SENATE—*Tuesday, August 3, 1993*

(Legislative day of Wednesday, June 30, 1993)

The Senate met at 9:40 a.m., on the expiration of the recess, and was called to order by the Honorable BARBARA BOXER, a Senator from the State of California.

PRAYER

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

Let us pray:

He answered and said unto them, "When it is evening, ye say, It will be fair weather: for the sky is red. And in the morning, It will be foul weather to-day: for the sky is red and lowering. O ye hypocrites, ye can discern the face of the sky; but can ye not discern the signs of the times?" —Matthew 16:2, 3.

Eternal God, our hearts are overwhelmed with the desolation the flood have brought, and continues to bring, in the Midwest. In our helplessness, we pray for the people who have been devastated, for the many who have lost loved ones, who have lost homes and lands and businesses, for the frustration many feel as they work hard to fight the flood and are still overwhelmed by it. We who have been spared this tragedy feel guilty that we have not suffered.

Mighty God, are You trying to say something to us? Are these signs, reminding us of judgment? Are these a warning that we must get our house in order, nationally?

Gracious God, we pray for a visitation upon us as a people, that we may turn to Thee in our hour of desperation.

In Jesus' name. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, August 3, 1993.

To the Senate:

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

ROBERT C. BYRD,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

VOTES ON S. 919 AND GINSBURG NOMINATION

Mr. MITCHELL. Madam President, the Senate will now proceed to the national service bill with a vote on final passage of that bill to occur at 10 a.m. this morning. Immediately following that, there will be a vote on the nomination of Judge Ginsburg to the Supreme Court. I wish to repeat my request to Senators that in accordance with past practice and tradition, Senators take their seats and remain at their desks during the vote on the Ginsburg nomination.

Madam President, I would like to just make a brief comment on that nomination now, and then I will discuss the schedule for the remainder of the week.

NOMINATION OF RUTH BADER GINSBURG

Mr. MITCHELL. The vote by which the Senate will this morning confirm the nomination of Judge Ruth Bader Ginsburg as an Associate Justice of the United States Supreme Court will reflect the very high level of admiration and respect she has earned in this body.

Judge Ginsburg's appearance before the Senate Judiciary Committee last month confirmed for all of us that her reputation as a brilliant legal scholar committed to the fundamental constitutional freedoms is well deserved.

Judge Ginsburg revealed at the hearings what her career has previously demonstrated, a complete and secure grasp of the law and of the role of the judiciary in a representative democracy like ours.

With the vote this morning, Judge Ginsburg will be ready to be sworn in and take her seat as Justice Ginsburg when the Supreme Court's fall term begins in October. It will be a pleasure to congratulate her and to look forward to her tenure on the Court.

SCHEDULE

Mr. MITCHELL. Madam President, the Senate is scheduled to commence the August recess by the close of business on Friday. If we are to make that schedule, there will have to be cooperation and many votes and much consideration of various measures by the Senate during this week. And so I will be meeting with the distinguished Republican leader, with Senator KENNEDY, Senator NUNN, and others involving legislation we are trying to take up and consider.

But I merely want to alert and caution Senators to the fact that there will be votes at any time throughout the day, evening, perhaps into the night during this week. Senators should be prepared for lengthy sessions. No requests for periods of time in which votes do not occur will be entertained or considered. Senators must be prepared to be here within 20 minutes to cast votes when necessary.

With respect to the votes this morning, the last two votes will be 10 minutes each. There will be four votes in succession. The first two will be under the usual time procedures. The last two votes will be for 10 minutes each. So I encourage my colleagues to cooperate, to be present, not to make requests for no votes for this evening or for that morning or for that afternoon. This is the final week, and if we are to complete our action and begin the recess, it will be necessary to have cooperation.

Of course, as I have said many times, the principal action we will take is on the reconciliation bill. I expect that to be enacted later this week. If for any reason it is not, there will be no recess. I have said this publicly on many occasions, and I wish to repeat it now so there cannot possibly be any misunderstanding whatsoever on the part of any Senator.

If for any reason—I do not expect this to occur, but if for any reason reconciliation does not pass, the recess is automatically canceled and the Senate will remain in session throughout the month of August. But I hope and expect that that will not occur and we will be able to complete that and other measures during the week.

Madam President, I thank my colleagues for their patience and cooperation, and I now yield the floor.

RESERVATION OF LEADERSHIP TIME

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

NATIONAL AND COMMUNITY SERVICE TRUST ACT OF 1993

The ACTING PRESIDENT pro tempore. Under the previous order, the

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Senate will now resume consideration of S. 919, which the clerk will report.

The bill clerk read as follows:

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

The Senate resumed consideration of the bill.

The ACTING PRESIDENT pro tempore. Under the previous order, time between now and 10 a.m. will be for debate on the bill with the time equally divided.

