursuant to the authorities of chapter 1 of part I (relating to development assistance) and chapter 10 of part I (relating to the Development Fund for Africa) of the Foreign Assistance Act of 1961.

**SEC. 7. PROHIBITIONS ON SECURITY ASSISTANCE TO ETHIOPIA, SOMALIA, AND SUDAN.**

(a) PROHIBITION.—Economic support assistance, foreign military financing assistance, and international military education and training may not be provided for fiscal year 1992 or 1993 for the Government of Ethiopia, the Government of Somalia, or the Government of Sudan unless the President makes the certification described in section 8 with respect to that government.

(b) ASSISTANCE FOR ETHIOPIA; CONDITIONAL WAIVER OF BROOKE-ALEXANDER AMENDMENT.—If the President makes the certification described in section 8 with respect to the Government of Ethiopia, the President may provide economic support assistance, foreign military financing assistance, and international military education and training for Ethiopia for fiscal years 1992 and 1993 notwithstanding section 620(q) of the Foreign Assistance Act of 1961 or any similar provision.

**SEC. 8. CERTIFICATION.**

The certification required by sections 6(e) and 7 is a certification by the President to the appropriate congressional committees that the government of the specified country—

(1) has begun to implement peace agreements, national reconciliation agreements, or both;

(2) has demonstrated a commitment to human rights within the meaning of sections 116 and 502B of the Foreign Assistance Act of 1961;

(3) has manifested a commitment to democracy, has held or established a timetable for free and fair elections, and has agreed to implement the results of those elections; and

(4) in the case of a certification for purposes of section 6(e), has agreed to distribute developmental assistance on the basis of need with-

*out regard to political affiliation, geographic location, or the ethnic, tribal, or religious identity of the recipient.*

***SEC. 9. REPORTING REQUIREMENT.***

*Not later than 180 days after the date of enactment of this Act and each 180 days thereafter, the President shall submit a report to the appropriate congressional committees on the efforts and progress made in carrying out this Act.*

***SEC. 10. DEFINITIONS.***

*As used in this Act—*

*(1) the term "appropriate congressional committees" means the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate;*

*(2) the term "assistance from the Development Fund for Africa" means assistance under chapter 10 of part I of the Foreign Assistance Act of 1961;*

*(3) the term "development assistance" means assistance under chapter 1 of part I of the Foreign Assistance Act of 1961;*

*(4) the term "economic support assistance" means assistance under chapter 4 of part II of the Foreign Assistance Act of 1961;*

*(5) the term "foreign military financing assistance" means assistance under section 23 of the Arms Export Control Act; and*

*(6) the term "international military education and training" means assistance under chapter 5 of part II of the Foreign Assistance Act of 1961.*

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. DYMALLY] will be recognized for 20 minutes and the gentleman from Michigan [Mr. BROOMFIELD] will be recognized for 20 minutes.

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

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

Mr. Speaker, today, we consider the 1992 Horn of Africa Recovery and Food Security Act. This most worthy piece of legislation will send the message that the United States is prepared to coordinate with the rest of the world to help alleviate the pain and suffering in the region.

For years, the world has watched the tragedy of famine, civil war, refugee and displaced persons unfold before our very eyes on the national news. For years individual nations, international organizations, private voluntary organizations and nongovernmental organizations have devoted millions of dollars, manpower and resources to alleviating the crises.

In the interim, the end of the United States-Soviet rivalry in the region has led to a sweeping movement toward democratization and the ouster of dictatorial regimes in Somalia and Ethiopia. The people of Djibouti are engaged in a struggle with the government for equal access to the political system. In Sudan, with the onset of the dry season offensive, the north-south conflict is still ravaging the country.

Essentially, despite a clear and sweeping move toward democratic rule in most of Africa, the Horn of Africa remains mired in relentless civil wars, devastating famines, and severe economic crisis.

Mr. Speaker, the legislation before us today makes a serious attempt to refocus our policy toward humanitarian and emergency assistance in the Horn. What it does is reinforce our commitment and establishes the leading role of the United States in the international effort.

This legislation encourages the use of nongovernmental organizations. International organizations and private voluntary organizations in our overall strategy to help reduce the suffering of the innocent victims of intra-clan, inter-clan, and/or inter-ethnic conflicts.

While events continue to unfold in the Horn, the political landscape changes daily. This legislation does not automatically provide assistance, but rather clears the path for the U.S. Government to provide assistance where possible and appropriate.

It is important to note, Mr. Speaker, that this legislation does not contain any new money. This legislation is designed to give the President discretionary transfer authority over funds from existing appropriations. The fact that the Congress supports this measure is critical to the successful implementation of the President's humanitarian assistance programs. This legislation essentially represents the language in the amendment to the foreign aid authorization bill which passed the House with bipartisan support in a 410–0 vote of approval.

Mr. Speaker, on behalf of the foreign affairs committee, I applaud the House for moving judiciously and expeditiously in passing this legislation.

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

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

Mr. Speaker, I support this amendment in the nature of a substitute to S. 985, the Horn of Africa Recovery and Food Security Act of 1991.

I want to commend chairman FASCELL and Congressmen DYMALLY and BURTON for their determined efforts to bring this bill to the floor. But I would like to give special recognition to Congressman BEREUTER. It was due to his leadership on this legislation, and his strong interest in the welfare of the people in the Horn that we have this bill before the House today.

Last summer, S. 985 passed the Senate and most of its provisions were incorporated into the foreign aid bill in an amendment that was offered in the House by Congressman BEREUTER. That amendment had broad support and passed by a vote of 410 to 0.

It is that section of the Foreign Aid bill which is being offered as a substitute to the original Senate bill.

I want to point out that funds in this legislation would come from existing resources and that no new money is contained in this measure.

This substitute addresses the pattern of United States relief, recovery, diplomatic and assistance activities that are appropriate for the tragic situation in Ethiopia, Sudan and Somalia, where protracted civil wars, drought and poverty have created a nightmare for the innocent people there.

When most Americans think of the Horn of Africa, they visualize terrible despair and starving people without hope who have been forgotten by the world. This legislation is a message to those who have suffered that the American people and Congress have not forgotten them.

I urge my colleagues to support the committee's amendment in the nature of a substitute to S. 985.

□ 1340

Mr. DYMALLY. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio [Mr. HALL].

Mr. HALL of Ohio. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in strong support of the House amendment to S. 985, the Horn of Africa Recovery and Food Security Act. This is a bipartisan bill, which represents more than a year of work by international hunger experts and members of the Select Committee on Hunger; Mr. DORGAN, Mr. WHEAT, and Mr. BEREUTER.

The Horn of Africa is one of the most infamous places on earth. It's known mainly for hunger, famine, civil war and death. More than 2 million people have died in the Horn since 1985. Eight million have become refugees. This week, with the help of the legislation we are considering today, the leaders of the Horn of Africa are beginning to turn that situation around.

This bill authorizes the President to provide disaster relief to meet the needs of the region. It promotes efforts to bring peace, and insure the access to food to hungry people. The bill bars development assistance to any country until the President certifies that the government has improved human rights. This is a good bill, Mr. Speaker. And it will make a real difference to the lives of the people of the Horn.

But another event is taking place in Ethiopia this week, which makes it even more important for the House to pass this bill. The heads of state of the nations of the Horn, along with the leaders of the opposition groups, are going to come together for a summit conference. They are going to agree never to use food as a weapon again. These leaders are stepping up to a real challenge; they are taking their destiny into their own hands. They may disagree—there may even be civil wars—but after this week, all the leaders in the Horn will agree to put the needs of their people ahead of politics. They will not block humanitarian supplies, they will not attack relief con-

voys, they will not use food as a weapon, they will not allow innocent children to starve.

This is the first arms control agreement for the weapon of food, Mr. Speaker. It will save lives, and it sets a precedent that other nations around the world can follow.

The idea of a humanitarian summit for the Horn of Africa was first proposed during a meeting I had with the President of Ethiopia last summer, along with my Hunger Committee colleagues Representatives ALAN WHEAT and DENNY HASTERT. A member of the Hunger Committee staff is in Addis Ababa right now, as an observer. I was planning on attending the summit myself. The select committee played an important role in creating this summit.

That's why it makes me angry when I read about people in this House talking about eliminating the select committees. The Select Committee on Hunger is making a difference, around the world and here in America. We're working in the Horn of Africa. We're creating hunger-free communities here at home. We are doing our jobs, helping the Congress to meet the needs of hungry people around the world. And we are doing it all for less than it costs to run a single Member's congressional office.

I am very proud of my committee this week, Mr. Speaker. I am proud of this legislation that my colleagues produced, and I'm proud of the historic event in the Horn that we helped to create. And I'm disappointed in the Members of the House who are taking out their frustrations on us, and on hungry people, on children, seniors, and our drug-plagued cities. It is not smart, and it is not fair, and it is not what this House is supposed to be about.

I urge my colleagues to pass this important legislation, and to reject any attempt to eliminate the select committees.

Mr. BROOMFIELD. Mr. Speaker, I yield 7 minutes to the distinguished gentleman from Nebraska [Mr. BEREUTER].

Mr. BEREUTER. Mr. Speaker, this Member rises in strong support of S. 985, as amended, which establishes aid and food security policies toward the Horn of Africa region and the countries of Ethiopia, Somalia, and Sudan. The legislation has grown from the concerns of many thousands of Americans who have watched with horror the tragedies of hunger and war which have afflicted those countries for too many years and have cost over 2 million human lives already. These citizens have written to their Members of Congress to ask that our Government lay out clear principles of action in the Horn countries, based on our history of humanitarian concern for people trapped in disasters—including man-made ones—and on our history of encouraging respect for human rights, democratic elections, economic freedom, and nondiscriminatory aid distribution in other countries.

This Member wants to thank Chairman FASCELL and ranking member BROOMFIELD of the Foreign Affairs Committee for their support in ensuring that this important legislation on foreign assistance policy in the countries of the Horn of Africa is considered today, and also to express my thanks to chairman DYMALLY and ranking member DAN BURTON of the Africa Subcommittee for their interest in the welfare of the people in the Horn, for their support as original cosponsors of the bill (H.R. 1454) on which today's amended language is based, and for continually monitoring the rapidly changing needs in the Horn countries during the past year through hearings in their subcommittee.

The amended language offered today is taken directly from the Horn of Africa provisions agreed upon in the conference report on foreign assistance authorizations for fiscal year 1992 and fiscal year 1993 and is identical to the version presently in Chairman FASCELL'S foreign assistance authorization bill, H.R. 4546. Those conference provisions in turn reflected very closely the action of this House on June 20, 1991, when it passed, by a vote of 410–0, my amendment to the Africa title of H.R. 2508 on the subject of relief and recovery policies in the countries of the Horn. That amendment reflected the efforts and support of 182 Members of this body who cosponsored H.R. 1454, the Horn of Africa Recovery and Food Security Act of 1991, which was introduced by Mr. DORGAN, Mr. WHEAT, and this Member on March 14, 1991. Over 60 major relief, development, and antihunger groups, including Bread for the World, endorsed the legislation. The latter organization played a very major role in offering to cosponsor to draft this legislation.

This amended version of S. 985, like H.R. 1454, addresses the pattern of United States relief, recovery, diplomatic, and assistance activities that are appropriate for the tragic situation in Ethiopia, Sudan, and Somalia where protracted civil wars, drought, and poverty have created a living hell—a disaster where millions continue to starve while running from one war zone into another. Both governments and armed opposition groups in the Horn have been guilty of gross violation of human rights and of making the food security situation of civilians worse and impeding relief efforts.

Fortunately, in the case of Ethiopia, a generation-long war ceased in 1991, and there is hope for a new era of reconciliation and reconstruction on the basis of political and economic freedoms for both Ethiopia and the Eritrean region. Somalia and Sudan remain in a state of bloody civil war and national fragmentation along regional, ethnic, and clan lines.

Both the encouraging case of Ethiopia and the ongoing conflicts where so many lives are at risk have demonstrated that we need to have a clear United States policy that is directed at helping the people who are suffering while refusing to assist governments that are contributing to needless suffering.

The bill therefore defines four basic areas of United States policy toward the Horn countries because of the special, emergency conditions there:

First, an expanded authority for relief, rehabilitation, and recovery assistance under the international disaster assistance authorities carried out by the Office of Foreign Disaster Assistance [OFDA]. No new or additional moneys are provided in this bill, but the President is given discretionary authority for fiscal years 1992 and 1993 to transfer unobligated security assistance funds to supplement OFDA resources for the Horn. OFDA is asked to carry out special rehabilitation and recovery activities such as primary health care, basic education, and restoring agricultural livelihoods of small producers in addition to normal emergency relief assistance. OFDA is also given the authority to fund the provision of emergency food to supplement Public Law 480, title II programs.

Second, the President is urged to take various actions to promote peace initiatives for the region in collaboration with Russia, other countries, the United Nations, and parties in the Horn. This approach has already borne great fruit in the case of Ethiopia. The objectives are to promote negotiated settlement of conflicts in the region, an end to further militarization of the Horn, safe corridors of passage for relief supplies during conflicts, and support for international peacekeeping efforts that may be needed as is currently being investigated by the United Nations in Somalia.

Third, medium- and long-term development assistance to the region is targeted toward the poorest and most vulnerable people, to the extent practicable, and must be channeled only through private voluntary groups and through international organizations like UNICEF that work at the grassroots level unless and until governments respect basic freedoms.

Fourth, no United States economic assistance, military assistance, or security assistance money can go to or through the Governments of Ethiopia, Somalia, or Sudan until the United States President certifies that they are making concrete progress toward peace, human rights, democratic elections, and nondiscriminatory distribution of aid. Once this certification is made, as will be the case of Ethiopia based on its encouraging progress in re-

cent months, flexibility is given to the administration to work with transitional governments on assistance that will consolidate democracy and peace. The legislative process thus establishes a standard consistent with the most deeply held values that the people of the United States want foreign assistance to serve, and recognizes that the fast-changing world of transitions to freedom requires eliminating some of the rigid restrictions on aid that might have characterized U.S. policy toward the previous undemocratic regimes. Development priorities outlined in legislation for the development fund for Africa will then become the guiding principles for the aid under normal conditions.

Mr. Speaker, the dramatic events of last year in Ethiopia demonstrate exactly why this legislation is so valuable, since we could have moved much faster to assist the democratic transition there if these policies had already been in place in 1991. They continue to be valuable for sending a clear signal of United States concern and leadership in expanding emergency relief efforts and promoting conflict resolution in Sudan and Somalia before many more lives are lost.

Mr. Speaker, my thanks to all who have made this legislation possible, and I urge your support for the bill.

□ 1350

Mr. DYMALLY. Mr. Speaker, I yield 5 minutes to the gentleman from Kansas [Mr. WHEAT].

The SPEAKER pro tempore (Mr. MAZZOLI). Does the gentleman mean the State of Missouri?

Mr. DYMALLY. Mr. Speaker, I was referring to Kansas City.

Mr. WHEAT. Mr. Speaker, I wish to thank the chairman of the Subcommittee on Africa for his diligent work and leadership on this issue, even if he does not know where the middle of the country is, as well as thank the chairman of the Select Committee on Hunger, the gentleman from Ohio [Mr. HALL] for all of the work and leadership that he has provided on this issue.

I rise in strong support of the measure now before us. Today's consideration of the Horn of Africa Recovery and Food Security Act represents the culmination of over a year of hard work in the Congress and by a number of leading nongovernmental organizations to refocus United States policy toward the Horn of Africa.

The measure has enjoyed broad bipartisan support from the time it was first introduced in March 1991. In a vote of 410 to 0 last June, the House unanimously approved the Dorgan-Bereuter-Wheat amendment which incorporated the main provisions of the Horn legislation into the 1992 Foreign Assistance Authorization Act.

Now detached from the authorization bill, the House is once again considering this important measure. Since last June when the House last took up legislation regarding the Horn, the region has undergone change; however, the need to implement a comprehensive and coordinated relief and development policy toward this devastated part of the world remains just as critical and timely.

Over the course of the past year, Ethiopia has taken positive and hopeful steps toward establishing democratic rule. Finally rid of the brutal regime of Mengistu, the provisional Ethiopian Government has stated its commitment to securing a democratic future for its people.

The legislation before us today would help facilitate the transition to democratic rule by waiving restrictions which currently prohibit United States aid to the Ethiopian Government, thus permitting United States aid for development and electoral assistance.

Since last summer, the situation in Somalia has degenerated into the worst humanitarian crisis in the world today. From the time that bitter factional fighting erupted in the capital city of Mogadishu last November, an estimated 40,000 Somalis have been killed or wounded in the ensuing violence.

The legislation before us today would reinforce current efforts to bring an end to the fighting by calling on the administration to work through the United Nations to promote an end to civil strife and the safe passage of humanitarian relief supplies.

And in the past year, the repressive Government of Sudan has continued to challenge the dictatorships of the world in vying for the title of the world's most brutal regime. Most recently, the Government has undertaken a wide scale military offensive throughout the southern part of the country.

The legislation before us today would help ensure that the Sudanese Government does not profit from its brutality by prohibiting United States aid to the governments of the horn unless they make firm progress in establishing peace and promoting human rights and democracy.

Beyond authorizing relief and assistance in the near term, the bill lays the foundation for long-term sustainable development. It focuses on the root causes of the problems in the region. It targets aid to the most vulnerable part of the population. It highlights grassroots participation throughout the developmental and political process. In short, it offers the people of the region the means to help them help themselves.

Mr. Speaker, today's consideration of the Horn of Africa legislation coincides with a regional humanitarian summit taking place this week in Ethiopia. By approving this initiative, we send a signal to the participants in the summit, indeed to the entire population of the region, that the United States is committed to helping promote peace, democracy, respect for human rights, and sustainable development in the Horn of Africa.

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

Mr. WHEAT. I yield to the gentleman from California.

Mr. DYMALLY. Mr. Speaker, not only do I know where Missouri is, I actually attended school in Missouri. I know where Kansas City is, it is famous for its blues and Central High School.

Mr. WHEAT. Mr. Speaker, if the gentleman claims his education in geography came from Missouri, we will have to do better to improve our school system.

Mr. BROOMFIELD. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. GILMAN], a member of our committee.

Mr. GILMAN. Mr. Speaker, I rise in support of S. 985, to assure the people of the Horn of Africa the right to food and the other basic necessities of life and to promote peace and democracy. I want to thank the chairman of the House Foreign Affairs Committee, the gentleman from Florida [Mr. FASCELL]; the ranking minority member, the gentleman from Michigan [Mr. BROOMFIELD], the gentleman from California [Mr. DYMALLY], the distinguished chairman of the Subcommittee on Africa; and the committee's ranking minority member, the gentleman from Indiana [Mr. BURTON], for bringing the bill to the floor at this appropriate time. I also want to commend the distinguished chairman of the Select Committee on Hunger, the gentleman from Ohio [Mr. HALL]; the chairman of the International Task Force of the Select Committee on Hunger, the gentleman from North Dakota [Mr. DORGAN]; the ranking minority member, the gentleman from Nebraska [Mr. BEREUTER]; and their staff for their support in this effort.

The Horn of Africa, the region comprised of Ethiopia, Somalia, Sudan, and Djibouti, is reeling from extraordinary food insecurity caused by war, famine, mounting debt, recurring drought, poverty, agricultural disruption, and environmental degradation. S. 985 tackles these problems by directing the United States to accomplish four basic objectives in the Horn of Africa. First, to assure the people of Ethiopia, Somalia, and Sudan access to food and other basic necessities. Second, to target development assistance to poor and hungry people, building on their own efforts. Third, to set forth a peace initiative aimed at stopping ongoing wars and conflicts. And fourth, to restrict aid to governments in the region until progress toward peace, democracy and human right is made.

In the past decade, we have all been witness to the tragic cycle of drought,

famine, and civil war that has touched the lives of millions of people throughout the Horn of Africa. S. 985 places the Congress firmly on record in attempting to alleviate these critical problems.

Accordingly, I support S. 985 and urge my colleagues to vote for this bill.

Mr. DYMALLY. Mr. Speaker, I yield 5 minutes to the gentleman from North Dakota [Mr. DORGAN].

Mr. DORGAN of North Dakota. Mr. Speaker, I am pleased to join my colleagues, DOUG BEREUTER and ALAN WHEAT, in urging passage of S. 985, as amended by the main provisions of our bill, the Horn of Africa Recovery and Food Security Act. Those provisions were already included as title X, chapter 4 of the pending conference report on the foreign aid authorization bill (H.R. 2508).

A SOUND APPROACH

Passage of this bill will demonstrate that Congress can indeed address public policy needs in the right way.

First, it's a bipartisan bill. The chairman and ranking minority member of the Hunger Committee, TONY HALL and BILL EMERSON, have provided invaluable help in this effort. May I also thank African Subcommittee chairman MERVYN DYMALLY and chairman DANTE FASCELL of the Foreign Affairs Committee, as well as the respective ranking members, DAN BURTON and WILLIAM BROOMFIELD, for agreeing to take up this measure as a freestanding bill. Without such strong bipartisan support, we would not have been able to pass this bill.

Second, we developed this legislation will the strong backing of Bread for the World and a wide coalition of private, voluntary organizations [PVO's] involved with promoting food security in the Horn of Africa. This common effort shows that Congress can respond to the grassroots concerns of the public.

Third, this bill will cost no new money. It provides food and other humanitarian aid through transfer of security aid. In other words, it converts the unused arms aid from the cold war into lifesaving resources: food, medicine, shelter, and farming tools.

RESPONDING TO BASIC HUMAN NEEDS

This measure will focus attention on the continuing human tragedy in the countries of Sudan, Ethiopia, and Somalia. The tragedy is hunger and civil war—killers which threaten some 20 million people in the Horn of Africa. As chairman of the Hunger Committee's International Task Force, I can think of no global problem which should receive greater attention in Congress.

Our legislation will also reformulate U.S. policy toward the region and set forth a comprehensive program to prevent widespread famine and to chart a course for long-term recovery and food security in the region. The bill underscores that a major tenet of our policy should be support for democracy and human rights. To that end, it sets forth realistic criteria for determining when the U.S. Government can provide aid to governments which previously had repressed human rights and freedom.

A REGION IN PERIL

The region has been plagued by persistent famine, widespread poverty, and decades of devastating civil wars. Some 2,000,000 Ethiopians and Sudanese have died from war or famine in the last 5 years alone. Relief officials estimate that another 8,000,000 have become refugees or displaced persons. Although the civil war in Ethiopia has ended, military conflict, famine, and poverty still threaten millions of people in the Horn. This is not an abstract problem but a current emergency.

Ethiopia has ended its own civil war. However, its early steps to establish a democratic government for the first time in history are imperiled by poverty and underdevelopment. This bill gives the President the authority to provide development aid once he certifies that the new government has made substantial progress to protect human rights and democracy. Instead of providing no aid, as we used to do with such transitional governments, we should offer it to governments which respect freedom and human rights.

Further, we must not overlook continuing fractional conflict which has resulted in the suspension of United Nations relief operations in areas with severe malnutrition and serious refugee problems.

Similarly, the people of Somalia concluded a fight against a repressive regime only to be engulfed by vicious interclan warfare. This new, deadly conflict has killed or wounded 30,000 civilians since last November. It has also cut off most reliable supplies of food aid, leaving 1.5 million people at risk of starvation and epidemics in the capital of Mogadishu and another 4.5 million more, in outlying areas. Artillery shelling in the capital area has been so intense at times that relief organizations have been all but forced to suspend lifesaving operations.

We must encourage the United Nations to play a more aggressive role in seeking peace and urge the warring factions to negotiate truces and a peace settlement. We should also support the use of U.N. peacekeeping personnel to protect relief workers, particularly in the capital area.

Continuing unrest and civil war menace the people of Sudan. Regional and fractional conflicts directly threaten the civilian population and also endanger the certain supply of food aid to refugees and displaced persons. The United Nations estimates that about 7.5 million people face food shortages, among which are 4 million internally displaced Sudanese. The Government of Sudan has exacerbated the latter problem by forcibly evicting one-half million homeless from Khartoum to remote desert camps.

Again, our Government must encourage reconciliation efforts by the United Nations and do our utmost to protect millions of vulnerable people.

NEW REALITIES OF AFRICAN FAMINE

Let me say that the sponsors of this legislation are acutely aware that famine stalks several other parts of Africa—particularly in Angola, Mozambique, and other southern African nations. Just yesterday, the Washington Post reported the worst drought of the century imperils 115 million people, who face acute shortages of both food and water. It appears that 10 million tons of food aid will be needed in the next year in order to avert massive starvation.

The United States will certainly need to exercise leadership in responding to these emergencies, as well. I know that the Hunger Committee has, and will continue, to press for timely and sufficient relief arrangements in these nations, too.

A NEW COURSE FOR THE HORN OF AFRICA

Our purpose, then, is not to single out the Horn of Africa to the exclusion of other needy nations. It is rather, to reaffirm that the United States will not neglect the Horn of Africa in an hour of dire human need. It is to say that many of the problems affecting individual nations in the region can only be resolved as peace, stability, and food security grow in the whole region.

We would also assert that the peace settlements which have been achieved elsewhere in Africa should be sought with equal diligence in the Horn, as well. This will require the top-level attention of the President and the United Nations.

The bill does not authorize new funding, as I noted before. It provides authority to transfer from unobligated security aid balances such funds as are necessary to meet food and other emergency requirements in the Horn. It also authorizes the use of existing resources in the development fund for Africa to support the special, human-needs-based projects described in the bill. Among these are restoring agricultural extension services, veterinary assistance, and primary health care centers. It channels these resources through private, community, and international organizations with proven track records of working with impoverished people. If we truly believe that averting starvation and human tragedy should be a top foreign policy priority, then surely we should be prepared to divert resources from lower priority needs to achieve more important goals.

I urge the administration and all of my colleagues to join 182 sponsors in this fight to keep millions of people alive. And, then, I request support for the ensuring effort to help the people of Somalia, Sudan, and Ethiopia on the road to recovery and food security.

So I ask for unanimous support of the bill as amended and call for its

prompt implementation by the administration.

Mr. FASCELL. I rise in support of S. 985, as amended, the Horn of Africa Recovery and Food Security Act, which outlines assistance and security policies toward the Horn of Africa countries of Ethiopia, Somalia, and the Sudan.

I want to thank Mr. DYMALLY and Mr. BURTON of the Africa Subcommittee for their efforts in support of this measure. In addition, I want to commend Mr. BEREUTER for his leadership and work on this important piece of legislation.

Mr. Speaker, S. 985, as amended, is a noncontroversial bill that originally passed the House on June 20, 1991, by a vote of 410 to 0 as an amendment to the foreign aid authorization bill. The bill is essentially unchanged from the version that was unanimously passed by the House last June. Funds for this legislation would come from existing authorities.

As we are all aware, conditions in the Horn of Africa are critical. The ongoing regional drought and massive dislocations of the civilian population due to civil wars have brought about an incredible level of suffering and deprivation throughout the region. This legislation attempts to address these realities by providing AID's Office of Foreign Disaster Assistance with expanded authority to carry out activities such as primary health care and education; by urging the President to promote peace initiatives in conjunction with other nations, including the United Nations; by stipulating that development assistance to the region shall be targeted toward the poorest, and to the extent possible, provided through non-governmental groups; and, finally, by stipulating that no U.S. economic, military, or developmental assistance shall be provided to any government in the region until the President certifies that they are making significant progress toward peace, democratic elections, and ensuring human rights.

In addition, the bill provides for Presidential waiver authority for those countries in the horn that are in arrears on their loan repayments. This is particularly significant in the case of Ethiopia, which, it is our understanding, has or is about to reach an agreement with the United States Government on payment of its outstanding loans, therefore making it eligible for bilateral assistance from United States to aid in its transformation to a multiparty, democratic society.

As we are all aware, southern Africa is currently experiencing the worst drought of this century. U.N. agencies anticipate a 10 million ton food shortfall over the next 12 months. International relief experts now anticipate that this drought could very shortly engulf the whole eastern portion of the African continent.

I urge my colleagues to support this timely and important piece of legislation.

Mr. EMERSON. Mr. Speaker, I am pleased today to join with my colleagues on the Hunger Committee in supporting the passage of S. 985, the Horn of Africa Recovery and Food Security Act.

The Horn of Africa is no stranger to tragedy. For decades, the grim litany of drought, famine, and civil war has been repeated throughout the countries of the Horn. This year, unfortunately, appears little more hopeful than past years have been.

Renewed hostilities in the 9-year war between government and rebel forces in the Sudan have forced relief groups to suspend operations crucial to the survival of thousands. Political and clan rivalries in Ethiopia have erupted into violent clashes, threatening food deliveries to hundreds of thousands of refugees on the Somali border. And vicious fighting in Samalia's capital, Mogadishu, has claimed the lives of almost 10,000 people in one of the worst humanitarian crises that the continent has ever seen.

But today, in Ethiopia's capital, there may be some relief in sight for the long-suffering people of the Horn. Leaders and opposition groups from Ethiopia, Eritrea, Somalia, Sudan, Djibouti, and Kenya are meeting for the first time at a humanitarian summit in Addis Ababa to hammer out an agreement on humanitarian assistance to the region. The agreement will, I hope, establish principles to facilitate the distribution of emergency aid to the needy inside and outside national borders. it is, therefore, appropriate that this legislation be passed now as a demonstration of our country's support for the goals of this historic meeting. Moreover, it provides the President with important new authority to resume desperately needed development assistance to Ethiopia to ease the difficult transition from dictatorship to democracy.

I thank my colleagues on the Hunger Committee—Mr. DORGAN, Mr. HALL, Mr. BEREUTER, and Mr. WHEAT—for their work on this important legislation. And I welcome its passage as a reaffirmation of our commitment to freedom and prosperity in the Horn of Africa.

□ 1400

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

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

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentleman from California [Mr. DYMALLY] that the House suspend the rules and pass the Senate bill, S. 985, as amended.

The question was taken and (two thirds having voted in favor thereof), the rules were suspended and the Senate bill, as amended, was passed.

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. DYMALLY. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on S. 985, the Senate bill just considered and passed.

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

There was no objection.

## WAIVING BROOKE-ALEXANDER PROHIBITIONS TO ALLOW LIMITED ASSISTANCE TO LIBERIA

Mr. DYMALLY. Mr. Speaker, I move to suspend the rules and pass the Senate joint resolution (S.J. Res. 271) expressing the sense of Congress regarding the peace process in Liberia and authorizing limited assistance to support this process.

The Clerk read as follows:

S.J. RES. 271

Whereas the civil war in Liberia, begun in December 1989, has devastated that country, killing an estimated 25,000 civilians and forcing hundreds of thousands of Liberians to flee their homes;

Whereas in an effort to end the fighting, the parties to the Liberian conflict and the leaders of the West African states signed a peace accord in Yamoussoukro, Cote d'Ivoire on October 30, 1991;

Whereas this agreement sets in motion a peace process, including the encampment and disarmament of the fighters and culminating in the holding of free and fair elections;

Whereas despite several difficulties, this peace process continues to proceed largely on track, including the recent opening of roads in Liberia and the initiation of the political campaigns by several parties; and

Whereas the election process outlined in the Yamoussoukro agreement is essential for reestablishing peace, democracy and reconciliation in Liberia, and limited United States assistance could play an important role in promoting this process: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That (a) the Congress—

(1) strongly supports the peace process for Liberia initiated by the Yamoussoukro peace accord;

(2) urges all parties to abide by the terms of the Yamoussoukro agreement;

(3) commends and congratulates the governments of the Economic Community of West African States (ECOWAS) for their leadership in seeking peace in Liberia; and

(4) extends particularly praise to President Babangida of Nigeria, President Houphouet-Boigny of Cote d'Ivoire, and President Diouf of Senegal for their efforts to resolve this conflict;

(b) AUTHORIZATION OF LIMITED ASSISTANCE.—Notwithstanding section 620(q) of the Foreign Assistance Act of 1961 or any similar provision, the President is authorized to provide—

(1) nonpartisan election and democracy-building assistance to support democratic institutions in Liberia, and;

(2) assistance for the resettlement of refugees, the demobilization and retraining of troops, and the provision of other appropriate assistance to implement the Yamoussoukro peace accord:

*Provided*, That the President determines and so certifies to the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on Foreign affairs and the Committee on Appropriations of the House of Representatives that Liberia has made significant progress toward democratization and that the provision of such assistance will assist that country in making further progress and is otherwise in the national interest of the United States. A separate determination and certification shall be required for each fiscal year in which such assistance is to be provided.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. DYMALLY] will be recognized for 20 minutes, and the gen-

tleman from Michigan [Mr. BROOMFIELD] will be recognized for 20 minutes.

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

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

Mr. Speaker, today, we will consider Senate Joint Resolution 271, a bill to permit limited assistance to Liberia by way of a waiver of the Brooke-Alexander prohibition.

Specifically, this bill is designed to provide nonpartisan election and democracy-building assistance to support the democratic process in Liberia, and assistance for the resettlement of refugees, the demobilization and retraining of troops, and that provision of other appropriate assistance to implement the Yamoussoukro peace accord, pending the President's certification.

The civil war in Liberia, which began in December 1989, has killed thousands of innocent Liberians, completely dismantled the agricultural infrastructure of the nation and totally collapsed the political system.

Through the efforts of the economic community of west African states, several agreements have been signed which were designed to lead the country toward free and fair elections.

Mr. Speaker, this leigislation does not ask for any additional funds. This bill simply lifts the prohibitions preventing assistance and requires the President to make the determination that Liberia has made significant progress toward democratization. It further stipulates that a separate determination and certification shall be required for each fiscal year in which such assistance is to be provided.

This action on the part of the House will send the message to the two main parties in Liberia that if they are willing and prepared to settle the political dispute peacefully, the United States is prepared to remove the barriers which prohibit assisting the democratic process in Liberia.

Mr. Speaker, we have rewarded nations around the globe for their sincere and consistent movement towards democratization. We are pleased to lend our support and encouragement to the people of Liberia—who are now scattered around the globe.

This legislation speaks directly to our commitment to democracy on the continent of Africa. The Liberian people need to know that our devotion to the democratic process is not limited to lip service, but includes concrete deeds of support and encouragement.

Mr. Speaker, on behalf of the Foreign Affairs Committee, I applaud the House for acting exeditiously on this most important piece of legislation.

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

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

Mr. Speaker, I support the passage of Senate Joint Resolution 271, which would allow the provision of limited assistance to Liberia.

I am usually very reluctant to waive the so-called Brooke-Alexander amendment which prohibits further aid to countries that are in default on past debts. I believe we should not normally provide additional aid to countries which have not proven to be responsible debtors.

However, the case of Liberia is unique for several reasons. First, the debt in question was incurred by a previous government which no longer exists.

Second, assistance is available from existing resources and, therefore, this bill does not increase foreign aid by one dollar.

Finally, aid could go to Liberia under Senate Joint Resolution 271 only after the President certifies that progress toward peace has been made and that such aid is in the United States national interest.

Liberia and the United States have a long history of close cooperation. I join my colleagues in supporting this legislation which may help bring an end to the tragic civil war in Liberia.

Mr. FASCELL. Mr. Speaker, I rise in support of Senate Joint Resolution 271, which expresses the sense of Congress regarding the peace process in Liberia and authorizes limited assistance to support this process.

I would like to commend my colleague, Mr. DYMALLY of California, for bringing this matter to the attention of the House and for his longstanding concern about conditions in Liberia.

Mr. Speaker, Senate Joint Resolution 271 is a noncontroversial resolution that recognizes the efforts by the parties of Liberia for moving toward a peaceful resolution of 2 years of bloody warfare that has led this small African nation to the brink of economic and social dissolution. Under the auspices of the Economic Community of West African States [ECOWAS], the Interim Government of Liberia, and the National Patriotic Front of Liberia [NPFL] have begun implementing the breakthrough agreement reached in Yamoussoukro, Ivory Coast, on October 30, 1991. This agreement calls for democratic elections in 1992. While a number of obstacles still remain before elections can be held, not the least of which is the large number of Liberian refugees and displaced persons that still must be attended to, the West African nations and the leaders of the Liberian parties remain committed to the process.

As part of the effort to implement the terms of the accords, the Liberian Elections Commission was constituted in early January and is made up of members of both major political parties. The elections commission has issued an appeal for external support to help preserve its impartiality. In addition, the West African heads of state and the various Liberian parties have unanimously invited the Carter Center to help organize and monitor the elections.

However, because of the mismanagement and widespread corruption of the previous Doe government, Liberia is ineligible for development assistance under the Brooke amendment (section 620q) of the Foreign Assistance Act. Senate Joint Resolution 271 would provide relief from the Brooke sanctions, subject to a Presidential determination that the country of Liberia has made significant progress toward democratization and that it is in the United States national interest to provide such assistance.

Mr. Speaker, the nations of Liberia and the United States have enjoyed a special relationship for the past 150 years. In spite of the recent hardships that the nation of Liberia has endured, most Liberians continue to believe in the special bond between our two nations. Senate Joint Resolution 271 rightly affirms that the United States will and should continue to play the leading role in Liberia's's transformation to peace and democracy in view of our strong historic relationship with Liberia, our strong support of the regional peace plan, and the major role that United States NGO's will play in rebuilding this country.

In closing, I urge the speedy adoption of this timely, important, and noncontroversial resolution.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. DYMALLY] that the House suspend the rules and pass the Senate joint resolution, Senate Joint Resolution 271.

The question was taken; and (two-thirds having voted in favor thereof), the rules were suspended and the Senate joint resolution was passed.

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. DYMALLY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on Senate Joint Resolution 271, the Senate joint resolution just passed.

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

There was no objection.

## CHILD ABUSE, DOMESTIC VIOLENCE, ADOPTION AND FAMILY SERVICES ACT OF 1992

Mr. PASTOR. Mr. Speaker, I move to suspend the rules and pass he bill (H.R. 4712) to amend the Child Abuse Prevention and Treatment Act, to revise and extend programs under such act, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4712

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

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the "Child Abuse, Domestic Violence, Adoption and Family Services Act of 1992".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:



## TITLE I—CHILD ABUSE PREVENTION AND TREATMENT ACT

### Subtitle A—General Provisions

**SEC. 101. AMENDATORY REFERENCES.**

Except as otherwise provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to that section or other provision of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 et seq.).

**SEC. 102. FINDINGS.**

(a) IN GENERAL.—The Act is amended by inserting after section 1 the following new section:

**"SEC. 2. FINDINGS.**

"Congress finds that—

"(1) each year, hundreds of thousands of American children are victims of abuse and neglect with such numbers having increased dramatically over the past decade;

"(2) many of these children and their families fail to receive adequate protection or treatment;

"(3) the problem of child abuse and neglect requires a comprehensive approach that—

"(A) integrates the work of social service, legal, health, mental health, education, and substance abuse agencies and organizations;

"(B) strengthens coordination among all levels of government, and with private agencies, civic, religious, and professional organizations, and individual volunteers;

"(C) emphasizes the need for abuse and neglect prevention, investigation, and treatment at the neighborhood level;

"(D) ensures properly trained and support staff with specialized knowledge, to carry out their child protection duties; and

"(E) is sensitive to ethnic and cultural diversity;

"(4) the failure to coordinate and comprehensively prevent and treat child abuse and neglect threatens the futures of tens of thousands of children and results in a cost to the Nation of billions of dollars in direct expenditures for health, social, and special educational services and ultimately in the loss of work productivity;

"(5) all elements of American society have a shared responsibility in responding to this national child and family emergency;

"(6) substantial reductions in the prevalence and incidence of child abuse and neglect and the alleviation of its consequences are matters of the highest national priority;

"(7) national policy should strengthen families to remedy the causes of child abuse and neglect, provide support for intensive services to prevent the unnecessary removal of children from families, and promote the reunification of families if removal has taken place;

"(8) the child protection system should be comprehensive, child-centered, family-focused, and community-based, should incorporate all appropriate measures to prevent the occurrence or recurrence of child abuse and neglect, and should promote physical and psychological recovery and social re-integration in an environment that fosters the health, self-respect, and dignity of the child;

"(9) because of the limited resources available in low-income communities, Federal aid for the child protection system should be distributed with due regard to the relative financial need of the communities;

"(10) the Federal government should ensure that every community in the United States has the fiscal, human, and technical resources necessary to develop and implement a successful and comprehensive child protection strategy;

"(11) the Federal government should provide leadership and assist communities in their child protection efforts by—

"(A) promoting coordinated planning among all levels of government;

"(B) generating and sharing knowledge relevant to child protection, including the development of models for service delivery;

"(C) strengthening the capacity of States to assist communities;

"(D) allocating sufficient financial resources to assist States in implementing community plans;

"(E) helping communities to carry out their child protection plans by promoting the competence of professional, paraprofessional, and volunteer resources; and

"(F) providing leadership to end the abuse and neglect of the nation's children and youth.".

(b) CONFORMING AMENDMENT.—The table of contents of the Act is amended by inserting after the item relating to section 1 the following new item:

"Sec. 2. Findings.".

### Subtitle B—General Program

**SEC. 111. ADVISORY BOARD ON CHILD ABUSE AND NEGLECT.**

(a) DUTIES.—Section 102(f) (42 U.S.C. 5102(f)) is amended—

(1) in paragraph (2), by striking "and" after the semicolon at the end of subparagraph (E);

(2) in paragraph (3), by striking the period and inserting "; and"; and

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

"(4) not later than 24 months after the date of the enactment of the Child Abuse Programs, Adoption Opportunities, and Family Violence Prevention Amendments Act of 1992, submit to the Secretary and the appropriate committees of the Congress a report containing the recommendations of the Board with respect to—

"(A) a national policy designed to reduce and ultimately to prevent child and youth maltreatment-related deaths, detailing appropriate roles and responsibilities for State and local governments and the private sector;

"(B) specific changes needed in Federal laws and programs to achieve an effective Federal role in the implementation of the policy specified in subparagraph (A); and

"(C) specific changes needed to improve national data collection with respect to child and youth maltreatment-related deaths.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 102 (42 U.S.C. 5102) is amended by adding at the end thereof the following new subsection:

"(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $1,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993 through 1995.".

**SEC. 112. RESEARCH AND ASSISTANCE ACTIVITIES OF THE NATIONAL CENTER ON CHILD ABUSE AND NEGLECT.**

(a) RESEARCH TOPICS.—Section 105(a)(1) (42 U.S.C. 5105(a)(1)) is amended—

(1) in subparagraph (A), by striking "and treatment of" and inserting ", treatment and cultural distinctions of";

(2) in subparagraph (B), by striking "appropriate and effective" and inserting "appropriate, effective and culturally sensitive"; and

(3) in subparagraph (C)(ii), by inserting "cultural diversity," after "child support,".

(b) PUBLICATION AND DISSEMINATION OF INFORMATION.—Section 105(b)(1) (42 U.S.C. 5105(b)(1)) is amended to read as follows:

"(1) as a part of research activities, establish a national data collection and analysis program—

"(A) which, to the extent practicable, coordinates existing State child abuse and neglect reports and which shall include—

"(i) standardized data on false, unfounded, or unsubstantiated reports; and

"(ii) information on the number of deaths due to child abuse and neglect; and

"(B) which shall collect, compile, analyze, and make available State child abuse and neglect reporting information which, to the extent practical, is universal and case specific, and integrated with other case-based foster care and adoption data collected by the Secretary;".

(c) PEER REVIEW FOR GRANTS.—Section 105(e) (42 U.S.C. 5105(e)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by inserting "and reviewing" after "evaluating"; and

(B) by amending subparagraph (B) to read as follows:

"(B) In establishing the process required by subparagraph (A), the Secretary shall appoint to the peer review panels only members who are experts in the field of child abuse and neglect or related disciplines, with appropriate expertise in the application to be reviewed, and who are not individuals who are officers or employees of the Office of Human Development. The panels shall meet as often as is necessary to facilitate the expeditious review of applications for grants and contracts under this section, but may not meet less than once a year.";

(2) in paragraph (2)—

(A) in subparagraph (A), by inserting "and evaluate" after "determine"; and

(B)(i) by striking "and" after the semicolon at the end of subparagraph (A);

(ii) by striking the period at the end of subparagraph (B) and inserting "; and"; and

(iii) by adding at the end the following new subparagraph:

"(C) make recommendations to the Secretary concerning whether the application for the project shall be approved."; and

(3) in paragraph (3), by amending subparagraph (A) to read as follows: "(A) The Secretary shall provide grants and contracts under this section from among the projects which the peer review panels established under paragraph (1)(A) have determined to have merit.".

**SEC. 113. GRANTS TO PUBLIC AGENCIES AND NONPROFIT PRIVATE ORGANIZATIONS FOR DEMONSTRATION OR SERVICE PROGRAMS AND PROJECTS.**

(a) GENERAL AUTHORITY.—Section 106(a) (42 U.S.C. 5106(a)) is amended—

(1) by striking "(a)" and all that follows through "Secretary" and inserting the following:

"(a) GENERAL AUTHORITY.—

"(1) DEMONSTRATION OR SERVICE PROGRAMS AND PROJECTS.—The Secretary"; and

(2) by adding at the end the following paragraph:

"(2) EVALUATIONS.—In making grants or entering into contracts for demonstration projects, the Secretary shall require all such projects to be evaluated for their effectiveness. Funding for such evaluations shall be provided either as a stated percentage of a demonstration grant or contract, or as a separate grant or contract entered into by the Secretary for the purpose of evaluating a particular demonstration project or group of projects.".

(b) DISCRETIONARY GRANTS.—Section 106(c)(1) (42 U.S.C. 5106(c)(1)) is amended—

(1) in subparagraph (B), by inserting "culturally specific" before "instruction"; and

(2)(A) in subparagraph (A), by striking "or" after the semicolon at the end;

(B) in subparagraph (B), by striking the period and inserting "; or"; and

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

"(C) to improve the recruitment, selection, and training of volunteers serving in private and public nonprofit children, youth and family service organizations in order to prevent child abuse and neglect through collaborative analysis of current recruitment, selection, and training programs and development of model programs for dissemination and replication nationally.".

**SEC. 114. GRANT PROGRAM FOR CHILD ABUSE NEGLECT PREVENTION AND TREATMENT.**

(a) DEVELOPMENT AND OPERATION GRANTS.—Section 107(a) (42 U.S.C. 5106a(a)) is amended to read as follows:

"(a) DEVELOPMENT AND OPERATION GRANTS.—The Secretary, acting through the Center, shall make grants to the States, based on the population of children under the age of 18 in each State that applies for a grant under this section, for purposes of assisting the States in improving the child protective service system of each such State in—

"(1) the intake and screening of reports of abuse and neglect through the improvement of the receipt of information, decisionmaking, public awareness, and training of staff;

"(2)(A) investigating such reports through improving response time, decisionmaking, referral to services, and training of staff;

"(B) creating and improving the use of multidisciplinary teams and interagency protocols to enhance investigations; and

"(C) improving legal preparation and representation;

"(3) case management and delivery services provided to families through the improvement of response time in service provision, improving the training of staff, and increasing the numbers of families to be served;

"(4) enhancing the general child protective system by improving assessment tools, automation systems that support the program, information referral systems, and the overall training of staff to meet minimum competencies; or

"(5) developing, strengthening, and carrying out child abuse and neglect prevention, treatment, and research programs.

Not more than 15 percent of a grant under this subsection may be expended for carrying out paragraph (5). The preceding sentence does not apply to any program or activity authorized in any of paragraphs (1) through (4).".

(b) ESTABLISHMENT OF CERTAIN REQUIREMENT.—Section 107 (42 U.S.C. 5106a) is amended—

(1) by redesignating subsections (c) through (f) as subsections (d) through (g), respectively; and

(2) by inserting after subsection (b) the following new subsection:.

"(c) STATE PROGRAM PLAN.—To be eligible to receive a grant under this section, a State shall submit every four years a plan to the Secretary that specifies the child protective service system area or areas described in subsection (a) that the State intends to address with funds received under the grant. The plan shall describe the current system capacity of the State in the relevant area or areas from which to assess programs with grant funds and specify the manner in which funds from the State's programs will be used to make improvements. The plan required under this subsection shall contain, with respect to each area in which the State intends to use funds from the grant, the following information with respect to the State:

"(1) INTAKE AND SCREENING.—

"(A) STAFFING.—The number of child protective service workers responsible for the intake and screening of reports of abuse and neglect relative to the number of reports filed in the previous year.

"(B) TRAINING.—The types and frequency of pre-service and in-service training programs available to support direct line and supervisory personnel in report-taking, screening, decision-making, and referral for investigation.

"(C) PUBLIC EDUCATION.—An assessment of the State or local agency's public education program with respect to—

"(i) what is child abuse and neglect;

"(ii) who is obligated to report and who may choose to report; and

"(iii) how to report.

"(2) INVESTIGATION OF REPORTS.—

"(A) RESPONSE TIME.—The number of reports of child abuse and neglect filed in the State in the previous year where appropriate, the agency response time to each with respect to initial investigation, the number of substantiated and unsubstantiated reports, and where appropriate, the response time with respect to the provision of services.

"(B) STAFFING.—The number of child protective service workers responsible for the investigation of child abuse and neglect reports relative to the number of reports investigated in the previous year.

"(C) INTERAGENCY COORDINATION.—A description of the extent to which interagency coordination processes exist and are available Statewide, and whether protocols or formal policies governing interagency relationships exist in the following areas—

"(i) multidisciplinary investigation teams among child welfare and law enforcement agencies;

"(ii) interagency coordination for the prevention, intervention and treatment of child abuse and neglect among agencies responsible for child protective services, criminal justice, schools, health, mental health, and substance abuse; and

"(iii) special interagency child fatality review panels, including a listing of those agencies that are involved.

"(D) TRAINING.—The types and frequency of pre-service and in-service training programs available to support direct line and supervisory personnel in such areas as investigation, risk assessment, court preparation, and referral to and provision of services.

"(E) LEGAL REPRESENTATION.—A description of the State agency's current capacity for legal representation, including the manner in which workers are prepared and trained for court preparation and attendance, including procedures for appealing substantiated reports of abuse and neglect.

"(3) CASE MANAGEMENT AND DELIVERY OF ONGOING FAMILY SERVICES.—For children for whom a report of abuse and neglect has been substantiated and the children remain in their own homes and are not currently at

risk of removal, the State shall assess the activities and the outcomes of the following services:

"(A) RESPONSE TIME.—The number of cases opened for services as a result of investigation of child abuse and neglect reports filed in the previous year, including the response time with respect to the provision of services from the time of initial report and initial investigation.

"(B) STAFFING.—The number of child protective service workers responsible for providing services to children and their families in their own homes as a result of investigation of reports of child abuse and neglect.

"(C) TRAINING.—The types and frequency of pre-service and in-service training programs available to support direct line and supervisory personnel in such areas as risk assessment, court preparation, provision of services and determination of case disposition, including how such training is evaluated for effectiveness.

"(D) INTERAGENCY COORDINATION.—The extent to which treatment services for the child and other family members are coordinated with child welfare, social service, mental health, education, and other agencies.

"(4) GENERAL SYSTEM ENHANCEMENT.—

"(A) AUTOMATION.—A description of the capacity of current automated systems for tracking reports of child abuse and neglect from intake through final disposition and how personnel are trained in the use of such system.

"(B) ASSESSMENT TOOLS.—A description of whether, how, and what risk assessment tools are used for screening reports of abuse and neglect, determining whether child abuse and neglect has occurred, and assessing the appropriate level of State agency protection and intervention, including the extent to which such tool is used statewide and how workers are trained in its use.

"(C) INFORMATION AND REFERRAL.—A description and assessment of the extent to which a State has in place—

"(i) information and referral systems, including their availability and ability to link families to various child welfare services such as homemakers, intensive family-based services, emergency caretakers, home health visitors, daycare and services outside the child welfare system such as housing, nutrition, health care, special education, income support, and emergency resource assistance; and

"(ii) efforts undertaken to disseminate to the public information concerning the problem of child abuse and neglect and the prevention and treatment programs and services available to combat instances of such abuse and neglect.

"(D) STAFF CAPACITY AND COMPETENCE.—An assessment of basic and specialized training needs of all staff and current training provided staff. Assessment of the competencies of staff with respect to minimum knowledge in areas such as child development, cultural and ethnic diversity, functions and relationship of other systems to child protective services and in specific skills such as interviewing, assessment, and decisionmaking relative to the child and family, and the need for training consistent with such minimum competencies.

"(5) INNOVATIVE APPROACHES.—A description of—

"(A) research and demonstration efforts for developing, strengthening, and carrying out child abuse and neglect prevention, treatment, and research programs, including the interagency efforts at the State level; and

"(B) the manner in which proposed research and development activities build on existing capacity in the programs being addressed.".

(c) TECHNICAL CORRECTION.—Section 107(d), as redesignated by subsection (b) of this section, is amended in the matter preceding subparagraph (A) by striking "this subsection" and inserting "subsection (a)".

(d) DELAYED EFFECTIVE DATE FOR NEW REQUIREMENTS.—The amendments described in subsections (a) and (b) are made upon the date of the enactment of this Act. Such amendments take effect on October 1, 1993, or on October 1 of the first fiscal year for which $40,000,000 or more is made available under subsection (a)(2)(B)(ii) of section 114 of the Child Abuse Prevention and Treatment Act (as amended by section 117 of this Act), whichever occurs first. Prior to such amendments taking effect, section 107(a) of the Child Abuse Prevention and Treatment Act, as in effect on the day before the date of the enactment of this Act, continues to be in effect.

**SEC. 115. EMERGENCY GRANT PROGRAM.**

(a) IN GENERAL.—Section 107A(e) (42 U.S.C. 5106a-1(e)) is amended by striking out "and such sums" and all that follows through the end thereof and inserting "such sums as may be necessary for fiscal year 1991, $40,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993 through 1995.".

(b) TECHNICAL AMENDMENT.—Section 1 is amended in the table of contents by inserting after the item relating to section 107 the following:

"Sec. 107A. Emergency child abuse prevention services grant.".

**SEC. 116. GRANT PROGRAM FOR INVESTIGATION AND PROSECUTION OF CHILD ABUSE CASES.**

(a) IN GENERAL.—Section 109 (42 U.S.C. 5106c) is amended—

(1) by striking out the section heading and inserting in lieu thereof the following:

**"SEC. 109. GRANTS TO STATES FOR PROGRAMS RELATING TO THE INVESTIGATION AND PROSECUTION OF CHILD ABUSE AND NEGLECT CASES.";**

(2) in subsection (a), by striking out paragraphs (1) and (2), and inserting in lieu thereof the following new paragraphs:

"(1) the handling of child abuse and neglect cases, particularly cases of child sexual abuse and exploitation, in a manner which limits additional trauma to the child victim;

"(2) the handling of cases of suspected child abuse or neglect related fatalities; and

"(3) the investigation and prosecution of cases of child abuse and neglect, particularly child sexual abuse and exploitation.";

(3) in subsection (b)—

(A) by striking out "and 107(e) or receive a waiver under section 107(c)" in paragraph (1);

(B) by striking out "and" at the end of paragraph (3);

(C) by inserting "annually" after "submit" in paragraph (4); and

(D) by striking out the period at the end thereof and inserting the following: "; and

"(5) submit annually to the Secretary a report on the manner in which assistance received under this program was expended throughout the State, with particular attention focused on the areas described in paragraphs (1) through (3) of subsection (a).";

(4) in subsection (c)(1)—

(A) in the matter preceding subparagraph (A)—

(i) by inserting ", and maintain" after "designate"; and

(ii) by striking out "child abuse" and inserting in lieu thereof "child physical abuse, child neglect, child sexual abuse and exploitation, and child maltreatment related fatalities";

(B) by striking out "judicial and legal officers", in subparagraph (B) and inserting in lieu thereof "judges and attorneys involved in both civil and criminal court proceedings related to child abuse and neglect";

(C) by inserting before the semicolon in subparagraph (C), the following: ", including both attorneys for children and, where such programs are in operation, court appointed special advocates";

(D) by striking out subparagraph (E); and

(E) by striking out "handicaps;" in subparagraph (F), and inserting in lieu thereof "disabilities; and"; and

"(G) by striking out subparagraph (G) and redesignating subparagraph (H) as subparagraph (G);

(5) in subsection (d)—

(A) by striking out "the State task force shall" in the matter preceding paragraph (1), and inserting in lieu thereof "and at three year intervals thereafter, the State task force shall comprehensively";

(B) by striking out "judicial" and all that follows in paragraph (1), and inserting in lieu thereof the following: "both civil and criminal judicial handling of cases of child abuse and neglect, particularly child sexual abuse and exploitation, as well as cases involving suspected child maltreatment related fatalities and cases involving a potential combination of jurisdictions, such as interstate, Federal-State, and State-Tribal;";

(C) by inserting "policy and training" before "recommendations" in paragraph (2); and

(6) in subsection (e)(1)—

(A) by striking out "child abuse" and all that follows through "child victim" in subparagraph (A), and inserting in lieu thereof the following: "child abuse and neglect, particularly child sexual abuse and exploitation, as well as cases involving suspected child maltreatment related fatalities and cases involving a potential combination of jurisdictions, such as interstate, Federal-State, and State-Tribal, in a manner which reduces the additional trauma to the child victim and the victim's family";

(B) by striking out "improve the rate" and all that follows through "abuse cases" in subparagraph (B), and inserting in lieu thereof the following: "improve the prompt and successful resolution of civil and criminal court proceedings or enhance the effectiveness of judicial and administrative action in child abuse and neglect cases, particularly child sexual abuse and exploitation cases, including the enhancement of performance of court-appointed attorneys and guardians ad litem for children"; and

(C) in subparagraph (C)—

(i) by inserting ", protocols" after "regulations"; and

(ii) by inserting "and exploitation" after "sexual abuse".

(b) CONFORMING AMENDMENT.—Section 1 is amended in the item relating to section 109 in the table of contents by striking "Grants" and all that follows and inserting the following: "Grants to States for programs relating to the investigation and prosecution of child abuse and neglect cases.".

**SEC. 117. AUTHORIZATION OF APPROPRIATIONS.**

Section 114(a) (42 U.S.C. 5106h(a)) is amended to read as follows:

"(a) IN GENERAL.—

"(1) AUTHORIZATION.—There are authorized to be appropriated to carry out this title, except for section 107A, $100,000,000 for fiscal year 1992, and such sums as may be necessary for each of this fiscal years 1993 through 1995.

"(2) ALLOCATIONS.—

"(A) Of the amounts appropriated under paragraph (1) for a fiscal year, $5,000,000 shall be available for the purpose of making additional grants to the States to carry out the provisions of section 107(g).

"(B) Of the amounts appropriated under paragraph (1) for a fiscal year and available after compliance with subparagraph (A)—

"(i) 33⅓ percent shall be available for activities under sections 104, 105 and 106; and

"(ii) 66⅔ percent of such amounts shall be made available in each such fiscal year for activities under sections 107 and 108.".

**Subtitle C—Community-Based Prevention Grants**

**SEC. 121. TITLE HEADING AND PURPOSE.**

(a) TITLE HEADING.—The heading for title II (42 U.S.C. 5116 et seq.) is amended to read as follows:

**"TITLE II—COMMUNITY-BASED CHILD ABUSE AND NEGLECT PREVENTION GRANTS".**

(b) PURPOSE.—Section 201 (42 U.S.C. 5116) is amended—

(1) in the section heading to read as follows:

**"SEC. 201. PURPOSES."; and**

(2) by striking out subsections (a) and (b) and inserting in lieu thereof the following:

"It is the purpose of this title, through the provision of community-based child abuse and neglect prevention grants, to assist States in supporting child abuse and neglect prevention activities.".

**SEC. 122. GRANTS AUTHORIZED; AUTHORIZATION OF APPROPRIATIONS.**

Section 203 (42 U.S.C. 5116b) is amended—

(1) by striking out subsection (b);

(2) by redesignating subsection (c) as subsection (b); and

(3) in subsection (b) (as so redesignated), by striking out "such sums" and all that follows through the period and inserting in lieu thereof "$45,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993 through 1995.".

**SEC. 123. STATE ELIGIBILITY.**

Section 204 (42 U.S.C. 5116c) is amended—

(1) by striking out "or other funding mechanism"; and

(2) by striking out "which is available only for child" and all that follows through the end thereof, and inserting "which includes (in whole or in part) legislative provisions making funding available only for the broad range of child abuse and neglect prevention activities.".

**SEC. 124. LIMITATIONS.**

Section 205 (42 U.S.C. 5116d) is amended—

(1) by striking out paragraph (1) of subsection (a) and inserting in lieu thereof the following new paragraph:

"(1) ALLOTMENT FORMULA.—

"(A) IN GENERAL.—Amounts appropriated to provide grants under this title shall be allotted among eligible States in each fiscal year so that—

"(i) 50 percent of the total amount appropriated is allotted among each State based on the number of children under the age of 18 in each such State, except that each State shall receive not less than $30,000; and

"(ii) the remaining 50 percent of the total amount appropriated is allotted in an amount equal to 25 percent of the total amount collected by each such State, in the fiscal year prior to the fiscal year for which the allotment is being determined, for the children's trust fund of the State for child abuse and neglect prevention activities.

"(B) USE OF AMOUNTS.—Not less than 50 percent of the amount of a grant made to a State under this title in each fiscal year shall be utilized to support community-based prevention programs as authorized in section 204(a), except that this subparagraph shall not become applicable until amounts appropriated under section 203(b) exceed $10,000,000."; and

(2) in subsection (b)(1)—

(A) by striking out "trust fund advisory board" and all that follows through "section 101" in subparagraph (A) and inserting in lieu thereof "advisory board established under section 102";

(B) by redesignating subparagraphs (B) and (C) as subparagraphs (F) and (G), respectively; and

(C) by inserting after subparagraph (A), the following new subparagraphs:

"(B) demonstrate coordination with other child abuse and neglect prevention activities and agencies at the State and local levels;

"(C) demonstrate the outcome of services and activities funded under this title;

"(D) provide evidence that Federal assistance received under this title has been supplemented with non-Federal public and private assistance (including in-kind contributions) at the local level (Federal assistance expended in support of activities authorized under paragraphs (1), (2), and (3) of section 204 shall be supplemented by State assistance);

"(E) demonstrate the extent to which funds received under this title are used to support community prevention activities in underserved areas, in which case the supplemental support required under subparagraph (D) shall be waived for the first 3 years in which assistance is provided to a grantee described in this subparagraph;".

**Subtitle D—Certain Preventive Services Regarding Children of Homeless Families or Families at Risk of Homelessness**

**SEC. 131. AUTHORIZATION OF APPROPRIATIONS.**

Section 306(a) (42 U.S.C. 5118e(a)) is amended by inserting ", and such sums as may be necessary for each of the fiscal years 1993 through 1995" before the period.

**Subtitle E—Miscellaneous Provisions**

**SEC. 141. TECHNICAL AMENDMENTS.**

The Act (42 U.S.C. 5101 et seq.) is amended—

(1) by striking "handicapped child" each place such term appears and inserting "child with disabilities";

(2) by striking "child with handicaps" each place such term appears and inserting "child with disabilities";

(3) by striking "handicap" each place such term appears and inserting "disability";

(4) by striking "handicapped" each place such term appears and inserting "disabled"; and

(5) in the case of any variation of a term struck by paragraph (1), (2), (3), or (4) that results from the capitalization of any of the letters of such term, from the use of the plural or the singular, from the use of the possessive, from the use of a different tense, from the use of a different form of typeface, or from any combination thereof, by striking such variation each place the variation appears and inserting the analogous variation of the term inserted in lieu of the term struck by paragraph (1), (2), (3), or (4), respectively.

**SEC. 142. REPORT CONCERNING VOLUNTARY REPORTING SYSTEM.**

Not later than April 30, 1993, and annually thereafter, the Secretary of Health and Human Services, acting through the Director of the National Center on Child Abuse and Neglect, shall prepare and submit to the appropriate committees of Congress a report concerning the measures being taken to assist States in implementing a voluntary reporting system for child abuse and neglect. Such reports shall contain information concerning the extent to which the child abuse and neglect reporting systems developed by the States are coordinated with the automated foster care and adoption reporting system required under section 479 of the Social Security Act.

**TITLE II—TEMPORARY CHILD CARE FOR CHILDREN WITH DISABILITIES AND CRISIS NURSERIES ACT**

**SEC. 201. SHORT TITLE.**

This title may be cited as the "Temporary Child Care for Children With Disabilities and Crisis Nurseries Act Amendments of 1992".

**SEC. 202. ADMINISTRATIVE PROVISIONS.**

(a) DEFINITIONS.—Section 205(d)(2) of the Temporary Child Care for Children With Disabilities and Crisis Nurseries Act of 1986 (42 U.S.C. 5117c(d)(2)) is amended by striking "given" and all that follows and inserting the following: "given such term in section 602(a)(1) of the Individuals with Disabilities Education Act;".

(b) TECHNICAL AMENDMENT.—Section 205(a)(1)(A)(vi) of the Temporary Child Care for Children With Disabilities and Crisis Nurseries Act of 1986 (42 U.S.C. 5117c(a)(1)(A)(vi)) is amended by striking out "(vi)" and inserting in lieu thereof "(v)".

**SEC. 203. AUTHORIZATION OF APPROPRIATIONS.**

Section 206 of the Temporary Child Care for Children With Disabilities and Crisis Nurseries Act of 1986 (42 U.S.C. 5117d) is amended in the first sentence—

(1) by striking "and" after "1989,"; and

(2) by inserting before the period the following: ", and $20,000,000 for each of the fiscal years 1992 through 1995".

**TITLE III—REAUTHORIZATION OF PROGRAMS WITH RESPECT TO FAMILY VIOLENCE**

**SEC. 301. AMENDATORY REFERENCES.**

Except as otherwise provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to that section or other provision of the Family Violence Prevention and Services Act (42 U.S.C. 10401 et seq.).

**SEC. 302. EXPANSION OF PURPOSE.**

Section 302 (42 U.S.C. 10401) is amended—

(1) in paragraph (1)—

(A) by striking out "demonstration the effectiveness of assisting" and inserting in lieu thereof "assist"; and

(B) by striking out "to prevent" and inserting in lieu thereof "to increase public awareness about and prevent"; and

(2) in paragraph (2), by inserting ", courts, legal, social service, and health care professionals" after "(including law enforcement agencies".

**SEC. 303. EXPANSION OF STATE GRANT PROGRAM.**

Section 303(a) (42 U.S.C. 10402(a)) is amended—

(1) in paragraph (1), by striking out "demonstration grants" and inserting in lieu thereof "grants"; and

(2) in paragraph (2)—

(A) by striking out "demonstration grant" in the matter preceding subparagraph (A), and inserting in lieu thereof "grant";

(B) by striking out "demonstration grant" in subparagraph (A), and inserting in lieu thereof "grant"; and

(C) by striking out "particularly those projects" in subparagraph (B)(ii) and all that

follows through the end thereof, and inserting in lieu thereof the following: "the primary purpose of which is to operate shelters for victims of family violence and their dependents, and those which provide counseling, advocacy, and self-help services to victims and their children.".

**SEC. 304. INVOLVEMENT IN PLANNING.**

Section 303(a)(2)(C) (42 U.S.C. 10402(a)(2)(C)) is amended by inserting "State domestic violence coalitions" after "involve".

**SEC. 305. CONFIDENTIALITY ASSURANCES.**

Section 303(a)(2)(E) (42 U.S.C. 10402(a)(2)(E)) is amended by striking out "assurances that procedures will be developed" and inserting in lieu thereof "documentation that procedures have been developed, and implemented including copies of the policies and procedure,".

**SEC. 306. PROCEDURE FOR EVICTING VIOLENT SPOUSES.**

Section 303(a)(2)(F) (42 U.S.C. 10402(a)(2)(F)) is amended to read as follows:

"(F) provide documentation to the Secretary that the State has a law or procedure that has been implemented for the eviction of an abusing spouse from a share household;".

**SEC. 307. PENALTIES FOR NONCOMPLIANCE.**

Section 303(a)(3) (42 U.S.C. 10402(a)(3)) is amended—

(1) by inserting "a 6-month period providing an" before "opportunity"; and

(2) by adding at the end thereof the following new sentences: "The Secretary shall provide such notice within 45 days of the date of the application if any of the provisions of paragraph (2) have not been satisfied in such application. If the State has not corrected the deficiencies in such application within the 6-month period following the receipt of the Secretary's notice of intention to disapprove, the Secretary shall withhold payment of any grant funds to such State until the date that is 30 days prior to the end of the fiscal year for which such grant funds are appropriated or until such time as the State provides documentation that the deficiencies have been corrected, whichever occurs first. State Domestic Violence Coalitions shall be permitted to participate in determining whether a grantee is in compliance with paragraph (2), except that no funds made available to State Domestic Violence Coalitions under section 311 shall be used to challenge a determination as to whether a grantee is in compliance with, or to seek the enforcement of, the eligibility requirements of such paragraph.".

**SEC. 308. GRANTS TO INDIAN TRIBES.**

Section 303(b) (42 U.S.C. 10402(b)) is amended—

(1) in paragraph (1)—

(A) by striking out "is authorized to make demonstration grants" and inserting in lieu thereof ", from amounts appropriated to carry out this section, shall make available not less than 10 percent of such amounts to make grants";

(B) by striking out "and tribal" and inserting in lieu thereof ", tribal"; and

(C) by inserting "and nonprofit private organizations approved by an Indian Tribe for the operation of a family violence shelter on a Reservation", after "tribal organizations";

(2) in paragraph (2)—

(A) by striking out "demonstration grant" and inserting in lieu thereof "grant";

(B) by striking out "and (E)" and inserting in lieu thereof "(E) and (F)"; and

(C) by adding at the end thereof the following new sentence: "No entity eligible to submit an application under paragraph (1) shall be prohibited from making an application during any fiscal year for which funds are available because such entity has not previously applied or received funding under this section."; and

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

"(3) In the case of a project for which the initial application for a demonstration grant under this subsection is made on or after the date of the enactment of the Child Abuse Programs, Adoption Opportunities, and Family Violence Prevention Amendments Act of 1992, the terms 'Indian tribe' and 'tribal organization', for purposes of this subsection, have the meaning given such terms in section 4 of the Indian Self-Determination and Education Assistance Act.".

**SEC. 309. MAXIMUM CEILING.**

(a) IN GENERAL.—Section 303 (42 U.S.C. 10402) is amended—

(1) by striking out subsection (c); and

(2) by redesignating subsections (d) through (g) as subsections (c) through (f), respectively.

(b) EFFECTIVITY OF AMENDMENTS.—The amendments made by subsection (a) are effective in the case of amounts appropriated for fiscal year 1992 and subsequent fiscal years.

**SEC. 310. GRANTS TO ENTITIES OTHER THAN STATES; LOCAL SHARE.**

Section 303(e) (as redesignated by section 309 of this Act) is amended—

(1) in the first sentence—

(A) by striking out "demonstration grant" and inserting in lieu thereof "grant";

(B) by inserting "or an Indian Tribe" after "State";

(C) by striking out "35 percent" and inserting in lieu thereof "20 percent";

(D) by striking out "55 percent" and inserting in lieu thereof "35 percent";

(E) by striking out "and 65 percent in the third such year" and inserting in lieu thereof "and 50 percent in the third such year and in any such year thereafter"; and

(2) in the second sentence, by striking out "50 percent" and inserting in lieu thereof "25 percent".

**SEC. 311. SHELTER AND RELATED ASSISTANCE.**

(a) SHELTER.—Section 303(f) (42 U.S.C. 10402(g)) (as so redesignated by section 309) is amended—

(1) by striking out "60 percent" and inserting in lieu thereof "70 percent"; and

(2) by inserting before the period the following "as defined in section 309(4). Not less than 25 percent of the funds distributed under subsection (a) or (b) shall be distributed for the purpose of providing related assistance as defined under section 309(5)(A)".

(b) DEFINITION.—Paragraph (5) of section 309 (42 U.S.C. 10408(5)) is amended to read as follows:

"(5) The term 'related assistance' means the provision of direct assistance to victims of family violence and their dependents for the purpose of preventing further violence, helping such victims to gain access to civil and criminal courts and other community services, facilitating the efforts of such victims to make decisions concerning their lives in the interest of safety, and assisting such victims in healing from the effects of the violence. Related assistance shall include—

"(A) prevention services such as outreach and prevention services for victims and their children, employment training, parenting and other educational services for victims and their children, preventive health services within domestic violence programs (including nutrition, disease prevention, exercise, and prevention of substance abuse), domestic violence prevention programs for school age children, family violence public awareness campaigns, and violence prevention counseling services to abusers;

"(B) counseling with respect to family violence, counseling by peers individually or in groups, and referral to community social services;

"(C) transportation, technical assistance with respect to obtaining financial assistance under Federal and State programs, and referrals for appropriate health-care services (including alcohol and drug abuse treatment), but shall not include reimbursement for any health-care services;

"(D) legal advocacy to provide victims with information and assistance through the civil and criminal courts, and legal assistance; or

"(E) children's counseling and support services, and child care services for children who are victims of family violence or the dependents of such victims.".

**SEC. 312. ALLOTMENT OF FUNDS.**

Section 304(a)(1) (42 U.S.C. 10403(a)(1)) is amended—

(1) by striking out "whichever is the greater of the following amounts: one-half of"; and

(2) by striking out "$50,000" and inserting in lieu thereof "$200,000, whichever is the lessor amount".

**SEC. 313. SECRETARIAL RESPONSIBILITIES.**

Section 305(b)(2)(A) (42 U.S.C. 10404(b)(2)(A)) is amended—

(1) by striking out "into the causes of family violence";

(2) by inserting "most effective" before "prevention";

(3) by striking out "and (ii)" and inserting in lieu thereof "(ii)"; and

(4) by inserting before "and (B)" the following: "(iii) the effectiveness of providing safety and support to maternal and child victims of family violence as a way to eliminate the abuse experienced by children in such situations, (iv) identification of intervention approaches to child abuse prevention services which appear to be successful in preventing child abuse where both mother and child are abused, (v) effective and appropriate treatment services for children where both mother and child are abused, and (vi) the individual and situational factors leading to the end of violent and abusive behavior by persons who commit acts of family violence, including such factors as history of previous violence and the legal and service interventions received,".

**SEC. 314. EVALUATION AND REPORT TO CONGRESS.**

Section 306 (42 U.S.C. 10405) is amended—

(1) by inserting "and every two years thereafter," after "the first time after the date of the enactment of this title,";

(2) by striking out "assurances" and inserting in lieu thereof "documentation"; and

(3) by striking out "303(a)(2)(F)" and inserting in lieu "303(a)(2)(B) through 303(a)(2)(F)".

**SEC. 315. FUNDING FOR TECHNICAL ASSISTANCE CENTERS.**

Section 308 (42 U.S.C. 10407) is amended to read as follows:

**"SEC. 308. INFORMATION AND TECHNICAL ASSISTANCE CENTERS.**

"(a) PURPOSE AND GRANTS.—

"(1) PURPOSE.—It is the purpose of this section to provide resource information, training, and technical assistance to Federal, State, and Indian tribal agencies, as well as to local domestic violence programs and to other professionals who provide services to victims of domestic violence.

"(2) GRANTS.—From the amounts appropriated under this title, the Secretary shall award grants to private nonprofit organizations for the establishment and maintenance of one national resource center (as provided for in subsection (b)) and not to exceed six special issue resource centers (as provided for in subsection (c)) focusing on one or more issues of concern to domestic violence victims.

"(b) NATIONAL RESOURCE CENTER.—The national resource center established under subsection (a)(2) shall offer resource, policy and training assistance to Federal, State, and local government agencies, to domestic violence service providers, and to other professionals and interested parties on issues pertaining to domestic violence, and shall maintain a central resource library in order to collect, prepare, analyze, and disseminate information and statistics and analyses thereof relating to the incidence and prevention of family violence (particularly the prevention of repeated incidents of violence) and the provision of immediate shelter and related assistance.

"(c) SPECIAL ISSUE RESOURCE CENTERS.—The special issue resource centers established under subsection (a)(2) shall provide information, training and technical assistance to State and local domestic violence service providers, and shall specialize in at least one of the following areas of domestic violence service, prevention, or law:

"(1) Criminal justice response to domestic violence, including court-mandated abuser treatment.

"(2) Improving the response of Child Protective Service agencies to battered mothers of abused children.

"(3) Child custody issues in domestic violence cases.

"(4) The use of the self-defense plea by domestic violence victims.

"(5) Improving interdisciplinary health care responses and access to health care resources for victims of domestic violence.

"(6) Improving access to and the quality of legal representation for victims of domestic violence in civil litigation.

"(d) ELIGIBILITY.—To be eligible to receive a grant under this section an entity shall be a private nonprofit organization that—

"(1) focuses primarily on domestic violence;

"(2) provides documentation to the Secretary demonstrating experience working directly on issues of domestic violence, particularly in the specific subject area for which it is applying;

"(3) include on its advisory boards representatives from domestic violence programs in the region who are geographically and culturally diverse; and

"(4) demonstrate the strong support of domestic violence advocates from across the country and the region for their designation as the national or a special issue resource center.

"(e) REPORTING.—Not later than 6 months after receiving a grant under this section, a grantee shall prepare and submit a report to the Secretary that evaluates the effectiveness of the use of amounts received under such grant by such grantee and containing such additional information as the Secretary may prescribe.

"(f) DEFINITION.—For purposes of this section, the term 'Indian tribal agency' means an Indian tribe or tribal organization, as defined in section 4 of the Indian Self-Determination and Education Assistance Act.

"(g) REGULATIONS.—Not later than 90 days after the date of enactment of this section, the Secretary shall publish proposed regulations implementing this section. Not later than 120 days after such date of enactment, the Secretary shall publish final regulations.".

**SEC. 316. AUTHORIZATION OF APPROPRIATIONS.**

Section 310 (42 U.S.C. 10409) is amended to read as follows:

**"SEC. 310. AUTHORIZATION OF APPROPRIATIONS.**

"(a) IN GENERAL.—There are authorized to be appropriated to carry out the provisions of sections 303 through 309 and section 313, $60,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993 through 1995.

"(b) SECTION 303(a) AND (b).—Of the amounts appropriated under subsection (a) for each fiscal year, not less than 80 percent shall be used for making grants under subsection 303(a), and not less than 10 percent shall be used for the purpose of carrying out section 303(b).

"(c) SECTION 308.—Of the amounts appropriated under subsection (a) for each fiscal year, 5 percent shall be used by the Secretary for making grants under section 308.".

**SEC. 317. CONTRACTS AND GRANTS FOR STATE DOMESTIC VIOLENCE COALITIONS.**

Section 311 (42 U.S.C. 10410) is amended to read as follows:

**"SEC. 311. GRANTS FOR STATE DOMESTIC VIOLENCE COALITIONS.**

"(a) IN GENERAL.—The Secretary shall award grants for the funding of State domestic violence coalitions. Such coalitions shall further the purposes of domestic violence intervention and prevention through activities, including—

"(1) working with judicial and law enforcement agencies to encourage appropriate responses to domestic violence cases and examine issues including—

"(A) the inappropriateness of mutual protection orders;

"(B) the prohibition of mediation when domestic violence is involved;

"(C) the use of mandatory arrests of accused offenders;

"(D) the discouragement of dual arrests;

"(E) the adoption of aggressive and vertical prosecution policies and procedures;

"(F) the use of mandatory requirements for presentence investigations;

"(G) the length of time taken to prosecute cases or reach plea agreements;

"(H) the use of plea agreements;

"(I) the consistency of sentencing, including comparisons of domestic violence crimes with other violent crimes;

"(K) the restitution of victims;

"(L) the use of training and technical assistance to law enforcement and court officials and other professionals;

"(M) the reporting practices of, and significance to be accorded to, prior convictions (both felony and misdemeanor) and protection orders;

"(N) the use of interstate extradition in cases of domestic violence crimes;

"(O) the use of statewide and regional planning; and

"(P) any other matters as the Secretary and the State domestic violence coalitions believe merit investigations;

"(2) work with family law judges, Child Protective Services agencies, and children's advocates to develop appropriate responses to child custody and visitation issues in domestic violence cases as well as cases where domestic violence and child abuse are both present, including—

"(A) the inappropriateness of mutual protection orders;

"(B) the prohibition of mediation where domestic violence is involved;

"(C) the inappropriate use of marital or conjoint counseling in domestic violence cases;

"(D) the use of training and technical assistance for family law judges and court personnel;

"(E) the presumption of custody to domestic violence victims;

"(F) the use of comprehensive protection orders to grant fullest protections possible to victims of domestic violence, including temporary support and maintenance;

"(G) the development by Child Protective Service of supportive responses that enable victims to protect their children;

"(H) the implementation of supervised visitations that do not endanger victims and their children; and

"(I) the possibility of permitting domestic violence victims to remove children from the State when the safety of the children or the victim is at risk;

"(3) conduct public education campaigns regarding domestic violence through the use of public service announcements and informative materials that are designed for print media, billboards, public transit advertising, electronic broadcast media, and other vehicles for information that shall inform the public concerning domestic violence; and

"(4) participate in planning and monitoring of the distribution of grants and grant funds to their State under section 303(a).

"(b) ELIGIBILITY.—To be eligible for a grant under this section, an entity shall be a statewide nonprofit State domestic violence coalition meeting the following conditions:

"(1) The membership of the coalition includes representatives from a majority of the programs for victims of domestic violence in the State.

"(2) The board membership of the coalition is representative of such programs.

"(3) The purpose of the coalition is to provide services, community education, and technical assistance to such programs to establish and maintain shelter and related services for victims of domestic violence and their children.

"(4) In the application submitted by the coalition for the grant, the coalition provides assurances satisfactory to the Secretary that the coalition—

"(A) has actively sought and encouraged the participation of law enforcement agencies and other legal or judicial entities in the preparation of the application; and

"(B) will actively seek and encourage the participation of such entities in the activities carried out with the grant.

"(c) ALLOTMENT OF FUNDS.—From amounts appropriated under this section for each fiscal year, the Secretary shall allot to each State, the District of Columbia, the Commonwealth of Puerto Rico, and the combined U.S. Territories an amount equal to 1/53 of the amount appropriated for such fiscal year. For purposes of this section, the term 'combined U.S. Territories' means Guam, American Samoa, the U.S. Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands and shall not receive less than 1.5 percent of the funds appropriated for each fiscal year.

"(d) PROHIBITION ON LOBBYING.—No funds made available to entities under this section shall be used, directly or indirectly, to influence the issuance, amendment, or revocation of any executive order or similar promulgation by any Federal, State or local agency, or to undertake to influence the passage or defeat of any legislation by Congress, or by any State or local legislative body, or State proposals by initiative petition, except that

the representatives of the entity may testify or make other appropriate communication—

"(1) when formally requested to do so by a legislative body, a committee, or a member thereof; or

"(2) in connection with legislation or appropriations directly affecting the activities of the entity.

"(e) REPORTING.—Each State domestic violence coalition receiving amounts under this section shall submit a report to the Secretary describing the coordination, training and technical assistance and public education services performed with such amounts and evaluating the effectiveness of those services.

"(f) DEFINITION.—For purposes of this section, a State domestic violence coalition may include representatives of Indian tribes and tribal organizations, as defined in section 4 of the Indian Self-Determination and Education Assistance Act.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to be used to award grants under this section $8,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993 through 1995.

"(h) REGULATIONS.—Not later than 90 days after the date of enactment of this section, the Secretary shall publish proposed regulations implementing this section. Not later than 120 days after such date of enactment, the Secretary shall publish final regulations implementing this section.".

**SEC. 318. REGULATIONS.**

Section 312(a) (42 U.S.C. 10409(a)) is amended by adding at the end thereof the following new sentence:

"Not later than 90 days after the date of enactment of this sentence, the Secretary shall publish proposed regulations implementing sections 303, 308, and 314. Not later than 120 days after such date of enactment, the Secretary shall publish final regulations implementing such sections.".

**SEC. 319. FAMILY MEMBER ABUSE INFORMATION AND DOCUMENTATION.**

Section 313(1) (42 U.S.C. 10409(1)) is amended by striking out "characteristics relating to family violence" and inserting in lieu thereof "develop data on the number of victims of family violence and their dependents who are homeless or institutionalized as a result of the violence and abuse they have experienced".

**SEC. 320. GRANTS FOR PUBLIC INFORMATION CAMPAIGNS.**

The Act is amended by adding at the end thereof the following new section:

**"SEC. 314. GRANTS FOR PUBLIC INFORMATION CAMPAIGNS.**

"(a) IN GENERAL.—The Secretary may make grants to public or private nonprofit entities to provide public information campaigns regarding domestic violence through the use of public service announcements and informative materials that are designed for print media, billboards, public transit advertising, electronic broadcast media, and other vehicles for information that shall inform the public concerning domestic violence.

"(b) APPLICATION.—No grant, contract, or cooperative agreement shall be made or entered into under this section unless an application that meets the requirements of subsection (c) has been approved by the Secretary.

"(c) REQUIREMENTS.—An application submitted under subsection (b) shall—

"(1) provide such agreements, assurances, and information, be in such form and be submitted in such manner as the Secretary shall prescribe through notice in the Federal Register, including a description of how the proposed public information campaign will target the population at risk, including pregnant women;

"(2) include a complete description of the plan of the application for the development of a public information campaign;

"(3) identify the specific audiences that will be educated, including communities and groups with the highest prevalence of domestic violence;

"(4) identify the media to be used in the campaign and the geographic distribution of the campaign;

"(5) describe plans to test market a development plan with a relevant population group and in a relevant geographic area and give assurance that effectiveness criteria will be implemented prior to the completion of the final plan that will include an evaluation component to measure the overall effectiveness of the campaign;

"(6) describe the kind, amount, distribution, and timing of informational messages and such other information as the Secretary may require, with assurances that media organizations and other groups with which such messages are placed will not lower the current frequency of public service announcements; and

"(7) contain such other information as the Secretary may require.

"(d) USE.—A grant, contract, or agreement made or entered into under this section shall be used for the development of a public information campaign that may include public service announcements, paid educational messages for print media, public transit advertising, electronic broadcast media, and any other mode of conveying information that the Secretary determines to be appropriate.

"(e) CRITERIA.—The criteria for awarding grants shall ensure that an applicant—

"(1) will conduct activities that educate communities and groups at greatest risk;

"(2) has a record of high quality campaigns of a comparable type; and

"(3) has a record of high quality campaigns that educate the population groups identified as most at risk.

"(f) For purposes of this section, the term 'public or private nonprofit entity' includes an 'Indian tribe' or 'tribal organization', as defined in section 4 of the Indian Self-Determination and Education Assistance Act.".

**SEC. 321. MODEL STATE LEADERSHIP INCENTIVE GRANTS FOR DOMESTIC VIOLENCE INTERVENTION.**

The Act (as amended by section 320) is further amended by adding at the end thereof the following new section:

**"SEC. 315. MODEL STATE LEADERSHIP GRANTS FOR DOMESTIC VIOLENCE INTERVENTION.**

"(a) IN GENERAL.—The Secretary, in cooperation with the Attorney General, shall award grants to not more than 10 States to assist such States in becoming model demonstration States and in meeting the costs of improving State leadership concerning activities that will—

"(1) increase the number of prosecutions for domestic violence crimes;

"(2) encourage the reporting of incidences of domestic violence; and

"(3) facilitate 'arrests and aggressive' prosecution policies.

"(b) DESIGNATION AS MODEL STATE.—To be designated as a model State under subsection (a), a State shall have in effect—

"(1) a law that requires mandatory arrest of a person that police have probable cause to believe has committed an act of domestic violence or probable cause to believe has violated an outstanding civil protection order;

"(2) a law or policy that discourages 'dual' arrests;

"(3) statewide prosecution policies that—

"(A) authorize and encourage prosecutors to pursue cases where a criminal case can be proved, including proceeding without the active involvement of the victim if necessary; and

"(B) implement model projects that include either—

"(i) a 'no-drop' prosecution policy; or

"(ii) a vertical prosecution policy; and

"(C) limit diversion to extraordinary cases, and then only after an admission before a judicial officer has been entered;

"(4) statewide guidelines for judges that—

"(A) reduce the automatic issuance of mutual restraining or protective orders in cases where only one spouse has sought a restraining or protective order;

"(B) discourage custody or joint custody orders by spouse abusers; and

"(C) encourage the understanding of domestic violence as a serious criminal offense and not a trivial dispute;

"(5) develop and disseminate methods to improve the criminal justice system's response to domestic violence to make existing remedies as easily available as possible to victims of domestic violence, including reducing delay, eliminating court fees, and providing easily understandable court forms.

"(c) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—In addition to the funds authorized to be appropriated under section 310, there are authorized to be appropriated to make grants under this section $25,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993 through 1995.

"(2) LIMITATION.—A grant may not be made under this section in an amount less than $2,000,000.

"(3) DELEGATION AND TRANSFER.—The Secretary shall delegate to the Attorney General the Secretary's responsibilities for carrying out this section and shall transfer to the Attorney General the funds appropriated under this section for the purpose of making grants under this section.".

**SEC. 322. EDUCATING YOUTH ABOUT DOMESTIC VIOLENCE.**

(a) GENERAL PURPOSE.—For purposes of this section, the Secretary of Education, hereinafter referred to as the "Secretary" shall develop model programs for education of young people about domestic violence and violence among intimate partners.

(b) NATURE OF PROGRAM.—The Secretary, in consultation with the Secretary of Health and Human Services, shall through grants or contracts develop three separate programs, one each for primary and middle schools, secondary schools, and institutions of higher education. Such model programs shall be developed with the input of educational experts, law enforcement personnel, legal and psychological experts on battering, and victim advocate organizations such as battered women's shelters. The participation of each such group or individual consultants from such groups is essential to the development of a program that meets both the needs of educational institutions and the needs of the domestic violence problem.

(c) REVIEW AND DISSEMINATION.—Not later than 9 months after the date of enactment of this Act, the Secretary shall transmit the model programs, along with a plan and cost estimate for nationwide distribution, to the relevant committees of Congress for review.

(d) AUTHORIZATION.—There are authorized to be appropriated under this section for fis-

cal year 1992, $200,000 to carry out the purposes of this section.

**TITLE IV—REAUTHORIZATION OF PROGRAMS WITH RESPECT TO ADOPTION**

**SEC. 401. FINDINGS AND PURPOSE.**

Section 201 of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (42 U.S.C. 5111) is amended to read as follows:

**"SEC. 201. CONGRESSIONAL FINDINGS AND DECLARATION OF PURPOSE.**

"(a) FINDINGS.—Congress finds that—

"(1) the number of children in substitute care increased by nearly 50 percent between 1985 and 1990, as our Nation's foster care population included more than 400,000 children at the end of June, 1990;

"(2) increasingly children entering foster care have complex problems which require intensive services;

"(3) an increasing number of infants are born to mothers who did not receive prenatal care, are born addicted to alcohol and other drugs, and exposed to infection with the etiologic agent for the human immunodeficiency virus, are medically fragile, and technology dependent;

"(4) the welfare of thousands of children in institutions and foster homes and disabled infants with life-threatening conditions may be in serious jeopardy and some such children are in need of placement in permanent, adoptive homes;

"(5) many thousands of children remain in institutions or foster homes solely because of local and other barriers to their placement in permanent, adoptive homes;

"(6) the majority of such children are of school age, members of sibling groups or disabled;

"(7) currently one-half of children free for adoption and awaiting placement are minorities;

"(8) adoption may be the best alternative for assuring the healthy development of such children;

"(9) there are qualified persons seeking to adopt such children who are unable to do so because of barriers to their placement; and,

"(10) in order both to enhance the stability and love of the child's home environment and to avoid wasteful expenditures of public funds, such children should not have medically indicated treatment withheld from them nor be maintained in foster care or institutions when adoption is appropriate and families can be found for such children.

"(b) PURPOSE.—It is the purpose of this title to facilitate the elimination of barriers to adoption and to provide permanent and loving home environments for children who would benefit from adoption, particularly children with special needs, including disabled infants with life-threatening conditions, by—

"(1) promoting model adoption legislation and procedures in the States and territories of the United States in order to eliminate jurisdictional and legal obstacles to adoption; and

"(2) providing a mechanism for the Department of Health and Human Services to—

"(A) promote quality standards for adoption services, pre-placement, post-placement, and post-legal adoption counseling, and standards to protect the rights of children in need of adoption;

"(B) maintain a national adoption information exchange system to bring together children who would benefit from adoption and qualified prospective adoptive parents who are seeking such children, and conduct national recruitment efforts in order to reach prospective parents for children awaiting adoption; and

"(C) demonstrate expeditious ways to free children for adoption for whom it has been determined that adoption is the appropriate plan.".

**SEC. 402. MODEL ADOPTION LEGISLATION AND PROCEDURES.**

Section 202 of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (42 U.S.C. 5112) is repealed.

**SEC. 403. INFORMATION AND SERVICE FUNCTIONS.**

Section 203 of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (42 U.S.C. 5113) is amended—

(1) in subsection (a)—

(A) by inserting ", on-site technical assistance" after "consultant services" in the second sentence;

(B) by inserting "including salaries and travel costs," after "administrative expenses," in the second sentence; and

(C) by adding at the end thereof the following new sentence: "The Secretary shall, not later than 12 months after the date of enactment of this sentence, prepare and submit to the committees of Congress having jurisdiction over such services reports, as appropriate, containing appropriate data concerning the manner in which activities were carried out under this title, and such reports shall be made available to the public."; and

(2) in subsection (b)—

(A) by striking out paragraph (1) and redesignating paragraph (2) as paragraph (1);

(B) by inserting after paragraph (1) (as so redesignated) the following new paragraph:

"(2) conduct, directly or by grant or contract with public or private nonprofit organizations, ongoing, extensive recruitment efforts on a national level, develop national public awareness efforts to unite children in need of adoption with appropriate adoptive parents, and establish a coordinated referral system of recruited families with appropriate State or regional adoption resources to ensure that families are served in a timely fashion;";

(C) in paragraph (4), by inserting before the semicolon the following: ", and to promote professional leadership training of minorities in the adoption field"; and

(D)(i) in paragraph (7), by striking "and" after the semicolon at the end;

(ii) by redesignating paragraph (8) as paragraph (9); and

(iii) by inserting after paragraph (7) the following new paragraph:

"(8) maintain (directly or by grant to or contract with public or private nonprofit agencies or organizations) a National Resource Center for Special Needs Adoption to—

"(A) promote professional leadership development of minorities in the adoption field;

"(B) provide training and technical assistance to service providers and State agencies to improve professional competency in the field of adoption and the adoption of children with special needs; and

"(C) facilitate the development of interdisciplinary approaches to meet the needs of children who are waiting for adoption and the needs of adoptive families; and".

**SEC. 404. AUTHORIZATION OF APPROPRIATIONS.**

Section 205 of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (42 U.S.C. 5115) is amended—

(1) by striking out subsection (a) and inserting in lieu thereof the following new subsection:

"(a) There are authorized to be appropriated, $10,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993 through 1995, to carry out programs and activities under this Act except for programs and activities authorized under sections 203(b)(9) and 203(c)(1).";

and

(2) in subsection (b), by striking out "$3,000,000", the first place that such appears, and all that follows through the end thereof, and inserting in lieu thereof the following: "$10,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993 through 1995, to carry out section 203(b)(9), and there are authorized to be appropriated $10,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993 through 1995, to carry out section 203(c)(1).".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona [Mr. PASTOR] will be recognized for 20 minutes, and the gentleman from Wisconsin [Mr. KLUG] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Arizona [Mr. PASTOR].

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

Mr. Speaker, I rise in strong support of H.R. 4712, the Child Abuse Programs, Adoption Opportunities and Family Violence Prevention Amendments of 1992.

I wish to thank the chairman of the Select Education Subcommittee, Congressman MAJOR OWENS, and his staff for their diligent work in developing this legislation and moving it to the House floor for consideration today. I also wish to express my appreciation to the ranking Republican on the subcommittee, Congressman BALLENGER, and his staff, for their cooperation throughout this legislative process. The legislation before us today is a culmination of the hard work by Chairman OWENS and the members of the subcommittee.

The American family is struggling to survive under enormous pressures today. Increasingly, newspapers and television across the country document many instances of child abuse, domestic violence, child neglect, and homelessness.

The programs reauthorized in this legislation would help to stem the tide of mistreatment and neglect suffered by these children and troubled families.

The statistics associated with these problems are shocking and clearly illustrate the need for this legislation.

Reports of child abuse and neglect more than doubled in the past decade to 2.5 million in 1990, according to the National Committee for the Prevention of Child Abuse.

Approximately 6 million women in the United States are victims of some form of violence from their husbands or boyfriends each year.

Annually, approximately 1.1 million older persons are victims of moderate to severe abuse, according to a 1985 study conducted by the House Select Committee on Aging.

The FBI estimates that 4,000 women are killed each year by their spouses.

It is generally known that these statistics do not reflect the true picture since these incidences of child abuse or domestic violence are often not reported or are underreported.

The legislation before us today, H.R. 4712, addresses many of these problems and provides the means to fight the underlying causes and to fund the necessary interventions.

For example, title I of the legislation addresses programs targeted toward the prevention and treatment of child abuse. It authorizes approximately $100 million to support a variety of programs to protect children who may be vulnerable to abuse, neglect, or mistreatment. Included in the bill are grants to public and private organizations which work on the identification, prevention, and treatment of child sexual abuse. It supports programs to improve the reporting of medical neglect of children. Funds are also provided to enhance the investigation and prosecution of child abuse cases. Challenge grants are provided to States which maintain children's trust funds to prevent child abuse and neglect. Moreover, it provides emergency child abuse prevention services for children whose parents are substance abusers. For the first time, funds are targeted to programs which prevent the abuse and neglect of homeless children, as well as the separation of these children from their parents.

There are several reports over the past few years calling for a recognition that child abuse has reached crisis proportions. One such report was issued in August 1990 by the U.S. Advisory Board on Child Abuse and Neglect declaring child abuse a national emergency.

The continuing abuse of children is not only a national emergency—it is a national disgrace. Inasmuch as we have declared national emergencies on many other occasions, we cannot and should not accept the high numbers of children being damaged—physically and emotionally—without doing something constructive about it. H.R. 4712 channels funds into preventive and treatment programs to eliminate or reduce child abuse in communities across the country.

Under title III of this legislation, about $68 million is authorized for family violence prevention and services. These funds will be used to provide shelter and other related assistance to the victims of domestic violence. These victims are not only battered women, but also their dependents. All too often, we learn of women and their children fleeing an unbearable home situation and seeking protection elsewhere. To a great extent, this measure will protect and assist those individuals.

State and local law enforcement agencies—which are closely involved with domestic violence issues—will also receive funds to train their personnel on techniques for handling potential domestic disputes or actual family violence incidents.

This bill will also provide grants to foster cooperation between law enforcement agencies, domestic violence shelters, social service agencies, and hospitals involved in these explosive and unfortunate situations.

H.R. 4712 also renews existing programs which provide temporary care for children with special needs. Specially targeted for assistance are those children who have a chronic or terminal illness, those abused or neglected children who are temporarily being cared for in nurseries, as well as babies at risk of abuse.

Finally, this bill provides $30 million for a number of adoption services. This includes a national exchange program to link prospective parents with children who are available for adoption. Programs to promote the adoption of children who have certain mental, physical, or emotional handicaps are also funded in this legislation.

No doubt, the adoption of special needs children has increased. More special needs children are entering the foster care system. Many of these children are young, from minority families, are often drug-exposed, and often are from at-risk families. Since the mid-1980's, AIDS, homelessness, teen pregnancy, alcohol abuse, and the widespread crack cocaine epidemic have combined to overwhelm the various support systems.

Our choice today is clear. The children and adults from these troubled, at-risk families need our continued support. To do less for them would be unconscionable.

Demonstrate your compassion by helping to improve the health and welfare of these victimized individuals. On their behalf, I strongly urge all of my colleagues to vote for passage of this important legislation.

Mr. Speaker, I am including in the RECORD a section-by-section analysis of H.R. 4712.

SECTION BY SECTION ANALYSIS

Section 1.—Short Title and Table of Contents.

TITLE I—CHILD ABUSE PREVENTION AND TREATMENT ACT

*Subtitle A—General Provisions*

Section 101.—Amendatory References.

Section 102.—Findings.

Amends the Act by inserting a section on findings, including the roles and responsibilities of local, State and Federal governments.

*Subtitle B—General Program*

Section 111.—Advisory Board.

Requires the Advisory Board to submit to the Secretary and to the appropriate committees of Congress a report on child and youth maltreatment-related deaths, including the Board's recommendations with respect to (1) a national policy to reduce and ultimately prevent such deaths, detailing the appropriate roles and responsibilities for State and local governments, as well as the private sector; (2) specific changes in Federal laws and programs to achieve an effective Federal role in implementing the policy; and (3) specific changes to improve national data collection on such deaths.

Authorizes $1 million for FY 1992 and such sums as may be necessary for FY 1993 through FY 1995 for the activities of the Advisory Board.

Section 112.—Research and Assistance Activities of the National Center on Child Abuse and Neglect.

Requires that research activities take into account relevant cultural factors and distinctions; that State reporting information be universal and case specific (to the extent practical) and integrated with other case-based foster care and adoption data collected by the Secretary. Requires that members of the peer review panel be experts in the field of child abuse or related disciplines; that the panel meet as often as is necessary to facilitate the expeditious review and evaluation of applications, but not less than once each year; that the panel make recommendations to the Secretary regarding whether the application shall be approved; and that the Secretary make grants from among the applications which the peer review panel has determined to have merit.

Section 113.—Grants for Demonstration or Service programs and Projects.

Requires evaluations of all projects as part of each project's activities, funding for such evaluations to be provided either as a stated percentage of the demonstration grant or contract or as a separate grant or contract for the purpose of evaluation. Discretionary grants will include training to improve the recruitment, selection, and training of volunteers.

Section 114.—Grant Program for Child Abuse, Neglect, Prevention, and Treatment.

Amends the General State Grant Program to require that grants to the States be based on the population of children under the age of 18; that grants be for the purpose of assisting the States in improving the child protective service system of each such State in: (1) intake and screening of reports of abuse and neglect; (2) investigation of such reports; (3) case management and delivery services; (4) general system enhancement (e.g., automation, training, etc.); and/or (5) developing, strengthening and carrying out child abuse and neglect prevention, treatment, and research. Subject to appropriations "trigger", limits the expenditure of funds for activity #5 to not more than 15%.

Requires submission of State Program Plans which specify the area or areas to be improved, data on current system capacity, and how improvements will occur.

The changes detailed in this subsection will not become effective until the appropriations for section 107 and 108 of the Act reaches $40 Million or on October 1, 1993, whichever comes first. While the statute is specific that States shall not be required to submit the more detailed applications or plans spelled out in the amendments until the conditions mentioned above have been fulfilled, there is nothing in the current statute or in the amendments which precludes or interferes with a State undertaking any activity included in the amendments or submitting a more detailed plan, if it chooses.

Concerns were raised by reports received that the Department is considering a "redefinition" or a policy "clarifying" the requirements of the Act pertaining to nonmedical treatments for medical conditions and their inclusion or exclusion in the term "negligent treatment or maltreatment".

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No change was made to the statute, since none is necessary. The statute is clear on this point, and its interpretation has been consistent since its inception. The exact parameters of adequate parental care are to be delineated by State law and the State Courts. Reporting and other requirements pertaining to the consistent application of these State laws and administrative/judicial systems for the protection of children and review of their medical conditions and treatments is now, and always has been, within the purview of the statute. However, nothing in the statute or its legislative history warrants or authorizes the Secretary to require the provision of medical treatment, at any point in the proceedings. As long as the State and its entities apply protective procedures and reviews consistent with the State statutes, such determinations regarding the adequacy, type and timing of medical treatment are within the sole judgement of each State system. State child protective agencies and Courts must balance all factors and follow State law and procedures in making these determinations.

Section 115.—Emergency Child Abuse Prevention Services Grant Program.

Authorizes $40 million for FY 1992, and such sums as may be necessary for FY 1993 through FY 1995.

Section 116.—Grant Program for Investigation and Prosecution of Child Abuse Cases.

Amends the title and expands the scope of the program relating to the investigation and prosecution of child abuse and neglect cases by including child sexual exploitation and suspected child abuse or neglect fatalities.

Modifies the State eligibility requirements. With respect to the State Task Force, the bill modifies its composition, broadens its mandate, and makes several technical amendments to conform with current practice.

Section 117.—Authorization for Appropriations.

Authorizes $100,000,000 for FY 1992, and such sums as may be necessary for FY 1993 through FY 1995. $5 Million would be reserved from the funds appropriated for grants under Section 107(g) of the Act, with the remainder of funds being distributed by formula between activities under Sections 104, 105 & 106 and 107 & 108 of the Title.

*Subtitle C—Community-Based Prevention Grants Program*

Section 121.—Title and Purpose.

Amends the title for this program and adds a purposes section.

Section 122.—Grants Authorized; Authorization of Appropriations.

Authorizes $45 million for FY 1992, and such sums as may be necessary for FY 1993 through FY 1995; removes the $7 million cap on authorizations.

Section 123.—State Eligibility.

Modifies State eligibility by requiring a trust fund and to broaden the funds which may be counted for purposes of the non-Federal match.

Section 124.—Limitations.

Modifies the formula for funding the State Child Abuse Trust funds to distribute 50% of the funds appropriated under a child count/per capita distribution (with each State receiving no less than $30,000) and 50% allotted on the basis of the amount of funds in a State's Trust fund. At least 50% of these funds must be used to support community-based authorized activities, when the appropriations level exceeds $10 million. Also makes a technical amendment relating to the State Advisory Council and adds new requirements to the application concerning coordination with other programs and outcomes.

*Subtitle D—Certain Preventive Services Regarding Children of Homeless Families or Families at Risk of Homelessness*

Section 131.—Authorization of Appropriations.

Authorizes such sums as may be necessary for FY 1993 through FY 1995 (currently authorized through 1992).

*Subtitle E—Miscellaneous Provisions*

Section 141.—Technical Amendments.

Amends the statute to reflect the current usage of the term "with disabilities".

Section 142.—Report Concerning Voluntary Reporting System.

Requires a report from the Secretary on the assistance given by the Department to the States in implementing the Act and the extent to which State reporting requirements conform to those required by other Federal programs.

TITLE II—REAUTHORIZATION OF THE TEMPORARY CHILD CARE FOR CHILDREN WITH DISABILITIES AND CRISIS NURSERIES ACT

Section 201.—Short Title.

Section 202.—Administrative Provisions.

Adds a definition identical to that in the Individuals with Disabilities Education Act and makes a technical amendment.

Section 203.—Authorization of Appropriations.

Authorizes $20 million in each of FY 1992 through FY 1995.

TITLE III—FAMILY VIOLENCE PREVENTION AND SERVICES ACT

Section 301.—Amendatory References.

Section 302.—Expansion of Purpose.

Expands the purposes section of the program to reflect the change in nature of this program from a program to fund demonstration projects to one to fund service programs.

Section 303.—Expansion of State Grant Program.

Changes the program from a demonstration grant program to a service delivery program, and states that the primary purpose of these grants is for shelters.

Section 304.—Involvement in Planning.

Requires the State to involve State domestic violence coalitions in the formulation of its plan.

Section 305.—Confidentiality Assurances.

Requires the State to submit documentation proving development and implementation of policies and procedures on confidentiality.

Section 306.—Procedure for Evicting Violent Spouses.

Requires the State to submit documentation that the State has a law or procedure that has been implemented for eviction of an abusing spouse from a shared household.

Section 307.—Penalties for Noncompliance.

Modifies the provision regarding the correction of application deficiencies and permits the State domestic violence coalitions to participate in the process.

Section 308.—Grants to Indian Tribes.

Requires that 10% of the funds under this section be set-aside for Indian tribes and tribal organizations, as defined in the Indian Self-Determination and Education Assistance Act of 1975. Such tribes and organizations are also made eligible applicants under the other programs created in this Title.

Section 309.—Maximum Ceiling.

Removes the ceiling on a maximum grant under this program.

Section 310.—Grants to Entities Other Than States; Local Share.

Lowers the non-Federal matching requirements to 20% for the first year, 35% in the second year, and 50% for the third year and each year thereafter. In addition, the bill reduces the requirement for a private match from 50% to 25%.

Section 311.—Shelter and Related Assistance.

Modifies the provision of services section to increase the amount to be used for shelters, and to require that no less than 25% of the funds allotted be used for related services, which are broadly defined in the provision and include prevention services.

Section 312.—Allotment of Funds.

Increases the State minimum grant.

Section 313.—Secretarial Responsibilities.

Modifies and expands the research to be done by the Secretary into the area of family violence prevention and treatment.

Section 314.—Evaluation and Report to Congress.

Modifies the provision on evaluation and the report to Congress.

Section 315.—Funding for Technical Assistance Center.

The bill substantially alters the current provision for a national clearinghouse on family violence. The Secretary is required to award grants to private nonprofit entities meeting particular criteria to establish a national resource center and up to six "special issue resource centers", which are stipulated in the amendment. Funding for this activity is to be 5% of the funds appropriated for this Title.

Section 316.—Authorization of Appropriations.

Authorizes $60 million for FY 1992, and such sums as may be necessary for FY 1993 through 1995, for activities under sections 303 through 309 and 313. The bill contains certain set-asides.

Section 317.—Contracts and Grants for State Domestic Violence Coalitions.

Repeals the current law enforcement training and technical assistance program and replaces it with a program to fund state domestic violence coalitions. Specifies make-up of the coalitions, services authorized and allowed, evaluations and needs assessments and eligibility criteria. Includes an allotment formula for equal distribution between States and trust territories and has provisions on lobbying, regulations, and reports. Each domestic violence coalition is to show, in its application, that it has consulted with law enforcement entities in the development of the application and will involve the same in the program.

Authorizes $8 million for FY 1992, and such sums as may be necessary for FY 1993 through FY 1995.

Section 318.—Regulations.

Stipulates that the Secretary is to publish proposed regulations for this Act within 90 days and final regulations within 120 days.

Section 319.—Family Member Abuse Information and Documentation.

Modifies the information to be collected regarding victims of family violence.

Section 320.—Grants for Public Information Campaigns.

Adds a new provision for grants for public information campaigns regarding family violence and its facets.

Section 321.—Model State Leadership Incentive Grants for Domestic Violence Intervention.

Requires the Secretary, in cooperation with the Attorney General, to make grants available to not more than ten States for the purpose of developing model methods to improve the criminal justice system's response

to domestic violence. No State may receive less than $2 Million in each Fiscal Year it receives a grant. The Secretary would delegate to the Attorney General the responsibilities for carrying out this section and would transfer the funds appropriated under this section. Eligibility requirements a State must meet, relating to its systems and policies, are stipulated in the bill. The bill authorizes a separate amount of $25 million for FY 1992, and such sums as may be necessary for FY 1993 through FY 1995 for this program.

Section 322.—Education of Youth About Domestic Violence.

Requires the Secretary of Education, in consultation with the Secretary of Health and Human Services, to establish a program for educating youth about family violence. The Secretary of Education is to develop three separate model programs for different grade levels. The bill authorizes $200,000 for Fiscal Year 1992 for this activity.

TITLE IV—ADOPTION OPPORTUNITIES

Section 401.—Findings and Purpose.

Modifies the current findings provision and purposes section for the Act.

Section 402.—Model Adoption Legislation and Procedures.

Repeals the provision on the Model Adoption Legislation and Procedures, which has been carried out.

Section 403.—Information and Service Functions.

Expands the requirements for Departmental technical assistance, national recruitment efforts (particularly of minorities), public education and awareness activities and professional leadership training (particularly of minorities) and requires a report on the activities for Congress. It also amends the activities of the Secretary to require the Secretary to maintain a National Resource Center for Special Needs Adoption, in order to increase adoption opportunities for minorities and other historically underserved populations.

Section 404.—Authorization of Appropriations.

Authorizes $10 million for FY 1992, and such sums as may be necessary for FY 1993 through FY 1995 for programs under the Act, other than those under 203(b)(8) and 203(c)(1). Separate and equal amounts for each of these provisions are authorized for the same periods.

□ 1410

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

Mr. KLUG. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I would first of all like to thank the chairman and ranking member of our subcommittee for their work on this important matter. Today we are considering H.R. 4712, a bill reauthorizing child abuse programs which try to find ways to prevent child abuse, neglect, and domestic violence, as well as encourage the adoption of children with special needs.

Over the past two decades, all of us have become increasingly aware of the impact that child abuse and neglect have in our society. The Select Education Subcommittee, as well as the Select Committee of Children, Youth and Families—both of which I am a member—have recently held hearings on this troubling matter. We heard testimony from child abuse experts that over 2 million children are abused and neglected each year and over 1,000 children die as a result of this abuse. Just last week, the National Center on Child Abuse Research reported in their annual survey of all 50 States that child abuse has increased 6 percent from last year, and 40 percent since 1985. Further, child fatalities resulting from child abuse increased 11 percent between 1990 and 1991.