Mr. KENNEDY addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts.

Mr. KENNEDY. How much time does the Senator from Massachusetts have?

The ACTING PRESIDENT pro tempore. The Senator has 6 minutes and 42 seconds.

Mr. KENNEDY. I thank the Chair.

AMENDMENT NO. 746

(Purpose: To improve the National and Community Service Act of 1990)

Mr. KENNEDY. Madam President, I send to the desk an amendment pursuant to a unanimous-consent agreement reached last Friday.

The ACTING PRESIDENT pro tempore. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY], for himself and Mrs. KASSEBAUM, proposes an amendment numbered 746.

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

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

The amendment is as follows:

On page 8, line 6, strike the period and insert ", or grants described in section 129(d)(4).".

On page 28, strike line 22 and all that follows through page 29, line 14, and insert the following:

"(1) ALLOTMENT OF ASSISTANCE TO CERTAIN STATES.—

"(A) IN GENERAL.—Of the funds allocated by the Corporation for provision of assistance under subsections (a) and (b) of section 121 for a fiscal year, the Corporation shall make a grant under section 121(a) (and a corresponding allotment of approved national service positions) to each of the several States (through the State Commission of the State), the District of Columbia, and the Commonwealth of Puerto Rico that has an application approved by the Corporation under section 133.

"(B) ALLOTMENT AMOUNTS.—Except as provided in subparagraph (C), the amount allotted as a grant to each such State under this paragraph for a fiscal year shall be equal to—

"(i) in the first fiscal year for which funds are appropriated under section 501(a)(2), an amount that bears the same ratio to 40 percent of the allocated funds for such fiscal year;

"(ii) in the second such fiscal year, an amount that bears the same ratio to 45 percent of the allocated funds for such fiscal year; and

"(iii) in the third such fiscal year, an amount that bears the same ratio to 50 percent of the allocated funds for such fiscal year,

as the population of the State bears to the total population of the several States, the District of Columbia, and the Commonwealth of Puerto Rico

"(C) LIMITATION.—In no case shall any State receive a grant under this paragraph for a fiscal year in an amount that is less than ½ of 1 percent of the allocated funds for the fiscal year.

On page 32, strike line 9 and insert the following:

30 percent of the allocated funds in the first fiscal year for which funds are appropriated under section 501(a)(2), not less than 27½ percent of the allocated funds in the second such fiscal year, and not less than 25 percent of the allocated funds in the third such fiscal year, to make grants

On page 34, strike lines 2 and 3 and insert the following:

of subsections (a) and (c) and after using the appropriate percentage of such funds, as described in paragraph (1), to make grants under paragraph

On page 34, between lines 15 and 16, add the following:

"(4) RESERVATION.—

"(A) SUPPLEMENTAL AND OTHER GRANTS.—In distributing the funds allocated by the Corporation for provision of assistance under section 121 for a fiscal year, after operation of subsections (a) and (c), the President shall reserve, from the funds available to make grants under paragraphs (1) and (2), an amount that is not less than 2 percent and not more than 5 percent of such funds (except that such amount may not exceed $10,000,000), in order to make supplemental grants as provided in subparagraph (B) and grants as provided in subparagraph (C).

"(B) GRANTS TO ASSIST ENTITIES IN PLACING APPLICANTS WHO ARE INDIVIDUALS WITH A DISABILITY.—

"(i) IN GENERAL.—The President shall make grants from a portion of the funds reserved under subparagraph (A) to entities that—

"(I) receive a grant to carry out a national service program under paragraph (1) or (2);

"(II) demonstrate that the entity has received a substantial number of applications for placement in the national service program of persons who are individuals with a disability, as defined in section 3(2) of the Americans with Disabilities Act of 1990, and who require a reasonable accommodation, as defined in section 101(9) of such Act or auxiliary aids and services, as defined in section 3(1) of such Act, in order to perform national service; and

"(III) demonstrate that additional funding would assist the national service program in placing a substantial number of such individuals with a disability as participants in projects carried out through the program.

"(ii) REQUIREMENTS.—Funds made available through such a supplemental grant under clause (i) shall be made available for the same purposes, and subject to the same requirements, as funds made available through a grant made under paragraph (1) or (2).

"(C) GRANTS FOR OUTREACH TO INDIVIDUALS WITH A DISABILITY.—

"(i) IN GENERAL.—From the portion of the funds reserved under subparagraph (A) that is not used to make grants under subparagraph (B), the President shall make grants to public and private not-for-profit organizations to pay for the Federal share described in section 121(e) of—

"(I) providing information about the programs specified in section 193A(d)(10) to such individuals with a disability who desire to perform national service; and

"(II) enabling the individuals to participate in activities carried out through such programs, which may include assisting the placement of the individuals in approved national service positions.