Mr. Speaker, as the father of three children, I am greatly concerned by these statistics, and believe, like many of my colleagues, that we must move expeditiously to protect our children and families from incidents of abuse, neglect, and family violence. H.R. 4712 attempts to meet these needs by targeting Federal dollars to States, who in turn can channel these moneys to areas of their child protective services system. These areas include intake and screening of reports, investigation of reported abuse, case management, general system enhancement, developing prevention, treatment, and research. States would be required to specify which area of the child protective service systems they would be improving, provide data on the current system capacity, and indicate how funds would be used to make improvements. While I would have liked to have seen more responsibility given to States for the improvement of the child protective services system, I do believe these activities will enhance the States' efforts to reduce child abuse and neglect.

H.R. 4712 also reauthorizes the Child Abuse Challenge Grant Program, the only Federal program devoted solely to the prevention of child abuse and neglect. This bill revises this program so that the majority of the funds are spent on community-based child abuse prevention programs. I applaud this effort because I strongly believe that only at the local level can we really make an impact on reducing and preventing child abuse and neglect.

Mr. Speaker, while I am in general agreement with this bill and will support its passage, I do have two concerns that I believe deserve the Members' attention. First, H.R. 4712 changes the Family Violence State Grant Program by making these grants permanent rather than retaining them as demonstration grants, and second the local match required in order to qualify for a grant is significantly reduced. While I recognize the serious fiscal crisis facing many of our States, I do not believe these grants should become permanent. By taking such actions, I fear that commitments from State and local governments, both financial and otherwise, would be lessened, further placing the burden of dealing with family violence on the Federal Government. In order to create strong programs, I believe we need to encourage local and private dollars to compliment those from the Federal Government.

Each year billions of dollars are spent at all levels of government through law enforcement, juvenile courts, foster care, and residential facilities on adults who were mistreated and abused as children. Annual out-of-home placement and treatment costs for a single child are as high as $50,000 in some communities. By focusing our efforts on all levels of government—Federal, State, and local—we can hope to reduce the tremendous social costs of these human tragedies.

Once again I want to thank the chairman for bringing this legislation to us today, and I urge my colleagues to support H.R. 4712.

Mr. Speaker, I yield such time as he may consume to my friend, the gentleman from North Carolina [Mr. BALLENGER], the ranking member on the subcommittee.

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

Mr. Speaker, I rise to support H.R. 4712, the Child Abuse Prevention and Treatment Act which authorizes programs to prevent child abuse and neglect and domestic violence while providing opportunities through adoption of children with special needs.

Child abuse and neglect is increasing in this country and it is my hope that this legislation can help States design child protective services systems that will reduce such abuse and work to keep families together. According to a report recently issued by the National Center on Child Abuse Prevention Research, there were 2.6 million reports of child abuse and neglect in 1991, an increase of 6 percent over 1990. Nearly 1,400 children died as a result of child maltreatment in 1991 which is an 11-percent increase over 1990. Most alarming in the report is that almost 80 percent of children who died as a result of child abuse were under age 5 and 56 percent were infants. These statistics must be reduced.

H.R. 4712 begins to address this problem by requiring States to target Federal dollars in five different areas in order to improve their child protective services system. Those areas include intake and screening of reports of child abuse and neglect, investigation of such reports, case management, general system enhancement and developing prevention, treatment and research programs. By targeting Federal dollars to specific areas of need, States can improve their system so that children are protected and families are given the necessary services to stay together thereby lowering out-of-home placements for children.

In addition, this bill authorizes grants to States to prevent domestic violence and targets the majority of the Federal dollars to shelters for victims of domestic violence. Domestic vi-

olence is also increasing with an estimated 3 to 4 million American women injured each year. As we have come to realize, family violence and child abuse are intertwined with an estimated 3.3 million children witnessing family violence each year. These children, in turn, are more at risk of suffering physical abuse or neglect themselves and also more at risk of repeating such abuse on their own children. H.R. 4712 provides funding for direct services such as shelters and counseling while retaining the focus on prevention. In addition, a new program is authorized to begin educating children at school about ways to prevent family violence and talk out problems before resorting to violence to resolve their problems. Such education is critical if we want to ensure that domestic violence is not repeated in the next generation.

Finally, Mr. Speaker, H.R. 4712 reauthorizes the Temporary Child Care for Children with Disabilities and Crisis Nurseries Act. This legislation continues demonstration grants to States to assist private and public organizations in providing respite care to families who have a disabled child. Respite care is a needed service for parents and families of children with disabilities and it is a program that will ultimately save the taxpayer millions of dollars. Without the availability of respite care, the other alternative for parents is out-of-home residential placement. This alternative currently costs the Federal Government approximately $8.5 billion annually and has negative consequences for the parents, for the disabled child, and for the taxpayer. Respite care is a service that provides parents with severely disabled children an occasional break from the needs of those children. I visited a respite care center in Boone, NC, and was convinced that this program and others like it across the country is good for the parents; good for the family; good for the disabled child; and good for the taxpayer.

I want to thank Chairman OWENS and his staff for working with the minority to bring this bill to the floor and I urge my colleagues to support this legislation.

□ 1420

Mr. KLUG. Mr. Speaker, I yield 3 minutes to the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Mr. Speaker, I rise in support of the Child Abuse Prevention and Family Services Act. I know the committee has worked diligently to create this much needed legislation and I commend them for their work.

Because I have been an advocate for domestic violence programs, I am especially pleased with the Family Violence Prevention and Services Act. Included in this legislation, among other provisions, is Federal funding for shelters and support programs. This legislation changes State grant demonstration programs to permanent service delivery programs. The primary purpose of these programs is for shelters—a lifetime for battered women.

Housing is, in fact, one of the most basic issues a battered woman and her children face when attempting to escape an abusive home. For a battered woman, the availability of safe and affordable housing can mean the difference between life-threatening abuse and a life free from the terror. Programs funded by this legislation will create viable options for women and children fleeing domestic violence.

Another important part of this legislation is the inclusion of State domestic violence coalitions in the planning and evaluation of programs authorized by this legislation. State domestic violence coalitions provide leadership in the development and maintenance of shelters and related services for domestic violence survivors. They also provide direction for community-based domestic violence education programs.

This year 3 to 4 million women will be beaten by a spouse or partner, 3,000 to 4,000 women will die from those beatings, and more than 3 million children will watch this violence in their own homes.

Today we have the opportunity to take a step toward ending this national tragedy of family violence. We should take that step and support this legislation.

Again, I commend those leaders on both sides of the aisle, the gentleman from New York [Mr. OWENS], the gentleman from Arizona [Mr. PASTOR], our ranking member, the gentleman from North Carolina [Mr. BALLENGER], and the gentleman from Wisconsin [Mr. KLUG], for their dedication in bringing this legislation forward.

Mr. KLUG. Mr. Speaker, I yield 3 minutes to the distinguished ranking member of the Committee on Education and Labor, my friend, the gentleman from Pennsylvania [Mr. GOODLING].

Mr. GOODLING. Mr. Speaker, I rise in support of H.R. 4712 which will reauthorize important programs to prevent child abuse and neglect and domestic violence.

One of the most tragic problems facing this Nation is child abuse and neglect. For the innocent children who are the victims of these crimes, child abuse often leaves physical and emotional scars that never heal.

H.R. 4712 attempts to address some of these problems through an expanded State grant program which will target Federal dollars in specific areas where improvements can be made to State child protective services systems. One of those areas is in case management and the delivery of services to children and their families where the child abuse has been substantiated but where the child has remained in the home without the risk of removal. Under this bill, the State must assess the activities and outcomes of improved response time for services to these children and families and report on the number of child protective service workers responsible for providing services to the family and the child in their own home.

I am very concerned that programs we authorize in this area work to keep families together and I am pleased that this legislation specifically states that our national policy should strengthen families to remedy the cause of child abuse, provide support for intensive services to prevent the unnecessary removal of children from their families, and promote the reunification of families if removal has taken place. It is critical that we do not take children out of the home without well substantiated facts that abuse has occurred. Child protective services workers must be absolutely sure that abuse has occurred before disrupting the family and removing the child. Well trained child protection services workers are needed to ensure that these needs are met. H.R. 4712 allows States to spend Federal dollars on staff training so that staff on the frontlines of intervention will have the necessary skills, tools, and knowledge with which to provide services to families and their children.

Every year children are starved and abandoned, burned and severely beaten, raped and sexually abused, berated and belittled. The system the Nation has devised to respond to child abuse and neglect is failing, and the United States is spending billions of dollars on programs that deal with its failure. Furthermore, the evidence indicates abused children often grow up to become abusive parents. It is my hope that the changes we have made to these programs through H.R. 4712 will begin to make a dent in reducing child abuse and neglect in this country and promote ways to prevent abuse from taking place. I urge my colleagues to support this legislation so that efforts can be made to prevent child abuse and neglect where possible and to treat its victims in a timely, compassionate, and effective manner.

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

Mr. Speaker, on behalf of the people who will benefit from these moneys and these programs, the children who are abused or neglected, the women who are battered, the special-needs children will be adopted, on their behalf I would like to thank my Republican colleagues, and in particular the gentleman from North Carolina [Mr. BALLENGER] and the gentleman from Wisconsin [Mr. KLUG], for their cooperation in bringing this bill on the floor.

□ 1430

I would also like to commend the gentleman from New York [Mr. OWENS]

and the subcommittee for their fine work, and I urge my colleagues to adopt this legislation.

Mr. OWENS of New York. Mr. Speaker, it is fitting that we pass H.R. 4712 during Child Abuse Prevention Month. The bill represents the most significant advance since child abuse programs were established almost two decades ago. The seriousness of the problem is underscored by reports of 2.5 million suspected cases of child abuse and neglect and more than 1,200 confirmed fatalities.

I want to thank Congressman PASTOR for managing the bill, and would like to acknowledge the work of Congressman BALLENGER, the members of the Subcommittee on Select Education, and our respective staffs.

The bill makes significant changes to the act to improve both the impact and visibility of Federal child abuse and neglect efforts. It is appropriate that H.R. 4712 signal a more vigorous role for the Federal Government in this area. In this regard, the U.S. Child Abuse Advisory Board has been vital in helping us to respond to this national emergency. The Advisory Board has called for a national, child-centered, neighborhood-based, comprehensive child protection approach. Although there are at least 28 agencies charged with specific activities pertaining to child abuse and neglect, the Advisory Board has identified the National Center on Child Abuse and Neglect [NCCAN] as coming closest to providing a focal point for Federal efforts. However, inadequate funding and staffing have hampered the center's ability to play the critical leadership role that is needed.

The reauthorization has mobilized the Democrats and Republicans to seek significant increases for the Advisory Board, the center, and the programs. The bill supports an authorization of $1 million for the Advisory Board so that NCCAN's budget is no longer affected by the Board's activities. The Advisory Board requires a budget that will allow it to continue to carry out functions that guide our Federal efforts as well as take on new responsibilities in providing leadership in the area of child abuse fatalities. There is a disturbing rise in the number of child abuse fatalities; yet, there is no standardized system for identifying and reporting them. The Advisory Board's recommendations in this area will be vitally important.

H.R. 4712 will strengthen the quality of NCCAN-funded research and demonstration projects by enhancing the peer review system to ensure that only those meritorious applications selected by qualified peer review panelists are funded and by requiring an evaluation for each funded project. The bill proposes a new State grant program to form the core component of the expanded Federal effort. States will develop plans to significantly improve their often overwhelmed child protective service systems. The revised community-based prevention grant program will encourage States to more fully participate in prevention activities at the level of urban and suburban neighborhoods. Changes to the Family Violence Prevention and Services Program include: The establishment of 6 information and technical assistance centers to provide resource information, training, and technical assistance to Federal, State, and Indian tribe agencies, local domestic violence programs, and other professionals who provide services to victims of domestic violence; provision for 10 model State leadership grants for domestic violence intervention; and the establishment of programs—1 each for primary and middle schools, secondary schools, and institutions of higher education—for educating youth about domestic violence.

I will continue to work to further strengthen these programs, particularly with regard to defining the role of the National Center on Child Abuse and Neglect and ensuring that it receives the appropriate level of resources and expertise.

I urge my colleagues to support the passage of this needed and important legislation.

Mrs. LLOYD. Mr. Speaker, I am very pleased to rise in strong support of H.R. 4712, the Child Abuse Prevention and Family Services Act. This important bill authorizes, through fiscal year 1995, programs under the Child Abuse Prevention and Treatment Act, The Family Violence Prevention Act, the Adoption Opportunities Act, and the Temporary Child Care for Children With Disabilities and Crisis Nurseries Act.

The measure provides much needed support for these programs, and significantly increases authorized levels of funding, providing fiscal year 1992 authorizations of $186 million for the Child Abuse Prevention Programs, $93 million for Family Violence Prevention Programs, and $30 million for Adoption Opportunities Programs.

These programs have many essential functions and are vital to the ongoing efforts in the Third Congressional District of Tennessee to address the growing problem of child abuse.

The Child Abuse Prevention and Treatment Act provides assistance for State and local efforts to prevent child abuse and to identify and treat its victims. It finances a national center on child abuse and neglect to oversee research on the problem, coordinates Federal child abuse prevention efforts, and acts as an information clearinghouse on prevention and treatment programs.

The Family Violence Prevention and Services Act provides assistance for programs to prevent family violence, train law enforcement officers in dealing with family violence, promote cooperation between law enforcement and social service providers, and operate a national information and research clearinghouse.

The Adoption Opportunities Act provides assistance to help place otherwise hard-to-place children in adoptive homes, including older children, minority children, and children with disabilities.

The Temporary Child Care for Children With Disabilities and Crisis Nurseries Act provides funding for temporary respite care for children with disabilities, and temporary crisis nurseries for children who have been, or are in danger of, being abused.

Passage of the Child Abuse Prevention and Family Services Act today, to reauthorize funding for these programs, couldn't be more timely. Over the past decade, the problems facing at-risk children and families has reached crisis proportions as reports of child abuse and neglect have more than doubled to 2.5 million in 1990, the number of children entering foster care has risen, and substance abuse among women has increased. These and other factors such as homelessness and teen pregnancy have begun to overwhelm programs intended to help such children and their families. Clearly, steps must be taken to assist those providers who are offering these essential services.

I am very pleased that in my own community there are many caring individuals involved in this issue who are a beacon of hope for children and families in crisis. I salute them for their outstanding work. This past Saturday, April 4, I was privileged to have the opportunity to attend, with my granddaughter Meredith, Chattanooga's first Children's March for Children, sponsored by the Altrusa International Club of Chattanooga, to raise money for the Children's Advocacy Center of Hamilton County.

The Altrusa International Club of Chattanooga is recognized within our community for numerous achievements. Many of their worthy projects benefit the children in the community.

The Children's Advocacy Center [CAC] of Hamilton County is a private, not-for-profit, organization which works on behalf of children within the system of public and private agencies to provide a team approach for children and their families involved in child abuse. The Children's Advocacy Center will offer a comfortable, homelike setting where children feel safe and their families can regain their ability to function. The Children's Advocacy Center serves the community through education of child abuse and offers staff training and development.

The importance of the Children's Advocacy Center in Hamilton County cannot be overstated. This group of representatives from area service providers are working together as a team for the benefit of children in need of support. The active involvement of different agencies demonstrates the broad interest in the success of this project. These agencies include: T.C. Thompson Children's Hospital, Chattanooga Police Department, and mental health and counseling agencies among others. Obviously, this program means a lot to many people. In 1990 alone, in Hamilton County there were 1,722 cases of reported child abuse. This problem plaques not only Hamilton County but the Nation as well, and we must be supportive of any efforts to ease the suffering.

I have been working with the center to help them secure assistance for their efforts and I'll continue to do whatever I can on their behalf. They are looking for staff assistance and volunteer help and I've also encouraged others to join with them in working for the benefit of children who desperately need support.

I am very proud of all the members of my community, particularly those involved with the Children's Advocacy Center of Chattanooga, who have taken it upon themselves to address this issue in a loving, caring, and thoughtful manner. They are people who are interested in working to better children's lives.

I am proud to salute the dedicated individuals in connection with the Children's Advocacy Center in Hamilton County, TN and I hope that other groups across the Nation will emulate their efforts.

Passage of this legislation is a good start in making sure that all programs serving families and children in crisis are adequately funded. I urge my colleagues to join with me in supporting the Child Abuse Prevention and Family Services Act.

Mrs. SCHROEDER. Mr. Speaker, I rise in strong support of H.R. 4712, the Child Abuse Programs, Adoption Opportunities, and Family Violence Prevention Amendments Act of 1992.

I have long been distressed by the abusive conditions which face millions of children, and the failure of child protection and child welfare systems to respond. The Child Abuse Prevention and Treatment Act was one of the first bills I introduced when I came to Congress and this legislation before us today is more urgently needed than ever.

Last week, the National Committee for Prevention of Child Abuse released its latest data on child abuse and the new statistics are shocking. Every 6 hours, a child is reported to be a fatal victim of maltreatment; reported child abuse fatalities rose last year alone by 10 percent. The total number of child abuse reports increased once again in 1991, climbing to over 2.6 million reports—42 reports for every 1,000 children in the United States. Child abuse reports have grown steadily in recent years, and now are 40 percent higher than in 1985.

Reversing these trends requires a change in strategy. We currently spend over $2 billion responding to child abuse after it has occurred. Last week, the select committee heard that prevention strategies which provide support to families before crises arise save money, spare pain, and save lives. Successful prevention efforts such as family preservation and home visiting already exist in several States, and should be encouraged throughout the Nation.

H.R. 4712 addresses this increased need for prevention services by expanding support for community-based and family violence prevention efforts. The legislation authorizes funds for respite care to assist children with chronic or terminal illnesses, crisis nurseries for abused and neglected children, and programs to prevent abuse to children of homeless families. The bill also increases child abuse investigative and treatment efforts, and strengthens the mission of the U.S. Advisory Board on Child Abuse and Neglect.

Today, because of our failure to address the crisis aggressively, another four children will probably die from child abuse. Let's put the programs in place to keep children alive and healthy. I urge my colleagues to approve this important cost-effective, child-saving legislation.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona [Mr. PASTOR] that the House suspend the rules and pass the bill, H.R. 4712, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

Mr. PASTOR. Mr. Speaker, I ask unanimous consent that the committee on Education and Labor be discharged from further consideration of the Senate bill (S. 838) to amend the Child Abuse Prevention and Treatment Act to revise and extend programs under such Act, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 838

*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 Abuse, Domestic Violence, Adoption and Family Services Act of 1991".

**TITLE I—CHILD ABUSE PREVENTION AND TREATMENT ACT**

**SEC. 101. REFERENCES.**

Except as otherwise provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 et seq.).

**SEC. 102. FINDINGS.**

(a) IN GENERAL.—The Act is amended by inserting after the table of contents the following new section:

**"SEC. 2. FINDINGS.**

"Congress finds that—

"(1) each year, hundreds of thousands of American children are victims of abuse and neglect with such numbers having increased dramatically over the past decade;

"(2) many of these children and their families fail to receive adequate protection or treatment;

"(3) the problem of child abuse and neglect requires a comprehensive approach that—

"(A) integrates the work of social service, legal, health, mental health, education, and substance abuse agencies and organizations;

"(B) strengthens coordination among all levels of government, and with private agencies, civic, religious, and professional organizations, and individual volunteers;

"(C) emphasizes the need for abuse and neglect prevention, investigation, and treatment at the neighborhood level;

"(D) ensures properly trained and supported staff with specialized knowledge, to carry out their child protection duties; and

"(E) is sensitive to ethnic and cultural diversity;

"(4) the failure to coordinate and comprehensively prevent and treat child abuse and neglect threatens the futures of tens of thousands of children and results in a cost to the Nation of billions of dollars in direct expenditures for health, social, and special educational services and ultimately in the loss of work productivity;

"(5) all elements of American society have a shared responsibility in responding to this national child and family emergency;

"(6) substantial reductions in the prevalence and incidence of child abuse and neglect and the alleviation of its consequences are matters of the highest national priority;

"(7) national policy should strengthen families to remedy the causes of child abuse and neglect, provide support for intensive services to prevent the unnecessary removal of children from families, and promote the reunification of families if removal has taken place;

"(8) the child protection system should be comprehensive, child-centered, family-focused, and community-based, should incorporate all appropriate measures to prevent the occurrence or recurrence of child abuse and neglect, and should promote physical and psychological recovery and social re-integration in an environment that fosters the health, self-respect, and dignity of the child;

"(9) because of the limited resources available in low-income communities, Federal aid for the child protection system should be distributed with due regard to the relative financial need of the communities;

"(10) the Federal government should ensure that every community in the United States has the fiscal, human, and technical resources necessary to develop and implement a successful and comprehensive child protection strategy;

"(11) the Federal government should provide leadership and assist communities in their child protection efforts by—

"(A) promoting coordinated planning among all levels of government;

"(B) generating and sharing knowledge relevant to child protection, including the development of models for service delivery;

"(C) strengthening the capacity of States to assist communities;

"(D) allocating sufficient financial resources to assist States in implementing community plans;

"(E) helping communities to carry out their child protection plans by promoting the competence of professional, paraprofessional, and volunteer resources; and

"(F) providing leadership to end the abuse and neglect of the nation's children and youth.".

(b) CONFORMING AMENDMENT.—The table of contents of the Act is amended by inserting after the item relating to section 1, the following new item:

"Sec. 2. Findings.".

**SEC. 3. ADVISORY BOARD ON CHILD ABUSE AND NEGLECT.**

(a) IN GENERAL.—Section 102 (42 U.S.C. 5102) is amended by adding at the end thereof the following new subsection:

"(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $1,000,000 for fiscal year 1992.".

**Subtitle A—General State Program**

**SEC. 110. GRANT PROGRAM FOR CHILD ABUSE NEGLECT PREVENTION AND TREATMENT.**

Section 107 (42 U.S.C. 5106a) is amended—

(1) by striking out subsection (a) and inserting in lieu thereof the following new subsection:

"(a) DEVELOPMENT AND OPERATION GRANTS.—The Secretary, acting through the Center, shall make grants to the States, based on the population of children under the age of 18 in each State that applies for a grant under this section, for purposes of assisting the States in improving the child protective service system of each such State in—

"(1) the intake and screening of reports of abuse and neglect through the improvement of the receipt of information, decisionmaking, public awareness, and training of staff;

"(2)(A) investigating such reports through improving response time, decisionmaking, referral to services, and training of staff;

"(B) creating and improving the use of multidisciplinary teams and interagency protocols to enhance investigations; and

"(C) improving legal preparation and representation;

"(3) case management and delivery services provided to families through the improvement of response time in service provision, improving the training of staff, and increasing the numbers of families to be served;

"(4) enhancing the general child protective system by improving assessment tools, automation systems that support the program, information referral systems, and the overall training of staff to meet minimum competencies; or

"(5) developing, strengthening, and carrying out child abuse and neglect prevention, treatment, and research programs."; and

(2) by striking out subsection (c) and inserting in lieu thereof the following new subsection:

"(c) STATE PROGRAM PLAN.—To be eligible to receive a grant under this section, a State shall annually submit a plan to the Secretary that specifies the child protective service system area or areas described in subsection (a) that the State intends to address with funds received under the grant. The plan shall describe the current system capacity of the State in the relevant area or areas from which to assess programs with grant funds and specify the manner in which funds from the State's programs will be used to make improvements. The plan required under this subsection shall contain, with respect to each area in which the State intends to use funds from the grant, the following information with respect to the State:

"(1) INTAKE AND SCREENING.—

"(A) STAFFING.—The number of child protective service workers responsible for the intake and screening of reports of abuse and neglect relative to the number of reports filed in the previous year.

"(B) TRAINING.—The types and frequency of pre-service and in-service training programs available to support direct line and supervisory personnel in report-taking, screening, decision-making, and referral for investigation.

"(C) PUBLIC EDUCATION.—An assessment of the State or local agency's public education program with respect to—

"(i) what is child abuse and neglect;

"(ii) who is obligated to report and who may choose to report; and

"(iii) how to report.

"(2) INVESTIGATION OF REPORTS.—

"(A) RESPONSE TIME.—The number of reports of child abuse and neglect filed in the State in the previous year where appropriate, the agency response time to each with respect to initial investigation, the number of substantiated and unsubstantiated reports, and where appropriate, the response time with respect to the provision of services.

"(B) STAFFING.—The number of child protective service workers responsible for the investigation of child abuse and neglect reports relative to the number of reports investigated in the previous year.

"(C) INTERAGENCY COORDINATION.—A description of the extent to which interagency coordination processes exist and are available Statewide, and whether protocols or formal policies governing interagency relationships exist in the following areas—

"(i) multidisciplinary investigation teams among child welfare and law enforcement agencies;

"(ii) interagency coordination for the prevention, intervention and treatment of child abuse and neglect among agencies responsible for child protective services, criminal justice, schools, health, mental health, and substance abuse; and

"(iii) special interagency child fatality review panels, including a listing of those agencies that are involved.

"(D) TRAINING.—The types and frequency of pre-service and in-service training programs available to support direct line and supervisory personnel in such areas as investigation, risk assessment, court preparation, and referral to and provision of services.

"(E) LEGAL REPRESENTATION.—A description of the State agency's current capacity for legal representation, including the manner in which workers are prepared and trained for court preparation and attendance, including procedures for appealing substantiated reports of abuse and neglect.

"(3) CASE MANAGEMENT AND DELIVERY OF ONGOING FAMILY SERVICES.—For children for whom a report of abuse and neglect has been substantiated and the children remain in their own homes and are not currently at risk of removal, the State shall assess the activities and the outcomes of the following services:

"(A) RESPONSE TIME.—The number of cases opened for services as a result of investigation of child abuse and neglect reports filed in the previous year, including the response time with respect to the provision of services from the time of initial report and initial investigation.

"(B) STAFFING.—The number of child protective service workers responsible for providing services to children and their families in their own homes as a result of investigation of reports of child abuse and neglect.

"(C) TRAINING.—The types and frequency of pre-service and in-service training programs available to support direct line and supervisory personnel in such areas as risk assessment, court preparation, provision of services and determination of case disposition, including how such training is evaluated for effectiveness.

"(D) INTERAGENCY COORDINATION.—The extent to which treatment services for the child and other family members are coordinated with child welfare, social service, mental health, education, and other agencies.

"(4) GENERAL SYSTEM ENHANCEMENT.—

"(A) AUTOMATION.—A description of the capacity of current automated systems for tracking reports of child abuse and neglect from intake through final disposition and how personnel are trained in the use of such system.

"(B) ASSESSMENT TOOLS.—A description of whether, how, and what risk assessment tools are used for screening reports of abuse and neglect, determining whether child abuse and neglect has occurred, and assessing the appropriate level of State agency protection and intervention, including the extent to which such tool is used statewide and how workers are trained in its use.

"(C) INFORMATION AND REFERRAL.—A description and assessment of the extent to which a State has in place—

"(i) information and referral systems, including their availability and ability to link families to various child welfare services such as homemakers, intensive family-based services, emergency caretakers, home health visitors, daycare and services outside the child welfare system such as housing, nutrition, health care, special education, income support, and emergency resource assistance; and

"(ii) efforts undertaken to disseminate to the public information concerning the problem of child abuse and neglect and the prevention and treatment programs and services available to combat instances of such abuse and neglect.

"(D) STAFF CAPACITY AND COMPETENCE.—An assessment of basic and specialized training needs of all staff and current training provided staff. Assessment of the competencies of staff with respect to minimum knowledge in areas such as child development, cultural and ethnic diversity, functions and relationship of other systems to child protective services and in specific skills such as interviewing, assessment, and decisionmaking relative to the child and family, and the need for training consistent with such minimum competencies.

"(5) INNOVATIVE APPROACHES.—A description of—

"(A) research and demonstration efforts for developing, strengthening, and carrying out child abuse and neglect prevention, treatment, and research programs, including the interagency efforts at the State level; and

"(B) the manner in which proposed research and development activities build on existing capacity in the programs being addressed.".

**SEC. 111. GRANT PROGRAM FOR INVESTIGATION AND PROSECUTION OF CHILD ABUSE CASES.**

Section 109 (42 U.S.C. 5106c) is amended—

(1) by striking out the section heading and inserting in lieu thereof the following:

**"SEC. 109. GRANTS TO STATES FOR PROGRAMS RELATING TO THE INVESTIGATION AND PROSECUTION OF CHILD ABUSE AND NEGLECT CASES.";**

(2) in subsection (a), by striking out paragraphs (1) and (2), and inserting in lieu thereof the following new paragraphs:

"(1) the handling of child abuse and neglect cases, particularly cases of child sexual abuse and exploitation, in a manner which limits additional trauma to the child victim;

"(2) the handling of cases of suspected child abuse or neglect related fatalities; and

"(3) the investigation and prosecution of cases of child abuse and neglect, particularly child sexual abuse and exploitation.";

(3) in subsection (b)—

(A) by striking out "and 107(e) or receive a waiver under section 107(c)" in paragraph (1);

(B) by striking out "and" at the end of paragraph (3);

(C) by inserting "annually" after "submit" in paragraph (4); and

(D) by striking out the period at the end thereof and inserting the following: "; and

"(5) submit annually to the Secretary a report on the manner in which assistance received under this program was expended throughout the State, with particular attention focused on the areas described in paragraphs (1) through (4) of subsection (a).";

(4) in subsection (c)(1)—

(A) in the matter preceding subparagraph (A)—

(i) by inserting ", and maintain" after "designate"; and

(ii) by striking out "child abuse" and inserting in lieu thereof "child physical abuse, child neglect, child sexual abuse and exploitation, and child maltreatment related fatalities";

(B) by striking out "judicial and legal officers", in subparagraph (B) and inserting in lieu thereof "judges and attorneys involved in both civil and criminal court proceedings related to child abuse and neglect";

(C) by inserting before the semicolon in subparagraph (C), the following: ", including both attorneys for children and, where such programs are in operation, court appointed special advocates";

(D) by striking out subparagraph (E); and

(E) by striking out "handicaps;" in subparagraph (F), and inserting in lieu thereof "disabilities; and"; and

"(G) by striking out subparagraph (G) and redesignating subparagraph (H) as subparagraph (G);

(5) in subsection (d)—

(A) by striking out "the State task force shall" in the matter preceding paragraph (1), and inserting in lieu thereof "and at three year intervals thereafter, the State task force shall comprehensively";

(B) by striking out "judicial" and all that follows in paragraph (1), and inserting in lieu thereof the following: "both civil and criminal judicial handling of cases of child abuse and neglect, particularly child sexual abuse and exploitation, as well as cases involving suspected child maltreatment related fatalities and cases involving a potential combination of jurisdictions, such as interstate, Federal-State, and State-Tribal;";

(C) by inserting "policy and training" before "recommendations" in paragraph (2); and

(6) in subsection (e)(1)—

(A) by striking out "child abuse" and all that follows through "child victim" in subparagraph (A), and inserting in lieu thereof the following: "child abuse and neglect, particularly child sexual abuse and exploitation, as well as cases involving suspected child maltreatment related fatalities and cases involving a potential combination of jurisdictions, such as interstate, Federal-State, and State-Tribal, in a manner which reduces the additional trauma to the child victim and the victim's family";

(B) by striking out "improve the rate" and all that follows through "abuse cases" in subparagraph (B), and inserting in lieu thereof the following: "improve the prompt and successful resolution of civil and criminal court proceedings or enhance the effectiveness of judicial and administrative action in child abuse and neglect cases, particularly child sexual abuse and exploitation cases, including the enhancement of performance of court-appointed attorneys and guardians ad litem for children"; and

(C) in subparagraph (C)—

(i) by inserting ", protocols" after "regulations"; and

(ii) by inserting "and exploitation" after "sexual abuse".

**Subtitle B—Community-Based Prevention Grants**

**SEC. 121. TITLE HEADING AND PURPOSE.**

(a) TITLE HEADING.—The heading for title II (42 U.S.C. 5116 et seq.) is amended to read as follows:

**"TITLE II—COMMUNITY-BASED CHILD ABUSE AND NEGLECT PREVENTION GRANTS".**

(b) PURPOSE.—Section 201 (42 U.S.C. 5116) is amended—

(1) in the section heading to read as follows:

**"SEC. 201. PURPOSES."; and**

(2) by striking out subsections (a) and (b) and inserting in lieu thereof the following:

"It is the purpose of this title, through the provision of community-based child abuse and neglect prevention grants, to assist States in supporting child abuse and neglect prevention activities.".

**SEC. 122. DEFINITIONS.**

Section 202 (42 U.S.C. 5116a) is amended—

(1) in paragraph (1), by striking out "and" at the end thereof; and

(2) in paragraph (2), by striking out the period and inserting in lieu thereof "; and".

**SEC. 123. STATE ELIGIBILITY.**

Section 204 (42 U.S.C. 5116c) is amended—

(1) by striking out "or other funding mechanism"; and

(2) by striking out "which is available only for child" and all that follows through the end thereof, and inserting "which includes (in whole or in part) legislative provisions making funding available only for the broad range of child abuse and neglect prevention activities.".

**SEC. 124. LIMITATIONS.**

Section 205 (42 U.S.C. 5116d) is amended—

(1) by striking out paragraph (1) of subsection (a) and inserting in lieu thereof the following new paragraph:

"(1) ALLOTMENT FORMULA.—

"(A) IN GENERAL.—Amounts appropriated to provide grants under this title shall be allotted among eligible States in each fiscal year so that—

"(i) 50 percent of the total amount appropriated is allotted among each State based on the number of children under the age of 18 in each such State, except that each State shall receive not less than $30,000; and

"(ii) the remaining 50 percent of the total amount appropriated is allotted in an amount equal to 25 percent of the total amount collected by each such State, in the fiscal year prior to the fiscal year for which the allotment is being determined, for the children's trust fund of the State for child abuse and neglect prevention activities.

"(B) USE OF AMOUNTS.—Not less than 50 percent of the amount of a grant made to a State under this title in each fiscal year shall be utilized to support community-based prevention programs as authorized in section 204(a), except that this subparagraph shall not become applicable until amounts appropriated under section 203(b) exceed $10,000,000."; and

(2) in subsection (b)(1)—

(A) by striking out "trust fund advisory board" and all that follows through "section 101" in subparagraph (A) and inserting in lieu thereof "advisory board established under section 102";

(B) by redesignating subparagraphs (B) and (C) as subparagraphs (F) and (G), respectively; and

(C) by inserting after subparagraph (A), the following new subparagraphs:

"(B) demonstrate coordination with other child abuse and neglect prevention activities and agencies at the State and local levels;

"(C) demonstrate the outcome of services and activities funded under this title;

"(D) provide evidence that Federal assistance received under this title has been supplemented with non-Federal public and private assistance (including in-kind contributions) at the local level (Federal assistance expended in support of activities authorized under paragraphs (1), (2), and (3) of section 204 shall be supplemented by State assistance);

"(E) demonstrate the extent to which funds received under this title are used to support community prevention activities in underserved areas, in which case the supplemental support required under subparagraph (D) shall be waived for the first 3 years in which assistance is provided to a grantee described in this subparagraph;".

**Subtitle C—Certain Preventive Services Regarding Children of Homeless Families or Families at Risk of Homelessness**

**SEC. 131. CERTAIN PREVENTIVE SERVICES REGARDING CHILDREN OF HOMELESS FAMILIES OR FAMILIES AT RISK OF HOMELESSNESS.**

Section 302(b) (42 U.S.C. 5118a(b)) is amended—

(1) in paragraph (3), by striking out "and" at the end thereof;

(2) by redesignating paragraph (4) as paragraph (6); and

(3) by inserting after paragraph (3), the following new paragraphs:

"(4) the provision of emergency housing-related assistance necessary to prevent the placement of children in out-of-home care, to facilitate the reunification of children with their families, and to enable the discharge of youths not less than 16 years of age from such area, including assistance in meeting the costs of—

"(A) rent or utility arrears to prevent an eviction or termination of utility services;

"(B) security and utility deposits, first month's rent, and basic furnishings; and

"(C) other housing-related assistance;

"(5) the provision to families, and to youths not less than 16 years of age who are preparing to be discharged from such care, of temporary rent subsidies necessary to prevent the initial or prolonged placement of children in out-of-home care, which subsidies are provided in an amount not exceeding 70 percent of the local fair market rental value and are provided for a period not to exceed 180 days; and".

**Subtitle D—Child Abuse Treatment Improvements Grants**

**SEC. 141. ESTABLISHMENT OF PROGRAM.**

The Act is amended by adding at the end thereof the following new title:

**"TITLE IV—MISCELLANEOUS PROGRAMS**

**"SEC. 401. CHILD ABUSE TREATMENT IMPROVEMENTS GRANT PROGRAM.**

"(a) AUTHORITY.—The Secretary of Health and Human Services (hereafter referred to in this section as the 'Secretary'), acting through the Administration for Children, Youth and Families, may award grants to eligible entities to improve the treatment of children exposed to abuse or neglect and the families of such children, particularly when such children have been placed in out-of-home care.

"(b) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this section, an entity shall—

"(1) be a State or local public or nonprofit private entity;

"(2) be responsible for administering or providing child welfare services (including out-of-home services); and

"(3) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require including the information required under subsection (c).

"(c) CONTENTS OF APPLICATION.—An application submitted by an entity under subsection (b)(4) shall contain—

"(1) a description of the proposed program to be established, implemented or improved using amounts received under a grant, including the specific activities to be undertaken, the agencies that will be involved, the process that has been established for evaluating such activities, and the nature of any innovations proposed;

"(2) evidence of the need that the activity or program, to be conducted using amounts received under the grant, will address;

"(3) assurances that amounts received under the grant will be used to supplement, not supplant, existing funds provided by the State for child welfare purposes;

"(4) assurances that the applicant entity will provide not less than 20 percent of the total amounts needed to pay the costs associated with the program funded under such grant;

"(5) assurances that the applicant entity will provide information to the Secretary concerning the progress and outcome of the program to be funded under such grant;

"(6) a description of the procedures to be used to disseminate the findings derived from the program to be funded under such grant within the State;

"(7) a description of the extent to which multiple agencies will be involved in the design, development, operation, and staffing of the program to be funded under such grant; and

"(8) and other information determined appropriate by the Secretary.

"(d) USE OF FUNDS.—An entity may use amounts provided under a grant awarded under this section to—

"(1)(A) develop models of out-of-home care that are designed to promote the reunification of children with their families, including training and support components for foster parents to enable such parents to assist the birthparents with reunification efforts, except that such efforts must be determined to be in the best interest of the child;

"(B) develop comprehensive service approaches for child out-of-home care and for the families of such children, specifically focused on reunification; and

"(C) establish activities that are designed to promote visitation of parents and children, such as the establishment of neutral settings for structured visits between biological parents and children in care;

"(2) develop activities that are designed to support relatives caring for children who have been abused or neglected or children from families where substance abuse is present;

"(3) enhance the reimbursement and other support provided to foster parents, including relatives, to promote better recruitment and retention of foster parents;

"(4) develop activities and programs designed to—

"(A) promote the healthy physical, social, emotional, and educational development of children in out-of-home care and under child abuse preventive services supervision, including—

"(i) the conduct of comprehensive, multidisciplinary assessments of the physical, social, emotional, and educational development of such children, with particular attention given to the needs and strengths of the families of such children; and

"(ii) the development of services to meet such needs which involve multiple service agencies and alternative support systems within the community;

"(B) provide training for foster parents to address the physical, social, emotional, and educational needs of the children in their care; or

"(C) provide special programs to assist children with academic or developmental problems;

"(5) develop and implement programs that provide mentors, who are adults from the community or who are former foster youths, to youths in out-of-home care, in order to address their special needs, increase self esteem, and provide role models;

"(6) provide incentives that may be necessary to establish and recruit foster family homes for special populations, including children who are medically fragile or have other special physical, mental, and emotional disabilities, adolescent mothers and their children who are in care, and children who have been sexually abused;

"(7) hire staff with specialized knowledge in the areas of substance abuse, child development, education, health care, and adolescents, to provide support and act as a resource for caseworkers working with children and families with special needs in these areas; and

"(8) conduct other activities as the Secretary determines appropriate.

"(e) CONSIDERATIONS IN AWARDING GRANTS.—In awarding grants under this section the Secretary shall consider—

"(1) the geographic dispersion of the applicants for such grants;

"(2) the likelihood that the proposed service approach of the applicant would be transferable to other sites; and

"(3) the need for variety in the problems to be addressed by the applicants and in the models used to address similar problems.

"(f) ADMINISTRATION.—In administering the grant program established under this section the Administration for Children, Youth and Families shall—

"(1) require grantees to submit annual reports concerning the projects funded under such grants and a final report assessing the outcome of such projects;

"(2) arrange for the dissemination of project results through such means as the child welfare resource centers and the National Clearinghouse on Child Abuse and Neglect; and

"(3) provide for the evaluation of projects funded under this section.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $30,000,000 for fiscal year 1992, and such sums as may be necessary in each of the fiscal years 1993 and 1994.".

**SEC. 142. TECHNICAL AMENDMENT.**

The Act is amended in the table of contents in section 1(b) by adding at the end thereof the following new items:

"TITLE IV—MISCELLANEOUS PROGRAMS

"Sec. 401. Child abuse treatment improvements grant program.".

### Subtitle E—Reauthorization of Certain Programs

**SEC. 151. EMERGENCY GRANT PROGRAM.**

Section 107A(e) (42 U.S.C. 5106a-1(e)) is amended by striking out "and such sums" and all that follows through the end thereof and inserting "such sums as may be necessary for fiscal year 1991, $40,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993 and 1994.".

**SEC. 152. GENERAL GRANT PROGRAMS.**

Subsection (a) of section 114 (42 U.S.C. 5106h(a)) is amended to read as follows:

"(a) IN GENERAL.—There are authorized to be appropriated to carry out this title, except for section 107A, $150,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993 and 1994. Of amounts appropriated under this section in any fiscal year—

"(1) 33⅓ percent of such amounts shall be made available in each such fiscal year for activities under sections 104, 105 and 106; and

"(2) 66⅔ percent of such amounts shall be made available in each such fiscal year for activities under sections 107 and 108.

A State may spend the entire amount provided to such State under this title in a fiscal year for the purposes described in subsection (a)(5) of section 107, except that subsequent to the date on which the amount appropriated and available under paragraph (2) exceeds $40,000,000, such State shall not spend in excess of 15 percent of such amounts for the purposes described in subsection (a)(5) of section 107.".

**SEC. 153. COMMUNITY-BASED PREVENTION GRANTS.**

Section 203 (42 U.S.C. 5116b) is amended—

(1) by striking out subsection (b);

(2) by redesignating subsection (c) as subsection (b); and

(3) in subsection (b) (as so redesignated), by striking out "such sums" and all that follows through the period and inserting in lieu thereof "$50,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993 and 1994.".

**SEC. 154. PREVENTIVE SERVICES FOR CHILDREN OF HOMELESS FAMILIES OR FAMILIES AT RISK OF HOMELESSNESS.**

Section 306(a) (42 U.S.C. 5118e(a)) is amended by inserting ", and such sums as may be necessary in each of the fiscal years 1993 and 1994" before the period.

### Subtitle F—Miscellaneous Provisions

**SEC. 161. REPORT CONCERNING VOLUNTARY REPORTING SYSTEM.**

Not later than April 30, 1992, and annually thereafter, the Secretary of Health and Human Services, acting through the Director of the National Center on Child Abuse and Neglect, shall prepare and submit to the appropriate committees of Congress a report concerning the measures being taken to assist States in implementing a voluntary reporting system for child abuse and neglect. Such reports shall contain information concerning the extent to which the child abuse and neglect reporting systems developed by the States are coordinated with the automated foster care and adoption reporting system required under section 479 of the Social Security Act.

## TITLE II—CHILDREN WITH DISABILITIES TEMPORARY CARE

**SEC. 201. SHORT TITLE.**

This title may be cited as the "Children With Disabilities Temporary Care Reauthorization Act of 1991".

**SEC. 202. AUTHORIZATION OF APPROPRIATIONS.**

Section 206 of the Temporary Child Care for Handicapped Children and Crisis Nurseries Act of 1986 (42 U.S.C. 5117) is amended in the first sentence, by inserting before the period the following: ", and $20,000,000 for each of the fiscal years 1992 through 1994".

**SEC. 203. TECHNICAL AMENDMENT.**

Section 205(a)(1)(A)(vi) of the Temporary Child Care for Handicapped Children and Crisis Nurseries Act of 1986 (42 U.S.C. 5117c(a)(1)(A)(vi)) is amended by striking out "(vi)" and inserting in lieu thereof "(v)".

**SEC. 204. EFFECTIVE DATE.**

The amendments made by this title shall take effect October 1, 1991, or on the date of the enactment of this Act, whichever occurs later.

## TITLE III—REAUTHORIZATION OF PROGRAMS WITH RESPECT TO FAMILY VIOLENCE

**SEC. 301. REFERENCES.**

Except as otherwise provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Family Vio-

lence Prevention and Services Act (42 U.S.C. 10401 et seq.).

**SEC. 302. EXPANSION OF PURPOSE.**

Section 302 (42 U.S.C. 10401) is amended—

(1) in paragraph (1)—

(A) by striking out "demonstration the effectiveness of assisting" and inserting in lieu thereof "assist"; and

(B) by striking out "to prevent" and inserting in lieu thereof "to increase public awareness about and prevent"; and

(2) in paragraph (2), by inserting ", courts, legal, social service, and health care professionals" after "(including law enforcement agencies".

**SEC. 303. EXPANSION OF STATE GRANT PROGRAM.**

Section 303(a) (42 U.S.C. 10402(a)) is amended—

(1) in paragraph (1), by striking out "demonstration grants" and inserting in lieu thereof "grants"; and

(2) in paragraph (2)—

(A) by striking out "demonstration grant" in the matter preceding subparagraph (A), and inserting in lieu thereof "grant";

(B) by striking out "demonstration grant" in subparagraph (A), and inserting in lieu thereof "grant"; and

(C) by striking out "particularly those projects" in subparagraph (B)(ii) and all that follows through the end thereof, and inserting in lieu thereof the following: "the primary purpose of which is to operate shelters for victims of family violence and their dependents, and those which provide counseling, advocacy, and self-help services to victims and their children.".

**SEC. 304. INVOLVEMENT IN PLANNING.**

Section 303(a)(2)(C) (42 U.S.C. 10402(a)(2)(C)) is amended by inserting "State domestic violence coalitions" after "involve".

**SEC. 305. CONFIDENTIALITY ASSURANCES.**

Section 303(a)(2)(E) (42 U.S.C. 10402(a)(2)(E)) is amended by striking out "assurances that procedures will be developed" and inserting in lieu thereof "documentation that procedures have been developed, and implemented including copies of the policies and procedure,".

**SEC. 306. PROCEDURE FOR EVICTING VIOLENT SPOUSES.**

Section 303(a)(2)(F) (42 U.S.C. 10402(a)(2)(F)) is amended to read as follows:

"(F) provide documentation to the Secretary that the State has a law or procedure that has been implemented for the eviction of an abusing spouse from a share household;".

**SEC. 307. PENALTIES FOR NONCOMPLIANCE.**

Section 303(a)(3) (42 U.S.C. 10402(c)) is amended—

(1) by inserting "a 6-month period providing an" before "opportunity"; and

(2) by adding at the end thereof the following new sentences: "The Secretary shall provide such notice within 45 days of the date of the application if any of the provisions of subsection (a)(2) have not been satisfied in such application. If the State has not corrected the deficiencies in such application within the 6-month period following the receipt of the Secretary's notice of intention to disapprove, the Secretary shall withhold payment of any grant funds to such State until the date that is 30 days prior to the end of the fiscal year for which such grant funds are appropriated or until such time as the State provides documentation that the deficiencies have been corrected, whichever occurs first. State Domestic Violence Coalitions shall be permitted to challenge a determination as to whether a grantee is in compliance with, or to seek the enforcement of, the eligibility requirements of subsection (a)(2), except that no funds made available to State Domestic Violation Coalitions under section 311 shall be used to challenge a determination as to whether a grantee is in compliance with, or to seek the enforcement of, the eligibility requirements of subsection (a)(2).".

**SEC. 308. GRANTS TO INDIAN TRIBES.**

Section 303(b) (42 U.S.C. 10402(b)) is amended—

(1) in paragraph (1)—

(A) by striking out "is authorized to make demonstration grants" and inserting in lieu thereof ", from amounts appropriated to carry out this section, shall make available not less than 10 percent of such amounts to make grants";

(B) by striking out "and tribal" and inserting in lieu thereof ", tribal"; and

(C) by inserting "and nonprofit private organizations approved by an Indian Tribe for the operation of a family violence shelter on a Reservation", after "tribal organizations"; and

(2) in paragraph (2)—

(A) by striking out "demonstration grant" and inserting in lieu thereof "grant";

(B) by striking out "and (E)" and inserting in lieu thereof "(E) and (F)"; and

(C) by adding at the end thereof the following new sentence: "No entity eligible to submit an application under paragraph (1) shall be prohibited from making an application during any fiscal year for which funds are available because such entity has not previously applied or received funding under this section.".

**SEC. 309. MAXIMUM CEILING.**

Subsection (c) of section 303 (42 U.S.C. 10402(c)) is repealed, and subsections (d) through (g) are redesignated as subsections (c) through (f), respectively.

**SEC. 310. GRANTS TO ENTITIES OTHER THAN STATES; LOCAL SHARE.**

The section 303(e) (42 U.S.C. 10402(f)) (as so redesignated by section 309) is amended—

(1) in the first sentence—

(A) by striking out "demonstration grant" and inserting in lieu thereof "grant";

(B) by inserting "or an Indian Tribe" after "State";

(C) by striking out "35 percent" and inserting in lieu thereof "20 percent";

(D) by striking out "55 percent" and inserting in lieu thereof "35 percent";

(E) by striking out "65 percent in the third such year" and inserting in lieu thereof "and, for any year thereafter"; and

(2) in the second sentence, by striking out "50 percent" and inserting in lieu thereof "25 percent".

**SEC. 311. SHELTER AND RELATED ASSISTANCE.**

(a) SHELTER.—Section 303(f) (42 U.S.C. 10402(g)) (as so redesignated by section 309) is amended—

(1) by striking out "60 percent" and inserting in lieu thereof "70 percent"; and

(2) by inserting before the period the following "as defined in section 309(4). Not less than 15 percent of the funds distributed under subsection (a) or (b) shall be distributed for the purpose of providing related assistance as defined under section 309(5)(A), and not more than 10 percent for the purpose of providing family violence prevention services as defined under section 309(5)(B)".

(b) DEFINITION.—Paragraph (5) of section 309 (42 U.S.C. 10408(5)) is amended to read as follows:

"(5) The term 'related assistance' means the provision of direct assistance to victims of family violence and their dependents for the purpose of preventing further violence, helping such victims to gain access to civil and criminal courts and other community services, facilitating the efforts of such victims to make decisions concerning their lives in the interest of safety, and assisting such victims in healing from the effects of the violence. Related assistance—

"(A) shall include—

"(i) counseling with respect to family violence, counseling by peers individually or in groups, and referral to community social services;

"(ii) transportation, technical assistance with respect to obtaining financial assistance under Federal and State programs, and referrals for appropriate health-care services (including alcohol and drug abuse treatment), but shall not include reimbursement for any health-care services;

"(iii) legal advocacy to provide victims with information and assistance through the civil and criminal courts, and legal assistance; or

"(iv) children's counseling and support services, and child care services for children who are victims of family violence or the dependents of such victims; and

"(B) may include prevention services such as outreach and prevention services for victims and their children, employment training, parenting and other educational services for victims and their children, preventive health services within domestic violence programs (including nutrition, disease prevention, exercise, and prevention of substance abuse), domestic violence prevention programs for school age children, family violence public awareness campaigns, and violence prevention counseling services to abusers.".

**SEC. 312. ALLOTMENT OF FUNDS.**

Section 304(a)(1) (42 U.S.C. 10403(a)(1)) is amended—

(1) by striking out "whichever is the greater of the following amounts: one-half of"; and

(2) by striking out "$50,000" and inserting in lieu thereof "$200,000, whichever is the lessor amount".

**SEC. 313. SECRETARIAL RESPONSIBILITIES.**

Section 305(b)(2)(A) (42 U.S.C. 10404(b)(2)(A)) is amended—

(1) by striking out "into the causes of family violence";

(2) by inserting "most effective" before "prevention";

(3) by striking out "and (ii)" and inserting in lieu thereof "(ii)"; and

(4) by inserting before "and (B)" the following: "(iii) the effectiveness of providing safety and support to maternal and child victims of family violence as a way to eliminate the abuse experienced by children in such situations, (iv) identification of intervention approaches to child abuse prevention services which appear to be successful in preventing child abuse where both mother and child are abused, (v) effective and appropriate treatment services for children where both mother and child are abused, and (vi) the individual and situational factors leading to the end of violent and abusive behavior by persons who commit acts of family violence, including such factors as history of previous violence and the legal and service interventions received,".

**SEC. 314. EVALUATION AND REPORT TO CONGRESS.**

Section 306 (42 U.S.C. 10405) is amended—

(1) by inserting "and every two years thereafter," after "the first time after the date of the enactment of this title,";

(2) by striking out "assurances" and inserting in lieu thereof "documentation"; and

(3) by striking out "303(a)(2)(F)" and inserting in lieu "303(a)(2)(B) through 303(a)(2)(F)".

**SEC. 315. FUNDING FOR TECHNICAL ASSISTANCE CENTERS.**

Section 308 (42 U.S.C. 10407) is amended to read as follows:

**"SEC. 308. INFORMATION AND TECHNICAL ASSISTANCE CENTERS.**

"(a) PURPOSE AND GRANTS.—

"(1) PURPOSE.—It is the purpose of this section to provide resource information, training, and technical assistance to Federal, State, and Indian tribal agencies, as well as to local domestic violence programs and to other professionals who provide services to victims of domestic violence.

"(2) GRANTS.—From the amounts appropriated under this title, the Secretary shall award grants to private nonprofit organizations for the establishment and maintenance of one national resource center (as provided for in subsection (b)) and not to exceed six special issue resource centers (as provided for in subsection (c)) focusing on one or more issues of concern to domestic violence victims.

"(b) NATIONAL RESOURCE CENTER.—The national resource center established under subsection (a)(2) shall offer resource, policy and training assistance to Federal, State, and local government agencies, to domestic violence service providers, and to other professionals and interested parties on issues pertaining to domestic violence, and shall maintain a central resource library in order to collect, prepare, analyze, and disseminate information and statistics and analyses thereof relating to the incidence and prevention of family violence (particularly the prevention of repeated incidents of violence) and the provision of immediate shelter and related assistance.

"(c) SPECIAL ISSUE RESOURCE CENTERS.—The special issue resource centers established under subsection (a)(2) shall provide information, training and technical assistance to State and local domestic violence service providers, and shall specialize in at least one of the following areas of domestic violence service, prevention, or law:

"(1) Criminal justice response to domestic violence, including court-mandated abuser treatment.

"(2) Improving the response of Child Protective Service agencies to battered mothers of abused children.

"(3) Child custody issues in domestic violence cases.

"(4) The use of the self-defense plea by domestic violence victims.

"(5) Improving interdisciplinary health care responses and access to health care resources for victims of domestic violence.

"(6) Improving access to and the quality of legal representation for victims of domestic violence in civil litigation.

"(d) ELIGIBILITY.—To be eligible to receive a grant under this section an entity shall be a private nonprofit organization that—

"(1) focuses primarily on domestic violence;

"(2) provides documentation to the Secretary demonstrating experience working directly on issues of domestic violence, particularly in the specific subject area for which it is applying;

"(3) include on its advisory boards representatives from domestic violence programs in the region who are geographically and culturally diverse; and

"(4) demonstrate the strong support of domestic violence advocates from across the country and the region for their designation as the national or a special issue resource center.

"(e) REPORTING.—Not later than 6 months after receiving a grant under this section, a grantee shall prepare and submit a report to the Secretary that evaluates the effectiveness of the use of amounts received under such grant by such grantee and containing such additional information as the Secretary may prescribe.

"(f) REGULATIONS.—Not later than 90 days after the date of enactment of this section, the Secretary shall publish proposed regulations implementing this section. Not later than 120 days after such date of enactment, the Secretary shall publish final regulations.

"(g) FUNDING.—From the amounts appropriated under section 310, not in excess of 5 percent of such amount for each fiscal year shall be used for the purpose of making grants under this section.".

**SEC. 316. AUTHORIZATION OF APPROPRIATIONS.**

Section 310 (42 U.S.C. 10409) is amended to read as follows:

**"SEC. 310. AUTHORIZATION OF APPROPRIATIONS.**

"(a) IN GENERAL.—There are authorized to be appropriated to carry out the provisions of sections 303 through 309 and section 313, $85,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993 and 1994.

"(b) SECTION 303 (a) AND (b).—Of the amounts appropriated under subsection (a) for each fiscal year, not less than 80 percent shall be used for making grants under subsection 303(a), and not less than 10 percent shall be used for the purpose of carrying out section 303(b).

"(c) SECTION 308.—Of the amounts appropriated under subsection (a) for each fiscal year, not less than 5 percent shall be used by the Secretary for making grants under section 308.".

**SEC. 317. LAW ENFORCEMENT TRAINING AND TECHNICAL ASSISTANCE GRANTS AND CONTRACTS AND GRANTS FOR STATE DOMESTIC VIOLENCE COALITIONS.**

Section 311 (42 U.S.C. 10410) is amended to read as follows:

**"SEC. 311. GRANTS FOR STATE DOMESTIC VIOLENCE COALITIONS.**

"(a) IN GENERAL.—The Secretary shall award grants for the funding of State domestic violence coalitions. Such coalitions shall further the purposes of domestic violence intervention and prevention through activities, including—

"(1) working with judicial and law enforcement agencies to encourage appropriate responses to domestic violence cases and examine issues including—

"(A) the inappropriateness of mutual protection orders;

"(B) the prohibition of mediation when domestic violence is involved;

"(C) the use of mandatory arrests of accused offenders;

"(D) the discouragement of dual arrests;

"(E) the adoption of aggressive and vertical prosecution policies and procedures;

"(F) the use of mandatory requirements for presentence investigations;

"(G) the length of time taken to prosecute cases or reach plea agreements;

"(H) the use of plea agreements;

"(I) the consistency of sentencing, including comparisons of domestic violence crimes with other violent crimes;

"(K) the restitution of victims;

"(L) the use of training and technical assistance to law enforcement and court officials and other professionals;

"(M) the reporting practices of, and significance to be accorded to, prior convictions (both felony and misdemeanor) and protection orders;

"(N) the use of interstate extradition in cases of domestic violence crimes;

"(O) the use of statewide and regional planning; and

"(P) any other matters as the Secretary and the State domestic violence coalitions believe merit investigations;

"(2) work with family law judges, Child Protective Services agencies, and children's advocates to develop appropriate responses to child custody and visitation issues in domestic violence cases as well as cases where domestic violence and child abuse are both present, including—

"(A) the inappropriateness of mutual protection orders;

"(B) the prohibition of mediation where domestic violence is involved;

"(C) the inappropriate use of marital or conjoint counseling in domestic violence cases;

"(D) the use of training and technical assistance for family law judges and court personnel;

"(E) the presumption of custody to domestic violence victims;

"(F) the use of comprehensive protection orders to grant fullest protections possible to victims of domestic violence, including temporary support and maintenance;

"(G) the development by Child Protective Service of supportive responses that enable victims to protect their children;

"(H) the implementation of supervised visitations that do not endanger victims and their children; and

"(I) the possibility of permitting domestic violence victims to remove children from the State when the safety of the children or the victim is at risk;

"(3) conduct public education campaigns regarding domestic violence through the use of public service announcements and informative materials that are designed for print media, billboards, public transit advertising, electronic broadcast media, and other vehicles for information that shall inform the public concerning domestic violence; and

"(4) participate in planning and monitoring of the distribution of grants and grant funds to their State under section 303(a).

"(b) ELIGIBILITY.—To be eligible for a grant under this section an entity shall be a statewide nonprofit State domestic violence coalition whose—

"(1) membership includes representatives from a majority of the programs for victims of domestic violence in the State;

"(2) board membership is representative of such programs; and

"(3) purpose is to provide services, community education, and technical assistance to such programs to establish and maintain shelter and related services for victims of domestic violence and their children.

"(c) ALLOTMENT OF FUNDS.—From amounts appropriated under this section for each fiscal year, the Secretary shall allot to each State, the District of Columbia, the Commonwealth of Puerto Rico, and the combined U.S. Territories an amount equal to 1/53 of the amount appropriated for such fiscal year. For purposes of this section, the term 'combined U.S. Territories' means Guam, American Samoa, the U.S. Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands and shall not receive less than 1.5 percent of the funds appropriated for each fiscal year.

"(d) PROHIBITION ON LOBBYING.—No funds made available to entities under this section

shall be used, directly or indirectly, to influence the issuance, amendment, or revocation of any executive order or similar promulgation by any Federal, State or local agency, or to undertake to influence the passage or defeat of any legislation by Congress, or by any State or local legislative body, or State proposals by initiative petition, except that the representatives of the entity may testify or make other appropriate communication—

"(1) when formally requested to do so by a legislative body, a committee, or a member thereof; or

"(2) in connection with legislation or appropriations directly affecting the activities of the entity.

"(e) REPORTING.—Each State domestic violence coalition receiving amounts under this section shall submit a report to the Secretary describing the coordination, training and technical assistance and public education services performed with such amounts and evaluating the effectiveness of those services.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $15,000,000 for each fiscal year to be used to award grants under this section.

"(g) REGULATIONS.—Not later than 90 days after the date of enactment of this section, the Secretary shall publish proposed regulations implementing this section. Not later than 120 days after such date of enactment, the Secretary shall publish final regulations implementing this section.".

**SEC. 318. REGULATIONS.**

Section 312(a) (42 U.S.C. 10409(a)) is amended by adding at the end thereof the following new sentence:

"Not later than 90 days after the date of enactment of this sentence, the Secretary shall publish proposed regulations implementing sections 303, 308, and 314. Not later than 120 days after such date of enactment, the Secretary shall publish final regulations implementing such sections.".

**SEC. 319. FAMILY MEMBER ABUSE INFORMATION AND DOCUMENTATION.**

Section 313(1) (42 U.S.C. 10409(1)) is amended by striking out "characteristics relating to family violence" and inserting in lieu thereof "develop data on the number of victims of family violence and their dependents who are homeless or institutionalized as a result of the violence and abuse they have experienced".

**SEC. 320. GRANTS FOR PUBLIC INFORMATION CAMPAIGNS.**

The Act is amended by adding at the end thereof the following new section:

**"SEC. 314. GRANTS FOR PUBLIC INFORMATION CAMPAIGNS.**

"(a) IN GENERAL.—The Secretary may make grants to public or private nonprofit entities to provide public information campaigns regarding domestic violence through the use of public service announcements and informative materials that are designed for print media, billboards, public transit advertising, electronic broadcast media, and other vehicles for information that shall inform the public concerning domestic violence.

"(b) APPLICATION.—No grant, contract, or cooperative agreement shall be made or entered into under this section unless an application that meets the requirements of subsection (c) has been approved by the Secretary.

"(c) REQUIREMENTS.—An application submitted under subsection (b) shall—

"(1) provide such agreements, assurances, and information, be in such form and be submitted in such manner as the Secretary shall prescribe through notice in the Federal Register, including a description of how the proposed public information campaign will target the population at risk, including pregnant women;

"(2) include a complete description of the plan of the application for the development of a public information campaign;

"(3) identify the specific audiences that will be educated, including communities and groups with the highest prevalence of domestic violence;

"(4) identify the media to be used in the campaign and the geographic distribution of the campaign;

"(5) describe plans to test market a development plan with a relevant population group and in a relevant geographic area and give assurance that effectiveness criteria will be implemented prior to the completion of the final plan that will include an evaluation component to measure the overall effectiveness of the campaign;

"(6) describe the kind, amount, distribution, and timing of informational messages and such other information as the Secretary may require, with assurances that media organizations and other groups with which such messages are placed will not lower the current frequency of public service announcements; and

"(7) contain such other information as the Secretary may require.

"(d) USE.—A grant, contract, or agreement made or entered into under this section shall be used for the development of a public information campaign that may include public service announcements, paid educational messages for print media, public transit advertising, electronic broadcast media, and any other mode of conveying information that the Secretary determines to be appropriate.

"(e) CRITERIA.—The criteria for awarding grants shall ensure that an applicant—

"(1) will conduct activities that educate communities and groups at greatest risk;

"(2) has a record of high quality campaigns of a comparable type; and

"(3) has a record of high quality campaigns that educate the population groups identified as most at risk.".

**SEC. 321. MODEL STATE LEADERSHIP INCENTIVE GRANTS FOR DOMESTIC VIOLENCE INTERVENTION.**

The Act (as amended by section 320) is further amended by adding at the end thereof the following new section:

**"SEC. 315. MODEL STATE LEADERSHIP GRANTS FOR DOMESTIC VIOLENCE INTERVENTION.**

"(a) IN GENERAL.—The Secretary, in cooperation with the Attorney General, shall award grants to not less than 10 States to assist such States in becoming model demonstration States and in meeting the costs of improving State leadership concerning activities that will—

"(1) increase the number of prosecutions for domestic violence crimes;

"(2) encourage the reporting of incidences of domestic violence; and

"(3) facilitate 'arrests and aggressive' prosecution policies.

"(b) DESIGNATION AS MODEL STATE.—To be designated as a model State under subsection (a), a State shall have in effect—

"(1) a law that requires mandatory arrest of a person that police have probable cause to believe has committed an act of domestic violence or probable cause to believe has violated an outstanding civil protection order;

"(2) a law or policy that discourages 'dual' arrests;

"(3) statewide prosecution policies that—

"(A) authorize and encourage prosecutors to pursue cases where a criminal case can be proved, including proceeding without the active involvement of the victim if necessary; and

"(B) implement model projects that include either—

"(i) a 'no-drop' prosecution policy; or

"(ii) a vertical prosecution policy; and

"(C) limit diversion to extraordinary cases, and then only after an admission before a judicial officer has been entered;

"(4) statewide guidelines for judges that—

"(A) reduce the automatic issuance of mutual restraining or protective orders in cases where only one spouse has sought a restraining or protective order;

"(B) discourage custody or joint custody orders by spouse abusers; and

"(C) encourage the understanding of domestic violence as a serious criminal offense and not a trivial dispute;

"(5) develop and disseminate methods to improve the criminal justice system's response to domestic violence to make existing remedies as easily available as possible to victims of domestic violence, including reducing delay, eliminating court fees, and providing easily understandable court forms.

"(c) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—In addition to the funds authorized to be appropriated under section 310, there are authorized to be appropriated to make grants under this section $25,000,000 for fiscal year 1992 and such sums as may be necessary for each of the fiscal years 1993 and 1994.

"(2) LIMITATION.—Funds shall be distributed under this section so that no State shall receive more than $2,500,000 in each fiscal year under this section.

"(3) DELEGATION AND TRANSFER.—The Secretary shall delegate to the Attorney General the Secretary's responsibilities for carrying out this section and shall transfer to the Attorney General the funds appropriated under this section for the purpose of making grants under this section.".

**SEC. 322. EDUCATING YOUTH ABOUT DOMESTIC VIOLENCE.**

(a) GENERAL PURPOSE.—For purposes of this section, the Secretary of Education, hereinafter referred to as the "Secretary" shall develop model programs for education of young people about domestic violence and violence among intimate partners.

(b) NATURE OF PROGRAM.—The Secretary, in consultation with the Secretary of Health and Human Services, shall through grants or contracts develop three separate programs, one each for primary and middle schools, secondary schools, and institutions of higher education. Such model programs shall be developed with the input of educational experts, law enforcement personnel, legal and psychological experts on battering, and victim advocate organizations such as battered women's shelters. The participation of each such group or individual consultants from such groups is essential to the development of a program that meets both the needs of educational institutions and the needs of the domestic violence problem.

(c) REVIEW AND DISSEMINATION.—Not later than 9 months after the date of enactment of this Act, the Secretary shall transmit the model programs, along with a plan and cost estimate for nationwide distribution, to the relevant committees of Congress for review.

(d) AUTHORIZATION.—There are authorized to be appropriated under this section for fiscal year 1992, $200,000 to carry out the purposes of this section.

**TITLE IV—REAUTHORIZATION OF PROGRAMS WITH RESPECT TO ADOPTION**

**SEC. 401. FINDINGS AND PURPOSE.**

Section 201 of the Child Abuse Prevention and Treatment Act of 1978 (42 U.S.C. 5111) is amended to read as follows:

**"SEC. 201. CONGRESSIONAL FINDINGS AND DECLARATION OF PURPOSE.**

"(a) FINDINGS.—Congress finds that—

"(1) the number of children in substitute care increased by nearly 50 percent between 1985 and 1990, as our Nations's foster care population included more than 400,000 children at the end of June, 1990;

"(2) increasingly children entering foster care have complex problems which require intensive services;

"(3) an increasing number of infants are born to mothers who did not receive prenatal care, are born addicted to alcohol and other drugs, and exposed to infection with the etiologic agent for the human immunodeficiency virus, are medically fragile, and technology dependent;

"(4) the welfare of thousands of children in institutions and foster homes and disabled infants with life-threatening conditions may be in serious jeopardy and some such children are in need of placement in permanent, adoptive homes;

"(5) many thousands of children remain in institutions or foster homes solely because of local and other barriers to their placement in permanent, adoptive homes;

"(6) the majority of such children are of school age, members of sibling groups or disabled;

"(7) currently one-half of children free for adoption and awaiting placement are minorities;

"(8) adoption may be the best alternative for assuring the healthy development of such children;

"(9) there are qualified persons seeking to adopt such children who are unable to do so because of barriers to their placement; and,

"(10) in order both to enhance the stability and love of the child's home environment and to avoid wasteful expenditures of public funds, such children should not have medically indicated treatment withheld from them nor be maintained in foster care or institutions when adoption is appropriate and families can be found for such children.

"(b) PURPOSE.—It is the purpose of this title to facilitate the elimination of barriers to adoption and to provide permanent and loving home environments for children who would benefit from adoption, particularly children with special needs, including disabled infants with life-threatening conditions, by—

"(1) promoting model adoption legislation and procedures in the States and territories of the United States in order to eliminate jurisdictional and legal obstacles to adoption; and

"(2) providing a mechanism for the Department of Health and Human Services to—

"(A) promote quality standards for adoption services, pre-placement, post-placement, and post-legal adoption counseling, and standards to protect the rights of children in need of adoption;

"(B) maintain a national adoption information exchange system to bring together children who would benefit from adoption and qualified prospective adoptive parents who are seeking such children, and conduct national recruitment efforts in order to reach prospective parents for children awaiting adoption;

"(C) maintain a National Resource Center for Special Needs Adoption to—

"(i) promote professional leadership development of minorities in the adoption field;

"(ii) provide training and technical assistance to service providers and State agencies to improve professional competency in the field of adoption and the adoption of children with special needs; and

"(iii) facilitate the development of interdisciplinary approaches to meet the needs of children who are waiting for adoption and the needs of adoptive families; and

"(D) demonstrate expeditious ways to free children for adoption for whom it has been determined that adoption is the appropriate plan.".

**SEC. 402. MODEL ADOPTION LEGISLATION AND PROCEDURES.**

Section 202 of the Child Abuse Prevention and Treatment Act of 1978 (42 U.S.C. 5112) is repealed.

**SEC. 403. INFORMATION AND SERVICE FUNCTIONS.**

Section 203 of the Child Abuse Prevention and Treatment Act of 1978 (42 U.S.C. 5113) is amended—

(1) in subsection (a)—

(A) by inserting ", on-site technical assistance" after "consultant services" in the second sentence;

(B) by inserting "including salaries and travel costs," after "administrative expenses," in the second sentence; and

(C) by adding at the end thereof the following new sentence: "The Secretary shall, not later than 12 months after the date of enactment of this sentence, prepare and submit to the committees of Congress having jurisdiction over such services reports, as appropriate, containing appropriate data concerning the manner in which activities were carried out under this title, and such reports shall be made available to the public."; and

(2) in subsection (b)—

(A) by striking out paragraph (1) and redesignating paragraph (2) as paragraph (1);

(B) by inserting after paragraph (1) (as so redesignated) the following new paragraph:

"(2) conduct, directly or by grant or contract with public or private nonprofit organizations, ongoing, extensive recruitment efforts on a national level, develop national public awareness efforts to unite children in need of adoption with appropriate adoptive parents, and establish a coordinated referral system of recruited families with appropriate State or regional adoption resources to ensure that families are served in a timely fashion;";

(C) by striking out "and (B)" in paragraph (3) and inserting in lieu thereof "(B) the operation of a national resource center for special needs adoption; and (C)"; and

(D) by inserting ", and to promote professional leadership training of minorities in the adoption field" before the semicolon in paragraph (4).

**SEC. 404. AUTHORIZATION OF APPROPRIATIONS.**

Section 205 of the Child Abuse Prevention and Treatment Act of 1978 (42 U.S.C. 5115) is amended—

(1) by striking out subsection (a) and inserting in lieu thereof the following new subsection:

"(a) There are authorized to be appropriated, $10,000,000 for each of the fiscal years 1992 through 1994, to carry out programs and activities under this Act except for programs and activities authorized under sections 203(b)(8) and 203(c)(1).."; and

(2) in subsection (b), by striking out "$3,000,000", the first place that such appears, and all that follows through the end thereof, and inserting in lieu thereof the following: "$10,000,000 for each of the fiscal years 1992 through 1994, to carry out section 203(b)(8), and there are authorized to be appropriated $10,000,000 for each of the fiscal years 1992 through 1994, to carry out section 203(c)(1).".

MOTION OFFERED BY MR. PASTOR

Mr. PASTOR. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. PASTOR moves to strike all after the enacting clause of the Senate bill, S. 838, and to insert in lieu thereof the provisions of H.R. 4712, as passed by the House.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 4712) was laid on the table.

## AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 4712, CHILD ABUSE, DOMESTIC VIOLENCE, ADOPTION, AND FAMILY SERVICES ACT OF 1992

Mr. PASTOR. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 4712, the Clerk be authorized to make corrections in section numbers, punctuation, and cross-references, and to make such other technical and conforming changes as may be necessary to reflect the action of the House in amending the Senate bill, S. 838.

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

There was no objection.

## SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. McCathran, one of his secretaries.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Debate has been concluded on all motions to suspend the rules.

Pursuant to clause 5, rule I, the Chair will now put the question on the motion on which further proceedings were postponed today.

## HISTORIC SITES SELECTION REFORM ACT OF 1992

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 4276.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 4276, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 381, nays 0, not voting 53, as follows:

[Roll No. 72]

YEAS—381

| | | |
|---|---|---|
| Abercrombie | Doolittle | Kennedy |
| Allard | Dorgan (ND) | Kennelly |
| Allen | Downey | Kildee |
| Anderson | Dreier | Kleczka |
| Andrews (ME) | Duncan | Klug |
| Andrews (NJ) | Durbin | Kolbe |
| Andrews (TX) | Dwyer | Kolter |
| Annunzio | Early | Kopetski |
| Anthony | Eckart | Kostmayer |
| Applegate | Edwards (CA) | Kyl |
| Archer | Edwards (TX) | LaFalce |
| Armey | Emerson | Lagomarsino |
| Aspin | Engel | Lancaster |
| Atkins | English | LaRocco |
| AuCoin | Erdreich | Laughlin |
| Bacchus | Espy | Leach |
| Baker | Evans | Lehman (CA) |
| Ballenger | Ewing | Lehman (FL) |
| Barnard | Fascell | Lent |
| Barrett | Fawell | Levin (MI) |
| Barton | Fazio | Lewis (CA) |
| Bateman | Fields | Lewis (FL) |
| Beilenson | Fish | Lewis (GA) |
| Bennett | Ford (MI) | Lightfoot |
| Bentley | Ford (TN) | Lipinski |
| Bereuter | Frank (MA) | Livingston |
| Bevill | Frost | Lloyd |
| Bilbray | Gallegly | Long |
| Blackwell | Gallo | Luken |
| Bliley | Gaydos | Machtley |
| Boehlert | Gejdenson | Markey |
| Boehner | Gekas | Martin |
| Bonior | Gephardt | Martinez |
| Borski | Geren | Matsui |
| Boucher | Gibbons | Mavroules |
| Brewster | Gilchrest | Mazzoli |
| Brooks | Gillmor | McCandless |
| Broomfield | Gilman | McCloskey |
| Browder | Gingrich | McCollum |
| Brown | Glickman | McCrery |
| Bruce | Gonzalez | McCurdy |
| Bryant | Goodling | McDermott |
| Bunning | Gordon | McGrath |
| Burton | Goss | McHugh |
| Bustamante | Gradison | McMillan (NC) |
| Byron | Grandy | McMillen (MD) |
| Callahan | Green | McNulty |
| Camp | Guarini | Meyers |
| Campbell (CA) | Gunderson | Michel |
| Campbell (CO) | Hall (OH) | Miller (CA) |
| Cardin | Hall (TX) | Miller (OH) |
| Carper | Hamilton | Miller (WA) |
| Carr | Hancock | Mineta |
| Chandler | Hansen | Mink |
| Chapman | Harris | Moakley |
| Clay | Hastert | Mollohan |
| Clement | Hatcher | Montgomery |
| Clinger | Hayes (IL) | Moody |
| Coble | Hefley | Moorhead |
| Coleman (MO) | Hefner | Moran |
| Coleman (TX) | Henry | Morella |
| Collins (IL) | Hertel | Morrison |
| Collins (MI) | Hoagland | Murtha |
| Combest | Hobson | Nagle |
| Conyers | Hochbrueckner | Natcher |
| Cooper | Holloway | Neal (MA) |
| Coughlin | Horn | Neal (NC) |
| Cox (CA) | Horton | Nichols |
| Cox (IL) | Houghton | Nowak |
| Coyne | Hoyer | Nussle |
| Cramer | Hubbard | Oberstar |
| Crane | Hughes | Obey |
| Cunningham | Hutto | Olin |
| Dannemeyer | Hyde | Olver |
| Darden | Inhofe | Ortiz |
| Davis | Jacobs | Orton |
| de la Garza | James | Owens (NY) |
| DeFazio | Jenkins | Owens (UT) |
| DeLauro | Johnson (CT) | Oxley |
| DeLay | Johnson (SD) | Packard |
| Dellums | Johnson (TX) | Pallone |
| Derrick | Johnston | Panetta |
| Dickinson | Jones (GA) | Parker |
| Dicks | Jones (NC) | Pastor |
| Dingell | Jontz | Paxon |
| Dixon | Kanjorski | Payne (VA) |
| Donnelly | Kaptur | Pease |
| Dooley | Kasich | Pelosi |
| Penny | Santorum | Tanner |
| Perkins | Sarpalius | Tauzin |
| Peterson (MN) | Savage | Taylor (MS) |
| Petri | Sawyer | Taylor (NC) |
| Pickett | Saxton | Thomas (CA) |
| Pickle | Schaefer | Thomas (GA) |
| Porter | Scheuer | Thomas (WY) |
| Poshard | Schiff | Thornton |
| Price | Schroeder | Torres |
| Pursell | Schumer | Torricelli |
| Quillen | Sensenbrenner | Traficant |
| Rahall | Sharp | Traxler |
| Ramstad | Shays | Unsoeld |
| Ravenel | Shuster | Upton |
| Ray | Sikorski | Valentine |
| Reed | Sisisky | Vento |
| Regula | Skaggs | Visclosky |
| Rhodes | Skeen | Volkmer |
| Richardson | Skelton | Vucanovich |
| Ridge | Slattery | Walker |
| Riggs | Smith (FL) | Walsh |
| Rinaldo | Smith (IA) | Waxman |
| Ritter | Smith (NJ) | Weber |
| Roberts | Smith (OR) | Weiss |
| Roe | Smith (TX) | Weldon |
| Roemer | Snowe | Wheat |
| Rogers | Solomon | Williams |
| Rohrabacher | Spence | Wilson |
| Ros-Lehtinen | Spratt | Wise |
| Rose | Staggers | Wolf |
| Rostenkowski | Stallings | Wolpe |
| Roth | Stark | Wyden |
| Roukema | Stenholm | Wylie |
| Rowland | Stokes | Yates |
| Roybal | Studds | Yatron |
| Russo | Swett | Young (AK) |
| Sabo | Swift | Young (FL) |
| Sanders | Synar | Zeliff |
| Sangmeister | Tallon | Zimmer |

NAYS—0

NOT VOTING—53

| | | |
|---|---|---|
| Ackerman | Huckaby | Patterson |
| Alexander | Hunter | Payne (NJ) |
| Berman | Ireland | Peterson (FL) |
| Bilirakis | Jefferson | Rangel |
| Boxer | Lantos | Schulze |
| Condit | Levine (CA) | Serrano |
| Costello | Lowery (CA) | Shaw |
| Dornan (CA) | Lowey (NY) | Slaughter |
| Dymally | Manton | Solarz |
| Edwards (OK) | Marlenee | Stearns |
| Feighan | McDade | Stump |
| Flake | McEwen | Sundquist |
| Foglietta | Mfume | Towns |
| Franks (CT) | Molinari | Vander Jagt |
| Hammerschmidt | Mrazek | Washington |
| Hayes (LA) | Murphy | Waters |
| Herger | Myers | Whitten |
| Hopkins | Oakar | |

□ 1456

Mr. THOMAS of California changed his vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## NOTIFICATION OF IMPLEMENTATION OF SECTION 531 OF FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT OF 1991 RELATIVE TO SETTLEMENT OF EL SALVADOR CONFLICT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 102–284)

The SPEAKER pro tempore (Mr. RAY) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Appropriations and ordered to be printed.

*To the Congress of the United States:*

Section 531 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991 (Public Law 101–513), provides that amounts in the Demobilization and Transition Fund established for peacekeeping purposes by that act shall be made available for obligation and expenditure only upon notification by the President to the Congress that the Government of El Salvador and representatives of the Farabundo Marti Liberation Front (FMLN) have reached a permanent settlement of the conflict, including a final agreement on a ceasefire. On January 16, 1992, the Government of El Salvador and the FMLN signed such an agreement, bringing an end to the civil conflict.

Consistent with section 531, I hereby provide notification that the Government of El Salvador and representatives of the FMLN have reached a permanent settlement of the conflict, including a final agreement on a ceasefire.

This notification allows the amounts in the Demobilization and Transition Fund (Fund) to be made available for obligation and expenditure. The Secretary of State will have responsibility for administering the Fund.

It is extremely important for the United States to support the implementation of this historic peace agreement, and I look forward to your continued cooperation toward achieving our mutual objectives in this endeavor.

GEORGE BUSH.

THE WHITE HOUSE, *April 7, 1992.*

## REPORT TO CONGRESS PURSUANT TO THE INTERNATIONAL EMERGENCY ECONOMIC POWERS ACT REGARDING BLOCKING OF PANAMANIAN GOVERNMENT ASSETS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 102–285)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs and ordered to be printed.

*To the Congress of the United States:*

1. I hereby report to the Congress on developments since the last Presidential report on October 3, 1991, concerning the continued blocking of Panamanian government assets. This report is submitted pursuant to section 207(d) of the International Emergency Economic Powers Act, 50 U.S.C. 1706(d).

2. On April 5, 1990, I issued Executive Order No. 12710, terminating the national emergency declared on April 8,

1988, with respect to Panama. While this order terminated the sanctions imposed pursuant to that declaration, the blocking of Panamanian government assets in the United States was continued in order to permit completion of the orderly unblocking and transfer of funds that I directed on December 20, 1989, and to foster the resolution of claims of U.S. creditors involving Panama, pursuant to 50 U.S.C. 1706(a). The termination of the national emergency did not affect the continuation of compliance audits and enforcement actions with respect to activities taking place during the sanctions period, pursuant to 50 U.S.C. 1622(a).

3. The Office of Foreign Assets Control of the Department of the Treasury ("FAC") has released to the control of the Government of Panama approximately $134 million of the approximately $137.3 million that remained blocked at the time of my last report. The amount released represents blocked financial accounts that the Government of Panama requested be unblocked.

Of the approximately $6.1 million remaining blocked at this time (which includes approximately $2.8 million in interest credited to the accounts since my last report), some $5.5 million is held in escrow by the Federal Reserve Bank of New York at the request of the Government of Panama. Additionally, approximately $600,000 is held in commercial bank accounts for which the Government of Panama has not requested unblocking. A small residual in blocked reserve accounts established under section 565.509 of the Panamanian Transactions Regulations, 31 CFR 565.509, remains on the books of U.S. firms pending the final reconciliation of accounting records involving claims and counterclaims between the firms and the Government of Panama.

4. I will continue to report periodically to the Congress on the exercise of authorities to prohibit transactions involving property in which the Government of Panama has an interest, pursuant to 50 U.S.C. 1706(d).

GEORGE BUSH.

THE WHITE HOUSE, *April 7, 1992.*

## STATE DEPARTMENT ANNOUNCES INDEPENDENCE OF SLOVENIA, CROATIA, AND BOSNIA-HERZEGOVINA

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

Mr. OBERSTAR. Mr. Speaker, today the State Department announced the United States has officially recognized the independence of Slovenia, Croatia, and Bosnia-Herzegovina, an action which I heartily commend and which follows upon the earlier recognition by the European Economic Community in mid-January of the independence of Slovenia.

□ 1500

This is recognition long overdue, but certainly permitted by a country that has adopted democratic principles, has had free elections, and elected a president and parliament. And to my ancestors and relatives in Slovenia, I know this is a very, very great day and great occasion for them to have entered the family of nations with this action by the United States of America.

Slovenia has been the economic backbone of the former country of Yugoslavia, providing 40 percent of the nation's revenue and over 40 percent of its industry and GNP. They are now a full, freestanding member of the family of nations, and take their rank appropriately with this action by the United States of America.

## INTRODUCTION OF LEGISLATION TO PROVIDE FOR A $5,000 FIRST-TIME HOME BUYER CREDIT

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

Mrs. KENNELLY. Mr. Speaker, today I am introducing legislation to provide for a $5,000 2-year tax credit for first-time home buyers.

It is a well known fact that real estate, particularly single family housing, often leads the economy out of recession. This proposal, which was included in President Bush's State of the Union economic challenge, would help the construction industry lead the Nation out of the recession.

My legislation would provide for a $5,000 nonrefundable tax credit for first-time home buyers for the purchase of a principal residence between February 1 and December 31, 1992. The tax credit would equal 10 percent of the purchase price, up to a maximum of $5,000. Half of the credit would be allowed on a taxpayer's return for 1992 and the remainder on the taxpayer's return for 1993. Any unused credit could be carried forward for up to 5 years.

My legislation is identical to the proposal proposed by the President and supported by the National Association of Homebuilders. It will enable hundreds of thousands of American families to purchase their first homes. I would ask my colleagues to support this vital legislation.

## REPORT ON RESOLUTION PROVIDING FOR RECOMMITTAL TO CONFERENCE OF CONFERENCE REPORT TO ACCOMPANY S. 3, SENATE ELECTION ETHICS ACT OF 1991

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 102-484) on the resolution (H. Res. 420) providing for the recommittal to conference of the conference report to accompany the bill (S. 3) to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits for Senate election campaigns, and for other purposes, which was referred to the House Calendar and ordered to be printed.

## ANNOUNCEMENT REGARDING SUBMISSION OF AMENDMENTS ON H.R. 3090, FAMILY PLANNING AMENDMENTS OF 1991

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

Mr. MOAKLEY. Mr. Speaker, the Rules Committee may meet and grant a rule to H.R. 3090, the Family Planning Amendments of 1991, in the near future. A request may be made for a modified open rule, which would permit only those floor amendments designated in the rule.

On Monday, the committee circulated a "Dear Colleague" that requests all amendments to the bill be submitted to the Rules Committee no later than 5 p.m. Thursday, April 9, 1992.

In order to ensure Members' rights to offer amendments under the rule that may be requested, they should submit 55 copies of each amendment, together with a brief explanation of each amendment, to the committee office at H-312, the Capitol, by 5 p.m. on Thursday.

## CONFERENCE REPORT ON H.R. 3337, WHITE HOUSE COMMEMORATIVE COINS

Mr. TORRES submitted the following conference report and statement on the bill (H.R. 3337), to require the Secretary of the Treasury to mint coins in commemoration of the 200th anniversary of the White House, and for other purposes:

CONFERENCE REPORT (H. REPT. 102-485)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3337), to require the Secretary of the Treasury to mint coins in commemoration of the 200th anniversary of the White House, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with amendments as follows:

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

***TITLE V—JAMES MADISON COINS***

***SEC. 501. SHORT TITLE.***

*This title may be cited as the "James Madison—Bill of Rights Commemorative Coin Act".*

***SEC. 502. COIN SPECIFICATIONS.***

*(a) FIVE DOLLAR GOLD COINS.—*

*(1) ISSUANCE.—The Secretary of the Treasury (hereafter in this title referred to as the "Sec-*

retary") shall mint and issue not more than 300,000 five dollar coins each of which shall—

(A) weigh 8.359 grams;

(B) have a diameter of .850 inches; and

(C) be composed of 90 percent gold and 10 percent alloy.

(2) DESIGN.—The design of the five dollar coins shall be emblematic of the first ten Amendments of the Constitution of the United States, known as the Bill of Rights. The Director of the United States Mint shall sponsor a nationwide open competition for the design of the five dollar coin beginning not later than 3 months after the date of the enactment of this Act. The Director of the United States Mint shall convene the Design Panel established under subsection (e) which shall select 10 designs to be submitted to the Secretary who shall select the final design.

(b) ONE DOLLAR SILVER COINS.—

(1) ISSUANCE.—The Secretary shall mint and issue not more than 900,000 one dollar coins each of which shall—

(A) weigh 26.73 grams;

(B) have a diameter of 1.5 inches; and

(C) be composed of 90 percent silver and 10 percent copper.

(2) DESIGN.—The obverse design of the one dollar coins shall be emblematic of James Madison, the fourth President of the United States. The reverse design shall be emblematic of James Madison's home, Montpelier, between the years 1751 and 1836. The Director of the United States Mint shall sponsor a nationwide open competition for the design of the one dollar coin beginning not later than 3 months after the date of the enactment of this Act. The Director of the United States Mint shall convene the Design Panel established under subsection (e) which shall select 10 designs to be submitted to the Secretary who shall select the final design.

(c) HALF DOLLAR SILVER COINS.—

(1) ISSUANCE.—The Secretary shall mint and issue not more than 1,000,000 half dollar coins each of which shall—

(A) weigh 12.50 grams;

(B) have a diameter of 30.61 millimeters; and

(C) be composed of 90 percent silver and 10 percent copper.

(2) DESIGN.—The design of the half dollar silver coins shall be emblematic of the first ten Amendments of the Constitution of the United States, known as the Bill of Rights. The Director of the United States Mint shall sponsor a nationwide open competition for the design of the half dollar coin beginning not later than 3 months after the date of the enactment of this Act. The Director of the United States Mint shall convene the Design Panel established under subsection (e) which shall select 10 designs to be submitted to the Secretary who shall select the final design.

(d) INSCRIPTIONS.—All coins minted and issued under this title shall bear a designation of the value of the coin, an inscription of the year of issue and inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(e) DESIGN PANEL.—The Design Panel referred to in subsections (a), (b), and (c) shall consist of the following members:

(1) The Chairperson of the Commission of Fine Arts.

(2) The president of the James Madison Memorial Fellowship Foundation.

(3) The Executive Director, National Numismatic Collection, the Smithsonian Institution.

(4) A representative member of the American Numismatic Association.

(5) A representative member of a national sculpture society or association.

(6) Two representatives of the United States Mint selected by the Director of the United States Mint.

The Secretary shall reimburse the members of the Design Panel for per diem expenses and other official expenses from the revenues received from the sale of the coins. The Design Panel shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.), and shall terminate following the selection process set forth in subsections (a), (b), and (c).

(f) LEGAL TENDER.—The coins issued under this title shall be legal tender as provided in section 5103 of title 31, United States Code.

**SEC. 503. SOURCES OF BULLION.**

(a) GOLD.—The Secretary shall obtain gold for minting coins under this title pursuant to the authority of the Secretary under existing law.

(b) SILVER.—The Secretary shall obtain silver for minting coins under this title only from stockpiles established under the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98 et seq.).

**SEC. 504. ISSUANCE OF COINS.**

(a) FIVE DOLLAR COINS.—The five dollar coins minted under this title may be issued in uncirculated and proof qualities and shall be struck at the United States Mint at West Point, New York.

(b) ONE DOLLAR COINS AND HALF DOLLAR COINS.—The one dollar and half dollar coins minted under this title may be issued in uncirculated and proof qualities, except that not more than one facility of the United States Mint may be used to strike any particular combination of denomination and quality.

(c) COMMENCEMENT OF ISSUANCE.—The coins authorized and minted under this title may be issued beginning on January 1, 1993.

(d) TERMINATION OF AUTHORITY.—Coins may not be minted under this title after December 31, 1993.

**SEC. 505. SALE OF COINS.**

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall sell the coins minted under this title at a price at least equal to the face value, plus the cost of minting and issuing the coins (including labor, materials, overhead, distribution, and promotional expenses).

(b) BULK SALES.—The Secretary shall make any bulk sales of the coins minted under this title at a reasonable discount.

(c) PREPAID ORDERS.—The Secretary shall accept prepaid orders for the coins minted under this title prior to the issuance of such coins. Sale prices with respect to such prepaid orders shall be at a reasonable discount.

(d) SURCHARGES.—All sales of coins minted under this title shall include a surcharge of $30 per coin for the five dollar coins, $6 per coin for the one dollar coins, and $3 per coin for the half dollar coins.

**SEC. 506. FINANCIAL ASSURANCES.**

(a) NO NET COST TO THE GOVERNMENT.—The Secretary shall take such actions as may be necessary to ensure that minting and issuing coins under this title will not result in any net cost to the United States Government.

(b) PAYMENT FOR COINS.—A coin shall not be issued under this title unless the Secretary has received—

(1) full payment for the coin;

(2) security satisfactory to the Secretary to indemnify the United States for full payment; or

(3) a guarantee of full payment satisfactory to the Secretary from a depository institution the deposits of which are insured by the Federal Deposit Insurance Corporation or the National Credit Union Administration Board.

(c) REPORTS TO CONGRESS.—Not later than fifteen days after the last day of each month, the Secretary shall transmit to the committee on Banking, Finance, and Urban Affairs of the House of Representatives and the committee on Banking, Housing, and Urban Affairs of the Senate a report detailing activities carried out under this title during such month. The report shall include a review of all marketing activities and a financial statement which details sources of funds, surcharges generated, and expenses incurred for manufacturing, materials, overhead, packaging, marketing, and shipping. No report shall be required after January 15, 1994.

**SEC. 507. DISTRIBUTION OF SURCHARGES.**

The surcharges received by the Secretary shall be transmitted promptly to the James Madison Memorial Fellowship Trust Fund established in 1986 by the James Madison Memorial Fellowship Act (20 U.S.C. 4501 et seq.). Such transmitted amounts shall qualify under section 811(a)(2) of that Act as funds contributed from private sources. In accordance with the purposes of the James Madison Fellowship Program, the funds transmitted to the Trust Fund shall be used to encourage teaching and graduate study of the Constitution of the United States, its roots, its formation, its principles, and its development.

**SEC. 508. AUDITS.**

The Comptroller General of the United States shall have the right to examine such books, records, documents, and other data as may be related to the expenditure of amounts transmitted under section 507 of this title. The expenditures and audit of surcharge funds deposited in the James Madison Memorial Fellowship Trust Fund under section 507 of this title shall be done in accordance with section 812 of the James Madison Memorial Fellowship Act (20 U.S.C. 4511). Annual reports shall be submitted by the Chairman of the James Madison Memorial Fellowship Foundation to both Houses of Congress on all expenditures of surcharge funds.

**SEC. 509. GENERAL WAIVER OF PROCUREMENT REGULATIONS.**

(a) IN GENERAL.—Except as provided in subsection (b), no provision of law governing procurement or public contracts shall be applicable to the procurement of goods and services necessary for carrying out the provisions of this title.

(b) EQUAL EMPLOYMENT OPPORTUNITY.—Subsection (a) shall not relieve any person entering into a contract under the authority of this title from complying with any law relating to equal employment opportunity.

On page 15, between lines 19 and 20 of the House engrossed bill, insert the following:

**SEC. 400. SHORT TITLE.**

This title may be cited as the "Frank Annunzio Act".

And the Senate agree to the same.

ESTEBAN E. TORRES,
CARROLL HUBBARD,
DOUG BARNARD, Jr.,
CHALMERS P. WYLIE,
AL MCCANDLESS,
*Managers on the Part of the House.*

DON RIEGLE,
ALFONSE D'AMATO,
*Managers on the Part of the Senate.*

## JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3337) to mint White House Commemorative Coins, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommend in the accompanying conference report.

The Senate amendment added a provision to redesign the reverses of the Nation's circulating coinage and a provision to mint a James Madison/Bill of Rights Commemorative coin.

The Senate recedes from its amendment on coin redesign. The House agrees to title VI, the Madison/Bill of Rights coin provision, as

passed the Senate. The Senate agreed to the House amendment to title IV to rename the title "The Frank Annunzio Act".

The differences between the House bill and the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

H.R. 3337 was amended on the Senate floor to add title VI, The James Madison Bill of Rights Commemorative Coins Act, which was not included in the House-passed measure. The conference report contains the Senate provision.

Objective: The Senate bill contained a provision not included in the House bill that would authorize in 1993 the minting and issuance of $5 gold coins, $1 silver coins, and half-dollar silver coins to commemorate James Madison and the first 10 Amendments of the Constitution, known as the Bill of Rights.

This title authorizes the Secretary of the Treasury to mint and issue not more than 300,000 gold coins; 900,000 silver dollars; and 1,000,000 half dollars. These are the lowest mintage levels for a 3-coin commemorative program since the minting of commemorative coins was re-instated in the early 1980s.

Surcharges accrued from the sales of these coins will be transmitted to the James Madison Memorial Fellowship Trust Fund, established in 1986 by the James Madison Memorial Fellowship Act (20 U.S.C., 4501 et seq.). The Comptroller General of the United States shall have the right to examine such books and records related to the expenditure of these surcharges.

The surcharges will be used solely to fund fellowships for high-school teachers and potential high-school teachers of American history and American government. This is a national program and every state benefits equally.

This title also requires that the program operate at no net cost to the Government. It requires the chairman of the Fellowship Foundation to submit annual reports to both House of Congress on all expenditures of surcharge funds.

ESTEBAN E. TORRES,
CARROLL HUBBARD,
DOUG BARNARD, Jr.,
CHALMERS P. WYLIE,
AL MCCANDLESS,
*Managers on the Part of the House.*

DON RIEGLE,
ALFONSE D'AMATO,
*Managers on the Part of the Senate.*

## VACATING SPECIAL ORDER AND GRANTING SPECIAL ORDER

Mr. KYL. Mr. Speaker, I ask unanimous consent that my 15-minute special order for today be vacated, and that I may be permitted to address the House for 5 minutes instead.

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

There was no objection.

## RBRVS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona [Mr. KYL] is recognized for 5 minutes.

Mr. KYL. Mr. Speaker, today is day 70 of the President's moratorium on Federal regulations. As we have done throughout this moratorium, the Republican regulatory relay team brings you today yet another example of a disastrous attempt by the Government to place a vise grip on one of the main arteries of the private sector: health care.

Remarkably, while Eastern Europe and the former Soviet Union are shedding rigid commend and control economies, the United States has embarked upon a central planning effort to set medical prices and redistribute income among medical professionals.

With one sweeping commend, Congress unilaterally changed the way in which physicians are reimbursed for their services under Medicare. Congress accomplished this task through the Omnibus Budget Reconciliation Act of 1989 [OBRA 89], which established a physician fee schedule that assigns relative values to services based on the time, skill, and intensity it takes physicians to provide them. The fee schedule is known as the resource-based relative value scale [RBRVS]. In November 1991, the Health Care Financing Administration [HCFA] released its final rule implementing the RBRVS, which went into effect on January 1, 19092. RBRVS is comparable worth for physicians.

Thanks to Congress and the efforts of HCFA, the following algebraic monstrosity is now the basis for paying physicians participating in the Medicare program. Here is the formula:

Physician work relative value units for the service times geographic cost index value reflecting one fourth of the geographic variation in physician work applicable in the fee schedule area plus the product of practice expense relative value units for the service and geographic cost index value for the practice expense applicable in the geographical fee schedule area plus the product of malpractice relative value units for the service and geographic cost index value for malpractice expense applicable in the fee schedule area, all of which is to be multiplied by the uniform national conversion factor.

According to the National Journal, this "may be the most sweeping regulatory scheme since the government imposed wage and price controls in the early 1970's." As I predicted over 2 years ago, it has already become that most arbitrary, confusing, and, by far, the most dangerous regulatory expansion in the history of the Medicare Program.

Why is the RBRVS so dangerous? Robert Moffit, who received his Ph.D. from the University of Arizona and who is now the deputy director of domestic policy studies at the Heritage Foundation, notes the troubling fact that the RBRVS "does not even pretend to account for the 'quality' or 'benefit' of a medical procedure in calculating Medicare's payment to a doctor. To the contrary, . . . he states, "the value of a medical procedure to a patient has absolutely no role whatsoever in setting the new Medicare fee."

Moreover, much like the Marxist labor theory of value, the RBRVS does not take into account differences in skill among individual physicians. In this case, Congress understood no better than Karl Marx that the value of a service simply cannot be determined by the average time required to produce it.

Frank Sloan, professor of economics at Vanderbilt University, stated the problem another way:

One would like to pay the talented hand surgeon a high price and the blundering hand surgeon a pittance. As a practical matter, a relative value scale cannot make this type of distinction.

As a result of the artificial reimbursement levels of the RBRVS, many physicians will have no choice but to: First, limit the number of Medicare patients they are able to treat or refuse entirely to treat any Medicare patients; second, postpone surgery and attempt to treat patients medically; third, search for ways to make up for lost revenue through surcharges on private-pay patients, which will further drive up health care costs; and/or fourth, decline to invest in innovative technologies and new lifesaving methods of treatment because of a justifiable fear that they will not be reimbursed for the new procedure.

Apart from the adverse impact such a burdensome scheme will have on physicians and their patients generally, the most devastating consequence of the RBRVS and other Government-imposed physician payment reforms will be their impact on the quality and quantity of health care for the 34 million elderly Americans on Medicare. The RBRVS most assuredly will restrict access to health care for senior citizens. Seniors may be forced to travel considerable distances in order to obtain care. Elective surgeries will be delayed, and some seniors may feel that they have no other option than to disenroll from Medicare—and forfeit all benefits—in order to contract freely with the physician of their choice.

In the publication Contingencies, Harvey Sobel concluded:

[P]erhaps the saddest outcome will be the loss of future doctors—overall, and more particularly, in the geriatric specialties. The ability of physicians who treat the elderly to enjoy high incomes as a reward for their labor helps to attract the finest minds and talents to the medical profession * * * These doctors have been providing care despite the rules, regulations, taxes, and declining federal reimbursement. As the true story about physician payment reform spreads, the inevitable consequence will be a gravitation away from Medicare, away from the elderly, and away from medicine.

Mr. Speaker, with access to quality affordable health care as a primary concern of every American, Members of Congress owe it to the people of this

country to eradicate the RBRVS and other Government-imposed physician payment reforms which merely serve to restrict access to care, limit consumer choice, and drive up the cost of health care. Americans deserve better treatment.

□ 1510

## SUNSHINE ON THE SOUTH BUILDING: REORGANIZING THE DEPARTMENT OF AGRICULTURE

The SPEAKER pro tempore (Mr. RAY). Under a previous order of the House, the gentleman from Kansas [Mr. GLICKMAN] is recognized for 5 minutes.

Mr. GLICKMAN. Mr. Speaker, they are still 7 months off, but the central lesson of this year's elections is already apparent. Americans are alienated and angry with a distant, ineffective, and seemingly unresponsive Federal Government. The message in the polls and the drumbeat from the ballot boxes are unmistakable: Business as usual is over, it is time for reinvigorating and, as a new book title says, reinventing government.

It is time, too, for those of us in agriculture to step up to the same challenge. The place to begin is with the bureaucracy, the overwhelming size and complexity of the Department of Agriculture itself. We must revamp USDA paperwork requirements, freeing farmers to be farmers, not form-filers. The job will not be finished until, from top to bottom and headquarters to county office, we have transformed a 19th century leviathan into a nimble structure able to meet the challenges of the 21st century.

Today, I am introducing legislation calling for such a transformation. It maps out a comprehensive reorganization plan for USDA, to streamline and make more efficient its county offices and cut its redtape. It will lead, I hope to a more efficient, more responsive bureaucracy and be, as well, the first step to making farm programs themselves simpler, more straightforward, and less complicated.

At the southwest corner of Washington's National Mall set USDA's headquarters, a giant complex straddling Independence Avenue. Its administration building is linked to the massive south building, which houses the offices, the officials, the mountains and mountains of paperwork. The south building is the nerve center of the vast network of USDA field offices flung across the country. The miles of halls and monotonous, endless rows of office door after office door symbolize how USDA's bureaucracy has permeated virtually every town and county in this country.

It is a metaphor for the farreaching bureaucracy has become and its imposing size, metaphor for the scope of the challenge this legislation undertakes.

Ninety-four percent of the counties in the country have one of USDA's alphabet-soup of agencies offices in them, although only 6 percent of the counties are defined as actual farming counties. Not only is it common to see an ASCS, SCS, or FmHA office in each county, it is common to see one of each in each county. In our own State, with 105 counties, ASCS has 104 county offices, 100 SCS county offices, and 38 FmHA county offices.

Today, USDA is the third largest civilian work force in the country. Five of its agencies have over 63,000 employees, at an annual cost of $2.4 billion. That is over $1,000 per farm in the country.

Consider what we could do with moneys saved from reorganizing USDA. I believe we could conservatively save anywhere from 10 to 20 percent of these overhead costs from the reorganization plan I am advocating, a savings of roughly $250 to $500 million per year. With those dollars, we could virtually double a wide range of USDA programs vital to American agriculture.

The $2.4 billion spent on field offices is more than the amount spent on research and education, more than the amount spent on Food for Peace, more than the amount spent on soil conservation programs, more than the amount spent on FmHA Farmer Programs, more than the amount spent on Rural Development Administration Programs, more than the amount spent on REA lending, and more than the amount spent on crop insurance.

This year, USDA expects to spend less on the wheat program than on its field office structure. Disaster payments will be less than one-half the amount spent on offices. Only the spending on the Feed Grains Program, spending on four different crops, will top the amount spent on USDA's field offices.

The web of USDA offices grows tighter and tighter, more and more complex at its headquarters, just like a spider's web at its heart. There are 9 under and assistant secretaries, 36 individual agencies, further divided into 9 different groups, and a whole range of other offices independent of any other structure which report directly to the secretary. The organizational chart of USDA's headquarters makes a Jackson Pollock painting look like blank canvas.

The doorways along the halls of the south building open not just to county offices scattered all over the country, they open, as farmers everywhere know all too well, on a bewildering array of forms, requirements, and regulations.

Picture this: Before planting, the typical farmer must make sure his plans comply with the edicts passed down from Government bureaucrats in the central Government. What the farmer produces will be based on Government production and marketing goals. The plans he submits for Government approval will determine what crops the farmer can plant, how much of the crop can be planted, and where the crop can be planted. When the crop is marketed, the Government will determine the price the farmer receives.

To make sure the farmer faithfully complies with the Government's plans for him, the bureaucracy employs a vast network of enforcement agents in virtually every village in the country. It is a network large enough to allow the government to check the farmer's compliance approximately 20 times each year. If he deviates from the plans, the farmer faces penalties and fines which can wipe out the entire earnings from the crop.

A description of agriculture on the collective farms of the former Soviet Union? No, a description of agriculture in modern America.

While we have seen the collapse and repudiation of government-controlled, centrally planned economies around the world, it remains the mainstay of the most productive sector of the American economy.

Officials from the old Communist government of the Soviet Union flocked to the United States, eager to learn how to establish a market based food economy. They wanted to learn how to convert from a state-controlled system to a market oriented production, processing, and distribution system. Yet, the American farmer continues to be bound to government dictates and planning. The typical American farmer often spends as much time in Government offices as on the tractor.

The productivity of American agriculture is being used to bolster the forces of liberalization in the Soviet Union and is the engine for one of the 20th century's most dramatic events. Yet, at home, it remains beholden to a command economy, a government determined, 5-year plan. It, more commonly known as the farm bill, is overseen and put into place by a bureaucracy that now numbers 1 Government employee for each 16 farmers.

The forces of liberalization are forcing revolutionary changes, everywhere, that is, except for on the American farm. While American agricultural experts rush to transform agriculture in the Commonwealth of Independent States and the Russian government moves to free farmers there from the most minute, detailed government dictates, the south building continues to churn them out.

The plan I am proposing and the bill I am introducing is simple, but will not, I know be a simple task to accomplish. Already I have been praised for advocating reorganization and streamlining and at the same time criticized for threatening the status quo, who as a wise man once said is just Latin for "the mess we are in."

I firmly believe we must seize the moment at hand. The call for bold action to make government do what it is supposed to do, to make government work better is growing louder every day. Those of us who turn a deaf ear to it, whether we be elected officials or citizens reliant on government, do so at our own peril. We can either lead and shape the change, or let it run us over. My bill will lead that change and lead the transformation of USDA into an agency known for farmer services and effectiveness, not its employee to farmer ratio, and not its number of offices, and not its number of forms.

My bill has seven main points: First, consolidation of all farmer programs into one USDA agency; second, consolidation of USDA field offices; third, reductions in the headquarters staff of USDA; fourth, paperwork reduction; fifth, reorganization of the county committee system; sixth, establishment of a new appeals system; and seventh, establishment of a goal to simplify farm programs.

The plan is meant to be implemented as a whole, over a 5-year period. In my view, reorganizing and consolidating field offices can not proceed unless, at the same time, we streamline and reduce the paperwork burden on farmers. The former makes the latter necessary and reducing the paperwork burden, needed in its own right, makes the consolidating of field offices easier. Both components are linked and should be implemented hand in hand. At the same time, as field offices are

consolidated and paperwork reduced, we need to move to streamline the headquarters office of USDA. Finally, Congress has a major role to play in making sure that future farm legislation is simpler, clearer, and not so cumbersome. All of these are pieces of one puzzle that make sense only when fitted one with the other.

The first step in my proposal is the consolidation of all farmer service programs into one USDA agency. Currently, they are spread across and between agencies. I propose creating a new entity, the Farm Services Administration. It would assume responsibility for commodity programs from ASCS, conservation programs from SCS, farmer lender programs from FmHA, and crop insurance.

In short, all the programs which provide direct benefits and programs to farmers will be folded into one new, one-stop entity. By starting at the top, we can rationalize and streamline the field office structure.

No. 2, over a 5-year period, the Secretary will be required to consolidate the existing county offices, the Secretary will be required to establish guidelines, subject to public comment, for the consolidation plan. Those guidelines will have to take into account such factors as the number of farms and farmers in each new proposed district, the size of the area, the crops grown in the area, whether farmers will be inconvenienced, whether the Secretary has reduced the paperwork burden on farmers, and the ability of the new office to serve efficiently farmers in its area.

According to the guidelines and in cases where the Secretary determines it in the best interests of farmers in the area to be served, he may permit offices to serve individual counties. In some cases I recognize that this may make the most sense; however, as a general rule, the bill will require the establishment of new district offices of more than one county. Finally, if the reorganization plan leads to lower personnel needs, the Secretary is directed to achieve those levels through attrition.

Three, as the Secretary reorganizes the USDA field office structures, the bill requires him to make commensurate reductions in the size of the headquarters staff, again, giving first priority to attrition. I think it is important to emphasize that field office and headquarters consolidation are part and parcel of the same goal, make the Department more efficient.

Four, the bill requires the Secretary to undertake a vast paperwork reduction and simplification program. The program will include the establishment of a centralized data system regarding services available to farmers and information needed to participate in the programs in order to duplicate paperwork requirements. In addition, the Secretary is directed to establish a system to allow farmers to enroll in all farmer programs with one, user friendly application that may be completed and filed electronically, by fax, mail, or other method to ease the burden on farmers.

Five, just as the bill folds together the programs and agencies of today's USDA into one agency, so too would it fold together the existing county and State committee system. However, they would be broader in scope, more comprehensive and serve as integrated bodies, just as the new Farm Services Administration would be a new integrated entity. In order to permit specialized expertise for certain programs as appropriate, the bill would allow the committees to form subcommittees focusing on specific programs, such as commodity programs, lending programs, or conservation programs.

Six, the bill would make the National Appeals Division, established in the 1990 farm bill, the entity for hearing all appeals from farmers for all programs. It will be a separate agency from the agency responsible for implementing programs to assure independence in hearing appeals. Again, this provision carries through the bill's theme of consolidation and, if you will, one-stop shopping for all farmer programs.

Seven, the bill lays out a goal for Congress in writing the new farm bill. It expresses the sense of the Congress that that legislation should be to reduce the complexity of the programs, to simplify their administration, and make it easier for farmers to comply with them. As I said, in the end, it has been Congress which has created the complexity of the current farm programs. They simply have not sprung up by themselves. It is, then, Congress which must share a good portion of the burden for the status quo—the mess we are in—and for fixing it.

Just as the actual task of reorganization will take time, so too will the job of fleshing out the details of my proposal, or any other, and building the political consensus necessary to get it through Congress. It is important, absolutely critical to restoring farmers' faith and confidence in government that we take on the challenge and begin it now.

In closing it is important that we be bold, for unless we are not, we are not likely to accomplish very much. Unless we take giant steps, we will not go far along the road of progress. I am reminded of the words of a famous architect who, though he lived and worked in a world of buildings and urban planning, said something which is equally applicable to this task: "Make no little plans; they have no magic to stir men's blood."

It is a new, revolutionary political climate in America. It is permeating everything we do and transforming the old ways of looking at Government. I ask my colleagues to support this legislation, to join with me in taking advantage of this climate, and, join me in making no little plans.

SUMMARY OF DEPARTMENT OF AGRICULTURE REORGANIZATION ACT OF 1992

The goal of the "Department of Agriculture Reorganization Act of 1992" is to make the Department of Agriculture, and farm services it administers, more efficient by reorganizing and consolidating USDA agencies and offices and streamlining the paperwork requirements on farmers. The legislation has seven main provisions:

CONSOLIDATION AND REORGANIZATION OF AGENCIES AND PROGRAMS

The bill requires the Secretary of Agriculture, within five years, to consolidate the programs and activities of the following Department of Agriculture agencies: Commodity and conservation programs of the Agricultural Stabilization and Conservation Service; conservation programs of the Soil Conservation Service; farm lending programs of the Farmers Home Administration; and Federal Crop Insurance Corporation, into one new entity, the Farm Services Administration.

Other programs and activities not directly related to farmer services are transferred to the Rural Development Administration, including: Watershed district programs of the Soil Conservation Service; real estate loan programs of the Farmers Home Administration; and the activities of the Rural Electrification Administration.

CONSOLIDATION AND REORGANIZATION OF USDA FIELD OFFICES

The bill requires the Secretary of Agriculture, within five years of enactment, to consolidate existing Department of Agriculture field offices into new multi-county district Farm Services Administration offices.

Before establishing the new district office system, the Secretary must issue guidelines for the consolidation. The guidelines, which must be published for public comment before implementation, are to include the following criteria: Number of farms and farmers in each administrative area; geographic size of each administrative area; amount and kind of crops grown in each administrative area; cost of operating the office compared to the benefits it administers; likely inconvenience to farmers of the size of the administrative area; ability of the office to service efficiently the administrative area; ability of farmers to utilize user-friendly application processes; and extent of the paperwork burden on farmers has been streamlined.

The guidelines must also delineate circumstances under which the Secretary may establish administrative areas of single counties.

ADJUSTMENT OF PERSONNEL LEVELS

The bill requires the Secretary of Agriculture to reduce headquarters office staff by an amount commensurate with reductions resulting from the consolidating of the field office structure of the Farm Services Administration. In both instances, personnel reductions are to be accomplished by attrition whenever possible.

PAPERWORK REDUCTIONS

The bill requires the Secretary of Agriculture to establish a centralized data system for information regarding services provided to farmers and information required for participation in farm programs.

The Secretary must examine all forms, applications, and other information requests and eliminate duplication to save time for farmers. The Secretary must also establish a system for allowing farmers to enroll in programs with one, user-friendly, application process that may be completed and filed with the Farm Services Administration electronically, by facsimile, by mail, or other means appropriate to ease the paperwork burden on farmers.

REORGANIZATION OF USDA COMMITTEE SYSTEM

The bill establishes a new system of farmer-elected committees. Each new administrative office will have just one comprehensive committee, responsible for all the programs administrated by the Farm Services Administration in that area.

INDEPENDENT APPEALS SYSTEM

The bill establishes the National Appeals Division as the entity responsible for adjudicating administrative appeals for all Farm Services Administration programs.

SIMPLIFYING FUTURE FARM PROGRAMS

The bill sets a goal for Congress to make simplification of programs a primary goal for future farm legislation.

SECTION-BY-SECTION EXPLANATION OF DEPARTMENT OF AGRICULTURE REORGANIZATION ACT OF 1992

SECTION 1. SHORT TITLE.

Section 1 provides for the bill to be cited as the "Department of Agriculture Reorganization Act of 1992".

SECTION 2. FINDINGS.

Section 2 sets out four congressional findings—

(1) that the Department of Agriculture workforce has grown to become the third largest civilian workforce in the country with offices in all but six percent of the nation's counties, the farm population represents less than three percent of the total population of the country and only sixteen percent of all counties in the country are farming counties;

(2) that the ratio of USDA employees to farms is more than double what it was thirty years ago and USDA maintains a field office system that costs over $1000 per farm per year to operate for a total of approximately $2.4 billion annually;

(3) that the growth in employees and offices is due in part to the increasing complexity of farm programs and is an ineffective use of federal resources; and

(4) that reorganization and streamlining of the Department is necessary to save federal resources and more efficiently serve the needs of farmers and rural America.

SECTION 3. ESTABLISHMENT OF THE FARM SERVICES ADMINISTRATION.

Section 3 establishes the Farm Services Administration with the Department of Agriculture, headed by an Administrator appointed by the Secretary of Agriculture.

The purpose of the Farm Services Administration is to provide a single agency to administer all programs and activities of the Department of Agriculture that serve farmers in order to ensure more effective, efficient, and economical administration of those programs and activities and to eliminate duplication.

During the five-year period beginning with enactment, the Secretary is required to consolidate into the Farm Services Administration the following agencies:

(1) Agricultural Stabilization and Conservation Service;

(2) Soil Conservation Service;

(3) Farmers Home Administration; and

(4) Federal Crop Insurance Corporation.

In addition, if the Secretary determines that a program or activity of any agency of the Department of Agriculture is not directly related to farmer services or would be more appropriate for administration by the Rural Development Administration, the Secretary may transfer administration of that program or activity to the Rural Development Administration, including—

(1) watershed district programs of the Soil Conservation Service;

(2) real estate loan programs of the Farmers Home Administration; and

(3) activities of the Rural Electrification Administration.

SECTION 4. CONSOLIDATION OF FIELD OFFICES OF THE DEPARTMENT OF AGRICULTURE.

Section 4 requires the Secretary of Agriculture, within five years of enactment, to establish offices in administrative districts consisting of more than one county in a State or parts of different counties of the Farm Services Administration to replace the county field offices for the agencies being consolidated into the Farm Services Administration. However, at the discretion of the Secretary and according to guidelines established under the section, such offices may encompass only one county under conditions which warrant. In establishing such districts, the Secretary shall consider the number of farmers to be served by each district in a State, the area to be covered by a district, and the cost of operating a district compared to the value of the benefits to be provided through the district office.

In the event the reorganization of offices required under this section result in lower personnel needs, the Secretary is required to give first priority to achieving those levels through attrition rather than other reductions in force.

Prior to the establishing field offices for the Farm Services Administration, the Secretary is required to publish guidelines, subject to public comment before final implementation, for the criteria to be used in determining the size of administrative areas to be covered by district offices. Such criteria are to include number of farms and farmers in each administrative area; geographic size of each administrative area; amount and kind of crops grown in each administrative area; likely inconvenience to farmers of the size of the administrative area; ability of the office to service efficiently the administrative area; ability of farmers in the administrative area to utilize user-friendly application processes for the programs administered by the office; and extent to which the Secretary has eased paperwork burdens on farmers to be served by the administrative area.

SECTION 5. REDUCTIONS IN THE HEADQUARTERS OFFICE OF THE DEPARTMENT OF AGRICULTURE

Section 5 requires the Secretary of Agriculture, during the five-year period beginning on the date of enactment, to reduce the number of employees in the headquarters office of the Department of Agriculture by an amount commensurate with the reductions in the Department's workforce as a result of the consolidation of field offices into the Farm Services Administration. In making such reductions, the Secretary is required to give first priority to achieving them through attrition rather than other reductions in force.

SECTION 6. PAPERWORK REDUCTION

Section 6 requires the Secretary of Agriculture to establish a centralized data system within the Farm Services Administration for information regarding services provided to farmers and information required of farmers for participation in the programs administered by the Farm Services Administration.

As part of the reorganization of the Department of Agriculture, the Secretary is required to examine all forms, applications, and other information requests required to be submitted by farmers for programs and activities the Farm Services Administration administers to eliminate duplication and save time for farmers.

Further, the Secretary is required to establish a system for allowing farmers to enroll in programs administered by the Farm Services Administration with one, user-friendly, application process that may be completed and filed with the Farm Services Administration electronically, by facsimile, by mail, or other means the Secretary determines appropriate to ease the paperwork burden on farmers.

SECTION 7. REORGANIZATION OF LOCAL AND COUNTY COMMITTEE SYSTEM

Section 7 requires the Administrator of the Farm Services Administration to use the services of district committees in implementing its programs. Each district established under the reorganization plan must have one district committee consisting of at least three members elected to three-year terms in a district-wide election to be held every third year. Only farmers within a district who are producers who participate or cooperate in programs administered within their district shall be eligible for nomination and election to the district committee for that district. Only farmers who are participating or cooperating producers within a district shall be eligible to vote in the election in that district. Each district committee is required to meet once each year and will receive compensation for such meeting by the Secretary of Agriculture.

A district committee may establish subcommittees with responsibility to act for the committee with respect to particular programs or activities of the Farm Services Administration.

District committees will replace any local committee or county committee previously established under the Soil Conservation and Domestic Allotment Act for an area served by the district committee within five-years of enactment.

SECTION 8. APPLICATION OF FARM PROGRAM APPEALS SYSTEM

Section 8 establishes the National Appeals Divisions established under section 1132 of the Food, Agriculture, Conservation, and Trade Act of 1990 as the entity to hear appeals from farmers for any program or activity administered by the Farm Services Administration.

SECTION 9. SENSE OF CONGRESS

Section 9 expresses the sense of Congress that one of the primary goals of future farm legislation should be to reduce the complexity of farm programs, to simplify the administration of and compliance with their requirements, and to ease the paperwork burdens on farmers.

## CORO'S 50TH ANNIVERSARY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California, Mr. ANDERSON, is recognized for 5 minutes.

Mr. ANDERSON. Mr. Speaker, I rise today in proud recognition of Coro's 50th anniversary. For those unfamiliar with this organization, Coro is a nonprofit, nonpartisan public affairs training institution established in 1942 to strengthen our country's democratic institutions and political system. To accomplish this goal, Coro has designed programs that expose students to various working organizations and groups, such as community organizations, political campaigns, the media, businesses, the courts, labor groups, and all levels of government, to give students a well-rounded education. Thus, when the Coro program is completed, students are prepared to be active participants in the community. This participation extends beyond government and reaches into our neighborhoods, cities, and States.

Although our country's democratic tradition is well grounded, the needs and challenges of our democratic institutions are constantly changing. Meeting these challenges requires our citizens to be participants in the democratic process. Coro has been meeting this need for the last 50 years. With the negative attitude surrounding politics today, Coro reminds us that leadership and participation are the key to a functioning democracy.

## AN INTERVIEW WITH PAT CADDELL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DREIER] is recognized for 5 minutes.

Mr. DREIER of California. Mr. Speaker. I take the well this afternoon to, for just a few moments, once again touch on what I described here a few weeks ago as this rather tragic crisis of confidence that we have here in the House of Representatives, in the Congress overall and basically in Washington and really among all those who are in elective office.

We have heard from many people that the level of frustration is high. We have witnessed what is described as incumbency run amok. We have heard that we will most likely this year exceed the 118 new Members, which is apparently the record for the past Congresses, when the 103d Congress convenes in January of next year.

It is interesting to note that while the frustration level seems to be coming from many in the American electorate, I was rather struck with an interview which I read over the weekend in my hometown newspaper, the Los Angeles Times. And in it we heard from a very famous and prominent Democrat, who has been one of the key pollsters and strategists in five Presidential campaigns, beginning when he was 21 years old and worked for George McGovern's campaign in 1972.

He also was the architect of the basically come-from-nowhere campaign of Jimmy Carter in 1976, and he now has once again moved to the forefront as one of the leaders of Jerry Brown's Presidential campaign, my former Governor.

I am talking about Patrick Caddell, who made a decision in 1986 to leave this town, leave Washington. I think he described Washington as being on the verge of irrelevance, and he made a decision to go to the area which I represent, southern California. He actually lives in Brentwood.

This article that was in Sunday's Los Angeles Times, which I sent around to my Republican colleagues, actually casts an incredible indictment on the majority leadership of this Congress. Caddell has gone to a great deal of pain analyzing the problems that we have seen. He talks about, in this interview, the fact that we are faced with a major crisis of alienation.

It is interesting that in the Prayer Breakfast last Thursday, the chaplain of the Senate, Dr. Halverson, was talking about the problem of alienation and how great it is. The problem really is not the Congress, he was saying, it is alienation that the American people feel with their elected officials.

There is an alienation among family members and Caddell, interestingly enough, then went on in this piece and commented on the alienation problem which exists for those of us who hold elective office and are trying to represent the views of the electorate.

Caddell goes on in this piece to talk about the necessity to bring about this great revolution of restoration, the way he puts it. This revolution of restoration means we have the challenge of trying to restore America's greatness.

Rather than paraphrasing, I am going to directly quote some of the lines that clearly, this very, very partisan Democrat, Pat Caddell, leveled in Sunday's L.A. Times about the Democrat leadership.

He was asked the question: "There are mechanical things that can be done," are there not, in talking about the need for reform here in the Congress. "For instance, term limits. Does that make sense to you?"

"Yes, but it's such a minor thing. In a functioning democracy, I think term limits are wrong. But at the moment, I think you need a hatchet. I believe that America faces a crisis that only rivals the Civil War and the Revolution which bore it. It's not about term limits or campaign financing reform, it's about getting people in power."

He says, "Tom Foley, the Speaker of the House, is not going to reform himself."

When asked the question, "If the system is corrupt, can't one conclude that the political parties are corrupt as well?"

Caddell goes on to say, "Yes, and the Democratic corruption is much worse than the Republican corruption. I say that as a Democrat. My party is standing at the verge of following the Whigs into history, of disappearing overnight if they keep this up. The Republicans really do believe in what they say. When they say 'Help the rich,' these people act in obedience to their principles. When people in my party do it, they do so in absolute treason of their principles. I realize that my friends are more corrupt than my enemies."

Mr. Speaker, we do have a crisis of corruption in this House. I hope very much that as we look at our attempts to bring about reform, we can follow the words and advice of Patrick Caddell.

Mr. Speaker, I include for the RECORD a copy of the Los Angeles Times interview to which I referred.

[From the Los Angeles Times, Apr. 5, 1992]

Question: What's going on in the country? There's obviously a tremendous amount of frustration with politics and politicians. What do you sense is happening in the minds of the electorate?

Answer: Politics is disconnected from the country. We were already seeing signs of protest in 1990—David Duke, Dianne Feinstein, Clayton Williams [of Texas] and Bernie Sanders [of Vermont] were all supping out of the same pot. And it wasn't about ideology. For the last 25 years, the politicians in this country have presided over a decline, and it is impossible for them to acknowledge it. Because to change, to turn the country toward what has to be done, they would first have to tell the truth. And to do that would be to risk their own power, because, in a democracy, that means standing up and saying, "We have failed." And the track record of people who do that is not very good. So the Democratic Party lives a lie, the Washington Establishment lives a lie: "Nothing's really wrong, don't worry about the $400-million deficit, just elect us."

Q: This feeling of anti-incumbency has been building for a good while. Do you sense that it's finally coming to a head?

A: There are three things that have brought us to what I think is a firestorm. First, an alienated public. Alienation is something I've been dealing with politically since the beginning of my career. But this is the worst I've ever seen it. In the 1960s, when you asked, "Do your leaders do what's best for you and not for special interests?" people overwhelmingly agreed—60% or 70% of them. Now it's totally reversed. People today simply believe the political and economic system is stacked against them.

The second thing is a sense of decline. This are people saying that America is not No. 1 anymore. Americans will rage against that idea, because all America is built on the notion that things will get better. Moving across that psychological divide is a major thing.

Q: So are you saying that you accept the notion that things won't get better, that what we are, in fact, in decline?

A: Absolutely! Get somebody up here to argue with me that, as individuals and as a society, we are better off now than we were in 1968. You don't have to convince the American people of that—they now know it. Now the third thing, which I don't think anyone has articulated yet, is that what we pass on should be greater than what we got. We leave our children a better America, and more opportunity. You kill that idea and you will kill this country. And that's exactly what's happening! That's the overwhelming moral issue. When I look at the political leadership, the economic elite that has ripped off the country, the press that has been its propaganda mouthpiece, I tell you this: In their collective and individual pursuit of power, they have committed acts that are worse than treason. And that's what the American people feel now. That is the third great force that is at work here, and we have not even seen the full fury of that yet.

Q: Is it your role to offer a prescription?

A: No. I want to be like Toto in "The Wizard of Oz." I want to be the person who pulls back the curtain and shows them that there is no wizard, just an old man with a microphone. My job is to help people connect, and to see that they are not alone. I left politics, and I said I would never be in a venture where I couldn't speak with my own voice. I don't speak for Jerry Brown and he doesn't speak for me.

Q: Still, are there mechanical things that can be done? For instance, term limits. Does that make any sense to you?

A: Yes, But it's such a minor thing. In a functioning democracy, I think term limits are wrong. But at the moment, I think you need a hatchet. I believe that America faces a crisis that only rivals the Civil War and the Revolution which bore it. It's not about term limits or campaign-financing reform, it's about getting people in power. Tom Foley [the Speaker of the House] is not going to reform himself.

Q: Do you get rid of the legislature, do you get rid of the congressional staffs? Do you

recreate the bureaucracy, do you move the government to Lincoln, Neb.?

A: I don't know. First of all, nobody has a single answer. Maybe you should break up the government. You've got to cut the staffs down; they are out of control. But you don't have to totally change the system. There's nothing wrong with the Constitution. When I say this country needs a revolution, it needs a revolution of restoration. We must first get an agenda of consensus in this country—that the country is in crisis and that we are willing to come together to deal with it. It's not about arguing if we like this health-care plan or that one. It's about taking the big steps to save the country. That's what the issue is, a commitment to change, to the restoration of American greatness. It's that simple.

Q: If the system is corrupt, can't one conclude that the political parties are corrupt as well?

A: Yes, and the Democratic corruption is much worse than the Republican corruption. I say that as a Democrat. My party is standing at the verge of following the Whigs into history, of disappearing overnight if they keep this up. The Republicans really do believe in what they say. When they say "Help the rich," these people act in obedience to their principles. When people in my party do it, they do so in absolute treason of their principles. I've realized that my friends are more corrupt than my enemies.

Q: You hear the term "populist" a lot these days. What do you think about that term, what do you think it means?

A: Populist means nothing to me. What, populist—for the people? Our problems are much broader. We need new political language for the new reality.

Q: What's your relationship with Ross Perot? Do you meet with him, do you speak with him regularly?

A: I have had one meeting with Ross Perot, several months ago, and we talked and I encouraged him. Other than that I have nothing to say about my relationship with Ross Perot.

Q: Perot is apparently getting thousands of phone calls a day offering support. How come the public, which presumably knows next to nothing about Perot's politics, is seemingly so eager to get behind him?

A: I don't know if this is going to be real; he has a tough course ahead of him. But he is a genuine folk hero. When he goes on TV and talks, people listen. He's said he will only run if his supporters pave the way for him, if they do the work. Instead of selling out to the Democrats or the Republicans, he says to the people, "I'll sell you out to you." His message is the reverse of Jerry Brown's. Jerry's was, "If I build it, they will come." Perot's is, "If you build it, I will come." His politics are much more complex than they seemed in the beginning. The man is prochoice, pro-gun control. He's very eclectic guy.

Q: Tell me about Jerry Brown. How deep do you think his appeal can be?

A: I don't know yet. He's still growing, and they're still responding. He has a transition to make from simply being the vehicle for discontent, to where people see him as an acceptable leader. You know, in all my life in politics, I am used to dealing with people who are basically finished men. Grown. One thing that struck me about Jerry Brown, in the last year or so, is that the guy is still growing. Can he pass the test of being a real leader in people's minds? If so, he has many advantages that Ross Perot will never have. He can speak with knowledge about the government. He's run it.

Q: How optimistic are you about Brown's chances of capturing the nomination?

A: Every day Jerry Brown is raising $80,000 to $100,000 on his 800 number. He has gone from being a joke to being able to raise $100,000 every day, from people contributing less than $100! Man, I want to tell you, it's out there, the people are ready. As far as I am concerned, the campaign is just beginning. What happens if Brown sweeps his way through the primaries? He's going to go to the convention and tell the delegates that he is running on a platform that indicts them as personally corrupt. That's going to be very tough for those folks to swallow.

This is going to be as exciting as 1968 was politically. We don't know now how it's going to shape up. But there are great forces there, and great moments of possibility.

I remember hearing the Washington insiders view of Jerry Brown: "Great message, wrong messenger." And I would bristle. If your problem is the messenger, if you agree with his analysis of the problems with the political system, then I must ask, "How come his is the only voice?" The answer is there is not another voice, because they are not allowed in. We have a self-perpetuating class of people who have designed the system to keep anyone who questions it on the outside. It's a system designed to take democracy away from the people. So when Jerry Brown raises the banner of taking back the country, they must kill this message. It's a message of death for all of them. It is Cromwell, "Out, you are not a Parliament."

Q: Jerry Brown is running a campaign that has similarities to the race you helped run for Jimmy Carter. Carter also ran as an outside and a reformer. Can you make a comparison between the two campaigns?

A: It's gotten much worse. With Carter, we were battling with muskets. Now it's thermonuclear war. In 1976, the [Democratic] party was still a good party. It had not become what it is today.

Q: If the system is indeed failing, can this leadership recharge the engine, get the growth back? Or do we just have to face the reality of decline?

A: This country cannot survive if the reality is that we continue to go downhill economically. That is not necessary. There's no reason for it. We can get that engine moving. Jerry Brown's idea about the flat tax is an idea about getting that machinery going. When he announced it, I didn't know anything about it. I nearly fell on the floor. But I've gotten much more enthusiastic the more I look at it. The principle of it is to get something that's fair. Even the New York Times said it's the first interesting idea this year.

Q: Do you have any prediction for Tuesday's primary in New York.

A: Yes I do, but I'm not going to share it with you, because I don't believe in jinxing myself. Right this very minute, as I talk to you, I think Jerry Brown—I don't even want to say this—but it could be a big moment. Let me say this. On Tuesday night, there is the possibility that American politics could be shaken to its foundations in a way that has not happened in our lifetime.

## RISKY RESERVE RETREAT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi [Mr. MONTGOMERY] is recognized for 5 minutes.

Mr. MONTGOMERY. Mr. Speaker, I want to share with my colleagues an op-ed piece on the importance of our reserve components and the need to review the history books before we move too quickly to cut them. It was written by retired Col. Harry Summers, Jr., and appeared in the April 2 edition of the Washington Times.

[From the Washington Times, Apr. 2, 1992]

RISKY RESERVE RETREAT

(By Harry Summers, Jr.)

"Those who cannot remember the past," wrote the Spanish philosopher George Santayana in 1906, "are condemned to repeat it." It is an adage often quoted, and even more often ignored. With last week's announcement by Defense Secretary Dick Cheney of an initial 1992–93 cut of some 830 units and almost 140,000 men and women from America's military reserves—the Army and Air Force National Guard and the reserves of the Army, Navy, Air Force, and Marines—we may be on the verge of doing it yet again.

"The National Guard and Reserves are invaluable national assets," he said, "but we are cutting the size of the entire military force, both active duty and reserve." By 1997, another 100,000 will be cut from the reserves, reducing their overall size by some 25 percent almost the same percentage as the reductions under way in the active forces.

The National Guard and Reserves will play an absolutely vital part" in future strategy, Mr. Cheney emphasized, noting that the proportion of active duty forces (64 percent) to reserves (36 percent) "will remain the same." But these statistics mask an important shift in the philosophy undergirding the Total Force concept that grew out of the Vietnam War.

"We * * * need active forces when we are talking about combined arms forces * * * that go in harm's way with the greatest likelihood of sustaining casualties," Joint Chiefs of Staff Chairman Gen. Colin Powell said. "For that kind of proficiency * * * you need active units that are able to train at this day in and day out all year long."

While Gen. Powell's premise is arguably true when it comes to Army maneuver units (that is, front-line infantry, armor and cavalry units) it is dangerously similar to the arguments used at the height of the Cold War to justify neglecting the reserve forces in favor of a large active force. "If they can't get there in 90 days," ran the argument, "we don't need them."

"But what happens on the 91st day," asked Gen. John Vessey, who was passed over for promotion to his second star for asking such an embarrassing question. A former Minnesota National Guard first sergeant, who won a battlefield commission at the Anzio beachhead in World War II, Gen. Vessey wouldn't shut up. When his question was finally addressed, the reserve was found to be in such disarray that the only options open after 90 days were surrender or nuclear war.

Gen. Vessey (who rose to four stars and appointment as chairman of the Joint Chiefs) helped set in motion the mobilization machinery that paid off so handsomely in the Persian Gulf war when the reserve forces (as they had in every American war save Vietnam) literally made victory possible.

Reserve forces represented some 20 percent of U.S. military forces deployed to the Gulf, and Mr. Cheney acknowledged that they had performed "magnificently" in that war. But there is more to the reserves than their purely military capability, as then-Army Chief of Staff Gen. Creighton Abrams recognized when he established the "Total Army" concept in 1972, melding active and reserve components into a cohesive whole.

By incorporating reserve combat brigades into active-Army divisions, Gen. Abrams sought to eliminate the disastrous Vietnam War fallacy that wars could be fought "in cold blood" without paying the political price of national mobilization. It was precisely what many saw as the reserves' greatest weakness—their political sensitivity—that Gen. Abrams recognized as their greatest strength. Unlike the draft, which had degenerated into a national disgrace, the reserve forces, he believed, represented the true bridge between the active force and the American people.

The Persian Gulf war proved him exactly correct. As Gen. Crosbie E. Saint commented, "The early decision to call up the reserves turned out to be a major catalyst in consolidating American public opinion firmly behind our strategy in the Gulf. The size of the call-up meant that everyone had players from their state. The moral ascendancy that U.S. troops had when they knew their country was behind them cannot be discounted." "In war," Napoleon said, "the moral is to the material as three to one."

Cutting the size of the reserves to reflect post-Cold War realities is one thing. Cutting their role in providing for the common defense so as to avoid the perils and problems of mobilization is quite another. If we fail to remember that major lesson of the Vietnam War, we will surely once again reap the disastrous consequences.

## THOUGHTS ON THE SCANDAL-RIDDEN HOUSE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. DELAY] is recognized for 60 minutes.

Mr. DELAY. Mr. Speaker, I take this time in the well and before the House to express my opinions about what has been going on in this House or the lack of what has been going on in this House over the last few years, particularly during the scandal-ridden period of the last year or so.

□ 1520

I think it is important, at least I think it is important to me, and it is certainly important to the American people, to understand what has actually happened here and try to put it together and put some perspective on it.

The theme that I am attempting to bring to the House today is basically that, as has been said by the previous speaker from California and many other speakers that have come down to the floor of this House, that the Democrats have mismanaged this institution. Not only have they mismanaged the administration of this institution, but they have mismanaged policy as well.

I think it can be brought to bear by looking at what has happened in the bank scandal, the post office scandal, and other scandals, and try to relate that to what is happening on the floor of this House as far as passing legislation and doing what is right for the American people.

I was one of the few Members, one of only eight, that voted against the resolution to close the so-called House bank. Let me explain to not only my constituents but the American people why I voted against closing the House bank. I was outraged by the Democrat leadership's approach to this whole problem. I will get into the time line of how this all came about.

I thought that what was happening here was, No. 1, a lack of leadership in standing up for the institution itself, not standing up for abusers, not standing up for people that had misused the bank or had misused their privileges, or the leadership and staff that had mismanaged the bank, but I thought it was important for the Speaker of the House, particularly, to stand up and tell the American people what this was.

This was not a bank in the sense of what we think of as a bank. What it was, was a payroll system. It was a way of paying the Members of the House that was set up back in the early 1800's because it was difficult, because of separation of powers, to come up with a convenient, easy system to make payroll in the House, to make payroll.

Every company in this country has a payroll office. We have to have accountants and people that do the paperwork, do the accounting, make the debits and credits, and keep an honest accounting of what is going on. Even in banks one has to have a payroll office. That is what this House bank was. It was a payroll office that became a convenient cash disbursement service.

Over the years it became easy to bend the rules or expand the rules and allow Members to overdraft their accounts, because, indeed, this was a system of payroll where moneys were held, moneys that belonged to the Members of the House, the moneys that they were paid as payroll, in this account.

The way I understand it was set up was that the Congress would appropriate moneys that amounted to the total payroll of the Members of the House. That appropriation went to the U.S. Treasury, who made a deposit in a private bank in this town, who then credited the House bank, the payroll office, the amount of the total payroll.

The office here in the Capitol building then accredited to each Member's account the amount of the pay that that Member was to receive for that month. Every time the Member would write a check, the bank, the House bank, would then withdraw that money from the private bank here in Washington, DC.

Remember, this payroll service was a pot of money that belonged to the Members of the House of Representatives. I was very concerned that this was getting out of hand, that the American people were being told that everybody was a check kiter and a check bouncer and we were all crooks. Those that did have overdrafts in the bank were drawing moneys from other Members, because other Members' balances, deposit balances in other Members' accounts, went to cover these overdrafts. Maybe that was wrong. Maybe we should not have been doing that.

When it got out of hand, when Members would overdraft their account that was beyond the amount of their next monthly paycheck, that is when it started getting out of hand. Then Members got sloppy, and for whatever reason, abused the bank.

The point was when all this broke in the press our leadership did not investigate the situation immediately, stand up and look the American people in the eye, tell the American people, No. 1, what is this payroll service, and No. 2, "We are not going to allow abusers to continue this practice. We are not going to do something about it."

They did not do that. They thought if they passed a resolution immediately to close the bank down, then it would all be done and we would wash our hands of it. We could hide as many Members as possible that may have had overdrafts. We may have to throw some of the Members to the wolves, particularly the blatant abusers, and the rest of the Members would be protected.

That is exactly what happened. In fact, for months the Democrat leadership of this House tried to cover up or slow down the full disclosure of what was going on in relationship to the bank.

Mr. WALKER. Mr. Speaker, will the gentleman yield at that point?

Mr. DELAY. I am glad to yield to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, I think the gentleman from Texas [Mr. DELAY] is being generous in indicating it was for months. It was actually for years.

Mr. DELAY. It was for years. I stand corrected.

Mr. WALKER. Mr. Speaker, the first GAO reports on the bank go back to 1968, and at that time they were submitting secret reports to the Speaker. In those secret reports they were detailing Members of Congress who were in arrears in their House accounts. During that period of time it is clear that nothing was done about the bank, from 1968 until an interesting period in 1977.

In 1977 the decision was made to make the GAO reports public. Understand, this is the actual final report which, as a matter of practice, became a report that said little or nothing.

What they specifically decided to do in 1977 was to eliminate the names of Members who were not keeping their accounts straight in the House bank. Beginning in 1977, a coverup was specifically engaged in, because at that time the GAO reports were stripped of the names of Members who had previously appeared in reports. So as of

1977 there was evidently a decision made that, "We will begin covering this matter up, of the check kiting, as a matter of policy."

In fact, nothing then was known about these matters until the recent episodes when the GAO once again began to put this information in. It is not clear exactly why they decided to do that at this point. Evidently the situation had gotten so bad they could no longer tolerate it.

The fact is that there was a specific coverup engaged in for at least 15 years by the Democratic leadership to whom those reports were presented. Understand, these were not reports to the House as a whole. These were reports to the Democratic leadership, specifically to the Speaker. So we have a succession of Speakers, beginning in 1977, who engaged in an activity with the GAO which amounts to a coverup.

Mr. DELAY. Mr. Speaker, I appreciate the gentleman giving us that little bit of history. I think it is very beneficial to the overall theme of this special order. That is that this has been going on, this lack of leadership, the mismanagement of the House, has been going on for many years. It just points up that when someone is in power for an inordinate amount of time, then this kind of oversight, this kind of corruption, if you will, continues and builds upon itself and sort of feeds on itself.

I would like to get in just very quickly to go back not as far as the gentleman from Pennsylvania [Mr. WALKER], although that is very useful, to show how long this has been going on, this particular time frame of this particular scandal.

The unacceptable condition of the House bank came to light on September 18, 1991, as we all know, when the GAO submitted its biannual report. A Roll Call reporter noticed a footnote entitled "Accounts receivables from Members," an interesting way to put it, which included the item "Checks held for insufficient funds."

The reporter inquired into the matter and it was revealed for the time period of the GAO report, December 31, 1989 to June 30, 1990, over 4,000 checks were written on insufficient funds by Members of Congress. With this revelation, the Democrat leadership coverup began. The first step Speaker FOLEY took was to declare that the House bank would no longer honor bad checks. Then he stated, "This is a matter that is now over."

According to the Washington Post article of October 1, 1991, "Check bouncing stories hound House Members, GOP freshmen are demanding disclosure." "In subsequent news conferences * * * [Speaker FOLEY] also made it clear that the list of transgressors and their sins would not be published, and Members' banking privileges would be no more and no less than those accorded to any citizen bank secrecy laws."

Speaker FOLEY was made aware of the significant problems of the House bank in a GAO report released previously on February 7, 1990.

□ 1530

Apparently reforms were instituted then, according to the Speaker. However, the abuses and shoddy record-keeping continued with no followup accountability on the Speaker's part.

Mr. FOLEY told Ted Koppel on the March 28, 1992 "Nightline" broadcast that he directed the House bank to clean up its act in 1989. He may have issued new guidelines, but there was no followup for years to see if they were adhered to.

This point brings up a significant contradiction. If Mr. FOLEY, the Speaker, issued guidelines, why do some Members of the ethics committee report maintain that there was no statement of policy regarding the overdrafts? The gentleman from Kentucky [Mr. BUNNING] submitted into the CONGRESSIONAL RECORD on March 13, 1992, the specific guidelines for bad checks presented at the House bank. Furthermore, according to articles in both the Washington Times and the Washington Post, on March 24, 1992, it was documented that Mr. FOLEY was informed in December 1989 by the GAO that former House Sergeant at Arms Jack Russ has written bad personal checks at the House bank totaling over $100,000.

In the real world, this would bring on criminal indictment. In fact, former Democrat Sergeant at Arms Kenneth Romney was sentenced to 30 years in prison in 1947 for a $125,000 shortfall. And I might add that the Sergeant at Arms at that time was a Democrat Sergeant at Arms, and the reason he was caught was that in 1947 the Republicans took over this House for a very short period of time, and before they would take over the House payroll office, the House bank as it has become known, they wanted an audit before they would take it over. And in that audit Mr. Romney was caught and charged and was convicted and went to prison.

In the Democrat leadership scheme of things, the fox was keeping charge of the hen house, unless the fox is caught. Then he becomes the scapegoat.

Mr. WALKER. Mr. Speaker, will the gentleman yield further?

Mr. DELAY. I am happy to yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, it is not an interesting parallel here to what happened in the post office the other day when the House Clerk was assigned by the Speaker, on a temporary basis, the assignment of running the House post office, and to his credit the House Clerk said, "Well, I'm not going to take over anything without an audit," and brought in a group of auditors to look at the practices in the House post office, only to find out that all of the reforms that we had been told were being instituted there were not in fact instituted, and that there were shortfalls in cash drawers and all kinds of problems in the House post office weeks after we had been assured that steps were being taken to clean things up there? So it is an interesting parallel with what happened in 1947, that once again, when the change of command insisted upon an audit, we find out things about one of these internal operations entirely different from what we have been told is the situation. And that was certainly the case in the House post office, and one has reason to wonder how much more there is that an audit would reveal in the House of Representatives.

Mr. DELAY. I totally agree with the gentleman and I appreciate him calling for the release of the GAO records, not so much GAO reports, because we know all too well how reports are done. Usually the reports come from a draft report that has been massaged, and that draft report comes from very real and revealing records that not necessarily end up in the report. The gentleman is very right in calling for full disclosure of all of the records pertaining to these two scandals.

But I think it is interesting that Mr. Jack Russ, the House Sergeant at Arms, after having gone from fox to scapegoat in this sad state of affairs, as the Democrat leadership had deemed him ultimately responsible for the scandal. This is absolutely wrong. The Sergeant at Arms is appointed only by the Democrat leadership, and they are ultimately responsible for keeping him as their top political patron for years. Even after knowing he abused his privileges consistently, he was kept on because we all know the ultimate responsibility for running this institution lies in the Democrat leadership.

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

Mr. DELAY. I am glad to yield to my friend, the gentleman from Texas.

Mr. ARMEY. Mr. Speaker, let me just talk about that point for a moment, if I may. I have a copy of the manual of the House rules. A lot of folks when they think about the House, they think maybe Robert's Rules of Order will prevail, but let us be clear about one thing.

Every 2 years, prior to the convening of a new Congress, the House Democrats caucus separately and the House Republicans caucus separately. When they have their separate caucuses, they vote in their separate caucuses a set of Democrat House rules, and we vote in the Republican conference a set of Republican House rules. They vote a slate of officers, a Democrat slate of officers including the Speaker and the officers of the House. We put up a slate of Re-

publican officers. Then on the first day of the convening of the House we have two very important votes. One, the vote on which slate of officers will govern the body. The majority rules and the Democrats have always, with one only exception that I know of, to a person voted entirely for their slate of officers, their Speaker, and the Republicans to my knowledge, have never had a single Member vote for the Democrat slate. Since they have the majority, their officers, their Speaker is elected.

The second vote we have is on whose rules will prevail. Again, by virtue of their majority, they vote in their rules.

In this manual of rules there is one thing I would like to talk about very quickly. Under rule II, the election of officers, describing this process of how we elect the officers, it says Congress will choose a Clerk, Sergeant at Arms, Doorkeeper, Postmaster, and Chaplain, each of whom shall take an oath to support the Constitution of the United States and for the true and faithful discharge of the duties of his office to the best of his knowledge and ability and to keep the secrets of the House; and each shall appoint all of the employees of his department provided for by law.

I would like to focus on this business of keeping the secrets of the House, and we do not have a lot of secrets in my house. One of the things that amazed me about this whole eruption of this House bank scandal is what I learned about this bank that I did not know until it was that somebody no longer kept the secrets of the House.

For example, I did not know that it was a longstanding tradition and convention that any Member of the House who had an account at the Sergeant at Arms may in fact choose not to do so. I had been told when I came here I must have this account, and I must receive my paycheck in this account. There was no other way to do it. Understanding the arcane ways of Government, that did not seem incredible to me. If there is a dumb way to do something, it occurs to me the Government will probably find and insist on that way. So I thought that that was an acceptable practice and I accepted that. I did not question it. I had been told the rules of the House require you to keep this account.

I now find out that the secret was that was not the case. I was also told that my wife could not be a cosigner on those accounts. It did not make sense to me, and I did not like it, but I was told it was a rule of the House by one of the officers of the House.

I went home, related that story to my wife, and she had a very difficult time accepting that, and gave me a little bit of a tongue lashing over that. In fact, we fought about that for several years. So when this scandal breaks and the secrets are out of the bag, the first thing my wife finds out is a Democrat Member says, "Well, I did not write those checks; my wife did."

□ 1540

Now, I explained then to my wife how it is his wife could write the checks but she could not. I said, "Honey, the only difference I can see between you and her is she was married to a Democrat. They are in the majority. They write the rules. They write the waivers of the rules. They grant the exceptions to the rules. I am in the minority, and since they are not my rules, I must obey them with no exceptions, no waivers."

I now find out later when the secrets are out of the House bag that this is not a bank after all. It is variously described as a payroll office, as a commune, and, as the story distills, I find out that very few Republicans, and I have not been able to find any Republican, that was officially notified by any officer of the House that these extraordinary and unusual and eyebrow-raising protections for overdraft were in place. We did not know that that was a secret.

Mr. DELAY. I did not know it.

Mr. ARMEY. I did not know it. I never heard that story until we got down here and the Democrats starting explaining why it is they had 400 overdrafts and so on down the line.

When the rules of the House, written by the Democrats, passed by the Democrats, clearly required the officers of the House, elected by the Democrats, to keep the secrets of the House, does that mean they must keep the secrets from the Members of the House that do not happen to be in the majority party? Because I feel very strongly, and in a most heartfelt way, a lot of anger over this, because much of what I had been told, for example, to my wife in good faith and honest fidelity to the vows we had to one another were the rules of the House that I must obey. It turned out to have, in fact, not been the case, but just a secret in the House that was shared by the majority and not with the minority. I am angry about that.

There is another question I would have about the secrets of the House.

PARLIAMENTARY INQUIRY

Mr. DELAY. Would the gentleman hold right there?

Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. RAY). The gentleman will state his parliamentary inquiry.

Mr. DELAY. Mr. Speaker, I make an inquiry of what does it mean when it says in the rules of the House that the House must keep the secrets of the House, the officers must keep the secrets of the House?

The SPEAKER pro tempore. The Chair is not prepared to respond to that, and will be consulting with the gentleman.

Mr. ARMEY. If the gentleman will yield further on this point, I want to thank the Chair. The gentleman sitting in the chair, as we all know, is a good and true man, and we certainly do not want to, in any way, leave the impression that we might be indicting the gentleman who is in fact presiding.

Mr. DELAY. I appreciate the gentleman pointing that out.

Actually, through a parliamentary inquiry, we are asking in this setting a question of the Parliamentarian.

Mr. ARMEY. Which is an officer of the House, appointed by the Speaker, elected by the Democratic caucus.

Mr. DELAY. That is correct.

Mr. ARMEY. Not voted on, of course, or appointed by the Republicans.

Let me just make one last point about the question of all of these big important House secrets that are being kept.

Even as a Member of the House from whom the secrets are being kept, I cannot even avail myself of the Freedom of Information Act to compel the majority of the House to tell me what are those secrets they have that govern my affairs in the House that they will not share with me, because the House is exempted from the requirements of the Freedom of Information Act. So I have no way of knowing what are the secrets of the House by which the majority operate differently than the minority operate, even through those mechanisms that I might find out what the CIA is doing, and I am not even in the CIA.

Finally, let me just say because it is very distressing to me that this is their rules. They put this bank in effect, and they did it so that people could, in fact, as we now know they did, routinely and methodologically, systematically use this as a private, personal cash cow not available to anybody who is not in on the secret. That is what I would call clearly partisan graft.

Now that they are caught in such an embarrassing situation with their hand up to their elbow in the cookie jar, they want to have a bipartisan sharing of the shame and sharing of the blame. Well, I may have to live with the fact that sharing with the embarrassment is inevitable, but sharing in the shame is optional, and I, for one, elect instead to share in the anger of those good and true and honest disappointed constituents back home that also were left out of knowing the inside story of the secrets of the House.

I want to thank the gentleman.

Mr. DELAY. I really thank the gentleman from Texas for once again demonstrating his eloquence in driving a point home, and I would just want to make sure whether the Chair is ready to respond on my parliamentary inquiry.

The SPEAKER pro tempore. The Chair will take the parliamentary inquiry under advisement. That course of action may be especially appropriate where, as here, the inquiry does not relate in any practical sense to the pending proceedings of the House.

Recognition for the purpose of parliamentary inquiry is, in any event, a matter wholly in the discretion of the Chair. The Chair will, therefore, take the present inquiry under advisement and will be pleased to consult personally with the gentleman from Texas in the meantime.

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

Mr. DELAY. I am happy to yield to the gentleman from Pennsylvania. But before I yield to the gentleman from Pennsylvania, let me just say one thing about the presentation made by the gentleman from Texas which was so well done. He is expressing his outrage not only of the mismanagement of the bank, where deposits were credited days after they were actually put into the bank and those kinds of mismanagement problems, but he was also expressing outrage of malfeasance because what was happening here was a double standard, and I think Members on the other side of the aisle are also outraged at the lack of leadership that they got from their own leadership, because if the leadership then would have done what I suggested, and the whole reason I voted against the resolution, would have stood up for the institution and would have outlined what the payroll office was all about and how it operated, yes, we still would have been embarrassed with our overdrafts, but the American people would understand what it was all about.

I have constituents just as recently as last weekend thinking and talking to me and very upset with me thinking that not only were the overdrafts still going unpaid but the overdrafts were being covered by taxpayers' money. So they still have not, after all of these months, been able to articulate to the American people what this was all about, had some abusers doing it, and what were the rules, and not the rules, of how this was operated.

If I were a Democrat, I would be just as outraged at the mismanagement of this House as the Republicans obviously are.

Mr. WALKER. Will the gentleman yield?

Mr. DELAY. I am happy to yield to the gentleman from Pennsylvania.

PARLIAMENTARY INQUIRY

Mr. WALKER. I thank the gentleman for yielding.

Mr. Speaker, what I want to do is, I wanted to offer a parliamentary inquiry here of the Chair.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. WALKER. Do I understand the Chair correctly that the Chair is not prepared to rule at this time on what the phrase "secrets of the House" means?

The SPEAKER pro tempore. In reference to that question, the Chair says to the gentleman from Pennsylvania, the word "secrets" has appeared in the rule for a great number of years. The Chair will endeavor to try to find out for the gentleman what the word "secrets" means.

Mr. WALKER. Means in terms of what the officers are compelled to do by their oath of office? Is that correct?

The SPEAKER pro tempore. The Chair is just unprepared to respond to that question further at this time, but the Chair will endeavor to find out.

Mr. WALKER. I have a further parliamentary inquiry.

The Chair has said that it will take this under advisement. Can I assume that the Chair will also report to the House what the Chair's position is with regard to this matter, and could we get some idea as to when the Chair is going to report that information to the House?

□ 1550

The SPEAKER pro tempore (Mr. RAY). The Chair will take that under advisement as well.

Mr. WALKER. Well, a further parliamentary inquiry, Mr. Speaker. Do I understand that the Chair may or may not report this to the House?

The SPEAKER pro tempore. The Chair will consult the individuals involved, as previously stated.

Mr. WALKER. The Chair is going to report to the gentleman from Texas [Mr. DELAY] and to myself what the word "secrets" means as it pertains to the duties of the Officers within the House, is that correct?

The SPEAKER pro tempore. The current occupant of the chair will take the gentleman's question under advisement. The Chair will be pleased to consult with the gentleman.

Mr. WALKER. Well, I understand the gentleman occupying the chair may not be the one who ultimately reports this, but I am trying to ascertain what we can expect in terms of a report.

My parliamentary inquiry, since the Chair has indicated it will take it under advisement, can the gentlemen concerned expect a report from the Chair on this matter, and when would that report take place?

The SPEAKER pro tempore. The Chair will just have to consult with the Speaker on such matters as that and then consult with the gentleman.

Mr. ARMEY. Mr. Speaker, will the gentleman yield for a further parliamentary inquiry?

Mr. DELAY. I yield to the gentleman from Texas.

Mr. ARMEY. Mr. Speaker, a further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. ARMEY. As the Chair consults with the Speaker matter, and I understand the Chair must do that, but as the Chair does so, would the Chair also inquire as to whether or not once the Speaker determines which of the secrets of the House he will share with the Members, the extent to which we Members might be allowed to share those secrets with our wives? Because obviously one of the most painful things about this whole experience for me was that my wife was not in on the secrets.

Now, I can stand having secrets kept from me, but my wife is not real good at having secrets kept from her, and she gets pretty upset about it.

The SPEAKER pro tempore. The gentleman from Texas is welcome to proceed with his special order.

Mr. WALKER. Well, a further parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. WALKER. Mr. Speaker, I want to establish what it is we are concerned here. Is the term "secrets of the House" a standard parliamentary term? I am not just concerned about the word "secrets". I am concerned about the phrase "secrets of the House." Is that something which is in fact a standard phraseology which appears elsewhere in the rules and therefore has substantive meaning?

The SPEAKER pro tempore. Well, the Chair can only take the gentleman's inquiry under advisement. The word "secrets" does appear in the rule.

Mr. WALKER. Well, once again, the Chair has made that clear. I understand that the word "secrets" appears, but the phrase here is "secrets of the House."

Now, is that a phrase which appears consistently and does it have some particular meaning in terms of the duties of the Officers?

The SPEAKER pro tempore. Well, the Chair will have to take this under advisement and respond at a later date.

Mr. WALKER. Well, Mr. Speaker, I thank the Chair.

Mr. DELAY. Well, Mr. Speaker, I thank the Chair also.

Let me point out for those who made the watching, the parliamentary inquiries by the gentleman from Pennsylvania and this gentleman from Texas and the other gentleman from Texas, that the very distinguished gentleman sitting in the chair is not the Speaker of the House. Most parliamentary inquiries, again I repeat, are to the Parliamentarian through the Chair, so actually when we ask those questions, we are asking questions of the Parliamentarian.

Mr. Speaker, let me very quickly continue with my presentation of the mismanagement of the House.

I mentioned earlier there was a scandal found by the Republicans in 1947 when a Mr. Romney was caught $125,000 short after the Republicans had called for an audit, after they had taken over as the majority of this House. They were not going to take over the bank without an audit, and upon that audit

they found this discrepancy and sent Mr. Romney to prison.

Another House bank scandal occurred in 1890 when again the Republicans were taking control of the House and the Democrats had to give an account and were found wanting, this time to the tune of $75,000; $50,000 of this amount had been embezzled by an employee who ran off with a prostitute to Canada, never to be found again.

The Republican inquiry revealed malfeasance and nonfeasance. Members lost money because of the embezzlement and taxpayers lost money because Members had to take salary advances to replenish their accounts. Again the taxpayers made up the shortfall as the courts ruled the money was public.

Now, the House needs new management, and that is Republican management. In my opinion, it will not do any good to get rid of the present Speaker or the present leadership, because what will happen is more will come in and it is the arrogance of power that we are talking about here. What is going on here is arrogance of power. We need a change in management.

Many Democrats feel confidence in the present Speaker has evaporated. They may offer a new Speaker; however, that just is not the answer to the problem.

Mr. Wright resigned from the Speakership amid a scandal and the present Speaker was offered as the clean candidate.

The Democrats could offer us another candidate, but it just will not change the system. Only when the public and Republican pressure becomes so great does the Democrat leadership act.

We need new leadership which will act because it is right, not because they have been caught in coverups and scandals.

The Democrat leadership's latest strategy is to deflect the heat by adopting Republican proposals of perk cuts, no more free prescription drugs, higher gym dues, less parking privileges. Republican freshmen have been proposing these changes since the beginning of the 102d Congress.

The Democrats are also trying to deflect attention by criticizing perks in the executive branch—more coverup.

The Scripture says to first deal with the beam in your own eye before taking out the speck in your brother's.

As usual, the Democrats are missing the point. Cutting perks has a certain political appeal and maybe it is needed; however, while the public is requiring better stewardship of its tax dollars, Democrats cannot even practice decent oversight of a post office and a bank.

We need internal congressional reforms that insure fairness and streamline the House to do the Nation's business.

The Republican Party offers Americans an alternative to the Democrat privileged House by offering very real reform.

The House bank mess has become a metaphor for overall mismanagement of the system of this institution by the Democrats. If Congress could practice restraint in spending, stop taxing Americans into oblivion, make the streets safe and pass legislation that helps strengthen the family, then maybe the voters would have the Olympian detachment necessary to overlook the bank scandal; however, when they see their incomes decline from tax increases and recessionary policies and regulations, and when they cannot go to night school or find that extra job because their street is not safe at night, then they have every right to get angry about the gross mismanagement of the affairs of the people's House by the Democrats.

I just want to quickly, if I may, before I yield to the gentleman from California, go from the bank to the post office, and I think it is important to get into the RECORD our concept of the time line of the coverup of the post office, and it goes like this. In early spring of 1991, a postal clerk fled the District of Columbia with $10,000 in embezzled cash and money orders. The Capitol Police began an investigation. On May 29, 1991, Robert Rota, postmaster of the House post office, announced a surprise audit of the House post office on June 6, 1991. The Capitol Police requested Mr. Rota's cooperation in an investigation of the post office.

Later in June, 1991, Postmaster Rota, according to police documents obtained by the Washington Times, ordered House postal employees not to cooperate with the police investigation. Mr. Rota was acting on direct orders from Stephen R. Ross, the General Counsel for the House.

On June 11, 1991, the investigation of the House post office by the Capitol Police was halted by the House leadership, and was not resumed until July 9.

On June 19, 1991, Frank Kerrigan, chief of police of the Capitol Hill Police Force, meets with Stephen Ross to discuss the probe. Shortly thereafter, Chief Kerrigan takes early retirement. This is 6 months earlier than announced and is believed to be over a dispute with the leadership.

July 9, 1991, at the request of U.S. Attorney Jay Stephens, the Postal Inspection Service begins an investigation into the activities of the House post office.

August 19, 1991, Roll Call reports that the administrative assistant to the Speaker is blocking a police investigation of the House of Representatives.

□ 1600

The reasons given were constitutional grounds of separation of powers. Maybe it is that secret-keeping secrets of the House, as the gentleman from Texas was talking about.

The report is very vague as to the nature of the investigation and the Republican leadership is still not notified of any problem.

September 1991, the report by the postal inspector's office is complete and turned over to Robert Rota, the House postmaster. According to Rota, he personally handed the report to the AA, chief of staff to the Speaker, Heather Foley.

January 22, 1992, the Washington Times breaks the story that theft and cocaine selling is commonplace at the House postal facility. One clerk has admitted to selling $25 bags of cocaine at the facility. This is the first time many Democrats and Republicans learned of the problem. The Speaker says that the failure to alert the Republican leadership was due to informational glitches, probably more keeping of the secrets of the House.

On February 5, 1992, the House votes to give the Committee on House Administration the authority to investigate the House scandal. February 3, 1992, four postal employees are charged with stealing more than $35,000 between 1988 and 1991. March 5, 1992, which is a good year later, two postal employees plead guilty to embezzling $11,000.

One of those convicted is Edward Pogue III, the son of Barbara Pogue, administrative assistant to Representative GAYDOS.

March 5, 1992, a surprise audit of the post office finds cash shortages. This is an audit held after all this mess went on that the gentleman from Pennsylvania alluded to earlier. But this surprise audit of the post office finds cash shortages of $600 in one drawer and $218 in another.

A report by the Clerk of the House following the audit found that many of the changes recommended by the U.S. Postal Service last fall had not been followed. According to the report, "A major concern is that current management personnel do not seem to have the skills needed to adequately conduct the financial aspects of the daily postal operations."

What I am trying to say, Members, what is going on is that there is no followup even when there are problems that have been found, there is no followup to correct those problems. We blame the employees of the House. We fire them, thinking that that will take care of it. We go through an investigation of the post office. The investigation is on one minute, it is off another minute; you have resignation of the chief of police, the Capitol Hill police for unknown reasons, but it was very timely; you have obviously another audit that has found hundreds of checks that amount to over—I believe the amount was $75,000, hundreds of money orders in the post office with the safe door open, money orders sitting there that amounted to over $75,000.

It just goes on and on. And this was after, a year after we found improprieties and problems in the post office. And then in that audit, that surprise audit, the report by the Clerk of the House finding that personnel working for the post office did not have the skills in order to run the postal operations properly.

You know what that means? It means patronage. People were getting jobs from the Democrat House based upon who they knew, not the skills that they had. That is going on throughout this House, in all different positions, but particularly in sensitive areas like the post office. We are hiring, we were hiring, the House was hiring people who did not have the skills to perform the jobs they had. All they had was who they knew, that is all they had, who they knew is how they got their jobs.

Once again, what we are pointing out here is that we are outraged at the mismanagement of this House, and it is not just this last year. It has been going on for years. It is the arrogance of power, the lack of follow-through, the "oh, yes, we can push that over in the corner and not address it." But when the scandal comes out, then we throw all the doors open and we attack things going on around here that have direct relationship to doing our jobs. Some people call them perks. But the leadership throws them out, says we have been doing wrong for all these years and we are going to correct them, only in response to scandal, only in reaction to press reports, only in reaction to outrage expressed by the American people, only then are things changing.

But things have been wrong in this House for many, many years. And I think this year if you can read the polls at all, the American people do understand what is going on in this House, and I think they are going to take the opportunity to change the management of this House. I hope they will.

Mr. Speaker, I yield to the gentleman from California [Mr. DOOLITTLE].

Mr. DOOLITTLE. I appreciate the gentleman yielding.

Mr. Speaker, I am sorry I was not here earlier to participate in the debate. I am very interested in the topic being discussed.

Mr. Speaker, Lord Acton was known to observe that, "Power tends to corrupt, absolute power corrupts absolutely."

For the past 38 years the House of Representatives of the United States has been under one party's solid control, that party is the Democratic Party.

Since 1955, every Speaker of the House has been a Democrat, every chairman of every committee in the House at all times has been a Democrat. And the accountability resides with the Democratic Party.

I would submit, Mr. Speaker, that scandals that have broken so far this year, whether it is the House bank, which we are in the midst of, whether it is the post office, which is still being investigated, many things I believe are yet to come to light; whether it is the unpaid restaurant tabs; these scandals are not isolated instances. They are symptomatic of the breakdown within this great House of Representatives, an institution created by the Constitution of the United States, which is great but which has fallen into serious disrepair.

I think the anger that we see on the part of the public relative to the House bank scandal and which we will see once they become aware of the facts when these other scandals are fully brought out into the open, is as much not just directed at the underlying facts pertaining to the scandals themselves—and this I say particularly with reference to the House bank. I think in some of the others, with the post office we are dealing with actual crimes that have been committed. But at least with reference to the House bank, I think it is the facts of that matter laid beside the terrible record that this Congress has in legislating for America. We have stood by and watched year after year after year as the family has been increasingly put upon by the Government. Today the level of taxation stands at an all-time high, in the history of this country, on the average American family.

Let me just recite a statistic that sticks in my mind and is one of the reasons I wanted to come to the House of Representatives to make a difference.

In 1948, the average family of four, with a median income, paid 2 percent of its total income to the United States Government in taxes of all kinds. Today, that same family of four, with a median income, pays 24 percent of its total income to the Federal Government in taxes of all kinds, a twelvefold increase.

Mr. Speaker, has the quality of life improved twelvefold in the United States since 1948?

In 1948, you could talk to people, I have talked to my mother, who was a young lady at that time in the city of Los Angeles, and she told me about how she would travel on the old "Red Car" across the city at night without a thought as to her public safety while en route.

I talked to a gentleman who was just out of the military in the city of New York, in Harlem, actually, in the 1940's. And he related to me that Harlem was a depressed area even in those days, but there was never a thought about one's safety. Traveling at night, going on the subway, I mean clearly when it comes to crime, the quality of life has not improved, it has gone precipitously downhill despite billions and billions of liberal Democrat social programs that we have overtaxed the American people to help pay for.

We have sown the wind, and we are reaping the whirlwind, as the Scriptures say. And the whirlwind consists of a generation engulfed in drug abuse, criminal activity, broken families, and general debauchery; and it is tragic.

□ 1610

Now that is not to say all the generation, or perhaps even a majority, but so many are either involved in it or are victims of it that it amounts to very, very large number.

Does the gentleman from Texas [Mr. ARMEY] wish to be yielded to?

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

Mr. DELAY. I yield to the gentleman from Texas.

Mr. ARMEY. Mr. Speaker, I appreciate, and I hear, the anger in the voice of the gentleman from California [Mr. DOOLITTLE]. I hear the anger in the voices of my constituents back home, and we all are hearing it.

The thing that I think I would like to see happen as a consequence of this bank scandal and this scandal with the post office is it is a scandal of self-indulgent mismanagement of what we all here like to call—and rightfully should call—the people's House. This is the people's House. But the mismanagement we are seeing is the fact that we have some people that have been here so long and so totally and absolutely in control with a concentration of power in their hands that they are acting as if they own the place. And they may talk about the people's House. But they do not treat it like the people's House.

And then we hear all this talk. I hear the President complained about for his lack of leadership causing the problems we have, but it is because we have a dual-divided Government.

The gentleman just talked about crime in the streets. President of the United States sent to this House over a year and half ago a very comprehensive crime bill. The House has not taken up the President's bill. They have taken up the issue of crime. They have brought a bill to the floor that is completely contrary to the President's bill. They have sent back, or tried to send back to the President, a bill that is totally opposite, in a different concept, a different vision, a different philosophy, than what the American people voted for President. And then of course, when in fact the President's legislation is not taken up by this Congress, and they turn out an aborted piece of legislation that is a mockery of his legislation, they then have the gall, the unmitigated gall, to say, "Well, our problem is we don't have leadership from the President."

The problem is they use a divided government, not to give checks and balances institutionally between the

legislative branch and the executive branch, which is what was intended, but to co-opt the right to participate in this process by the executive branch, and I will cite one more example.

In 1974, we passed what was known as the Budget Reform Act. Well, the full title is: The Budget Reform and Impoundment Control Act. The act was passed by Congress because the President at that time, President Nixon, had the audacity to meddle in congressional spending bills, to exercise his legitimate power of rescission and impoundment, and to take on a line-item basis things out that he thought were wasteful and unnecessary. Now the gentlemen on the Committee on Appropriations, as the gentleman knows, know that here in Congress a Member's word is his bond; that is insofar as he gives it to another Member, and all spending bills are a collection of deals between Members. "I'll put your pork in the bill and support it if you'll support my pork." The President is not in on all these pork deals. The President used to have the power to exercise the rescission, to exercise an impoundment, to use some judicious discretion to stop wasteful spending.

Mr. Speaker, Congress could not tolerate that. So, they passed this Budget Act.

Now what does the Budget Act require of the President? Requires that the President submit a budget recommendation to Congress, and it requires the Congress to produce a budget. They may or may not work from the President's budget. They have generally ignored or ridiculed his budget until it came time to put their budget together, in which case they took the assumptions of the President's budget, cobbled together a two-page document and then pass it. The President does not sign that budget, Congress does not remain bound by it because, as the gentleman knows, time, after time, after time Congress waives the Budget Act and they put in new spending limits.

So, what I am suggesting in the final analysis is the American people have to talk to the Democratic majority that runs this place with an iron fist and remind them that, when they talk in such glowing, pretentious terms about this being the people's House, that they ought to mean it. They ought to recognize it, and they ought to honor that rather than running this place as if they owned it. It should not be run as their own private little fiefdom.

And I want to say to my colleagues that this is something the public must understand. The Democrat majority has run this place during every moment's operation, in every facet of it, from the assigning of office space to every detail of it, and if they have disappointing corruption in this body, they can look at the Democrats. The fact is we are not even in on the secret most of the time on this side of the aisle. We want to know what is going to be next week's business, and we are told by the Democrats, "When we decide, we'll let you know," and then, when their fat gets in the fire, they want to talk about this being the people's House, and those of us that have the audacity to come down here and point out the painful truth they accuse of being disloyal to the institution.

Well, Mr. Speaker, the disloyalty to the institution is found in those who would corrupt the institution for their self-seeking purposes, and I thank the gentleman from Texas [Mr. DELAY] for having yielded to me.

Mr. DELAY. Very well done by the gentleman from Texas [Mr. ARMEY]. Once again he has so eloquently pointed out the whole point, that we are not here to bash other Members. What we are here to do is to point out to the American people, No. 1, as the gentleman has said, that the Democrats control this House, they control every aspect of this House. They let us in on it and throw us a few crumbs when it serves their purpose or it does not get in their way. But by and large they control every aspect of this House, and they are responsible for it, and we are saying that they are not protecting the institution because of their arrogance and mismanagement.

Does the gentleman from California [Mr. DOOLITTLE] want to say something else? We are running out of time.

Mr. DOOLITTLE. Mr. Speaker, I just want to observe because the Members here, and the guests in the gallery and the viewers may wonder: Why are half a dozen of us present discussing this? What happened? Are we not saying something important enough to have everybody here? And this to me is an example of the Democrat abuse of power, where the Speaker, a couple of speakers ago, caused the camera to pan the Chamber.

Now, for those of my colleagues who are not that familiar with what goes on here, I would observe, Mr. Speaker, that frequently during the regular business we do not have many more Members than what one sees right here, but the cameras at that point are ordered to focus only on the speakers so that one never sees this vast empty Chamber, they are never calling into question the words of the speakers because so few are present. And I guess I would say to my colleagues, "We ought to get serious about reform. We ought to require equal treatment for the special orders, but more importantly than that is why aren't we compelling Members to be on the floor to hear debate? Why don't we ban the committees from meeting while this House is in session? Why don't we act more like a deliberative, legislative body, like we're really supposed to be, focusing attention on the Nation's issues instead of ignoring crime, ignoring jobs and the economy, ignoring the civil rights of all Americans?"

Mr. Speaker, these are important things that we should be concentrating upon, and with that I thank the gentleman from Texas [Mr. DELAY] for the opportunity to express these views.

Mr. DELAY. Mr. Speaker, I thank the gentleman from California [Mr. DOOLITTLE]. I thank the other gentlemen that helped me in this special order.

Mr. Speaker, I do not think much more can be said during this special order. There will be more to come because we intend to point out the mismanagement of this House, and there are other areas that we think have been abused by the leadership of this House, the Democrat leadership of this House, and we are going to spend a lot of time pointing out, not only to other Members of this House, but to the American people, that we need a change in management of the House of Representatives.

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□ 1620

## LOAN GUARANTEES TO ISRAEL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Utah [Mr. OWENS] is recognized for 60 minutes.

Mr. OWENS of Utah. Mr. Speaker, it is my pleasure to yield initially to the gentleman from Maryland [Mr. HOYER]

### IT'S TIME TO CLOSE CEDAR KNOLL

Mr. HOYER. Mr. Speaker, I thank the gentleman from Utah [Mr. OWENS] for yielding. I will not be participating in the particular subject of the special order of the gentleman, and do appreciate him giving me this time.

Today, Mr. Speaker, I am introducing, along with my colleague, Representative TOM MCMILLEN, legislation intended to remedy a longstanding situation that is no longer acceptable. I am introducing a bill to close the doors on the obsolete Cedar Knoll Youth Detention Facility operated by the District of Columbia near Laurel, MD, which is a continuing threat to that community.

If enacted, the bill will close the doors on the escape-riddled facility by the end of the year. There are six specific reasons why we have chosen to take this step today:

First, the facility, which the District Government agreed to close in 1986, is a continuing threat to the community;

Second, the history of the facility is that, once attention shifts, either because there is lull in the number of escapes, or the city faces a bigger crisis, this problem falls off the city's radar screen;

Third, the administration of the youth detention facilities is such that Cedar Knoll can too easily be buried deep in the bowels of the largest city bureaucracy, the Department of Human Services;

Fourth, the fact that other city agencies sometimes must be involved in efforts to resolve problems at Cedar Knoll, for example, public works for facilities repair, or personnel for hiring for vacant positions, creates bottlenecks and delays;

Fifth, the mayor and the administrators, if not today, then tomorrow, may face crises with respect to providing human services that loom larger for city residents than does Cedar Knoll, tucked out of sight in Laurel, MD; and

Last, the District, like any local jurisdiction, has many worthy but competing priorities chasing scarce resources; given the years of inattention to this problem, it is critically important that closing Cedar Knoll and finding appropriate placement for these youths remain at the top of the list until this situation is rectified.

The District of Columbia has operated Cedar Knoll, a youth detention facility in Laurel, MD, for 40 years. For the last 5 of those years, the District government has continued to operate, in violation of a court-ordered consent decree, this same institution.

For these last 5 years, the District has continuously placed in jeopardy the communities that surround this facility by failing to provide adequate personnel to safely supervise the juveniles detained at Cedar Knoll, and by failing to provide adequate resources to secure the physical facility.

In 1990, when I obtained funding to begin security enhancements for the facility, there were approximately 40 escapes over a 5-day period. Since February of this year, there have been 21 escapes.

The Washington Post asked a series of very pertinent questions in a recent editorial—What are we to make of the January escapee charged with armed rape. * * * The several other Cedar Knoll residents incarcerated on assault, drugs, and weapons charges. * * * The other 177 who have taken flight since 1990, or the 467 active cases of escapes from Cedar Knoll and the other youth detention facilities.

Mr. Speaker, I am outraged by the fact that as District officials admit: "* * * Cedar Knoll has experienced the same escape rate of 3 to 5 inmates monthly for the past 10 to 15 years."

I appreciate the honesty of that statement, and I also appreciate the mayor and her administrators' efforts to grapple with this problem, but that statement's point of view illustrates my concern—it is not Cedar Knoll which experiences escapes, it is the families, businesses, schools, and other members of the community that surround that facility that have had to endure these continuously recurring episodes.

A 16-year-old who violated the terms of his detention at Cedar Knoll surrendered to face charges in a shotgun slaying of a Maryland man last month.

It was a man who lost his life that evening at a Capitol Heights convenience store, not a "facility"; it was a mother's child and a wife's husband who lay dying beside the cash register, not several unfenced cottages.

Mr. Speaker, I want to make it clear that I believe that Mayor Sharon Pratt Kelly is as concerned as I am about the situation that exists at Cedar Knoll. She has taken steps to help bring this situation under control. I commend her for that and support her in her efforts. I appreciate the fact that this problem is not of her making, and believe that Mayor Kelly recognizes the problem.

Mr. Speaker, the only safe, acceptable solution for this intolerable situation, however, is to close this obsolete center, and I and Mr. MCMILLEN and my colleagues hopefully will do all that we can to make sure that happens.

Mr. Speaker, again I thank the gentleman from Utah [Mr. OWENS] for yielding me this time.

Mr. MCMILLEN of Maryland. Mr. Speaker, I am pleased to join my Maryland colleague, Representative STENY HOYER, in introducing legislation which would close the Cedar Knoll Detention Facility, located in my home of Anne Arundel County, MD, and operated by the District of Columbia.

The public safety situation at Cedar Knoll has become untenable. Reluctantly, in recent weeks, both Mr. HOYER and myself came to the conclusion that Federal legislation was necessary to permanently close this facility.

Mr. Speaker, Cedar Knoll is the result of one of those forgotten agreements between the Federal Government and the District of Columbia. The land was ceded to the DC government in the 1920's and has been used for many functions. It now is used primarily as a detention complex for juvenile offenders from the District of Columbia. The Complex is divided into two parts: Oak Hill and Cedar Knoll.

Both facilities have had a cloud of controversy hanging over them for the past decade. Under the 1986 court consent decree, the District of Columbia was ordered to close Cedar Knoll by December 1, 1987. Both youth detention facilities have been subject to multiple investigations by the General Accounting Office, the Federal Bureau of Investigation, and the courts.

In recent weeks, Cedar Knoll has been racked by a series of escapes. The latest one occurred last Friday when 11 youths escaped. This has been just the latest in a rash of escapes in the last few years. According to the Human Services Department, 319 youths were lost from January 1988 to January 1989. On any given day 30 percent of detention facility inmates are missing. Those missing range from juveniles convicted of homicide to lesser charges.

Mr. Speaker, while the District of Columbia has taken steps to attempt to deal with the situation, they have clearly been inadequate. The only solution is the one agreed to by the District of Columbia government in 1986—close Cedar Knoll.

I commend my colleague, Mr. HOYER, for introducing this legislation and will work with him to see its passage.

Mr. OWENS of Utah. Mr. Speaker, I, along with many of my colleagues, requested this special order to discuss an important issue, loan guarantees to Israel.

Mr. Speaker, nearly 20 years ago, I had the honor and privilege of voting for the Jackson-Vanik amendment. At the time, it was the pinnacle of congressional efforts to influence Soviet emigration policy. Over the years, there have been many who have derided this effort to condition trade benefits with certain emigration and other policies. But we could not, in good conscience, turn a blind eye to a policy that was immoral and repugnant. Simply put, Jackson-Vanik was the right thing to do.

In the last couple of years, our hopes, our efforts, our hard work, has all been rewarded. I have personally witnessed the scenes at Ben Gurion Airport, as the thousands of Soviet Jewish immigrants descended from planes. All this captures, simply and eloquently, Israel's raison d'etre.

But our responsibility is not over. Our commitment has not been fulfilled.

Some 400,000 Jewish immigrants have reached Israel in the past 2 years. Israel does not face a hypothetical absorption challenge, she faces a real genuine economic and social challenge. Another 1 million Soviet Jews hold immigration application forms.

Those who remain in the former Soviet Union face an uncertain future. If history is any guide, Soviet Jews are at risk. Political instability, a rise in ethnic violence, including yesterday's firebomb attack on a Moscow synagogue, are indicators that dangers do lie ahead. The point is that nobody really knows, and do we really want to take a chance—again?

Sadly, many Jews have remained in the former Soviet republics. They have delayed their departure because they have heard of the difficulties of life in Israel. Despite a generous diaspora Jewish community, Israel has been unable to raise the funds necessary to expand the infrastructure to meet the needs of this massive influx of immigrants.

So where does the U.S. come in? Not with extra grants or gifts, not with giveaways or taxpayer dollars. Nothing that would reduce domestic spending or loan guarantees in any way, shape or form. All Israel has requested is a loan guarantee package. Not even loans, just guarantees, the cosigning of a loan. Israel has even declared its intention to pay the soaring costs of these loans, meaning the cost to the taxpayer is zero.

The benefit to the taxpayer is enormous. Think about it. Israel borrows money and then uses much of it, most of it, to buy United States products. Israel repays the money, its loan repayment record is perfect, and it has successfully built the infrastructure of the country basically with goods made in the United States of America.

Last year alone, the export of U.S.-made modular housing has increased by $250 million. Due to the 400 million dollar housing guaranty released in 1991, over 70 percent of the housing units imported by Israel last year originated in the United States.

□ 1630

In addition to the loan guarantees being in America's own economic self-interest, the loan guarantees are consistent with U.S. values and traditions. The loan guarantees reflect America at its finest.

Two weeks ago, after months of negotiations, President Bush and Secretary Baker rejected any compromise to provide loan guarantees to assist Israel in the absorption of Soviet and Ethiopian refugees.

Sadly, it appears that this humanitarian aid will be delayed. The loan guarantee package was—wrongly, I believe—linked to political conditions.

Both for peace process and America's national security interests in the Middle East, the President's handling of the loan guarantee issue was wrong. Successful Israeli resettlement of the hundreds of thousands of Soviet and Ethiopian Jews would do much to enhance Israel's security and bolster the collective confidence of the Israeli people, all of which will enhance the chance for peace in the Middle East.

But President Bush and Secretary Baker have exhibited little imagination and creativity in this matter. Instead of looking for a compromise, the President turned the screws on Israel by insisting on conditions he knew Israel's Likud Government would never, could never, accept.

The President's mishandling of the loan guarantee issue cuts to the heart of Israel's existence as a homeland for all Jews, and erodes Israel's already ebbing confidence in its closest ally. By insisting on a settlement freeze as a condition of the loan guarantees, the United States was effectively extracting an Israeli concession outside the direct negotiations between Israel and the Arabs. Such linkage transforms the administration from honest broker to a negotiating agent for the Arabs. Like the Israeli settlements policy or not (and I do not), Still, linkage is unfair, ill-advised and counterproductive.

One year ago, the entire world saluted Israel's perseverance and self-restraint in the face of dozens of Iraqi scud attacks. One year ago we were thankful that the Israeli air force destroyed the Iraqi Osiraq nuclear facility, removing a threat that would have seriously impeded—if not altogether rendered impossible—efforts to dislodge Saddam Hussein.

It is a grave error to disregard our friends and allies who helped us win the cold war. Compared to our NATO and Asian security obligations, Israel was an inexpensive stumbling block to Soviet designs in the region. Israel should share in the spoils of this huge victory, not be cast aside like yesterday's news. The end of the United States-Soviet rivalry has not translated into peace on earth, anywhere, perhaps least of all for Israel.

What is truly disappointing is the insensitivity currently emanating from President Bush and Secretary Baker, especially after the effort it took to launch the unprecedented direct negotiations between the Arabs and Israel, for which I have been as commendatory as any Member of this House.

Bush, however, who refused to link Chinese trade benefits with its human rights, proliferation and slave labor practices, now conditions aid to Israel and employs age-old buzzwords to impugn supporters of Israel.

Israel's enemies are very real. Israel needs our help. America's job, its moral and strategic imperative, is to preserve the historically close relationship with Israel.

"Let my people go" has been a rallying cry for oppressed people since Moses led the children of Israel out of bondage in Egypt. As the Passover holiday approaches, we are reminded of our responsibilities to oppressed people. That responsibility does not end with freedom.

Mr. Speaker, I yield to the gentleman from New Jersey [Mr. SAXTON].

Mr. SAXTON. Mr. Speaker, I thank the gentleman from Utah for yielding to me.

Mr. Speaker, I am very pleased that we have been provided with this forum, and I thank the gentleman from Utah who called me on the telephone just the other day and suggested that we cooperate and do this special order. The issue of loan guarantees for Israeli housing or perhaps better said Soviet Jewish family housing in Israel, I believe, is one of the most misunderstood topics that this House has attempted to deal with since I have been here during the last 8 years.

We are being asked to guarantee, the word is "guarantee," not to loan, not to appropriate money to the foreign aid account to give to Israel. We are asked to guarantee or cosign a loan with the State of Israel to afford them the opportunity to borrow from someone else at a little bit less rate, at a little bit lower rate; loan guarantees, therefore, that cost us little or nothing; loan guarantees to our best ally and to our best friend in the Middle East.

They are loan guarantees to a friend who has never missed a loan payment ever.

There is confusion over this issue on many fronts. There is confusion in the American Jewish community. There is confusion in Israel. There is confusion in the Israeli government and there is confusion and misunderstanding in the general populace all across our country.

This, again, is not a loan. This is not foreign aid. This is a guarantee.

John Adams once said, "Facts are stubborn things." When you look at the facts, it is clear that American policy toward Israel and toward the international Jewish community as a whole has been very inconsistent.

Let us look at some of the facts. It is a fact that for years the United States has put political pressure on the former Soviet Union to let Jews emigrate from their Communist oppressors. Past administrations, Republican and Democrat alike, as well as the Congress have spent much time and effort encouraging Soviet leadership, encouraging them, asking them and, yes, sometimes threatening the Soviet leadership until their immigration policy was dramatically changed toward Jews.

We have a moral obligation today to these people. Jewish families are still leaving the Soviet Union in large numbers, and while the limit of immigrants to our country is quite limited, Jews are fleeing to Israel, their homeland, by the hundreds of thousands to escape anti-Semitism in former Soviet countries.

There is a way for us to help these people without it costing us a nickel and, yes, as the gentleman from Utah [Mr. OWENS] just a few minutes ago suggested, a way that will benefit our country as well. And that is with this program of loan guarantees.

Let us turn to another fact. During Operation Desert Storm, Saddam Hussein wanted to divide the coalition of forces in the Middle East and embroil the region in an Arab-Israeli conflict and, in so doing, he launched Scud missiles by the dozens. And they attacked Israel.

Israel showed an incredible amount of restraint by absorbing those attacks. This prevented Iraq from entangling the entire region in an Arab-Israel conflict, and that is exactly what Saddam Hussein wanted. And it was because of the Israelis that we were able to hold the coalition together. And it is also a fact that over the years Israel has supported U.S. policy in the Middle East and has helped us in many ways.

Israel has been our friend, a friend that destroyed Iraq's nuclear reactor in 1981. And I think we will all agree that the Persian Gulf War would have been a lot different if the madman had had atomic weapons at his disposal during Desert Shield and Desert Storm.

□ 1640

It is also a fact, at least according to the New York Times it is, that America made a loan of $500 million to Iraq as recently as 1989 and Iraq recently defaulted on that loan. The American taxpayer is left with the $500 million bill from what is today and has been for the last year and a half an enemy.

We find our position today a very unusual one in denying guarantees to a

long-time ally with perfectly good credit and a record of making all their loan payments, and finding ourselves with an enemy who owes us $500 million. As John Adams said so well, "Facts are stubborn." In the light of the facts, is it any wonder that the Jewish communities and friends of Israel and this country and all around the world are wondering what is going on with American policy?

The gentleman from Utah [Mr. OWENS] mentioned the subject of linkage. I remember so well standing at this very podium some months ago, maybe more than a year ago, I do not remember the exact time, but there was an appropriations bill at the time when the Soviet Jews started to stream into Israel. There was an appropriations bill, because we recognized the necessity of helping these people get settled, getting roofs over their heads, and getting them to work.

Another Member offered an amendment to that appropriations bill that linked the establishment of settlements in the West Bank with our passage of that bill. That amendment was defeated. I made the point then, and I make the point again, that we recognize Israel as a democracy, a freely elected form of government, a freely elected Knesset, which decides how to structure itself and how to elect a Prime Minister and other cabinet officers.

That is what we are working for all around the world. It exists in Israel, and we made the point during that debate that West Bank housing should not be linked, at least by us, to the subject of appropriations or guarantees, as in this case, to the subject of housing in the West Bank, because that is an Israeli decision, a democratically formed government, to make those decisions. We need to remember who our friends are. We need to remember who has been a stable force in an unstable region. We must remember our moral commitment to a friend. Loan guarantees are about a moral commitment, a humanitarian commitment, a commitment of honor. There is little opportunity, few opportunities like this one, like this opportunity to stick by an old friend.

I hope we see our way clear to carry this mission out. I hope we are able to, in short order, put this guarantee, not loan but guarantee program into effect so that we can get those people, Members on both sides of this aisle, as well as people in the administration and past Presidents, who have worked so hard to get the right to emigrate to a part of the world where they can live as they choose in a democracy and in peace.

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

Mr. OWENS of Utah. I yield to the gentleman from New York.

Mr. GILMAN. Mr. Speaker, I rise to express my unequivocal support for the loan guarantees to Israel, and commend the distinguished gentleman from Utah [Mr. OWENS], as well as the distinguished gentleman from New York [Mr. SAXTON] for arranging this special order.

The United States and Israel are poised at a historic moment. For over two decades, our Government made the freedom of Soviet Jewry a central tenet of our foreign policy toward the U.S.S.R. Now that we have succeeded in raising the Iron Curtain for emigration we are now missing the opportunity to assist and to encourage this historic, humanitarian effort—the successful absorption of these Jewish emigrees into Israel.

The anticipated emigration of 1 million Jews to Israel between 1990 and 1995 represents nothing less than the fulfillment of Israel's destiny as a homeland and safe-haven for Jews throughout the world. However, it is an economic challenge which Israel cannot meet on its own faced with such an awesome task, Israel needs credit guarantees that will help provide the infrastructure to make the successful absorption of these new immigrants possible.

We have a difficult task before us—convincing the administration that these loan guarantees are not tied to the successful culmination of the peace process. Attempting to link the fate of the humanitarian absorption credit guarantees to the political complexities of the peace process is the most vexing aspect of reaching an accommodation with the administration.

I believe and I know that many of my colleagues recognize that the greatest obstacle to peace is not any settlement activity—it is the lack of a sincere desire of Israel's neighbors to recognize Israel's right to exist within secure borders, it is the need to end the state of hostility that currently exists, and to rescind the administration's linkage of the settlement issue to the loan guarantees has placed undue pressure on Israel in the midst of sensitive negotiations with its Arab neighbors, the Arab boycott.

No successful peace has ever been imposed by any third party on billigerent parties. We must catalyze the process—just as we did in Camp David. By politicizing the humanitarian issue of loan guarantees, we could irrevocably damage the peace process. Imposition of such political linkage undermines attempts to produce mutually negotiated concessions in favor of forced unilateral nonnegotiated capitulation.

Many of our constituents properly inquire: Why should the United States approve these loan guarantees for Israel? First, in response, we must underscore that what we are considering are guarantees—loan guarantees—that will not cost our taxpayers any tax dollars—guarantees which are similar to cosigning a loan for a credit-worthy partner. And it is important to note that Israel has never defaulted on any of its past loans and it has even volunteered in this translation to pay for the "scoring" or set-aside money for such loan guarantees.

As our former United States Ambassador to Israel, William Brown, recently stated:

* * * Granting Israel's request for loan guarantees will create hundreds of thousands of jobs for Americans, because much of the money will be spent in the United States for goods and services Israel needs to absorb Soviet and Ethiopian immigrants * * * when Israel was granted $400 million in housing loan guarantees two years ago, it all but rescued our U.S. housing industry.

The Israeli Minister of Economic Affairs has stated:

While it may be difficult to project the exact impact of U.S. loan guarantees on Israel, it is reasonable to estimate that the net effect will be to stimulate an additional $10–15 billion in U.S. exports to Israel for the period 1992–1996. According to our forecast, Israel will purchase between $27–30 billion in the U.S. during the period 1992–1996. The U.S. Department of Commerce estimates that for every $1 billion in U.S. exports, an additional 20,000 jobs are created in the U.S. Thus, an additional $2 billion in exports per year to Israel will create an additional 40,000 jobs for U.S. workers.

Mr. Speaker, let us help to resolve the longstanding impasse which now exists on this critical loan guarantee issue. The guarantees are nothing short of sound policy for the United States. Accordingly, I urge our colleagues to support these loan guarantees when we find an appropriate legislative vehicle to revisit this issue.

Mr. OWENS of Utah. Mr. Speaker, I yield to the gentleman from Florida [Mr. BACCHUS].

Mr. BACCHUS. Mr. Speaker, I thank the gentleman from Utah for raising this issue today. It is a critical issue.

I wanted to join him to express my very strong personal support for the loan guarantees to the State of Israel. To me this issue is much simpler than it is often portrayed in the media. To me this is an issue of human rights. It is an issue of our obligation as a nation to help those people we have long sought to help, and by that I mean not only the Israelis, but especially those Jews who are emigrating finally from Russia and the other former republics of the Soviet Union.

□ 1650

For more than a generation, the expressed policy of this Nation has been to encourage such immigration, to liberate those peoples who have been oppressed for so long, and now they have their chance to leave. We know not how long that chance will endure. It seems to me that we must do all that we can as Americans to make it possible for them to find their new homeland. This is why we should support these loan guarantees.

As has been stated previously and eloquently and correctly, these are not

loans, these are guarantees. The taxpayers of this country will not be out one penny by virtue of this.

But Mr. Speaker, if we do not proceed with these loan guarantees, in my mind we will have lost something as a Nation. We will have lost our right to stand up and say that we stand firmly for human rights.

I strongly support loan guarantees to the State of Israel, and I urge my colleagues to join in urging the President of the United States to support them as well.

Mr. OWENS of Utah. Mr. Speaker, I yield to the gentleman from Washington [Mr. MILLER].

Mr. MILLER of Washington. Mr. Speaker, I thank my colleague for yielding and thank both him and the gentleman from New Jersey [Mr. SAXTON] for having this special order. It is time that we speak some sense to the American people, to our colleagues, to those in the administration on this issue. There has just been too much nonsense on this.

My colleague from New Jersey [Mr. SAXTON] has already spoken some sense about what the loan guarantees mean, that they are not $10 billion of aid, that they are not $10 billion of loans. I would like to go back a little bit in history as to how we got where we are today and why it is legitimate for us to ask our colleagues to support this as an undertaking of the United States.

Our foreign policy in the last years of the cold war was forthright, and courageous, and specific, and idealistic on one point. We stood up for religious freedom, and we said to the then Soviet government: "Let your people who seek religious freedom go. Let those Jews and Christians who want to worship freely, let them leave the Soviet Union." For decades we fought for that, and then in the late 1980's and early 1990's the miracle occurred. We succeeded. Our policy succeeded, and those people—Jews and Christians, seeking religious freedom, fleeing persecution and oppression—were allowed to leave the Soviet Union, and there were many of those people.

And this Nation, while we were ready to take some fleeing from the Soviet Union, we were not ready to take all, we were not ready to take a majority. We were not even ready to take a significant number. Israel said we will take those Jews and Christians fleeing the Soviet Union. We will give them opportunity, a new home. That is what Israel was created for.

When talking about hundreds of thousands or in this case it might ultimately be a million people from the Soviet Union arriving in Israel, maybe that does not sound like a lot. But remember, Israel is a small nation. To put it in perspective, it is as if everybody in the nation of France suddenly arrived in the United States. I think we can imagine the challenges, the problems that would cause.

Israel has been our friend and our ally for many years in the Middle East. My colleague, the gentleman from New Jersey [Mr. SAXTON] has stated and I will not repeat how Israel cooperated in the recent war in the Persian Gulf. But beyond that, for decades Israel has been a trusted friend, a friend that we could rely on, the democracy in the Middle East, and for years the only democracy in the Middle East.

It is utterly appropriate that we help our friend and ally to assist the Soviet refugees to whom we gave our specific pledge of freedom for decades. The President has wanted to place conditions on the loan guarantees. I believe it is inappropriate to apply political conditions to what is essentially humanitarian aid.

In the past we have given humanitarian aid to countries that were enemies, that were not friends of ours at all. We have gave aid when there was an earthquake in the then Communist Armenia. We did not place political conditions on the assistance. I am not going to take the time to list the scores of examples when we gave humanitarian aid without conditions, and we should not place political conditions on humanitarian aid now to a friendly nation, to Israel.

It is my hope we will bring to a vote in Congress the question of providing loan guarantees to Israel for the resettlement of the refugees from the former Soviet Union. And if we are to inform the American public of the rightness of loan guarantees, that is what we have to do, that is what we must do. We cannot, we should not run and hide on this issue. It is time for Congress to stand up and take action.

Again I thank my colleague for yielding.

Mr. OWENS of Utah. Mr. Speaker, I yield to the gentleman from New York [Mr. SCHUMER], who is also a prime sponsor of this hour special order.

Mr. SCHUMER. Mr. Speaker, I thank the gentleman from Utah for yielding and for his leadership on this, as well as that of the gentleman from New Jersey [Mr. SAXTON] and for allowing me to speak at this time.

Ladies and gentlemen, this issue of loan guarantees is really one of utmost importance to all those who care about human rights and what is good in the world, because what we have seen in the Soviet Union in the last year is something that is very strange. Many of us throughout America fought hard for human rights in the Soviet Union, and rights for Soviet Jews. And fortunately, glasnost and perestroika have brought those rights to many of the Jewish people there. Synagogues are opening, religious books can be published, kosher food can be purchased. Jewish groups can organize. This is all very good.

Unfortunately, glasnost and perestroika have been a two-edged sword though to the Jewish people in the Soviet Union, because the very same freedom that has been given to the Jews has been given to the antisemites as well. So there are organized groups, one named Pamyat, that are flourishing. Pamyat has only two qualifications for membership. One, to show that you were of Russian blood, and two, that you submit the names of four Jews in your neighborhood to be kept on a list for an undisclosed purpose. For the first time we are seeing Jewish children being beaten up on the way home from school, we are seeing Jewish teachers harassed, we are seeing Jewish homes burnt and people killed within by arson.

The crumbling infrastructure in the Soviet Union does little to protect these people, and it is no wonder that of the 1.6 million Soviet, Russian, Ukranian citizens who have "Jew" stamped on their identity card, because that is what is considered as their nationality in Russia, 1.2 million have applied for exit visas to go to Israel.

□ 1700

There is only one thing stopping them, and that is the inability of Israel, which has already on its own housed and provided jobs for 300,000, to do any more. That is why the loan guarantees are of such great importance.

It is not simply a political issue. It is not simply an economic issue. It is one of the great humanitarian issues of our time, and, you know, a little over 50 years ago off the coast of Cuba, and then off the coast of Florida was a boat, the St. Louis. On it were some 900 Jewish men, women, and children fleeing Germany. They asked simply for a place to alight, not for a handout, not for citizenship, just a place to be while the storms in Europe burnt. Much to the shame of this country, and I must say to the Jewish community in particular in this country, voices were not raised or certainly not raised loud enough. That boat was sent back to Europe. Most of its inhabitants were killed in the concentration camps.

Are we going to let this happen again? Is it impossible, my colleagues, that the same thing might emerge in a Russia or a Ukraine or a White Russia? Let us hope so. But it is not beyond the realm of possibility, and the kind of virulent anti-Semitism that, thank God, we have never seen in America is already rearing its head.

I would now ask that one consider that fact and then compare it to the issue of settlements. I disagree with the President on settlements. I do not think they are an impediment for peace, but let us say he does. All the parties had agreed that they should be talked about at the peace talks until the President and Secretary of State said, "No, we are linking them to the loan guarantees," putting Israel in a

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political box. As a result, the loan guarantees are stalled. They are stymied.

For a moment, forget about the politics of the Middle East peace talks. Everyone wants peace, certainly the Israelis. In Israel far more than any other country every mother, father, brother, sister has a relative who was killed in wars, and that brings a desire for peace far stronger than any intellectual rationale. So everyone wants peace.

There are different views as to how to get there. But to hold the people in Russia back until there is some kind of agreement on the settlements dictated by this country, I would argue, is not only politically naive, it is substantively wrong and morally perilous.

So I say to my colleagues that this is not an issue of politics. This is a great issue of humanitarian longing and concern. It is a way to help put a blot on some of the horrible history that occurred between 1933 and 1945. It is a way to say that we have learned our lessons. It is a way to show that that Statue of Liberty which we all love shines brightly.

I would ask that the President and the Secretary reconsider.

The Leahy solution is one that I thought was too strict, and yet even now that has been rejected by the Secretary of State.

The loan guarantees are a humanitarian necessity. They should not be held up by politics.

Let us hope, let us pray that we do not come to regret the fact that this Congress this year failed to pass these loan guarantees and tens of thousands of innocent people's lives were made so much the worse.

I thank both of the gentlemen for their leadership; and thank the gentleman from Utah and the gentleman from New Jersey for their leadership.

Mr. OWENS of Utah. Mr. Speaker, I yield to the gentleman from Oklahoma [Mr. INHOFE].

Mr. INHOFE. Mr. Speaker, the major problem that I have had in dealing with loan guarantees for Israel is that people are confusing loan guarantees with foreign aid. Being a conservative, I watch our taxpayers dollars closer than most people. In fact, I will put my conservative credentials up against any Member of Congress.

I have been disturbed recently about Prime Minister Yitzhak Shamir's statements and the effect that they had on America and specifically my constituency. For this reason, loan guarantees for Israel have been the subject of my town hall meetings which I hold in Oklahoma. It has been my experience that the vast majority of Americans have been forming their opinions predicated on what they read in the newspapers and see on television. Once I explain to these mainstream Americans, they are supportive of loan guarantees.

Our $10 billion loan guarantee proposal is a small part of the total program in Israel. Some $20 and $30 billion will be raised locally in Israel and significant amounts from the United States Jewish community.

In the past Israel has had an excellent record and has never defaulted or had to be forgiven for any loan amount. That is precisely why the original Inouye/Kasten proposal did not contain a reserve fund amount. Even our own GAO report stated, February 12, 1992:

> Our analysis indicates that if the United States provides the $10 billion in loan guarantees requested by the Israeli government, Israel will likely be able to fully service its external debt, and to continue its past record of payment under most foreseeable circumstances.

Since 1949, Israel has borrowed $14.1 billion directly from the United States Government. These include economic foreign assistance loans worth $1.31 billion, OPIC investment support loans worth $1.5 million, military loans worth $4.43 billion, agricultural trade development loans worth $271 million, and Export/Import Bank loans worth $241 million. Israel is on schedule in all of these payments.

The United States has never had to pay any claims on Israel's loan guarantees. They include economic assistance guarantees worth $142.8 million, housing guarantees worth $548.7 million, Arms Export Control Act guarantees worth $4.83 billion, and Export/Import Bank guarantees worth $674.6 million.

It appears that the highest cost of the loans to the United States Government would be administrative fees that would be underwritten by the Israeli Government.

But of greater significance, I would like to briefly mention our relationships with various countries in the Middle East. There has been no country that can come close to the dependable and predictable relationship to the United States than Israel.

I had an experience in 1981 when I held the office of mayor of Tulsa, OK. I spent a week in Jordan representing President Ronald Reagan. When I came back to the United States, I was absolutely convinced that Jordan would always be our ally. But look what happened last year in the Middle East. They sided with the insane butcher Saddam Hussein.

Mr. Speaker, it is imperative to our Nation's security to assist those countries that we may well have to depend upon to be our allies in the future. The history of unrest in the Middle East is indelibly printed on the hearts of Americans and there should be no doubt in anyone's mind that we must help our friends succeed. This is one of the rare opportunities that we have to do it in a way that will not cost our taxpayers American dollars.

Mr. OWENS of Utah. Mr. Speaker, I yield to the gentleman from New Jersey [Mr. ZIMMER].

Mr. ZIMMER. Mr. Speaker, I thank the gentleman for yielding. I very much appreciate my colleague, the gentleman from New Jersey [Mr. SAXTON] and the gentleman from Utah [Mr. OWENS] for sponsoring this special order.

□ 1710

Mr. Speaker, I strongly support the guarantee of loans for the State of Israel. The action is a natural followup to what is one of the great successes of American foreign policy and human rights policy of the last several decades. For 20 years or so, the United States has been pressing in every conceivable way to permit the free emigration of Soviet Jews, and now when it has succeeded to accomplish that objective, all that remains is to make it possible for those emigrants to have a job, to have a house, and to be a part of the Israeli economy.

The people who are emigrating into Israel have the capability of transforming that nation. They are some of the best minds and the best educated and most skilled people of the former Soviet Union, who I believe when integrated into the Israeli economy will be able to make that economy so strong and so self-sufficient that it will at long last be free of the obligation to rely on continuing annual assistance from the United States.

So I believe not only as has been said by the former speakers this is not an expenditure of U.S. funds, in fact I believe it will make unnecessary the future expenditure of U.S. funds in the form of continuing foreign assistance.

I had the opportunity a couple months ago to speak to one of the giants of our generation, Nathan Shcharansky, the famous refusnik who finally was allowed to emigrate from the Soviet Union and is a leader of the Russian Jewish community in the State of Israel. He said that within the last few months his friends back in Russia were much less sanguine, were much less optimistic about their future in a democratic Russia. They had begun to see a change, a very troubling change amongst their neighbors and amongst their governments that indicated to them that it was time for them to leave.

Anyone would be naive to disregard the history of Eastern Europe, of Central Europe, of the Moslem Republics of the former Soviet Union and to assume that somehow Jews in that region of the world, for the first time in the history of that region of the world, would somehow be safe from oppression and safe from violence. It is not so.

There is an opportunity for those people to be resettled. It is not an indefinite opportunity. We should take advantage of this window of opportunity to make possible something that will be of very little expense to our citizens, of immeasurable help to

hundreds of millions of citizens of the former Soviet Union and will realize the best in our tradition and make it possible for Israel to realize the best of its tradition.

Mr. OWENS of Utah. Mr. Speaker, I yield to the gentleman from New York [Mr. SCHEUER].

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

Mr. Speaker, our President and the Secretary of State, Mr. Baker, are clearly obsessed—obsessed with Israeli settlement activity. Now, reasonable men can differ as to whether the settlement activity is an obstacle to peace, but no reasonable man could say that the settlement activities are the only obstacle to peace.

What about many aspects of Arab behavior that have gone on for 44 years? Are they not obstacles to peace? Are they not problems that the President could have addressed when giving them $12 billion in loan guarantees during the last 5 years with not a suggestion of a condition, not a suggestion that we would like them to change their behavior.

I don't remember seeing him jawbone the Arab leaders, telling them their continuing state of war—which has lasted for 44 years—is an obstacle to peace.

I don't recall hearing him call on the Arab States to stop feeding their populations the constant diet of anti-Israel poison and viciousness that emanates every day, every hour from their radio, television, and press.

I don't recall him linking any of the arms sales and foreign aid for Jordan, Egypt, Saudi Arabia, and any of the other Gulf States to ending the Arab boycott.

He didn't even get some agreement from the Arabs to support the United States attempt at the United Nations only a few months ago to repeal the infamous zionism equals racism resolution—not one of the Arab countries supported our vote for repeal.

No, instead, just last year, his administration provided $3 billion in unconditional loan guarantees to Arab countries—no strings attached. Over the past 5 years, it was more than $12 billion in loan guarantees.

During a 7-year period of the Reagan and Bush administrations, our Government guaranteed $5 billion in loans to Iraq alone, $5 billion of loans we guaranteed to Iraq, and what was the net result of this enlightened policy of our President who likes to think of himself as a foreign policy expert?

Not only was there a tremendously costly war that placed our sons and daughters at risk of death in a foreign land, not only a tremendously costly war that pushed our economy over the brink into a recession; no, it also cost the United States Government $360 million when Iraq defaulted on the loans. That is more than a third of a billion dollars of taxpayer money that we had to finance due to that absurd, unsound, and irrational loan guarantee.

And yet, the President and his Secretary of State fight against loan guarantees for Israel.

Do they know something that we don't? Can they really think that there is more risk involved in guaranteeing loans for Israel, our ally of 44 years that has never defaulted on a loan, than there was for Iraq, an expanionist power that, at the time, had the fourth largest army in the world?

□ 1720

Mr. Speaker, I want to emphasize the harmful result of this utter preoccupation of the President and the Secretary of State on the Israeli settlement policy to the exclusion of all of the other aberrational and harmful policies of the Arabs that are disturbing and reducing the policies—for the possibilities of peace in the region.

The President, by his obsession with punishing Israel and painting Israel as the only obstacle to peace in the Middle East, has in effect told the Arabs, "Look, we are not going to worry about your state terrorism, about the illegal economic boycott, about the ugliness spewing from your media. We are not going to worry about any of that, because Israel is the problem. We are, in effect, telling you that you don't have to negotiate during this peace process, you don't have to make any of the hard decisions involved in meeting the Israelis part way, you don't have to give up your dreams of Arab glory dating back to the era of Saladin. You can sit tight, dig your heels into the ground because we are going to deliver Israel to you hog-tied and powerless."

Now, Mr. Speaker, we know that is not going to happen, so it is destructive of the peace process for the President to adopt that posture.

Furthermore, President Bush's attitude toward the Israeli loan guarantees has placed unprecedented strain on the United States-Israel relationship.

His uncompromising stand on loan guarantees, the free flow of leaks from administration draft reports critical of Israel, and his general coolness toward Israeli leaders have combined to poison the warm climate of friendship and trust that has existed for so long between our two countries.

There is a historic exodus going on of Soviet Jews to Israel of Biblical proportions—a million or more will arrive over the course of a few years, 40 to 50 percent of them with graduate degrees in science, math, and engineering, people who will do wonders for the State of Israel.

We have supported the right of Soviet Jews to leave Russia for decades and every President in living memory has fought to pry open the gates to freedom. But we can never know when they will slam shut again.

There is terrible economic suffering in the former Soviet Union. At similar times in the past, Jews have always paid the price for hard times, becoming the scapegoat. We cannot, must not, and will not, allow our Government to make the same mistake it made before World War II again.

Yet our President all of a sudden develops an institutional memory lapse. He forgets about all that. He forgets that just last year, we urged, we begged Israel to sit on her hands and absorb unprovoked Iraqi Scud missile attacks on civilian population centers.

The request was made with the knowledge that Israeli security policy has always depended on the doctrine of retaliation: "You hit me, and I'll hit you back." It is the core of Israel's security.

And yet, the Israelis acceded to our request. They sat on the sidelines, their cities were hit, and their people were killed. They did not retaliate because they are our ally, our friend. And they were ready to sacrifice for America's sake.

How can our President now, just 1 year later, willfully forget what happened and turn his back on our ally in her time of need, and in the process destroy a solid relationship of shared national interests and values?

It is a disgrace, Mr. Speaker, and I am disgusted with our administration's policy.

Mr. LEVINE of California. Mr. Speaker, I commend my colleague, Mr. OWENS from Utah, for holding this special order on the Bush administration's absurd policy of refusing to grant humanitarian loan guarantees to Israel for the absorption of Soviet immigrants. The administration's actions are an outrage and must be reversed. It is in America's interest to prevent any further deterioration in our special relationship with this strategic and only democratic ally in the Middle East.

While the volatile environment in the former Soviet Union and the growing anti-Semitic tide threatens the very lives of hundreds of thousands of innocent Jewish refugees, the Bush administration is playing politics with humanitarian aid to assist Israel in absorbing these newcomers. Free and unfettered immigration has been a cornerstone of American policy since the State of Israel was created. This policy has now been put into question by this administration's immoral policy.

After appearing to negotiate a compromise which would allow the loan guarantees to go forward, the administration rejected the very compromise it had previously suggested it would support.

The compromise attempted to address the administration's concerns over Israeli settlement activity while allowing the guarantees—which are not grants or loans and would have minimal impact on the budget—to go forward to help Israel absorb the immigration of up to 1 million Soviet and Ethiopian Jews by mid-decade.

The administration's actions make clear that it was never really interested in negotiating a compromise and was instead interested only

in public posturing and playing politics with aid to Israel while carrying favor with the Arab nations of the Middle East.

The administration's actions threaten to prolong the suffering of 1 million refugees and erodes confidence in the United States-Israel relationship. It is shortsighted and counterproductive.

It is astounding that the Bush administration could approve millions in aid and loan guarantees to Saddam Hussein's Iraq before August 2, 1990, and even make $360.7 million in payments to private banks on the loans, while turning its back on Israel. By failing to distinguish friend and foe, the administration is walking a dangerous path.

Mrs. LOWEY of New York. Mr. Speaker, I rise to join my colleagues to reaffirm my strong commitment to loan guarantees to help Israel absorb hundreds of thousands of refugees fleeing fear and intimidation around the world.

President Bush has submitted to Congress a new request for a $12 billion increase in the United States quota to the International Monetary Fund, which in large part will be used to assist the former Soviet Republics. Because this quota backs up private loans, it functions just like a loan guarantee. The administration has taken the position that this quota increase to the IMF involves no budgetary exposure; however, although Israel has never defaulted on a loan, the administration has argued that loan guarantees for Israel do involve significant exposure to the Treasury.

How can we be sure that the former Soviet Republics, which have no past record of debt repayment to the IMF, will be able to repay? Economic instability is on the rise in the former Soviet Union, along with an increase in ethnic nationalism and racial intolerance. Given that, how can the administration claim that the former Soviet Republics are more creditworthy than Israel, a country with a long and flawless record of debt repayment?

Following along with this double standard, the administration has attached no political conditions to the package of aid to the former Soviet Republics. As the administration plan stands, the Soviet Republics will not be expected to take any specific political actions to benefit from this assistance. Some of the Republics have already displayed troubling behavior. Kazakhstan extended formal diplomatic relations to the Palestinian Liberation Organization [PLO]. Do we really want to bail out Republics whose first diplomatic decisions are to recognize terror groups like the PLO.

On the other hand, the administration has attached rigid conditions to Israel's request. The President will not sit down and compromise. He wants all construction in the disputed territories to cease immediately. And he is willing to use the lives of Soviet refugees to achieve that political objective.

I, for one, am going to have to think long and hard before approving an administration request for an increase in the IMF quota when that same administration blocks loan guarantees to a nation that has long been our most valuable ally in the Middle East.

The Israeli loan guarantees will actually provide jobs, housing, and safety to an estimated 1 million former Soviet citizens. If the administration really wants to help former citizens of the Soviet Union, they should add the Israeli request to the Soviet aid package.

Likewise, since most of Israel's aid from the United States is spent in our country, the loan guarantees would mean jobs and encouraging economic growth here in the United States.

Mr. Speaker, the lives of hundreds of thousands are hanging in the balance. Instability has long meant persecution for Jews in the Soviet Union and Eastern Europe. For years, we have been on their side, working to save as many as possible by arguing for full implementation of the Helsinki accords and open emigration policies. No one can say with any certainty what the former Soviet Union will look like in the near future. Who knows whether Jews will be able to emigrate a year from now? But we do know that we have an historic opportunity to ensure the safety of massive numbers of Jews in the Soviet Union and Eastern Europe by approving the loan guarantees. Now, more than ever, we must ensure that Israel is able to perform its vital mission of saving Jews fleeing oppression everywhere in the world.

I am not giving up on the loan guarantees because the stakes are too high. We have a moral imperative to continue to work for their approval. To minimize the importance of the guarantees at this crucial time would be to turn a blind eye to history and to encourage the unthinkable.

Mr. GREEN of New York. Mr. Speaker, I join my colleagues this evening in strong support of the loan guarantee request. I find it deeply regrettable that Congress has so far failed to act on the request by Israel to the United States for $10 billion in loan guarantees to assist that nation with the absorption of refugees from Eastern Europe, the former Soviet Union, and Ethiopia, and I am saddened and angered by the administration's posture on this matter.

The Israeli loan guarantee request was made on humanitarian grounds, and it should have been treated as such. Instead, last September, the President unwisely linked this humanitarian program with the issue of settlements and the Middle East peace talks. Those who subscribe to this view risk subjecting tens of thousands of Jewish refugees to further persecution and hardship. My question to the President and to my colleagues at this point in history is, have not the Soviet Jews suffered long enough?

The rescue of Soviet Jewry is a cause to which just about every Member of this House subscribed during the 1970's and 1980's. It is unfortunate, indeed tragic, that we are now turning away from the commitments that this Congress made when all of us passed the resolutions and signed the letters and did all the things that we did in order to bring to pass this happy day when Jews are able to emigrate more freely. For us to go back on that commitment, by failing to act as we are now doing, is a sorry day indeed for Congress and for the President.

Over the past 2 years, Israel has absorbed more than 400,000 immigrants. Clearly, that nation alone cannot shoulder the costs of such a massive population influx. Through the loan guarantee program, Israel is not seeking direct aid, but rather, a cost-effective way to meet the immense challenge of providing for the refugees.

My Appropriations Subcommittee on Foreign Operations recently held a hearing to assess what costs, if any, might face the U.S. taxpayer if the loan guarantees were approved. The economic witnesses at that hearing, while disagreeing on some aspects of the guarantee request, were unanimous in agreeing that Israel's ability to pay back the loans was not in question.

A recent GAO report concluded that "the U.S. Government should expect that the guaranteed loans will ultimately be repaid at no cost to it." The GAO also said, "We believe that if the Congress authorizes the $10 billion in loan guarantees, the Israeli Government will likely be able to fully service its external debt and to continue its past record of repayment."

So it is not an issue of costs.

As to the question of settlements that the President raises, history has proven that the presence or absence of settlements does not affect Israel's commitment to making peace with her Arab neighbors. Under the Camp David accords, Israel gave up not only settlements, but also vast oil reserves and strategic air bases. Conversely, the absence of Jewish settlements before 1967 did not bring Israel's Arab neighbors to end their state of war with Israel.

The collapse of the Soviet Empire has not meant an end to the threats that have historically faced the Jewish community there. Last December, in the closing days of the Soviet Union, I traveled to Moscow to attend a conference. Both in public meetings and in private conversations, again and again I was warned of the dire prospects for ethnic strife. I was also told by leaders of the Moscow Jewish community that while official anti-Semitism is decreasing, who can know what the future will bring for Soviet Jews?

It is feared that former Communist Party officials, in order to establish a new political base, are using their control of radio, TV, and the press to stir up ethnic strife. The analogy to Yugoslavia was frequently cited. The uprise in ethnic feelings occurring throughout the Republics, and Muslim fundamentalism in the Islamic areas, could turn against the Jewish community. There has already been some anti-Semitism unleashed, notably by the Pamyat Russian nationalist movement. Who amongst my colleagues can speak with assurance about the safety of the Jewish community throughout the Republics?

As a trusted friend and ally of the United States, Israel has gone the extra mile to help the United States achieve our objectives in the Middle East. When asked by the United States to assume a low profile after Saddam Hussein invaded Kuwait, Israel complied. When asked by the United States not to launch a preemptive strike against Iraq, Israel assented. And then, throughout the Persian Gulf war, when attacked night after night by Scud missiles, and asked by the United States not to retaliate or respond, Israel consented, despite the violation this meant to longstanding Israeli defense policy.

Then, last March, with the war over and refugees continuing to flow by the thousands to Israel, the United States requested that the Israelis delay their loan guarantee request until September. Israel complied. But when September came, they were told to wait still longer.

Today, fully a year after the war's end, the Soviet Jews are still waiting.

We in Congress and the administration must honor the promise of freedom we have long held out to Jews across the world. If they are free during this moment in history, it is in great part because we have championed their freedom.

The religious and cultural Iron Curtain that Jews have lived behind for decades has been lifted. Our hard work has at last borne fruit. I simply cannot understand why we are walking away now.

Our reliable and longstanding ally Israel has asked us for help. I hope one day soon we shall answer with something other than a rebuff and a cynical rejection of our own values.

In closing, I encourage all of my colleagues to rethink the Israeli proposal, and to assess the human risks involved if we continue to delay action on this humanitarian request.

Mr. DWYER of New Jersey. Mr. Speaker, I would like to thank my colleagues, WAYNE OWENS, CHARLES SCHUMER, and JIM SAXTON, for reserving time today to address a major foreign policy issue.

Last fall, Israel requested $10 billion in loan guarantees so that they could continue to build housing to resettle the thousands of Soviet refugees seeking a new life in Israel.

Because of the impending peace talks, the President requested that Congress defer action on this request until after the first of the year. Congress complied, passing a short-term continuing resolution which would run until March 31, 1992. The administration pledged to seek no additional delays after the new year.

In January of this year, the President changed his mind. He refused to consider approval of the loan guarantees unless they were tied to a halt in construction in the disputed territories. With time running out on the funding bill and the administration's intractable position, the loan guarantees were sacrificed. There is little or no chance that the loan guarantees could be approved during the remainder of the current fiscal year.

Mr. Speaker, the administration's increasingly hard line against Israel is most disconcerting. Israel and the United States have shared a unique alliance for many years. We have worked for common goals and shared security interests. For years, many of us have participated in the Soviet Call to Conscience to press for open emigration policies on behalf of Soviet Jews. Now, the gates have been opened and Soviet Jews have been permitted to leave on request. Israel has been welcoming these people, as well as rescuing the Ethiopian Jews, and resettling tens of thousands of emigres. They have not sought assistance from the United States other than to cosign the loans which they would contract in order to build the facilities necessary to absorb the new citizens.

That the United States is now hindering these efforts, goes against our record of humanitarian assistance to other nations. The United States seems to be holding Israel to a different standard than we set for other United States aid recipients. I regret that the administration has taken this more strident position because I believe that Israel continues to be a secure ally in an unstable environment.

Mr. RINALDO. Mr. Speaker, as one who has worked for many years to free the Soviet Jews, I support the immediate consideration of loan guarantees to help Israel provide housing for Russian and Ethiopian Jews. These loan guarantees are badly needed so that these refugees can receive the housing that they need and deserve, and I will vote to approve them.

The aid would be structured as an American guarantee to Israeli bonds that would be issued over 5 years. This would allow Israel to pay a lower interest rate on the bonds. Since the guarantee would not be triggered unless Israel defaulted on the bonds, no actual expenditure of public funds would be required. In the 44 years of Israel's existence, that country has never had any problems repaying its debt.

Mr. WAXMAN. Mr. Speaker, after years of spearheading efforts to allow Soviet and Ethiopian Jews to immigrate to Israel, the United States must ensure that this process is completed and that Israel remains a safe-haven for persecuted Jews from around the world.

Accordingly, I strongly and unequivocally support granting Israel $10 billion in loan guarantees—without conditions—as a matter of humanitarian aid for a dependable democratic ally. Without the immediate granting of these guarantees, Israel will simply be unable to cope with a massive influx of immigrants. In fact, the delay over these guarantees has already caused harm. Jews in grave danger in the former Soviet Union are choosing to stay where they are for fear that Israel will not be able to meet their elementary needs. Forced to choose between unnerving developments throughout the various republics and certain hardship in Israel, Jews prefer the known, dangers and all, to the unknown.

Mr. Speaker, every member of this House is well aware of the manner in which the Bush administration has been treating Israel. Whether it be Secretary Baker labeling Israel as the main obstacle to peace in the Middle East, the President himself questioning the right of Jewish-Americans to petition their Government, or an unnamed leaker in the State Department or the Pentagon making blatantly false claims about Israel's handling of sensitive technology, this administration has been going after Israel with unprecedented ferocity.

In going after Israel, the Bush administration appears to have even outdone Israel's more traditional adversaries. Our new good friend, Hafez Assad of Syria, now thinks that he can count on George Bush to deliver the Israelis. King Hussein of Jordan now knows that his support for Iraq is forgiven and forgotten. Meanwhile, Israel, which absorbed 40 of Saddam's Scud missiles during the Persian Gulf war—and did not retaliate at our request—is being pressured by our Government to be reasonable.

Contrary to what President Bush and Secretary Baker claim, their actions are not helping the peace process. Their tactics merely embolden the Arabs and isolate the Israelis. If the Israelis feel isolated, how does the Bush administration imagine the peace process will go forward?

I wish this crisis in the United States-Israel relationship was only a matter of diplomacy. Instead, the tragic effect of the President's position is that the peace process is being confused with critical humanitarian assistance. Through its position, the administration is holding Soviet Jews hostage. President Bush is using endangered and frightened people to gain leverage over the Israeli Government. This is completely illegitimate and immoral. No Russian Jew should be put at risk because President Bush and Prime Minister Shamir differ on the issue of settlements.

The demand for freedom for Soviet Jews always implied a willingness by the citizens of the United States and our Government to facilitate such a massive exodus of people. The Israelis expect over 1 million new arrivals within the next few years. As the most highly taxed people in the world, it is ludicrous to expect the Israelis—as much as they may desire these new citizens—to be able to absorb an additional 25 percent of their population without our assistance. Despite our own economic problems in the United States, I believe that if this issue is properly explained to the American public, our citizens would overwhelmingly support this cost free humanitarian gesture. Indeed, this assistance is cost free. These guarantees are not grants or loans. We are only being asked to guarantee loans which we know full well will be repaid in a timely fashion. If Israel—which has never defaulted on any international obligation—does not meet the standard of good credit, what does?

Mr. Speaker, were it not for the desire of Bush and Baker to impose a settlement on Israel, there would not even be a loan guarantee issue. In fact, this measure would be passed by voice vote and routinely signed by the President. I urge the Bush administration to work with Congress and Israel to allow for the immediate approval of this critical humanitarian assistance.

Mr. KOSTMAYER. Mr. Speaker, I want to speak in favor of the proposed $10 billion in loan guarantees for Israel. And I stress that these are guarantees, not loans, which will allow Israel to borrow funds from private banks at reduced interest rates.

There has been much misinformation concerning these guarantees that needs to be cleared up. First, Israel has never defaulted on a loan; this makes it extremely unlikely that the United States would ever have to fund a single guarantee. Second, Israel has offered to pay the United States a fee for the availability of these loans, eliminating the $200 million to $300 million that the United States would otherwise have to set aside for these guarantees. Third, the allocation of these guarantees would occur at $2 billion a year over a period of 5 years, not all at once in a single $10 billion lump sum. Finally, while there has been concern expressed over the possible diversion of Soviet Jews to the territories, the evidence is to the contrary. Only about one percent of these immigrants choose to reside in these settlements.

During this time of delicate regional peace negotiations, it seems to me the height of folly to undercut the negotiating position of one party, Israel, by demanding that they halt the very activities which are a prime topic of discussion. While all settlement activities are certainly not conducive to a peaceful resolution of the tragic conflict in this region, we must remember that Israel is a beleaguered State and does possess legitimate security concerns. Indeed, some of the settlement construction, such as the building of roads or activity in the

Jordan valley, are very much in line with these genuine concerns. As such, it would be irresponsible to expect Israel to halt settlement activity without at least some sort of reciprocal action on the part of her Arab negotiating partners, such as a halt to the economic embargo or an end to violence in these territories.

In addition, these guarantees will benefit the American economy during this long and painful recession. Currently 85 percent of aid to Israel is spent here in the United States, creating jobs and boosting local economies. The influx of Soviet and Ethiopian immigrants has already provided a boost to the United States prefabricated housing industry. These guarantees will swell Israeli imports of United States goods to an estimated $30 billion over the next 5 years.

Foremost, I support the provision of these guarantees based on humanitarian considerations. Recently I chaired a hearing commemorating the 50th anniversary of the Wansee Conference, where the leaders of Hitler's Germany laid out the formal plans for the extermination of European Jewry. This experience reminded me again that we must never forget; the Israeli people are all refugees who have been cruelly persecuted for centuries. For many years, the United States pressed the Soviet Union to allow free Jewish immigration to Israel. Now, when hundreds of thousands of Jews have left these republics and are sleeping in tents, without heat or plumbing, we should not decline to follow through on our commitment to help—especially when that help could be offered at no cost to United States taxpayers.

Mr. LENT. Mr. Speaker, it is a pleasure for me to participate in this special order on the Israeli Government's request for absorption loan guarantees.

I am very proud to rise to voice my strong support for the loan guarantees to assist the State of Israel in the absorption of Soviet and Ethiopian Jews. While I have spoke out in favor of the loan guarantees on many occasions, I do so now with the knowledge that the need for them is greater than ever before.

Regrettably, consideration of this issue has stalled and, to some, it has ceased to be a humanitarian concern. Yet, Mr. Speaker, that is exactly what it is. Accordingly, the message I want to deliver today to the President, to the Members of the other body, and to my colleagues in this House is that the loan guarantee request should be approved without any further delay.

In recent weeks, many of my Long Island constituents have visited my office to express opposition to the policy adopted by the Bush administration in this matter. I have heard from many others who are alarmed by reports of outrageous comments by high ranking officials of this Government and by the dissemination of inaccurate allegations against a trusted ally. I understand and appreciate these concerns and believe we must work to get relations with Israel back on track.

As one who has worked very hard over the years to win the freedom of persecuted Jews from the Soviet Union, Ethiopia, and other countries, I very moved by the arrival of waves of immigrants in Israel. These people are refugees, possessing very little and having endured years of oppression, uncertainty, and the threat of violence. They are looking to the United States for the help they need to begin new lives in freedom.

Clearly, the massive influx of Soviet Jews presents great opportunities and challenges for the Israeli people. It is my sincere hope that, with America's help, Israel will enjoy great success in the absorption process and begin an era of accelerated economic growth and prosperity.

Mr. Speaker, Israel remains our steadfast ally and the bastion of democracy in the Middle East. With this in mind, I will continue to work in support of the loan guarantee request and to strengthen the special relationship between the United States and Israel. I urge the President and each of my colleagues to join this important effort.

Mr. MATSUI. Mr. Speaker, for over 40 years, the leaders of the United States have expressed their concern for the plight of millions of Jews around the world who have been subject to discrimination and unjust laws, and denied the freedom to emigrate to the country of their choice. Today, America should be proud that the thousands of letters written by its citizens, and the numerous speeches, meetings and fact finding missions of American leaders have played a significant role in bringing about the emigration of an anticipated 1 million Soviet and Ethiopian Jews over the next 5 years.

In an effort to help Israel finance the enormous task of absorbing these people, the United States should, without delay, extend Israel loan guarantees which would allow Israel to borrow $10 billion from commercial banks. The United States is not being asked to give or even to lend Israel anything, but, rather, would be assisting Israel in its herculean task by allowing it to obtain loans at more favorable rates of interest and with an extended repayment period.

Most of these immigrants will arrive in Israel poor, homeless, and without basic knowledge of Hebrew. Loan guarantees will allow Israel to improve its infrastructure, and provide education, training and housing for its new citizens. Israel urgently needs resources to supplement the extensive efforts they have already made and it behooves the United States to help its long time ally in this cause for which it has expressed such an interest.

This administration has expressed its concern with the plight of Soviet Jews on numerous occasion, but now, when the United States finally has the opportunity to take a concrete action to assist these refugees and future refugees, President Bush has refused the promised loan guarantees. In effect, he has reneged on his promise and is attempting to use the loan guarantees as leverage on Israel, specifically to link these guarantees to an ending of Israel's settlements in the West Bank.

By delaying the granting of these guarantees, President Bush shows a lack of appreciation for the historical circumstances which have brought us to this day. Largely at the request of the United States, Israel refrained from responding to Iraqi aggression and forced its citizens to live under the threat of Iraqi attack and chemical weapons. With the breakup of the former Soviet Union, the immediacy of Israel's need has never been greater. It is unclear if the new republics will continue the Gorbachev policy of free emigration for Jews wishing to move to Israel. Failure to follow through on our pledge of support seriously undermines the credibility of our Government in the eyes of our allies and blatantly illustrates the President's willingness to play destructive politics with the lives of those he professes to want to help.

The loan guarantees should be considered a humanitarian issue unrelated to outstanding political problems in the Middle East. Certainly, the issue of settlement in the West Bank, Gaza, and the Golan Heights is causing a great deal of concern, but it is just one of many issues that Israel and the countries of the Middle East need to discuss. Equally important are the refusal of Arab nations to recognize the right of Israel to exist, the economic boycott against Israel, government supported terrorism, human rights violations, and a dangerous military build-up. It would be hypocritical of the United States to go back on a standing pledge for assistance to our ally Israel while engaging in arms sales with destabilizing forces in the Middle East.

President Bush's opportunistic politicking at the expense of the same former Soviet Union refugees the United States fought to free shows not only a lack of leadership but a remarkably short-sighted vision of America's role in the world. The United States should show true leadership and extend to Israel without delay the promised loan guarantees.

Mr. SWETT. Mr. Speaker, I commend my colleagues, Mr. OWENS of Utah, Mr. SAXTON of New Jersey, and Mr. SCHUMER of New York for calling this special order to focus attention upon the issue of loan guarantees for refugees arriving in Israel. This is an issue that deserves the serious and favorable attention of the Congress, and I very much regret that the White House and the State Department have so vigorously opposed this worthy effort.

For well over a quarter century, United States policy has fought to assure Jews in the Soviet Union the right to emigrate from the Soviet Union and other countries where they have suffered persecution and discrimination. For decades, these individuals were denied the fundamental human right of free movement to leave countries which have oppressed them.

Now tens of thousands of Soviet Jews are arriving in Israel, and many thousands more have arrived from Ethiopia and other countries where they have been persecuted. Israel has extended a warm and sincere welcome to these refugees and has acted in our own proud tradition of accepting peoples from many regions as part of their own unique melting pot. We commend them for this hospitality to so many. With the alarming rise of anti-Semitism in the republics of the former Soviet Union and the countries of central and eastern Europe, it is more urgent than ever that we aid these Jews as they flee to the safe haven that Israel has provided for them.

Israel faces a massive task of resettling these refugees. In the past 2 years, it has seen an influx of 400,000 refugees. During this coming decade, that country will absorb a refugee population of as many as 1 million people. Considering the size of the population of Israel, this influx of refugees into Israel is

the equivalent of an increase of 70 to 80 million people by the United States, the equivalent of the United States absorbing the entire population of France.

Mr. Speaker, the Government of Israel asked the United States to assist with this immense task of providing—no money—but guarantees for loans which Israel would use for the construction of needed new housing which will also provide employment for these new arrivals.

These loan guarantees do not represent a cost to the United States—they would simply permit the Government of Israel to borrow money at lower rates of interest in order to increase the amount that can be used to provide for the much needed housing. There is no risk that these loans will not be repaid. Israel has an outstanding record for repayment of its debts. Furthermore, these talented, educated refugees, who are seeking to find new lives in Israel, will significantly bolster the economy, and this will further substantially increase Israel's ability to repay the loans.

During the Persian Gulf war, just 1 year ago, President Bush and Secretary of State Baker asked Israel to absorb a series of Scud missile strikes against its civilian population without what would have been a thoroughly justified military response against Iraq for these outrageous and unprovoked attacks. The Israeli Government generously agreed to our request—at considerable domestic political cost.

Mr. Speaker, the White House and the State Department coldly turned their backs when Israel requested that our Government guarantee loans to assist it in building housing for hundreds of thousands of refugees. This administration has a short memory, Mr. Speaker, and one that only remembers selectively.

As you know, Mr. Speaker, Senator LEAHY attempted in all sincerity to work out a compromise with the administration that would have assured that none of the loan guarantee funds would go toward construction of potentially controversial new settlements in the occupied territories. But even these eminently reasonable efforts to meet the administration's concerns were summarily rebuffed by the White House and State Department.

The United States should agree to this reasonable request for loan guarantees for our only democratic ally in the Middle East. It is consistent with the human rights principles that underlie our democratic Government, it is consistent with the close relationship that we have maintained with the Government of Israel for nearly a half century, and it is consistent with our own long-term interests in the Middle East.

Mr. Speaker, it is my sincere hope that the administration will alter its unwise and unfounded opposition to these loan guarantees.

## UNITED STATES POSITION ON ISRAELI LOAN GUARANTEES

The SPEAKER pro tempore (Mr. RAY). Under a previous order of the House the gentleman from New York [Mr. FISH] is recognized for 5 minutes.

Mr. FISH. Mr. Speaker, over the course of a generation, the American Jewish community worked together with many of us in the Congress to encourage the removal of Soviet impediments to Jewish emigration. During the last few years, I shared in the exhilaration that accompanied fulfillment of the dream of freedom for hundred of thousands of Soviet Jews. Our joy at witnessing the dismantling of exit barriers, however, always remained tempered by a recognition of the tremendous challenges the State of Israel faced.

As an advocate of a generous American response to refugee crises, I have found the impasse over loan guarantees particularly disheartening. The current position of the United States on loan guarantees is based on administration policy opposition to facilitating, directly or indirectly, settlements in the occupied territories. I recognize the argument that money is fungible and funds made available for one purpose free up funds for another purpose. The theory of fungibility led to a proposal for offsetting the amount of loan guarantees by the amount spent on settlements in the occupied territories. Unfortunately, administration policy has hardened into linking loan guarantees to a total prohibition on settlement activity.

Throughout the months that Congress has deferred to the administration, little or nothing has been said about the scope of Arab settlements or the West Bank or about loan guarantees to Arab States.

An uncompromising American policy attempts to precondition our cost-free involvement in Israel's resettlement efforts on Israel's willingness to make a major concession on an issue its Government views as essential to its security. The U.S. stand is inappropriate because, first, an offset formula whatever one thinks of it can ensure that U.S. loan guarantees provide no encouragement—even indirectly—to the building of settlements, and second, settlement activity is an issue to be addressed in the context of Middle East peace negotiations—with the appropriate United States role solely that of facilitating the process.

If we hope to encourage compromises in the negotiations between Israel, the Arab States, and the Palestinians, we need to foster confidence in Israel that we will never abandon her—that our moral commitment to the preservation of the homeland is unchanged and fundamental. I believe Israel's willingness to take risks for peace will be enhanced and the peace process will benefit by a steadfast American resolve to recognize Israel's vital interests.

## CONSEQUENCES OF THE CLEAN AIR ACT ON MIDWEST REGION OF THE UNITED STATES

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Illinois [Mr. DURBIN] is recognized for 60 minutes.

Mr. DURBIN. I thank the Speaker.

Mr. Speaker, the topic that we are to discuss this evening is one of critical importance to this country, of special importance to the Midwest, and I think of major economic consequence to those who live in the Midwest who are now suffering from the aftereffects of this recession which we are experiencing.

Let me try to give some background, if I might: In 1990 this Congress of the United States enacted a new Clean Air Act in an effort to reduce air pollution in America. It may be one of the most technically complex and politically difficult pieces of legislation ever considered by this Congress. Great credit is owed to the Members of Congress as well as the administration for working diligently for over 1 year to come up with the Clean Air Act. The American people made it clear that they wanted air pollution standards in America to be as good as possible. In addition, many interest groups affected by this legislation came forward to make some input into the discussion. There was a genuine concern that we would solve the environmental problem at great economic expense. Many watched as this bill progressed, to make sure it contained provisions which were sensible, advanced the cause of environmental progress and environmental fairness, and also did not economically condemn the United States to further loss of jobs and any kind of downturn in the future.

One of the areas that was, I guess, the most controversial was the question of the type of fuel which would be used in automobiles and other vehicles in certain parts of the United States.

Almost everyone is aware of the fact that our air pollution problem in major cities has a great deal to do with the fact that we as Americans love to drive our automobiles and trucks and recreational vehicles. Each of those vehicles gives each of us a personal freedom, but at the same time it adds to our air pollution problems. What we attempted to do in the Clean Air Act is to move toward different sources of fuel for these vehicles which would not cause the air pollution problems which we are presently experiencing.

We came down to a debate as to how much oxygen content would be in these fuels and thereby diminish the air pollution caused by their consumption.

It was a hot topic because as you established certain oxygen levels you necessarily move from some fuels which have higher oxygenation to those which have lower. And in this particular debate, the two sides that were squaring off were the alcohol fuels industry, which was based in supporting ethanol, and those from other sources of oxygenated fuels, such as MTBE, an ether product derived from ethanol.

The debate went forward and backward and appeared at times to be in-

tractable. But finally a compromise was reached, and one which both sides believed to be fair.

The object of that compromise was to set standards for air pollution in certain cities and standards for oxygenation of fuels which would share the market so that those who were producing MTBE, this additive for our gasoline, would have an opportunity to use their fuel in some areas while those who produced ethanol, alcohol fuel blended with gasoline across the United States, would also have their chance to be used in the process of cleaning up the air in America.

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Mr. Speaker, there was a great deal of excitement which greeted the passage and signing of this Clean Air Act, particularly by those who lived in the Midwest. The feeling was that the continued use and the expanded use of ethanol meant a great deal to those of us from corn-producing States.

Ethanol is an alcohol fuel blended with gasoline, used in motor vehicles, which is derived primarily from grain, and primarily from corn. In fact, in the United States today we produce 900 million gallons of ethanol each year. It takes 360 million bushels of corn to produce it. As a result of this consumption of corn for ethanol, of course there is more demand for the product, and the price of corn has gone up, and it means for the average corn farmer in America 15 to 20 cents a bushel because the ethanol industry needs that corn to produce ethanol, this alcohol fuel additive.

Now we anticipated with the Clean Air Act there would be increased demand for ethanol, thereby bringing the price of corn up even further and helping corn farmers across this country who are having a difficult time to survive. Approximately 5 percent of the production of corn in the United States today is consumed by the ethanol producing industry, but in some States it is much more. In my State of Illinois 17 percent of the corn grown is converted into ethanol, so my colleagues can see that the ethanol industry has a very dramatic impact on the benefits derived by those who produce corn.

Ethanol production provides as many as 5,000 jobs for each 100 million gallons. Of course, what this means is that the raw corn is of little value. It cannot be used for fuel purposes until it is converted into this alcohol fuel.

So, Mr. Speaker, we have found across the United States plants being built, industrial complexes to convert corn into ethanol. There was an excitement among the people who lived in these areas that, as we started to clean up the air in America and reduce the air pollution problem, we would be using a product which would, not only help farmers, but also help a lot of workers who would be put to work to make this ethanol.

There is a third aspect that is equally important. We, as a nation, have become increasingly dependent on imported fuel and imported oil. We all can remember that just a few months ago our sons and daughters were being called to serve overseas in the Persian Gulf because of our fear that, if Saddam Hussein and his Iraqis expanded his political grasp into other areas, it could cut off a source of fuel for the United States. This source of energy was critically important, and so we literally risked the lives of our sons and daughters, our brothers and sisters, mothers and fathers. They went off to this war to preserve this source of energy. There is a feeling that the Clean Air Act, by expanding the use of ethanol, would reduce our dependence on foreign fuel.

Ethanol is, of course, an all-American product. It is made from American grain here in this Nation. So, we would have three real benefits coming out of this Clean Air Act.

Now a lot of us from States in the Midwest, particularly coal producing States, had mixed feelings about the Clean Air Act. We all believe in the concept of clean air. We all want to rid our Nation of pollution, but we realize a price has to be paid, and in a State like Illinois, which has a great deal of high sulfur content coal, we are paying that price today.

Our economy is suffering despite our best efforts to include provisions in the Clean Air Act for scrubbers and ways of using this high sulfur content coal. We did feel there was an economic fallback in Illinois that, even though our economy would be hurt by the loss of coal mining jobs, we would be benefited by the fact that we would now be using more ethanol.

There is a great deal of excitement and enthusiasm over this idea. In fact, we found across the United States that companies were jumping on the prospect that this Clean Air Act would create a higher demand for ethanol and real jobs.

Let me give my colleagues some examples of the anticipated increase in jobs that could have come as a result of the Clean Air Act's ethanol provisions. Archer Daniels Midland, the largest producer of ethanol in the United States, anticipated substantial expansion in both Illinois, my State, and the State of the gentleman from Iowa [Mr. LEACH]. Cargill was going to expand its ethanol facilities in Iowa and Nebraska. Pekin Energy anticipated building a plant in southern Illinois, Marion, IL, an area that is very depressed and has a high unemployment rate. North Carolina Ethanol was going to build an additional facility in Faison, NC. The Minnesota Corn Processors had plans for plants in Nebraska and Minnesota; Chief Ethanol in Nebraska; High Plains Ethanol in Kansas; New Energy in South Bend, IN; Nebraska Nutrients in Nebraska, and various others. They anticipated that this Clean Air Act would give them the opportunity to create jobs primarily in rural America.

My district is a district representing rural Americans, and we can certainly use this kind of an economic boost. Everything looked as if it was on schedule and moving along fine until we started to get wind of the fact that the Environmental Protection Agency, which was drawing up the regulations to implement the Clean Air Act, was interpreting them differently than the Congress intended, in particular their establishing volatility and oxygen levels for these fuels would ultimately preclude the use of ethanol and, in fact, make us reliant on MTBE, the methanol product which I mentioned earlier.

Now this was never the intent of Congress. In fact, if someone made it clear from the beginning that this was the intent and that the administration would interpret the bill accordingly, I am not sure the Clean Air Act would have passed. Many of us from farm States were persuaded to support the legislation because of these ethanol provisions, and yet now the EPA by regulation is changing the clear intent of Congress.

Mr. Speaker, this has met a firestorm of opposition, bipartisan opposition. My colleague, the gentleman from Iowa [Mr. LEACH] is a Republican; I am a Democrat. A Senator from Kansas, a Republican Senator, has written to the President opposing these EPA regulations, as well as the minority leader from the State of Illinois, a Republican Congressman. We have had 43 other Members join us in letters to the President, Democrats and Republicans, protesting this interpretation of regulations by EPA.

I just had meetings over the last several days back in Illinois with some of my farmers. They are very upset. They feel that they have been asked to sacrifice because of the budget deficit. They have had cutbacks in their programs, and they have accepted them willingly. But they feel that this interpretation of the Clean Air Act by the EPA is totally unfair.

During the last several weeks the price of corn on markets in the Midwest has declined. They feel, and I agree, that it is primarily because of this news coming out of the Environmental Protection Agency. They feel a sense of betrayal, and I share it with them, to believe that some officials in the Environmental Protection Agency are interpreting this law in a way that I do not think any Member of Congress would interpret it.

Now my colleagues must ask why would the EPA do this if Congress' intent was so clear. I am not sure we have a clear answer to that. In fact, I am not sure the President has made it

clear what his position is on this issue today. We do know that the major oil companies in the United States have little interest in the promotion of ethanol, but in fact have a great interest in the promotion of MTBE as a fuel additive to reduce emissions from the tail pipe. We also know that, while 70 percent of the MTBE used in the United States today is domestically produced, the new MTBE facilities are primarily in the Persian Gulf.

Mr. Speaker, it does not take a great theoretician to understand what is happening here. Once again, if we rely on MTBE to reduce emissions and to bring down our air pollution problems, we will find ourselves dependent again on Persian Gulf sources of energy, and in this case not only oil, but also MTBE.

□ 1740

So we will not only penalize farmers who can see this real increase in income if ethanol is made part of the mix, but we will be penalizing as well American workers, American industrial jobs, particularly in the rural Midwest. So those are the two losers.

Finally, of course, if we were relying on MTBE imported from overseas, we have not come even close to solving this problem of moving us closer to energy independence.

Now, I think there is a great deal that can be said as to what we need to do to try to change the administration's position. But I hope that this special order which I am sharing with my colleague from Iowa, Mr. LEACH, will be the beginning of an opening dialog with the administration to have them sit down and reassess these Environmental Protection Agency regulations.

It is totally unfair to the farmers across America who have relied on the promise of greater ethanol demand for more income. It is totally unfair to the workers who will lose jobs because of these EPA regulations. In addition, it is unfair to American taxpayers. Let me explain why.

As the price of corn goes down because of the lack of demand for ethanol, there is more need for Federal programs to bring it up to target price levels. These Federal programs cost the taxpayers. If the price of corn would rise because of market demand created by the demand for ethanol, there would be less need for taxpayer dollars in the farm programs.

At a time when this Nation is suffering through record deficits, I think it is important that we focus on the fact that ethanol is a vehicle for us to create more farm income and less need for tax dollars to be spent on farm programs. So this issue goes far beyond the Midwest. It goes to virtually every American taxpayer.

Let me conclude this portion by saying that I believe that air pollution is a major problem, not only in the United States but around the world. I believe that ethanol is a real solution to that problem.

In its 1990 owners' manuals, General Motors went beyond acceptance of ethanol as a product and recommended the use of oxygenated fuels such as both MTBE and ethanol. There is no longer a concern that ethanol can be used in cars, although many of the oil companies would argue otherwise.

In my home State of Illinois about one-third of the fuel being sold is blended with ethanol. I use it in my own automobile. I think it is not only perfectly safe, but it is environmentally responsible for an owner of an automobile to use it.

We have, of course, another concern here, and that is the impact of this debate on the Highway Trust Fund. Although ethanol use has a $500 million annual impact on the highway trust fund, this is totally offset by the farm program savings which I described earlier. So in effect, if there is any loss to the highway trust fund, it is made up to our Treasury by the reduced costs of farm programs.

I would urge the Bush administration and particularly the Administrator of the Environmental Protection Agency, Mr. Reilly, to reconsider his regulatory scheme immediately. There are a great number of jobs at stake here, a great amount of farm income, and a great deal of our annual budget deficit at stake in this debate.

If we can urge this administration and successfully convince them to change these regulations to what Congress initially intended, I think it will have a positive impact across the board.

Mr. Speaker, at this point I yield to the gentleman from Iowa [Mr. LEACH].

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

Mr. Speaker, as cochair, with the gentleman from Illinois [Mr. DURBIN], of the alcohol fuels caucus, I rise to underscore the depth of disappointment in rural America over the administration's decision to ease up on the environmental standards for automobile emissions, which has a devastating effect not only in the health of the average American but on the farm economy and the ethanol industry.

At issue are regulations drafted by the Environmental Protection Agency, which would—for all practical purposes—eliminate ethanol as an additive to reformulated fuels.

These EPA regulations would establish that fuels contain, as a maximum, not a minimum, 2.7 percent oxygen. This action would eliminate 10-percent ethanol blends, which contain 3.5 percent oxygen, from being sold in environmentally fragile markets.

The proposed rules governing reformulated gas are myopic and fail to recognize congressional intent of the Clean Air Act amendments which were passed in 1990. The proposed rules disregard ethanol's ability to reduce carbon monoxide emissions by up to 25 percent; they put a narrow regulatory emphasis on questionable research concerning ethanol and the evaporation of volatile organic compounds [VOC's] and their relationship to the creation of smog. Yet it is generally concluded by the scientific community that ethanol takes more carbon monoxide out of automotive emissions than methanol and that, when all environmental factors are reviewed, boosts air quality as well as any other fuel additive.

The practical effect of administration policy is to make methanol the additive of choice for reformulated fuels. This is irrational. Some 30 to 50 percent of MTBE used in this country is imported from the Middle East. Thus, rather than relying on the regenerative cornfields of the Midwest to provide environmentally sound fuel alternatives, it appears that Americans will be forced to continue to rely on fast depleting fuel imported from the minefields of the Middle East.

Current studies show that for each billion gallons of ethanol produced 4,400 farm jobs and 3,700 industrial jobs may be added to the U.S. economy. While some properly suggest that job growth data linked with industry expansion must be viewed with caution, I am obligated to report that the recent decision to roll back EPA standards has had the immediate tangible effect of causing investment retrenchment in grain processing companies. For instance, in Cedar Rapids, IA, alone, a $68 million, 700-job facility has been cancelled due to this EPA action.

Nothing is more important for rural America than new markets for its agricultural products, especially value-added commodities. Unless new markets are developed, the prospect of much of agricultural America remaining on Federal life support systems—subsidies and set-asides—is very high. With new markets, American agriculture could become more self-sufficient and America itself more energy self-reliant.

Mr. BEREUTER. Mr. Speaker, I am pleased to join my colleagues in this special order to bring attention to the Environmental Protection Agency's proposed clean air standards regarding ethanol.

The Clean Air Act, which requires tighter auto emissions controls beginning in 1995 in some cities, encouraged the use of ethanol. However, the EPA has not interpreted the act as Congress intended and has proposed restricting ethanol use. The EPA contends that ethanol gasoline emits harmful levels of nitrous oxide, and some proposed regulations would not allow a waiver for ethanol. Recently the EPA released a notice which permits comments for 30 days on a proposal which would permit the use of ethanol under the Clean Air Act.

Mr. Speaker, within the last month this Member has written letters to the President

and written and made direct contacts with the EPA urging that ethanol be given its share of the reformulated gasoline industry under the Clean Air Act. I commend the effort here today by my colleagues to focus additional attention on this current situation.

I am hopeful that our actions will persuade EPA to consider the benefits of ethanol. We still have an opportunity to convince EPA that the use of ethanol is good for the environment and that it reduces our dependence on foreign oil.

Mr. DURBIN. Mr. Speaker, I yield to the gentleman from Indiana [Mr. JONTZ].

Mr. JONTZ. Mr. Speaker, I thank the gentleman for yielding, and also thank him for scheduling this special order this evening.

Mr. Speaker, the development of ethanol fuels provide our Nation with many important opportunities for the 1990's. I believe that a great deal of progress was made with the language of the Clean Air Act amendments of 1990 that was approved by this House and the other body and signed by the President from the standpoint first of all of reaching our environmental goals, but also from the perspective of the energy independence of our country and the standpoint of improving our rural economy.

Unfortunately, the progress which was made with the Clean Air Act amendments is threatened by the interpretation made through the Environmental Protection Agency. We come this evening to speak to the importance of the Environmental Protection Agency reconsidering their decision and getting us back on the right track.

In mid-February the Subcommittee on Forests, Family Farms, and Energy held a field hearing in northern Indiana in my district in the little town of Mentone to assess the status of the domestic ethanol industry since the enactment of the Clean Air Act amendments of 1990. I was very appreciative that the chairman of our subcommittee, the gentleman from Missouri [Mr. VOLKMER], and the gentlewoman from Indiana [Ms. LONG], came to join me at that hearing to listen to the testimony of representatives of the farm community and other interests concerned about ethanol as well as various citizens that have done research on the subject.

It is of great concern to me and to the others at that hearing that several witnesses expressed disappointment regarding the EPA's implementation of the oxygenated fuels and reformulated gasoline programs included in the Clean Air Act.

One industry witness testified that the potential ethanol production expansion which was anticipated when the Clean Air Act amendments were passed has not been realized because of delays in promulgating regulations and guidelines, and confusion regarding ethanol's role in reformulated gasoline created by certain decisions that the EPA has made.

□ 1750

I believe that there are essentially three items which need to be implemented if the promise of the Clean Air Act for rural America is to be realized in the marketplace.

First, beginning in November of this year, EPA must fulfill its obligation in the oxygenated fuels program and assure that this program is implemented in every carbon monoxide [CO] nonattainment area without unnecessary limits on oxygen content. Specifically, the program proposed by the California Air Resources Board, which reduces oxygen content by one-third and for all practical purposes eliminates ethanol from the marketplace, and the proposed program in New York, which caps oxygen content at 2.7 percent and therefore precludes the use of 10 percent ethanol blends, must both be amended to allow for the use of ethanol.

Second, EPA must clarify that the 1-pound volatility tolerance provided to ethanol blends in subsection 211(h) of the Clean Air Act applies to ethanol-blended reformulated gasolines sold under subsection 211(k) of the act, and resolve concerns that this will effect the VOC reduction levels which States need to achieve. The issue is really quite simple—Congress enacted the reformulated gasoline provisions, in part, to encourage the increased use of cleaner burning, domestically produced, octane and oxygenates such as ethanol—not to preclude their use. The regulations proposed by EPA must reflect this very clear objective of the Congress.

Third, EPA must develop a program to require the development and use of domestically produced nonpetroleum, nonhydrocarbon octane enhancers. We have the technology for using ethanol as an octane enhancer, and we should begin doing this.

Mr. Speaker, it is my hope that the Administrator of EPA will give prompt attention to these concerns that ethanol use be expanded in the manner which Congress intended.

Mr. Speaker, again, I appreciate the opportunity to join the gentleman from Illinois, the gentleman from Iowa and others from the heartland of our country to express our concern that the EPA now has the responsibility to implement the law as the Congress intended, and we urge them to undertake that responsibility for the well-being of all the people of our country.

Mr. DURBIN. Mr. Speaker, I thank my colleague from Indiana. I yield to the gentleman from Illinois [Mr. EWING].

Mr. EWING. Mr. Speaker, I would like to thank my colleague, the gentleman from Illinois [Mr. DURBIN], and the gentleman from Iowa [Mr. LEACH] for bringing this matter before this House today. I appreciate having the opportunity to join in this discussion of a very, very important matter for my district and I think for the Nation as a whole.

Mr. Speaker, When Congress passed the Clean Air Act Amendments of 1990, I had not yet been elected to this body. However, there was no mistaking the hope that passage of that act sparked in rural America. America's farmers, who have for so long prided themselves on feeding the world, now anticipated that they might also contribute to cleaning up our Nation's air. The 1990 Clean Air Act promised that ethanol, made from our Nation's plentiful grainstocks and other renewable sources, would compete on an equal footing with other alternative fuels.

Now, we worry that that might not be the case. Despite ethanol's enormous environmental promise, despite the proof of cleaner air in Boise, ID and other cities that have used ethanol, despite congressional intent, the Environmental Protection Agency appears ready to prevent its use in the cities where it is needed most: The nine cities in violation of ozone standards of the Clean Air Act. Those nine cities lie in all corners of the Nation, and exclusion of ethanol from those major markets could spell doom for the industry.

The side benefits of ethanol are almost too numerous to mention: Energy security for a nation too dependent on foreign sources of energy, income for our Nation's farmers, who have seen much hardship the last 10 years. But the fact is, even if none of these other benefits existed, ethanol would still be a good deal for America.

It seems like the farm community and the environmental community are too often at odds with each other. This is one issue on which we all should agree. Ethanol has proven that it can help solve our environmental problems, but we must give it the chance. I urge the EPA to remember why the Clean Air Act was passed—to clean up our Nation's air using the most effective means available.

In conclusion, Mr. Speaker, I would like to add a few comments to my prepared remarks, indicating that in central Illinois, where ADM, a major producer of ethanol has already decided, because of the inability of this Government to act, that they would cut back on their employment and other expansion. Making corn into ethanol is an excellent example of value added.

We take what we produce, we add labor to it, and we have a new product. Everyone gains in our economy, our farmers, our working men and women.

In addition, without the use of our corn for ethanol, estimates range from 15 to 30 cents a bushel is added to the price of our grain. Without this incre-

ment, the Federal Government could certainly incur additional deficiency payments, which are a drain on our Treasury.

Mr. Speaker, this is such an important issue. As I understand the EPA is possibly considering a regulation which would allow for a scientific study to determine if ethanol was damaging to the ozone.

Mr. Speaker, I suggest that the EPA should clear the use of ethanol pending such an investigation, if they feel it is necessary. I think those of us who think that ethanol is safe, it will prove to be so and that it would be most beneficial to our economy at a time when that is much needed.

That would be my recommendation in addition to the other comments made here today.

Mr. DURBIN. Mr. Speaker, I thank my colleague from Illinois for his contribution.

I yield to my other colleague, the gentleman from Illinois [Mr. HASTERT].

Mr. HASTERT. Mr. Speaker, I thank the gentleman from Illinois, my colleague from down in the mid-State where there is a lot of cornfields, and also my colleague from Iowa here—the tall corn State—although we sometimes argue about whose corn is taller or whose tales are taller.

Anyway, there are some real opportunities. I can remember, as I am sure my colleague from Illinois can remember, just a year ago we were embroiled in a war, a war in the Middle East, basically over energy issues.

I can remember the candid arguments and sometimes not-so-candid arguments about why we were there.

We also agreed that we had to come back here and be serious about putting together a national energy strategy, a national energy strategy that talks about renewable fuels, that talked about different ways of doing things. And yes, ethanol was on that docket. That was a thing to be considered.

I know in Illinois and Iowa, as a matter of fact in my district I have been told that between 15 and 20 percent of our corn yield every year goes into the production of ethanol. And here is something that American farmers, Midwest farmers, can increase markets. We can solve, begin to solve the energy problem here in the United States with a renewable energy resource, something that is produced in the heartland of America, something that creates jobs, American jobs where American workers can go to work and earn a good day's pay.

And we do not have to be dependent on oil or petrochemical products from overseas. But I am somewhat chagrined at what is going on now in the EPA and a study about the Reed volatile pressures in gas tanks what ethanol was supposed to do, when it is combined or mixed with gasoline and the combination, and almost a sham argument that all of a sudden this whole ethanol issue that we worked so hard on and tried to develop and bring forward here in this Congress and tried to make part of a national energy policy, all of a sudden is being pushed aside because of some spurious argument down in the EPA.

The fact is that in areas like Chicago, that I do not represent but I am right on the rim of the great metropolitan area in Illinois, ethanol is available. Ethanol is something that can reduce emission problems.

It is an oxygenate. It creates oxygen. It is something that is a plus. But all of a sudden—because maybe the great oil pressures in this country have reached their arm into the EPA and are twisting, or pushing, or shoving, or doing something down there to change the order of thinking around.

We need to have a study. We need to show that ethanol is positive for the environment of this country. It is something that is positive for the economy of this country. It is something that is positive for American jobs. Certainly it is something that is positive for American farmers.

For once in this country we can start to come to commonsense solutions in this body and point to something that we can begin to solve the problem with, solve the problems of farm subsidies. If we have markets for farm products, we do not have to worry about farm subsidies. If we create jobs, we do not have to worry about people on unemployment. If we create our own renewable energy, we do not have to worry about the foreign affairs in the Saudi deserts.

I commend my colleague, the gentleman from Illinois [Mr. DURBIN], and certainly my other colleague, the gentleman from Illinois [Mr. EWING], and my good friend and colleague, the gentleman from Iowa [Mr. LEACH], for bringing this special order forward.

Mr. DURBIN. Mr. Speaker, I thank the gentleman from Illinois, my colleague, for joining me on this special order.

Just a few months ago the President of the United States stood in this Chamber and delivered his annual State of the Union Address. We listened intently as the President described a nation caught up in a recession and suggested ways to bring us off that recession.

One of the things the President suggested that he would do within his own branch of government would be to turn to the Federal agencies under his control and ask them to review all of the applicable regulations coming out of the Federal Government to decide which regulations should be amended, changed, or abolished in an effort to create more jobs in America.

I would suggest to the President and to those supporting the administration, the first regulation they should look to is this regulation from the Environmental Protection Agency. What is at stake here with this interpretation by the Environmental Protection Agency is 30,000 jobs, 30,000 new jobs for American people.

Lest we believe for a moment that these are minimum wage jobs, let me give an idea of what they pay. In the home State of my colleague, the gentleman from Iowa, the corn wet-milling industry provides 2,550 people with an average wage of $37,000 a year. The dry-milling industry employs an additional 620 people at an average wage of $27,000. So the 30,000 jobs we are talking about in rural America, the places that I described earlier, are spectacularly good jobs in today's economy. The families that receive these incomes will be able to turn around and purchase the automobiles, the appliances, the things which our economy needs to get rolling again. But for this regulation by the EPA, we could be moving forward for the creation of these 30,000 new jobs.

Second, this decision by the EPA means a loss of farm income to the farmers across the United States of about $114 million, lost farm income. In other words, the price of corn will not go up 15 cents to 20 cents a bushel. In fact, it has gone down. Farmers across this Nation will suffer that loss individually and will then have to make their economic decisions accordingly.

Without these funds in their personal accounts, in their business accounts, they will be unable to buy the necessary equipment to replace old, obsolete, and wornout equipment. They will be unable to purchase the additional land, to make the additional developments in their own farm operations.

The losers, as my colleagues, the gentleman from Illinois and the gentleman from Iowa [Mr. LEACH], readily attest, will be the businesses across the Midwest which will not see this infusion of farm income being respent back into this economy.

If the President is looking for a regulation to change to fight the recession, to create jobs, to create economic opportunities, let him start with the EPA and this misinterpretation by them of the clear language of the Clean Air Act. That single regulation being changed will do more to help this economy than any other regulation that I have heard described on the floor of this House of Representatives in the last several months.

The administration has a clear choice. The choice is between 30,000 jobs and keeping the oil companies happy. The choice is between $140 million in new farm income and saying to the oil companies, "You are going to have your way."

We cannot let that happen. We have got to make the decision today that it is too important for America, too important for our economy, to turn our backs on it.

It is not a partisan decision. My colleagues on the other side of the aisle

feel as strongly as I do that this administration has made a wrong turn. We want to set him back on that straight and narrow path headed towards the true goals of the Clean Air Act which we passed in this Chamber in 1990.

If my colleagues have nothing further to add, then I yield back the balance of my time.

## NOTICE OF CONTINUATION OF NATIONAL EMERGENCY WITH RESPECT TO HAITI—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 102–287)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, without objection, referred to the Committee on Foreign Affairs and ordered to be printed.

*To the Congress of the United States:*

1. On October 4, 1991, in Executive Order No. 12775, I declared a national emergency to deal with the threat to the national security, foreign policy, and economy of the United States caused by events that had occurred in Haiti to disrupt the legitimate exercise of power by the democratically elected government of that country (56 FR 50641). In that order, I ordered the immediate blocking of all property and interests in property of the Government of Haiti (including the Banque de la Republique d'Haiti) then or thereafter located in the United States or within the possession or control of a U.S. person, including its overseas branches. I also prohibited any direct or indirect payments or transfers to the *de facto* regime in Haiti of funds or other financial or investment assets or credits by any U.S. person or any entity organized under the laws of Haiti and owned or controlled by a U.S. person.

Subsequently, on October 28, 1991, I issued Executive Order No. 12779 adding trade sanctions against Haiti to the sanctions imposed on October 4 (56 FR 55975). Under this order, I prohibited exportation from the United States of goods, technology, and services, and importation into the United States of Haiti-origin goods and services, after November 5, 1991, with certain limited exceptions. The order exempts trade in publications and other informational materials from the import, export, and payment prohibitions and permits the exportation to Haiti of donations to relieve human suffering as well as commercial sales of five food commodities: rice, beans, sugar, wheat flour, and cooking oil. In order to permit the return to the United States of goods being prepared for U.S. customers by Haiti's substantial "assembly sector," the order also permitted, through December 5, 1991, the importation into the United States of goods assembled or processed in Haiti that contained parts or materials previously exported to Haiti from the United States.

2. The declaration of the national emergency on October 4, 1991, was made pursuant to the authority vested in me as President by the Constitution and laws of the United States, including the International Emergency Economic Powers Act (50 U.S.C. 1701, *et seq.*), the National Emergencies Act (50 U.S.C. 1601 *et seq.*), and section 301 of title 3 of the United States Code. I reported the emergency declaration to the Congress on October 4, 1991, pursuant to section 204(b) of the International Emergency Powers Act (50 U.S.C. 1703(b)). The additional sanctions set forth in my order of October 28 were imposed pursuant to the authority vested in me by the Constitution and laws of the United States, including the statutes cited above, and implement in the United States Resolution MRE/RES. 2/91, adopted by the Ad Hoc Meeting of Ministers of Foreign Affairs of the Organization of American States ("OAS") on October 8, 1991, which called on Member States to impose a trade embargo on Haiti and to freeze Government of Haiti assets. The present report is submitted pursuant to 50 U.S.C. 1641(c) and 1703(c) and discusses Administration actions and expenses directly related to the national emergency with respect to Haiti declared in Executive Order No. 12775, as implemented pursuant to that order and Executive Order No. 12779.

3. On March 31, 1992, the Office of Foreign Assets Control of the Department of the Treasury ("FAC"), after consultation with other Federal agencies, issued the Haitian Transactions Regulations, 31 C.F.R. Part 580 (57 FR 10820, March 31, 1992), to implement the prohibitions set forth in Executive Orders Nos. 12775 and 12779.

Prior to the issuance of the final regulations, FAC issued a number of general licenses to address urgent situations requiring an interpretation of U.S. sanctions policy in advance of the final regulations. These general licenses provided agency policy regarding the articles (baggage, personal effects, etc.) that could be exported or imported by travelers to and from Haiti; the treatment of amounts owned to the *de facto* regime by U.S. persons for certain telecommunications services; the movement of diplomatic pouches; the obligation of banks and other financial institutions with respect to Government of Haiti funds in their possession or control; authorization of commercial shipments to Haiti of medicines and medical supplies; and the circumstances under which certain exportations to, or importations from, the "assembly sector" in Haiti would be permitted. These general licenses have been incorporated into the Haitian Transactions Regulations.

4. The ouster of Jean-Bertrand Aristide, the democratically elected President of Haiti, in an illegal coup by elements of the Haitian military on September 30, 1991, was immediately repudiated and vigorously condemned by the OAS. The convening on September 30 of an emergency meeting of the OAS Permanent Council to address this crisis reflected an important first use of a mechanism approved at the 1991 OAS General Assembly in Santiago, Chile, requiring the OAS to respond to a sudden or irregular interruption of the functioning of a democratic government anywhere in the Western Hemisphere. As an OAS Member State, the United States has participated actively in OAS diplomatic efforts to restore democracy in Haiti and has supported fully the OAS resolutions adopted in response to the crisis, including Resolution MRE/RES. 2/91.

5. In these initial months of the Haitian sanctions program, FAC has made extensive use of its authority to specifically license transactions with respect to Haiti in an effort to mitigate the effects of the sanctions on the legitimate Government of Haiti and on U.S. firms having established relationship with Haiti's "assembly sector," and to ensure the availability of necessary medicines and medical supplies and the undisrupted flow of humanitarian donations to Haiti's poor. For example, specific licenses have been issued (1) permitting expenditures from blocked assets for the operations of the legitimate Government of Haiti, (2) permitting U.S. firms wishing to terminate assembly operations in Haiti to return equipment, machinery, and parts and materials inventories to the United States and, beginning February 5, 1992, permitting firms wishing to resume assembly operations in Haiti to do so provided the prohibition on payments to the *de facto* regime is complied with, and (3) permitting the continued material support of U.S. and international religious, charitable, public health, and other humanitarian organizations and projects operating in Haiti.

6. Since the issuance of Executive Order No. 12779, FAC has worked closely with the U.S. Customs Service to ensure both that prohibited imports and exports (including those in which the Government of Haiti has an interest) are identified and interdicted and that permitted imports and exports move to their intended destination without undue delay. Violations and suspected violations of the embargo are being investigated, and appropriate enforcement actions will be taken.

7. The expenses incurred by the Federal Government in the 6-month period from October 4, 1991, through April 3, 1992, that are directly attributable to the authorities conferred by the declaration of a national emergency with respect to Haiti are estimated at

$323,000, most of which represent wage and salary costs for Federal personnel. Personnel costs were largely centered in the Department of the Treasury (particularly in FAC, the U.S. Customs Service, and the Office of the General Counsel), the Department of State, the Department of Commerce, and the Federal Reserve Bank of New York.

8. The assault on Haiti's democracy represented by the military's forced exile of President Aristide continues to pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. The United States remains committed to a multilateral resolution of this crisis through its actions implementing the resolutions of the OAS with respect to Haiti. I shall continue to exercise the powers at my disposal to apply economic sanctions against Haiti as long as these measures are appropriate, and will continue to report periodically to the Congress on significant developments pursuant to 50 U.S.C. 1703(c).

GEORGE BUSH.

THE WHITE HOUSE, *April 7, 1992.*

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. COSTELLO (at the request of Mr. GEPHARDT) for today and the balance of the week on account of a death in the family.

Mr. BILIRAKIS (at the request of Mr. MICHEL) for today and April 8 on account of a death in the family.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. KYL) to revise and extend their remarks and include extraneous material:)

Mr. RHODES, for 60 minutes, on April 27 and 28.

Mr. LEACH, for 60 minutes, today.

Mr. BURTON of Indiana, for 60 minutes, on April 30 and May 1.

Mr. GALLEGLY, for 5 minutes, today.

Mr. DREIER of California, for 5 minutes, today.

Mr. CUNNINGHAM, for 60 minutes, on April 8.

Mr. RIGGS, for 5 minutes, today.

(The following Members (at the request of Mrs. KENNELLY) to revise and extend their remarks and include extraneous material:)

Mr. GLICKMAN, for 5 minutes, today.

Mr. LIPINSKI, for 5 minutes, today.

Mr. OBERSTAR, for 5 minutes, today.

Mr. MONTGOMERY, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. GONZALEZ, for 60 minutes, today.

Mr. DURBIN, for 60 minutes, today.

Mr. LEHMAN of California, for 60 minutes, on April 29.

Mr. MONTGOMERY, for 5 minutes, today.

Ms. HORN, for 5 minutes, on April 8.

Mr. HAYES of Illinois, for 5 minutes each day, on April 8 and 9.

## EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. KYL) and to include extraneous matter:)

Mr. CAMPBELL of California.

Mr. GILMAN.

Mr. GREEN of New York.

Mr. GALLEGLY in two instances.

Mr. MICHEL.

Mr. BEREUTER.

(The following Members (at the request of Mrs. KENNELLY) and to include extraneous matter:)

Mr. ANDERSON in 10 instances.

Mr. GONZALEZ in 10 instances.

Mr. BROWN in 10 instances.

Mr. ANNUNZIO in six instances.

Mr. TRAFICANT.

Mr. HAYES of Illinois.

Mr. SWETT.

Mr. ASPIN.

Mr. MOAKLEY.

Mr. MAVROULES.

Mr. BLACKWELL in three instances.

Mr. MAZZOLI.

Mr. FROST.

Mr. KANJORSKI.

Mr. CLEMENT.

Mr. VENTO.

Mr. AUCOIN.

Mr. EDWARDS of California.

Mr. APPLEGATE.

Mrs. MINK.

Mr. STARK in three instances.

Mr. FALEOMAVAEGA in four instances.

Mr. MARKEY.

## ADJOURNMENT

Mr. DURBIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 7 minutes p.m.), under its previous order, the House adjourned until Wednesday, April 8, 1992, at 11 a.m.

## CONTRACTUAL ACTIONS, CALENDAR YEAR 1991 TO FACILITATE NATIONAL DEFENSE

The Clerk of the House of Representatives submits the following report for printing in the CONGRESSIONAL RECORD pursuant to section 4(b) of Public Law 85–804:

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION,
*Washington, DC, March 20, 1992.*

Hon. THOMAS FOLEY,
*Speaker of the House of Representatives, Washington, DC.*

DEAR MR. SPEAKER: In accordance with section 4(a) of Public Law 85–804 (50 U.S.C. 1431–35), I am reporting to the Senate on all calendar year 1991 actions taken by the National Aeronautics and Space Administration (NASA) under authority of that Act which involve actual or potential cost to the United States in excess of $50,000.

During calendar year 1991, the NASA Contract Adjustment Board did not grant any request for extraordinary contractual relief under P.L. 85–804.

On January 19, 1983, the Administrator made a decision to provide indemnification to certain NASA Space Transportation System contractors for specified risks arising out of contract performance directly related to NASA space activities. The authority of that decision was extended from September 30, 1984, through September 30, 1989, and has been extended again through September 30, 1994. In addition, on July 11, 1990, the Administrator decided to provide indemnification to certain NASA contractors involved in providing commercial Expendable Launch Vehicle launch services for NASA spacecraft or for activities which are carried out by NASA on behalf of the United States. The authority of that decision extends through June 30, 1995. Copies of the Administrator's Memorandum Decisions Under Public Law 85–804 dated November 5, 1989, and July 11, 1990, are enclosed.

During calendar year 1991, two NASA prime contractors were indemnified under the Memorandum Decision dated November 5, 1989. No NASA prime contractors were indemnified in 1991 under the Memorandum Decision dated July 11, 1990. One other NASA prime contractor was indemnified under a separate Memorandum Decision for the risks set forth therein. A copy of this Decision is also enclosed. A summary description of each contract indemnified is also enclosed.

Sincerely,

RICHARD H. TRULY,
*Administrator.*

MEMORANDUM DECISION UNDER PUBLIC LAW 85–804

Authority for National Aeronautics and Space Administration Contracting Officers to indemnify certain NASA contractors and subcontractors involved in NASA space activities.

1. On July 4, 1982, the Space Transportation System (hereinafter STS) completed its design, development, test and evaluation phase and was declared an operational system of the United States for the transportation of payload into and out of outer space for governmental and commercial purposes. Except for suspension of STS launches as a result of the Challenger accident, the STS has conducted and will continue to conduct launch, in orbit and landing activities on a repetitive basis and at a prudent frequency.

2. Scheduled STS operations have dictated a continuing examination of the risks in repetitive space activities of the STS and of the present availability of adequate insurance at reasonable premiums to manufacturers and operators of the system. While NASA's STS space activities are designed to be safe, there exists the low statistical probability that a malfunction of either hardware, software or operator error could occur resulting in an accident. This low probability of occurrence cannot be totally removed. In the event that such malfunction or operator error led to an accident, the potential liability arising from such an accident could be substantially in excess of the insurance coverage NASA contractors could reasonably be expected to acquire and maintain, considering the availability, cost and

potential terms and conditions of such insurance at the present time.

3. Pursuant to the authority of Public Laws 85–804 and Executive Order 10789, as amended, and notwithstanding any other provisions of the contracts to which this determination may apply, I therefore authorize that certain NASA contractors, as further defined in paragraphs 4 and 5 below, be held harmless and indemnified against certain risks as specifically set forth herein. Accordingly, and subject to the limitations hereinafter stated, cognizant NASA Contracting Officers are authorized to include in prime contracts, described in paragraphs 4 and 5 below, contract provisions for the indemnification of the contractors and their subcontractors at any tier, against claims, or losses, as defined in paragraph 1A or E.O. 10789, as amended, arising out of contract performance directly related to NASA's space activities.

4. This authorization is limited to prime contracts which have an effective date before October 1, 1994, by or for NASA for:

a. provision of Space Transportation System and cargo flight elements or components thereof;

b. provision of Space Transportation System and cargo ground support equipment or components thereof;

c. provision of Space Transportation System and cargo ground control facilities and services for their operation; and

d. repair, modification, overhaul support and services and other support and services directly relating to the Space Transportation System, its cargo and other elements used in the NASA's space activities.

5. This authorization is further limited solely to claims or losses resulting from or arising out of the use or performance of the products or services described in paragraph 4 in NASA's space activities. For this purpose, the use or performance of such products or services in NASA's space activities begins solely when such products or services are provided to the U.S. Government at a U.S. Government installation for or in connection with one or more Space Transportation System launches and are actually used or performed in NASA's space activities.

6. The risks for which indemnification is authorized are the risks arising under the contracts described in paragraphs 4 and 5 causing personal injury or death, or loss of or damage to property, or loss of use of property. These risks are considered unusually hazardous risks solely in the sense that if, in the unlikely event, the Space Transportation System, its cargo or other elements or services used in the NASA's space activities malfunctioned causing an accident, the potential liability could be in excess of the insurance coverage that a NASA prime contractor would reasonably be expected to purchase and maintain, considering the availability, cost, and terms and conditions of such insurance. In no other sense are the Space Transportation System, its cargo or other elements or services used in NASA's space activities unusually hazardous.

7. a. This authorization may be applied prospectively, without additional consideration, to existing prime contracts and subcontracts and in new prime contracts and subcontracts which otherwise meet the conditions of this memorandum.

b. Indemnification of prime contractors and subcontractors may be provided under this authorization only when the Government will receive the benefit of all cost savings, if any, to the prime contractor and its subcontractors at every tier.

8. All contract indemnification clauses and procedures shall comply with applicable provisions of Federal Acquisition Regulation (FAR) Subpart 50.4 as supplemented by NASA FAR Supplement (NFS) 18–50.4.

9. This authorization is given upon condition that each prime contractor is approved by me and that such contractor maintains financial protection of such type and in such amounts as may be determined by me in writing to be appropriate under the circumstances. Each prime contractor shall provide a statement of applicable financial protection through the cognizant Contracting Officer for my review and determination. In making this determination, I shall take into account such factors as the availability, cost and terms of private insurance, self-insurance and other proof of financial responsibility and workman's compensation insurance.

10. When indemnification provisions are included in a prime contract pursuant to the authority of this decision, the cognizant Contracting Officer shall immediately submit directly to the Contract Adjustment Board a report referencing this decision and containing the information required by NFS 81–50.403–70, Reporting and records requirements.

11. The actual or potential cost, if any, of the actions hereby authorized is impossible to estimate since it is contingent upon the remote possibility of an occurrence and extent of loss resulting from certain space activities which malfunction. Such an event may never occur; however, should a major incident occur, millions of dollars of damage could result.

12. I find that this action will facilitate the national defense. In the remote event that the Space Transportation System, its cargo or other elements or services used in NASA's space activities malfunctioned causing damage in excess of insurance maintained by contractors and subcontractors, the resulting excess liability could place the contractors' and subcontractors' continued existence in jeopardy, making those contractors and subcontractors unavailable to continue to support space activities and the Department of Defense. I note that for purposes of the Defense Production Act of 1950, the term "national defense" is defined as "programs for. . .space, and directly related activity." (50 U.S.C. App. 2152 (d))

November 5, 1989.

RICHARD H. TRULY,
*Administrator.*

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MEMORANDUM DECISION UNDER PUBLIC LAW 85–804

Authority for National Aeronautics and Space Administration contracting officers to indemnify certain NASA contractors and subcontractors involved in providing commercial Expendable Launch Vehicle (ELV) launch services for NASA spacecraft or for activities which are carried out by NASA on behalf of the United States.

1. Prior to the Challenger accident and consistent with national policy, NASA's phase-out of our Expendable Launch Vehicle (ELV) program was near completion and most missions were transitioned to the Shuttle for launch. Up until this time, NASA had total responsibility for the design, development, fabrication, test, and launch of both Government and commercial payloads on the Scout, Delta, and Atlas-Centaur launch vehicles. The President's National Space Policy of November 2, 1989, which reaffirmed the key tenants of earlier national policy statements, directed Federal Agencies to establish a Mixed Fleet Launch Policy utilizing the unique capabilities of the Space Shuttle and ELVs to support Government launch requirements. The policy also precluded NASA from maintaining an ELV adjunct to the Space Shuttle and directed NASA to procure requisite ELV launch services directly from the private sector or through the Department of Defense. In accordance with the Deputy Administrator's Decision Memorandum #22, dated January 27, 1989, NASA will acquire launch services whenever possible directly from commercial operators.

2. Increasing need of launch services with a high degree of mission success has dictated a continuing examination of the risks in repetitive launch activities and the present availability of adequate insurance at reasonable premiums to providers of commercial expendable launch services. While commercial launch activities are designed to be safe, there exists the low statistical probability that a malfunction of either hardware, software, or operator error could occur resulting in an accident. This low probability of occurrence cannot be totally removed. In the event that such a malfunction or operator error led to an accident, the potential liability arising from such an accident could be substantially in excess of the insurance coverage NASA contractors could reasonably be expected to acquire and maintain, considering the availability, cost, and potential terms and conditions of such insurance at the present time.

3. Pursuant to the authority of Public Law 85–804 and Executive Order 10789, as amended, and notwithstanding any other provisions of the contracts to which this determination may apply, I therefore authorize that certain NASA contractors, as further defined in paragraphs 4 and 5 below, be held harmless and indemnified against certain risks as specifically set forth herein. Accordingly, and subject to the limitations hereinafter stated, cognizant NASA contracting officers are authorized to include in prime contracts, described in paragraphs 4 and 5 below, contract provisions for the indemnification of the contractors and their subcontractors at any tier, against claims or losses, as defined in paragraph 1A of Executive Order 10789, as amended, arising out of contract performance directly related to providing NASA commercial ELV launch services.

4. This authorization is limited to prime contracts which have an effective date before June 30, 1995, by or for NASA for provision of commercial ELV launch services.

5. This authorization is further limited solely to claims or losses resulting from or arising out of the use or performance of commercial launch services provided to NASA, where NASA, under its contract, maintains sufficient oversight and approval rights to assess and influence mission risk. For this purpose, the use or performance of such launch service activities begins only after such services are provided to the U.S. Government at a U.S. Government installation for or in connection with one or more ELV launches and are actually used to provide launch services for NASA or NASA-sponsored activities which are carried out by NASA on behalf of the United States. The use or performance referred to is limited to the explosion, detonation, combustion, or impact of a launch vehicle, its payloads, or a component thereof, whether or not the payload is separated from the launch vehicle.

6. The risks of which identification is authorized are the risks arising under the contracts described in paragraphs 4 and 5 which result in claims by third persons, including

employees of the contractor, for death, personal injury, or loss of, damage to, or loss of use of property; loss of, damage to, or loss of use of property of the Government. These risks are considered unusually hazardous risks solely in the sense that if, in the unlikely event, the ELV, its cargo or other elements or services used in providing NASA launch services malfunctioned causing an accident, the potential liability could be in excess of the insurance coverage that a NASA prime contractor would reasonably be expected to purchase and maintain, considering the availability, cost, and terms and conditions of such insurance. In no other sense is the provision of commercial ELV launch services for NASA spacecraft unusually hazardous.

7. a. This authorization may be applied prospectively, without additional consideration, to existing prime contracts and subcontracts and in new prime contracts and subcontracts which otherwise meet the conditions of this memorandum.

b. Indemnification of prime contractors and subcontractors may be provided under this authorization only when the Government will receive the benefit of all cost savings, if any, to the prime contractor and its subcontractors at every tier.

8. All contract indemnification clauses and procedures shall comply with applicable provisions of Federal Acquisition Regulation (FAR) Subpart 50.4 as supplemented by NASA FAR Supplement (NFS) 18–50.4

9. This authorization is given upon condition that each prime contractor maintains financial protection of such type and in such amounts as may be determined by me in writing to be appropriate under the circumstances. Each prime contractor shall provide a statement of applicable financial protection through the cognizant contracting officer for my review and determination. In making this determination, I shall take into account such factors as the availability, cost and terms of private insurance, self-insurance and other proof of financial responsibility and workmen's compensation insurance.

10. When indemnification provisions are included in a prime contract pursuant to the authority of this decision, the cognizant contracting officer shall immediately submit directly to the Contract Adjustment Board a report referencing this decision and containing the information required by NFS 18–50.403–70, Reporting and records requirements.

11. The actual or potential cost, if any, of the actions hereby authorized is impossible to estimate since it is contingent upon the remote possibility of an occurrence and extent of loss resulting from commercial launch activities which malfunction. Such an event may never occur; however, should a major incident occur, millions of dollars of damage could result.

12. I find that this action will facilitate the national defense. In the remote event that commercial ELV launch service activities provided for NASA spacecraft cause damage in excess of insurance maintained by contractors and subcontractors, the resulting excess liability could place the contractors' and subcontractors' continued existence in jeopardy, making those contractors and subcontractors unavailable to continue to provide commercial ELV launch services. I note that for purposes of the Defense Production Act of 1950, the term "national defense" is defined as "programs for . . . space, and directly related activity." (50 U.S.C. App. 2152(d))

July 11, 1990.

RICHARD H. TRULY,
*Administrator.*

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MEMORANDUM DECISION AND APPROVAL UNDER PUBLIC LAW 85–804

This is the authority and approval for a National Aeronautics and Space Administration (hereinafter referred to as NASA) contracting officer to indemnify Halliburton Environmental Technologies, Inc. (hereinafter referred to as HET), with respect to the Underground High Pressure Air Storage Facility Abandonment Project.

1. In 1973 NASA Ames Research Center (hereinafter referred to as ARC) constructed the Underground Air Storage Facility (UASF), consisting of steel oil well casings used as storage vessels for large quantities of high pressure air needed for wind tunnel testing. During operation of the UASF, two significant air leaks occurred, one in 1984, the other in 1985. The last leak, believed to be the result of corrosion in the casings, caused subsurface fracturing, commencement of an artesian flow from a deep aquifer to the surface, and expulsion to the surface of air, water, and mud nearby the site. The UASF was then decommissioned. Groundwater contamination exists in the vicinity of the UASF. Low levels of contamination exist in the shallow aquifers under ARC, characteristic of the local area. In addition, the Middlefield-Ellis-Whisman (hereinafter referred to as MEW) groundwater contaminant plume has been migrating onto ARC and threatens to reach the site of the UASF.

The UASF provides a conduit between deep and shallow aquifers, and as such, creates a possible pathway for contamination to enter the lower aquifer which is a source of drinking water for nearby communities. On April 27, 1989, the Environmental Protection Agency (EPA) notified ARC that ARC was a "Potential Responsible Party" for the MEW site contamination, pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (hereinafter referred to as CERCLA). Subsequently, EPA issued a Record of Decision (hereinafter referred to as ROD) for the MEW site, which specified the remedial activities selected for the site cleanup. The ROD included the identification and sealing of any potential conduits that would allow contamination to migrate from the shallow aquifers to the deep aquifer. Allowing contaminants to pass between aquifers may constitute a violation of state and local environmental laws as well as CERCLA.

The services of HET will be employed to seal the UASF. The possibility exists that contamination may still migrate between the aquifers through the UASF even if HET seals the UASF in conformance with contract requirements. In the event that contamination of the deep aquifer does occur, the potential liability resulting from such an occurrence could be substantially in excess of the insurance coverage that HET, as a NASA prime contractor, could reasonably be expected to acquire and maintain, considering the presently available cost and terms and conditions of such insurance.

2. The result of not completely and permanently sealing the UASF is that the contaminant plume and other groundwater contaminants could migrate into the deep aquifer through the UASF site. The extent of actual or potential liability that could result from contamination of the deep aquifer is impossible to precisely estimate, since it is contingent upon the possibility of an occurrence, the extent and severity of the contamination, as well as the extent of environmental and health problems resulting from the contamination leaking through the UASF. Such an event may never occur; however, should contamination nonetheless reach the deep aquifer through the UASF, incalculable damage to public health and safety may occur while actual damage to persons, property, and the environment could total millions of dollars.

3. Based upon this assessment and pursuant to the authority of Public Law 85–804 and Executive Order 10789, as amended, and notwithstanding any other provision of Contract NAS2–13389 with HET, I hereby authorize that HET be held harmless and indemnified against hazardous risks as defined in paragraph four below. This authority permits the cognizant NASA contracting officer to include in Contract NAS2–13389 provisions for the indemnification of HET against claims or losses, as defined in Paragraph 1A of E.O. 10789, as amended, arising out of performance under Contract NAS2–13389. This authority to hold harmless and indemnify shall commence upon award of Contract NAS2–13389.

4. This authorization to indemnify is limited to claims or losses resulting from unusually hazardous risks. Unusually hazardous risks are risks of any injuries, costs, damages, expenses, or other risk resulting in liability (including claims for indemnification or contribution and claims by third parties for death, personal injury, illness, loss of or damage to property, economic loss, natural resource damages, and legal defense costs) that might arise under Federal, state, or local law, common law, or regulation, as a result of any pollutant, contaminant, or hazardous substance located on (or that may yet be placed on or migrate toward) the ARC UASF, including risk resulting in liability that may arise on account of any such pollutant, contaminant, or hazardous substance that may enter, or have already entered, any groundwater, aquifers, or underground sources of water. Except as provided below, the risk includes the risk of liability that might arise in the design, implementation, or conduct of the contractor in the performance of Contract NAS2–13389, including any modification thereto. The risk also includes claims resulting from forces beyond the control of HET and/or its subcontractors at any tier, including, but not limited to, (whether foreseeable or not) risks resulting from earthquakes, underground fractures, droughts, changes in the rate of drawdown of groundwater from the deep aquifer, failure of responsible parties to remove or remediate the sources of contamination, and the failure or refusal of the appropriate governmental agencies to issue any necessary approvals or permits. The risk includes the potential risk of claims by third parties and claims by the United States. The risk includes the risk of claims against HET, its affiliates, or against its subcontractors at any tier. The risk includes claims based on strict liability, negligence, or other sources of liability and may arise out of acts by HET or others. The risk includes claims based on design defects or manufacturing defects and claims based on defects in the design or development of the technical requirements as defined in the statement of work and other related provisions of HET's offer submitted in response to the request for proposal, amendments thereto, and any modifications to this contract.

5. The unusually hazardous risks for which indemnification is authorized are the risks arising under Contract NAS2–13389 which result in claims by third persons, including

employees of the contractor, for death, personal injury, or loss of, damage to, or loss of use of property; loss of, damage to, or loss of use of property of the contractor; loss of, damage to, or loss of use of property of the Government. The risks defined in paragraph four above are considered unusually hazardous because the potential liability resulting therefrom could be in excess of any insurance coverage that HET could be reasonably expected to purchase and maintain. In no other sense are the services provided under Contract NAS2-13389 unusually hazardous.

6. Notwithstanding any other provision in this Memorandum Decision and Approval, indemnification is not provided for any liability that is incurred by HET which is caused by the negligence, gross negligence, or intentional misconduct of HET or its subcontractors at any tier in the performance of the technical requirements of contract NAS2-13389, including any modifications thereto, with the further understanding that to the extent that HET's performance of the technical requirements is in compliance with Contract NAS2-13389, including modifications thereto, that the risk assumption for negligence, gross negligence, or willful misconduct of HET or its subcontractors at any tier shall not apply to HET or its subcontractors at any tier. This limitation on the scope of the indemnification is prescribed in terms of the technical requirements of the contract, since the unusually hazardous risks defined above related to the performance of the technical requirements.

7. The financial protection program to be maintained by HET has been reviewed. A current summary of insurance was submitted by W. Gary Goodson, General Counsel and Corporate Secretary, by letter dated March 13, 1991, and supplemented by letters dated April 5, 1991; April 9, 1991; and April 19, 1991. HET's financial protection program appears to be adequate. This decision and approval is granted on condition that HET maintains this financial protection program with one exception, environmental impairment liability insurance, to cover the Facility Abandonment activity. HET has stated that the premium for a $1 million environmental impairment liability insurance policy is $250,000 with a $100,000 deductible, with an option to purchase one additional year's coverage in the same amount and for the same premium. In my opinion, the amount of the quoted premium is excessive. Based upon the information provided by HET, I hereby authorize the indemnification of HET from the first dollar of liability that may incur arising out of HET's performance of Contract NAS2-13389.

8. Accordingly, the contracting officer is authorized to include in Contract NAS2-13389, and approve for inclusion in subcontracts thereunder, applicable provisions of the Federal Acquisition Regulation (FAR) Part 50.4, NASA FAR Supplement Part 18-50.4, and the definition of unusually hazardous risks from paragraph four above.

9. I find that this action will facilitate the national defense. HET has stated that it will not sign contract NAS2-13389 and seal the UASF unless indemnification under Public Law 85-804 is granted. If the UASF Abandonment Project is not completed expeditiously, the contaminant plume could reach the unsealed UASF and migrate to the deep aquifer. The State of California, in exercising its authority to enforce federal and state environmental laws, could revoke or refuse to renew ARC's operating permits covering, for example, hazardous material storage and hazardous waste generation if it is found that the migration of contaminants through ARC's UASF threatens the quality of the drinking water source. The suspension of operations at ARC would halt the wind tunnel experiments and other activities conducted at ARC in support of the national defense. I note that, for purposes of the Defense Production Act of 1950, the term national defense is defined as "programs for . . . space, and directly related activity." (50 U.S.C. App. 2152(d)).

June 11, 1991.

RICHARD H. TRULY,
*Administrator, National Aeronautics and Space Administration.*

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CONTRACTORS INDEMNIFIED DURING CALENDAR YEAR 1991

Name of contractor: United Technologies Corporation, Pratt & Whitney Government Engine Business, March 29, 1991.

Affected NASA contract(s): NAS8-36801—Development of High Pressure Fuel and Oxygen Alternate Turbopump.

Name of contractor: Halliburton Environmental Technologies, Incorporated, June 11, 1991.

Affected NASA contract(s): NAS2-13389—Underground High Pressure Air Storage Facility Abandonment Project.

Name of contractor: Rockwell International Corporation, September 18, 1991.

Affected NASA contract(s): NAS8-38550—Space Shuttle Integration.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3249. A letter from the Administrator, Environmental Protection Agency, transmitting a draft of proposed legislation to amend and extend the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, for 2 years; to the Committee on Agriculture.

3250. A letter from the Acting Director, Federal Deposit Insurance Corporation, transmitting a list of property that is covered by the Corporation, pursuant to public Law 101-591, section 10(a)(1) (104 stat. 2939); to the Committee on Banking, Finance and Urban Affairs.

3251. A letter from the Director, Resolution Trust Corporation, transmitting a list of property that is covered by the Corporation, pursuant to Public Law 101-591, section 10(a)(1) (104 stat. 2939); to the Committee on Banking, Finance and Urban Affairs, April 7, 1992.

3252. A letter from the Secretary of Health and Human Services, transmitting a draft of proposed legislation to extend and amend the programs under the Runaway and Homeless Youth Act and the Program for Runaway and Homeless Youth under the Anti-Drug Abuse Act of 1988; to consolidate authorities for programs for runaway and homeless youth; and for other purposes; to the Committee on Education and Labor.

3253. A letter from the Administrator, Environmental Protection Agency, transmitting a draft of proposed legislation to amend and extend the Toxic Substances Control Act, as amended, for 2 years; to the Committee on Energy and Commerce.

3254. A letter from the Administrator, Environmental Protection Agency, transmitting a draft of proposed legislation to extend the Solid Waste Disposal Act; to the Committee on Energy and Commerce.

3255. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Army's proposed Letter(s) of Offer and Acceptance [LOA] to Egypt for defense articles and services (Transmittal No. 92-19), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

3256. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 92-19, authorizing the furnishing of assistance from the Emergency Refugee and Migration Assistance Fund to meet the unexpected and urgent refugee needs of Cambodians and Burmese, pursuant to 22 U.S.C. 2601(c)(3); to the Committee on Foreign Affairs.

3257. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of the original report of political contributions of Lauralee M. Peters, of Virginia, to be Ambassador to the Republic of Sierra Leone, and members of her family, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

3258. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification that a reward has been paid pursuant to 22 U.S.C. 2708, pursuant to 22 U.S.C. 2708; to the Committee on Foreign Affairs.

3259. A letter from the General Counsel, United States Arms Control and Disarmament Agency, transmitting copies of the English and Russian language texts of amendments III and IV to the Memorandum of Agreement Regarding the Implementation of the Verification Provisions of the Treaty between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Shorter-Range Missiles, also enclosed in an analysis of each amendment; to the Committee on Foreign Affairs.

3260. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a report by the NASA Contract Adjustment Board on the indemnification of certain contractors and subcontractors during calendar year 1991, pursuant to 50 U.S.C. 1431-35; to the Committee on Government Operations.

3261. A letter from the Executive Vice-President, Commodity Credit Corporation, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1991, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

3262. A letter from the Employee Benefits Manager, Farm Credit Bank of Columbia, transmitting the Farm Credit Bank of Columbia financial statements as of August 31, 1991, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

3263. A letter from the Secretary of the Interior, transmitting a report on proposals received under the Small Reclamation Projects Act, pursuant to 43 U.S.C. 422j; to the Committee on Interior and Insular Affairs.

3264. A letter from the Secretary of the Interior, transmitting a report on National Historic Landmarks that have been damaged or to which damage to their integrity is anticipated; to the Committee on Interior and Insular Affairs.

3265. A letter from the Administrator, Environmental Protection Agency, transmitting a draft of proposed legislation to amend and extend title I of the Marine Protection, Research, and Sanctuaries Act, as amended, for 2 years; to the Committee on Merchant Marine and Fisheries.

3266. A letter from the Chairman, Federal Maritime Commission, transmitting the Commission's annual report for the fiscal year 1991, pursuant to 46 U.S.C. app. 1118; to the Committee on Merchant Marine and Fisheries.

3267. A letter from the Director, Office of Personnel Management, transmitting a draft of proposed legislation to delay 1993 pay increases for Federal executive branch civilian officers and employees; to the Committee on Post Office and Civil Service.

3268. A letter from the Administrator, General Services Administration, transmitting informational copies of various lease prospectuses, pursuant to 40 U.S.C. 606(a); to the Committee on Public Works and Transportation.

3269. A letter from the Assistant Secretary of the Army (Civil Works), transmitting a letter from the Chief of Engineers, Department of the Army dated March 17, 1992, submitting a report together with accompanying papers and illustrations, pursuant to section 116(h) of the Water Resources Development Act of 1999 (H. Doc. No. 102-286); to the Committee on Public Works and Transportation and ordered to be printed.

3270. A letter from the Administrator, Environmental Protection Agency, transmitting a draft of proposed legislation to authorize appropriations for environmental research, development, and demonstration for fiscal years 1993 and 1994; to the Committee on Science, Space, and Technology.

3271. A letter from the President and CEO, Resolution Trust Corporation, transmitting the status report for the month of February 1992 (the 1988-89 FSLIC Assistance Agreements), pursuant to 12 U.S.C. 1441a note; jointly, to the Committees on Banking, Finance and Urban Affairs and Appropriations.

3272. A letter from the Administrator, Environmental Protection Agency, transmitting a draft of proposed legislation to amend and extend the Federal Water Pollution Control Act, as amended, for 2 years; jointly, to the Committees on Public Works and Transportation and Merchant Marine and Fisheries.

3273. A letter from the Secretary of Energy, transmitting the second annual report on the programs, projects, and joint ventures supported under the act, pursuant to 42 U.S.C. 12006; jointly, to the Committees on Science, Space, and Technology and Energy and Commerce.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MILLER of California: Committee on Interior and Insular Affairs. H.R. 4276, A bill to amend the Historic Sites, Buildings, and Antiquities Act to place certain limits on appropriations for projects not specifically authorized by law, and for other purposes. (Rept. 102-480). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of California: Committee on Interior and Insular Affairs. H.R. 3457. A bill to amend the Wild and Scenic Rivers Act to designate certain segments of the Delaware River in Pennsylvania and New Jersey as components of the national wild and scenic rivers system; with amendments (Rept. 102-481). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of California: Committee on Interior and Insular Affairs. H.R. 3665. A bill to establish the Little River Canyon National Preserve in the State of Alabama; with an amendment (Rept. 102-482). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of California: Committee on Interior and Insular Affairs. S. 749. An act to rename and expand the boundaries of the Mound City Group National Monument in Ohio (Rept. 102-483). Referred to the Committee of the Whole House on the State of the Union.

Mr. FROST: Committee on Rules. House Resolution 420. Resolution providing for the recommittal to conference of S.3, a bill to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits for Senate elections, campaigns, and for other purposes (Rept. 102-484). Referred to the House Calendar.

Mr. TORRES: Committee of Conference. Conference report on H.R. 3337 (Rept. 102-485). Ordered to be printed.

Mr. ROSTENKOWSKI: Committee on Ways and Means. H.R. 3837. A bill to make certain changes to improve the administration of the Medicare Program, to reform customs overtime pay practices, to prevent the payment of Federal benefits to deceased individuals, and to require reports on employers with underfunded pension plans; with an amendment (Rept. 102-486, Pt. 1). Ordered to be printed.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ROSE (for himself, Mr. ROBERTS, Mr. DE LA GARZA, and Mr. COLEMAN of Missouri):

H.R. 4774. A bill to provide flexibility to the Secretary of Agriculture to carryout food assistance programs in certain countries; to the Committee on Agriculture.

By Mr. HAYES of Illinois (for himself, Mr. MCCLOSKEY, Mr. MCNULTY, Mr. HORTON, Ms. NORTON, Mr. GILMAN, Mr. ACKERMAN, and Mr. CLAY):

H.R. 4775. A bill to promote occupational safety and health with respect to employees of the U.S. Postal Service; to the Committee on Post Office and Civil Service.

By Mr. SCHUMER:

H.R. 4776. A bill to amend the Contract Services for Drug Dependent Federal Offenders Act of 1978 to provide additional authorizations of appropriations; to the Committee on the Judiciary.

By Mr. ANDREWS of Texas:

H.R. 4777. A bill to suspend until January 1, 1995, the duty on 3,5-Dichloro-N-(1,1-dimethyl-2-propynyl)benzamide and on mixtures of 3,5-Dichloro-N(1,1-dimethyl-2-propynyl)benzamide with application adjuvants; to the Committee on Ways and Means.

By Mr. ARMEY:

H.R. 4778. A bill to provide that rates of pay for Members of Congress may not be increased unless the Federal budget is in balance; to the Committee on House Administration.

By Mr. AUCOIN (for himself, Mr. FRANK of Massachusetts, Mrs. UNSOELD, Mr. COLEMAN of Texas, Mr. PICKLE, Mr. ROGERS, Mr. SPENCE, Mr. KLUG, Mr. BONIOR, Mr. PETERSON of Minnesota, Mr. DE LUGO, Mr. TOWNS, Mr. HUCKABY, Mr. MCCANDLESS, Mr. ATKINS, Mr. NEAL of Massachusetts, Mr. KOLTER, Mr. ZELIFF, Mr. HOCHBRUECKNER, Mr. LEVINE of California, Mr. MOLLOHAN, Mr. HALL of Ohio, Mrs. LLOYD, Mr. CRAMER, Mr. WELDON, Mr. DEFAZIO, Mr. ESPY, Mr. LIPINSKI, Mr. GILMAN, Mr. JEFFERSON, Mr. KENNEDY and Mr. SARPALIUS):

H.R. 4779. A bill to amend title 38, United States Code, to allow the Department of Veterans Affairs to recover from another department or agency of the United States the cost of providing health-care to veterans for nonservice-connected disabilities in the case of veterans who are also beneficiaries of that department or agency; to the Committee on Veterans' Affairs.

By Mr. DORGAN of North Dakota:

H.R. 4780. A bill to suspend until January 1, 1995, the duty on Malathion; to the Committee on Ways and Means.

By Mr. DWYER of New Jersey:

H.R. 4781. A bill to suspend until January 1, 1995, the duty on 4-Picolylchoride Hcl, 2H-indol-2-one, 1,3-dihydro-1-phenyl-3-(4-pyridinylmethylene), Linopirdine (active), 3,3-bis(4-pyridinylmethyl)-1,3-dihydro-1-phenyl-2H-indole-2-one, and AVIVA (tablet formulation); to the Committee on Ways and Means.

H.R. 4782. A bill to suspend until January 1, 1995, the duty on 4-Picolylchoride Hcl, 2H-indol-2-one, 1,3-dihydro-1-phenyl-3-(4-pyridinylmethylene), Linopirdine (active), 3,3-bis(4-pyridinylmethyl)-1,3-dihydro-1-phenyl-2H-indole-2-one, and AVIVA (tablet formulation); to the Committee on Ways and Means.

H.R. 4783. A bill to suspend until January 1, 1995, the duty on 4-Picolylchoride Hcl, 2H-indol-2-one, 1,3-dihydro-1-phenyl-3-(4-pyridinylmethylene), Linopirdine (active), 3,3-bis(4-pyridinylmethyl)-1,3-dihydro-1-phenyl-2H-indole-2-one, and AVIVA (tablet formulation); to the Committee on Ways and Means.

By Mr. GLICKMAN:

H.R. 4784. A bill entitled the "Department of Agriculture Reorganization Act of 1992"; to the Committee on Agriculture.

By Mr. GUNDERSON:

H.R. 4785. A bill to amend the Solid Waste Disposal Act to define the term "yard waste"; to the Committee on Energy and Commerce.

By Mr. HANSEN:

H.R. 4786. A bill to designate the facility of the U.S. Postal Service located at 20 South Main in Beaver City, UT, as the "Abe Murdock United States Post Office Building"; to the Committee on Post Office and Civil Service.

By Mr. HENRY:

H.R. 4787. A bill to amend the Internal Revenue Code of 1986 to permit penalty-free withdrawals from individual retirement accounts for purposes of starting a new business; to the Committee on Ways and Means.

By Mr. HOYER (for himself and Mr. MCMILLEN of Maryland):

H.R. 4788. A bill to require the District of Columbia to close the Cedar Knoll Facility by January 1, 1993; to the Committee on the District of Columbia.

By Mr. MARKEY (for himself, Mr. BRYANT, and Mr. COOPER):

H.R. 4789. A bill to amend the Communications Act of 1934 to require the Federal Communications Commission to establish and enforce telecommunications network reliability standards, and for other purposes; to the Committee on Energy and Commerce.

By Mr. MCDERMOTT (for himself and Mrs. UNSOELD):

H.R. 4790. A bill to amend the Internal Revenue Code of 1986 to clarify the exemption

from the unrelated business income tax of income from the use of the name or logo of sponsors of agricultural fairs, community celebrations, festivals, art events, and expositions and from the sale of the rights to broadcast events thereof; to the Committee on Ways and Means.

By Mr. MCGRATH:

H.R. 4791. A bill to provide for a temporary suspension of duty for certain glass articles; to the Committee on Ways and Means.

By Mrs. MINK (for herself and Mr. ABERCROMBIE):

H.R. 4792. A bill to amend the Earthquake Hazards Reduction Act of 1977 to encourage implementation of research results, to protect life and property, and to facilitate the provision of insurance against the risk of catastrophic earthquakes and volcanic eruptions, and for other purposes; jointly, to the Committees on Science, Space, and Technology and Banking, Finance and Urban Affairs.

By Mr. PAXON:

H.R. 4793. A bill to amend part A of title IV of the Social Security Act and title XIX of such act to discourage persons from moving to a State to obtain greater amounts of aid to families with dependent children or additional medical assistance under State Medicaid plans; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. PORTER:

H.R. 4794. A bill to amend the Congressional Budget and Impoundment Control Act of 1974 to require each item of appropriation in an appropriation measure to be enrolled separately for presentment to the President; jointly, to the Committee on Rules and House Administrations.

By Mr. RAMSTAD:

H.R. 4795. A bill to suspend until January 1, 1995, the duty on certain internally lighted ceramic and porcelain miniatures of cottages, houses, churches, and other buildings, and associated accessories and figurines; to the Committee on Ways and Means.

By Mr. REED:

H.R. 4796. A bill to suspend until January 1, 1995, the duty on certain photo-active compounds used in the manufacture of photo-resistant chemicals; to the Committee on Ways and Means.

By Mr. SCHUMER:

H.R. 4797. A bill to direct the U.S. Sentencing Commission to make sentencing guidelines for Federal criminal cases that provide sentencing enhancements for hate crimes; to the Committee on the Judiciary.

By Ms. SLAUGHTER:

H.R. 4798. A bill relating to the tariff treatment of certain footwear; to the Committee on Ways and Means.

By Mr. SWIFT:

H.R. 4799. A bill relating to customs fees charged with respect to certain commercial truck arrivals in Whatcom County, WA; to the Committee on Ways and Means.

By Mr. THOMAS of California:

H.R. 4800. A bill to extend until January 1, 1995, the existing suspension of duty on certain yttrium bearing materials and compounds; to the Committee on Ways and Means.

By Mr. VENTO (by request):

H.R. 4801. A bill to amend the National Historic Preservation Act to extend the authorization for the Historic Preservation Fund; to the Committee on Interior and Insular Affairs.

By Mr. ANDERSON (for himself, Mr. DORNAN of California, Mr. DUNCAN, Mr. ESPY, Mr. FORD of Tennessee, Mr. FROST, Mr. GORDON, Mr. HARRIS, Mr. HORTON, Mr. MCMILLEN of Maryland, Mr. MARTINEZ, Mr., MONTGOMERY, Mr. QUILLEN, Mr. ROYBAL, Mr. SUNDQUIST, Mr. WHITTEN, and Mr. BLILEY):

H.J. Res. 461. Joint resolution designating January 8, 1993, as "Elvis Presley Day"; to the Committee on Post Office and Civil Service.

By Mr. ARMEY:

H.J. Res. 462. Joint resolution proposing an amendment to the Constitution of the United States limiting the number of consecutive terms for Members of the House of Representatives and the Senate; to the Committee on the Judiciary.

By Mr. MOODY:

H.J. Res. 463. Joint resolution designating the week beginning March 21, 1993, as "National Endometriosis Awareness Week"; to the Committee on Post Office and Civil Service.

By Mr. WEISS:

H.J. Res. 464. Joint resolution supporting the restoration of democratic government in Peru; to the Committee on Foreign Affairs.

By Mrs. MEYERS of Kansas (for herself, Mr. BROOMFIELD, and Mr. GILMAN):

H. Con. Res. 305. Concurrent resolution commending the people of Albania for their successful democratic election, urging the acceleration of market reforms in Albania, urging the President to expedite the negotiation of a commercial agreement with Albania, and urging an increase of aid to Albania; to the Committee on Foreign Affairs.

By Mr. ARMEY:

H. Res. 421. Resolution amending the Rules of the House of Representatives to reform the legislative process; to the Committee on Rules.

By Mr. GILMAN (for himself, Mr. HALL of Ohio, Mr. EMERSON, Mr. BURTON of Indiana, Mr. DORGAN of North Dakota, Mr. BEREUTER, Mr. WHEAT, Mr. WEISS, Mr. GILCHREST, and Mr. HASTERT):

H. Res. 422. Resolution concerning the crisis in Somalia; to the Committee on Foreign Affairs.

## MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

360. By the SPEAKER: Memorial of the Senate of the Commonwealth of Virginia, relative to physical desecration of the American flag; to the Committee on the Judiciary.

361. Also, memorial of the Senate of the Commonwealth of Virginia, relative to combined sewer overflow control; to the Committee on Public Works and Transportation.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. JONES of North Carolina introduced a bill (H.R. 4802) to authorize issuance of a certificate of documentation for employment in the coastwise trade of the United States for the vessel *Mariposa*; to the Committee on Merchant Marine and Fisheries.

## ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsores were added to public bills and resolutions as follows:

H.R. 25: Mr. BLACKWELL, Mr. CARR, Mr. PETERSON of Florida, and Mr. SYNAR.

H.R. 74: Mr. MACHTLEY.

H.R. 104: Mr. RITTER.

H.R. 187: Mr. STUDDS, Mr. SOLARZ, Ms. DELAURO, and Mr. BLACKWELL.

H.R. 261: Mr. KENNEDY and Mr. SANDERS.

H.R. 299: Mr. JOHNSON of Texas.

H.R. 323: Mr. FASCELL, Mr. BACCHUS, and Mr. JOHNSTON of Florida.

H.R. 330: Mr. CONYERS.

H.R. 501: Mr. BORSKI, Mr. FAZIO Mr. MARKEY, Mr. MARTINEZ, Mr. STARK, Mr. WAXMAN, Mr. PASTOR, Mr. JONTZ, and Mr. COLORADO.

H.R. 544: Mr. ENGEL.

H.R. 682: Mr. LIPINSKI, Mr. MCCANDLESS, and Mr. ZELIFF.

H.R. 722: Mr. LEWIS of Georgia and Mr. GEJDENSON.

H.R. 723: Mr. LEWIS of Georgia, Mr. GEJDENSON, and Mrs. VUCANOVICH.

H.R. 780: Mr. AUCOIN and Mr. MACHTLEY.

H.R. 827: Mr. KOLTER.

H.R. 840: Mr. FORD of Tennessee, Mr. ANTHONY, Mr. THOMAS of Georgia, Mr. HOCHBRUECKNER, Mr. MATSUI, Mr. EDWARDS of Oklahoma, Mr. ROYBAL, Mr. STALLINGS, Mr. MCDERMOTT, and Mr. SHAYS.

H.R. 911: Mr. DORGAN of North Dakota, Mr. COX of Illinois, Mr. STARK, Mr. GEREN of Texas, and Mr. PURSELL.

H.R. 1156: Mr. LOWERY of California, Mr. GALLEGLY, Mr. KOLBE, and Mr. UPTON.

H.R. 1188: Mrs. VUCANOVICH, Mr. HUCKABY, Mr. SENSENBRENNER, and Mr. WILLIAMS.

H.R. 1251: Mr. CARDIN and Mr. ENGEL.

H.R. 1252: Mr. ENGEL.

H.R. 1253: Mr. ENGEL.

H.R. 1389: Mr. SIKORSKI.

H.R. 1414: Mr. EDWARDS of Oklahoma.

H.R. 1472: Mr. ALLEN and Mr. GILMAN.

H.R. 1479: Mr. TAYLOR of North Carolina and Mr. SPENCE.

H.R. 1497: Mr. HUTTO, Mr. MCGRATH, Mr. COLEMAN of Texas, Mr. LAUGHLIN, and Mr. JOHNSON of Texas.

H.R. 1516: Mr. GEKAS, Mr. BAKER, and Mr. HOLLOWAY.

H.R. 1522: Mr. ANDREWS of New Jersey.

H.R. 1703: Mr. CAMPBELL of California.

H.R. 1771: Mr. DARDEN, Mr. DEFAZIO, Mr. DYMALLY, Mr. FLAKE, Mr. GALLEGLY, Mr. WILSON, and Mr. YOUNG of Alaska.

H.R. 1774: Mr. SCHIFF.

H.R. 1790: Mr. GAYDOS.

H.R. 1860: Mr. BARRETT, Mr. HOAGLAND, and Mr. RAY.

H.R. 1969: Ms. NORTON and Mrs. LOWEY of New York.

H.R. 2063: Mrs. SCHROEDER, Mr. GRANDY, and Mr. HOBSON.

H.R. 2492: Mr. HUGHES.

H.R. 2717: Mr. ENGEL.

H.R. 2880: Mr. DICKS.

H.R. 3082: Mr. JEFFERSON, Mr. LEVINE of California, Mr. JONES of North Carolina, Mr. BLAZ, and Mr. DIXON.

H.R. 3258: Mr. ANDREWS of New Jersey, Mrs. MEYERS of Kansas, Mr. GUARINI, Mr. SANDERS, Mr. KOPETSKI, Mr. JEFFERSON, and Mr. KOLTER.

H.R. 3344: Mr. SWETT.

H.R. 3438: Mr. GORDON.

H.R. 3439: Mr. GORDON.

H.R. 3440: Mr. GORDON.

H.R. 3441: Mr. SMITH of Oregon and Mr. GORDON.

H.R. 3442: Mr. GORDON.

H.R. 3459: Mr. SANDERS.

H.R. 3464: Mr. HOLLOWAY, Mr. TAYLOR of North Carolina, and Mr. GUNDERSON.

H.R. 3475: Mr. BERMAN.

H.R. 3476: Mr. MARTINEZ, Mr. BERMAN, and Mr. WEISS.

H.R. 3517: Ms. PELOSI, Mr. SERRANO, Mr. MARKEY, Mr. KOPETSKI, Mr. FOGLIETTA, and Mr. LIPINSKI.

H.R. 3552: Mr. MATSUI.

H.R. 3599: Mr. FRANKS of Connecticut.

H.R. 3603: Mr. FEIGHAN, Mr. PETERSON of Minnesota, Mr. HOCHBRUECKNER, Mr. WILSON, Mr. BROWN, Mr. RAVENEL, Ms. NORTON, Mrs. BOXER, Mr. JONES of Georgia, Mr. MCCLOSKEY, Mr. ANDREWS of Maine, Mr. OBERSTAR, Mr. MARKEY, and Mr. ENGEL.

H.R. 3636: Ms. KAPTUR, Mr. KLUG, Mr. DONNELLY, Mr. COLEMAN of Texas, Mr. VISCLOSKY, Mr. PICKLE, Mr. ROSE, and Mr. FROST.

H.R. 3801: Mr. PERKINS.

H.R. 3812: Mr. WELDON.

H.R. 3841: Mr. HAMMERSCHMIDT, Mr. HAYES of Louisiana, Mr. SWETT, Mr. SOLOMON, Mr. LEWIS of Florida, and Mr. JEFFERSON.

H.R. 3918: Mr. ECKART, Mr. SIKORSKI, AND Mr. MORAN.

H.R. 3956: Mr. MACHTLEY, Ms. NORTON, Ms. KAPTUR, Mr. JONTZ, and Mr. DIXON.

H.R. 3986: Mr. TRAXLER.

H.R. 3989: Mr. BILIRAKIS and Mr. DIXON.

H.R. 3992: Mr. FRANK of Massachusetts, Mr. BILIRAKIS, and Mr. DIXON.

H.R. 4034: Mr. BACCHUS and Mr. JONTZ.

H.R. 4051: Mr. GEKAS.

H.R. 4076: Mr. RICHARDSON.

H.R. 4083: Mr. SCHEUER, Mr. LEWIS of Florida, Mr. ACKERMAN, Mr. HOAGLAND, Mr. CAMPBELL of Colorado and Mr. BARTON of Texas.

H.R. 4093: Mrs. VUCANOVICH.

H.R. 4100: Mr. HEFNER, Mr. MCNULTY, Mr. MFUME, and Mr. ZELIFF.

H.R. 4104: Mr. ATKINS, Mr. DREIER of California and Mr. SOLOMON.

H.R. 4178: Mr. STUDDS, Ms. KAPTUR, Mr. SANDERS, and Mr. WEISS.

H.R. 4206: Mr. RAHALL and Mr. DIXON.

H.R. 4207: Mr. BEREUTER and Mr. SARPALIUS.

H.R. 4227: Mr. BROWN, Mr. OLVER, Mr. ROYBAL, Mr. KOSTMAYER, Mr. FRANK of Massachusetts, Mr. SANDERS, Mr. OWENS of New York, Mr. DEFAZIO, and Mr. PENNY.

H.R. 4234: Mr. EMERSON.

H.R. 4243: Mr. MARTINEZ.

H.R. 4268: Mr. FRANKS of Connecticut and Mr. DREIER of California.

H.R. 4271: Mr. ABERCROMBIE, Mr. OWENS of New York, and Mr. KOSTMAYER.

H.R. 4276: Mr. HOAGLAND.

H.R. 4279: Mr. MCCLOSKEY, Mr. OLIN, Mr. POSHARD, Mr. GILLMOR, and Mr. ANTHONY.

H.R. 4312: Mr. NORTON, Mr. SCHUMER, Mr. OLIN, Mr. RANGEL, Mrs. COLLINS of Michigan, and Mr. FLAKE.

H.R. 4329: Mrs. LOWEY of New York, Mr. BEILENSON, and Mrs. MEYERS of Kansas.

H.R. 4341: Mr. FRANKS of Connecticut.

H.R. 4361: Mr. JEFFERSON.

H.R. 4414: Mr. MCDERMOTT, Mr. WISE, and Mr. JACOBS.

H.R. 4418: Mr. EMERSON, Mr. CRANE, Mr. TANNER, Mr. TOWNS, Mr. SANDERS, Mr. OWENS of New York, Mr. COX of California, Mr. COSTELLO, Mr. HUGHES, and Mr. ZELIFF.

H.R. 4427: Mr. ATKINS and Mr. TOWNS.

H.R. 4430: Mr. SAXTON and Mr. LIVINGSTON.

H.R. 4473: Mr. STARK, Mr. WISE, and Mr. PENNY.

H.R. 4490: Ms. NORTON.

H.R. 4504: Mr. ZIMMER and Mr. MANTON.

H.R. 4530: Mr. MORAN, Mr. PAXON, Mr. MCCLOSKEY, Mr. JONTZ, and Mr. TRAFICANT.

H.R. 4553: Mr. ABERCROMBIE.

H.R. 4572: Ms. KAPTUR.

H.R. 4599: Mr. STOKES, Mrs. LOWEY of New York, and Mr. STARK.

H.R. 4611: Mr. PACKARD, Mr. GOSS, Mr. ROHRABACHER, Mr. LEWIS of Florida, Mr. PAXON, Mr. ZELIFF, Mr. BOEHNER, Mr. ZIMMER, Mr. KOLBE, Mr. PETRI, and Mr. KLUG.

H.R. 4613: Mr. HYDE.

H.R. 4617: Mr. ROHRABACHER, Mr. GOSS, and Mr. CONDIT.

H.R. 4754: Mr. GEREN of Texas.

H.J. Res. 27: Mr. HEFNER.

H.J. Res. 107: Mr. SAXTON.

H.J. Res. 244: Mr. CAMP, Mr. MATSUI, Mr. NATCHER, Mr. ANDREWS of New Jersey, Mr. SOLARZ, Mrs. MEYERS of Kansas, Ms. MOLINARI, Mrs. MINK, Mr. WOLPE, and Mr. MCDADE.

H.J. Res. 271: Mr. SPRATT, Mr. HAYES of Illinois, Mr. TOWNS, Ms. HORN, and Mr. ACKERMAN.

H.J. Res. 351: Mr. KENNEDY and Mr. FOGLIETTA.

H.J. Res. 378: Mr. ANNUNZIO and Mr. FAZIO.

H.J. Res. 388: Mr. SERRANO, Mr. ANDREWS of Texas, Mr. RAMSTAD, Mr. BUSTAMANTE, Mr. POSHARD, Mr. NATCHER, Mr. DICKS, Ms. PELOSI, Mr. PETERSON of Minnesota, Mr. BILBRAY, Mr. SAXTON, Mr. WOLF, Mr. DUNCAN, Mr. MILLER of California, and Ms. HORN.

H.J. Res. 396: Mr. GEPHARDT and Mrs. KENNELLY.

H.J. Res. 399: Mr. QUILLEN, Mr. TRAXLER, and Mr. MATSUI.

H.J. Res. 411: Mr. BLILEY, Mr. BOUCHER, Mrs. BOXER, Mr. DIXON, and Mr. BLAZ.

H.J. Res. 425: Mr. SKELTON, Mr. FRANK of Massachusetts, Mr. CLEMENT, Mr. HUCKABY, Mr. SUNDQUIST, Mr. TANNER, Mr. MCCLOSKEY, Mr. HOLLOWAY, Mr. UPTON, Mr. STUDDS, Mr. MOORHEAD, Mr. RICHARDSON, Mr. FIELDS, Mr. OXLEY, Mr. WYDEN, Mr. LENT, Mr. STENHOLM, Mr. JONES of Georgia, Mr. TORRES, Mr. CAMPBELL of Colorado, and Mr. SARPALIUS.

H.J. Res. 433: Mrs. MEYERS of Kansas, Mr. BENNETT, Mr. FAZIO, Mr. GEKAS, Mr. QUILLEN, Mr. LAGOMARSINO, Mr. RAY, Mr. FOGLIETTA, Mr. EMERSON, Mr. FLAKE, Mrs. MORELLA, Mr. CRAMER, Mr. MANTON, Mr. DIXON, Mr. SERRANO, Mr. PAXON, and Mr. BLILEY.

H.J. Res. 440: Mrs. BOXER, Mr. DELLUMS, Mr. DIXON, Mr. ESPY, Mr. EVANS, Mr. FAZIO, Mr. FORD of Tennessee, Mr. FRANK of Massachusetts, Mr. GONZALEZ, Mr. HOCHBRUECKNER, Mr. KOSTMAYER, Mr. MACHTLEY, Mr. MOODY, Mr. NEAL of Massachusetts, Ms. NORTON, Mr. OBERSTAR, Mr. OWENS of New York, Mr. PAYNE of New Jersey, Mr. PETERSON of Florida, Mr. PICKLE, Mr. POSHARD, Mr. SANDERS, Mr. SIKORSKI, Mr. TORRES, Mr. TRAFICANT, Mr. TRAXLER, Mr. VENTO, and Mr. WEISS.

H.J. Res. 442: Mr. SHAW, Mr. EMERSON, Mrs. ROUKEMA, Mr. GUARINI, Mr. MATSUI, Mr. LEVIN of Michigan, Mr. RANGEL, Mr. ALEXANDER, Mr. ANDREWS of Maine, Mr. BLILEY, Mr. TRAXLER, and Mr. WEISS.

H.J. Res. 444: Mr. HUGHES, Mr. BEVILL, Mr. ABERCROMBIE, Mr. ESPY, Mr. INHOFE, Mr. WOLF, Mr. ERDREICH, Mr. LEHMAN of Florida, Mr. MCMILLAN of North Carolina, Mr. MATSUI, Ms. SLAUGHTER, Mr. MCNULTY, Mr. MCDERMOTT, Mrs. LLOYD, Mr. DEFAZIO, Mr. KOPETSKI, Mr. SOLARZ, Mr. WALSH, Mr. RINALDO, Mr. POSHARD, Mr. WEISS, Mr. FALEOMAVAEGA, Mr. LAGOMARSINO, Mr. LIPINSKI, Mr. LAFALCE, Mr. ROE, Mr. LEVIN of Michigan, Mr. RANGEL, Mr. TALLON, Mr. ALEXANDER, Mr. FAZIO, Ms. HORN, Mr. TRAXLER, and Mr. SMITH of New Jersey.

H.J. Res 459: Mr. LAFALCE, Mr. MACHTLEY, Mr. WALSH, Mr. BLILEY, Mr. DEFAZIO, Mr. RANGEL, Mr. SPRATT, Mr. MCNULTY, Mr. TRAXLER, Mr. DWYER of New Jersey, Mr. SHAYS, Mr. JEFFERSON, Mrs. JOHNSON of Connecticut, and Mrs. LOWEY of New York.

H. Con. Res. 89: Mr. ENGEL.

H. Con. Res. 180: Mr. MCMILLEN of Maryland, Mr. TORRES, and Mr. DIXON.

H. Con. Res. 224: Mr. MANTON and Mr. CARPER.

H. Con. Res. 246: Mr. STUDDS, Ms. SLAUGHTER, Mr. ATKINS, Mr. MILLER of California, Mr. SERRANO, Mr. DARDEN, Mr. BLACKWELL, Mr. MINETA, Mr. FAZIO, and Mr. FOGLIETTA.

H. Con. Res. 248: Mrs. MORELLA and Mr. STARK.

H. Con. Res. 282: Mr. ZELIFF, Mr. TRAFICANT, Mr. GEJDENSON, Mr. OLVER, Mr. BARNARD, Mr. MCCLOSKEY, Mr. LENT, Mr. WYDEN, Mr. KOSTMAYER, Mr. MCMILLEN of Maryland, Mr. ANDREWS of Maine, Mr. MCGRATH, Mr. HUGHES, Mr. BERMAN, Mr. MACHTLEY, Mr. STUDDS, Mr. KOPETSKI, Mr. SWETT, Mr. MARKEY, Mr. SCHEUER, Mr. YATRON, Mrs. JOHNSON of Connecticut, Mr. JONES of North Carolina, Mr. ACKERMAN, Mr. WALSH, Mr. DOWNEY, Mr. LIPINSKI, Mr. DEFAZIO, Mr. QUILLEN, Ms. KAPTUR, Mrs. MORELLA, Mrs. SCHROEDER, Mr. KILDEE, Mr. WELDON, Mr. POSHARD, Mr. VENTO, Ms. SLAUGHTER, Mr. FOGLIETTA, Mr. ROE, Mr. BROWN, Mrs. BYRON, Mr. MFUME, Mr. ECKART, Mrs. KENNELLY, Mr. GILCHREST, Mr. ATKINS, Ms. HORN, Mr. ROTH, Mr. CHANDLER, Mr. SAXTON, Mr. ESPY, Mr. CARDIN, Mrs. UNSOELD, Mr. SHAYS, Mr. LEVIN of Michigan, Mr. BORSKI, Mr. TRAXLER, Mr. MARTIN, Mr. BOEHLERT, Mr. MILLER of Washington, Mr. RINALDO, Mr. KANJORSKI, Mr. MANTON, Mr. SANDERS, Mr. CAMPBELL of Colorado, Mr. JOHNSON of South Dakota, Mr. ENGEL, Mr. SCHUMER, Mr. HOCHBRUECKNER, Mr. VANDER JAGT, Mr. EVANS, Mr. WOLPE, Mr. OWENS of New York, Mr. MCDERMOTT, Mr. SERRANO, and Mr. OXLEY.

H. Con. Res. 285: Mr. HANCOCK, Mr. HEFLEY, and Mrs. MEYERS of Kansas.

H. Res. 153: Mr. JONES of North Carolina.

H. Res. 234: Ms. OAKAR.

H. Res. 237: Mr. WILSON.

H. Res. 321: Mr. LIPINSKI and Mr. BEILENSON.

H. Res. 332: Mr. GILCHREST.

H. Res. 347: Mr. GILCHREST.

H. Res. 359: Mr. MARTINEZ, Mr. MATSUI, and Mr. DIXON.

H. Res. 372: Mr. JEFFERSON, Mr. GLICKMAN, Mr. CARDIN, and Mr. MARTINEZ.

H. Res. 384: Mr. RANGEL and Mr. PAXON.

H. Res. 385: Mr. LIVINGSTON, Mr. DORNAN of California, Mr. BATEMAN, and Mr. NICHOLS.