"(ii) APPLICATION.—To be eligible to receive a grant under this subparagraph, an organization described in clause (i) shall submit an application to the President at such time, in such manner, and containing such information as the President may require.

On page 50, between lines 5 and 6, insert the following:

"(d) PROHIBITION ON CERTAIN POLITICAL ACTIVITIES.—

"(1) IN GENERAL.—Except as provided in subsection (b) and paragraph (2), an application submitted to the Corporation under section 130 shall include an assurance by the applicant that any national service program carried out using assistance provided under section 121 and any approved national service position provided to an applicant will not be used to—

"(A) provide political seminars, training, instruction, lectures, classes, or speeches; or

"(B) assist political organizations, partisan organizations, or political appointees.

"(2) POLITICAL APPOINTEES.—The requirement of paragraph (1) relating to an assurance regarding speeches shall not apply to political appointees who are responsible for the administration of a national service program.

"(3) ENFORCEMENT.—If the Corporation determines that a national service program has failed to comply with the assurances provided under paragraph (1), the Corporation shall—

"(A) prohibit the program from recruiting or selecting individuals to participate in the program during the 2-year period beginning on the date the Corporation determines the noncompliance commenced; and

"(B) direct the program to terminate the employment of the supervisors determined to be involved in the noncompliance.

On page 162, strike lines 11 through 18 and insert the following:

SEC. 114. REPORTS.

Section 172 of the National and Community Service Act of 1990 (42 U.S.C. 12632) is amended—

(1) in subsection (a)(3)(A), by striking "sections 177 and 113(9)" and inserting "section 177";

(2) in subsection (b)—

(A) by striking "REPORT TO CONGRESS"; and inserting "REPORT TO CONGRESS BY CORPORATION"; and

(B) in paragraph (1), by striking "this title" and inserting "the national service laws"; and

(3) by adding at the end the following:

"(c) REPORT TO CONGRESS BY SECRETARY OF DEFENSE.—

"(1) STUDY.—The Secretary of Defense shall annually conduct a study of the effect of the programs carried out under this title on recruitment for the Armed Forces.

"(2) REPORT.—The Secretary of Defense shall annually submit a report to the appropriate committees of Congress containing the findings of the study described in paragraph (1) and such recommendations for legislative and administrative reform as the Secretary may determine to be appropriate.".

On page 193, strike lines 11 through 23 and insert the following:

"(C) who are experts in the delivery of human, educational, environmental, or public safety services, or are experts in the delivery of services by veterans;

"(D) that include at least one representative of local educators and at least one representative of community-based agencies;

"(E) so that the Board shall be diverse with respect to race, ethnicity, age, gender, and disability characteristics; and

"(F) so that no more than 8 appointed members of the Board are from a single political party.

"(3) EX OFFICIO MEMBERS.—The Secretary of Veterans Affairs, the Secretary of

Mr. KENNEDY. Madam President, this managers' amendment encompasses four amendments agreed to in principle last Friday: An amendment by Senator DOMENICI regarding the apportionment of funds to States; an amendment by Senator GRAMM of Texas regarding political activities; an amendment by Senator DOLE on veterans and the disabled; and an amendment by Senator DOLE regarding a Department of Defense study.

These amendments will improve the bill, so I urge the adoption of the amendment.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment (No. 746) was agreed to.

Mr. KENNEDY. Madam President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. KENNEDY. Madam President, I see my colleagues, the Senator from Pennsylvania [Mr. WOFFORD], and the Senator from Minnesota, [Mr. DURENBERGER].

I yield myself 2 minutes and will yield 2 minutes to the Senators from Pennsylvania and Minnesota.

Mr. KENNEDY. Madam President, the passage of this legislation is an important milestone for Congress. National and community service is one of the best investments we can make for the generations to come. In a sense, it is what the effort "to reinvent America" is all about, because it is the most significant step that we have taken so far to return to our roots—to revitalize the sense of community that has always been the hallmark of America at its best.

I commend President Clinton for his longstanding commitment to national service. He understands the importance of giving Americans of all ages the opportunity to give something back to our country for all that our country has given to them.

I also commend Eli Segal, Director of the White House Office on National Service, for his impressive leadership on this legislation. He has worked effectively with Senators of both parties to refine and improve this measure.

We have made significant progress in the past week. Democrats and Republicans have worked together to shape this legislation, and it deserves broad bipartisan support. At a time when partisanship is running high on the reconciliation bill we have demonstrated that we can work in a bipartisan manner on a bipartisan issue—providing more effective opportunities for more citizens to serve their country.

We have continued to work together in recent days to find common ground. Today we have introduced a manager's package of five additional Republican amendments which we have accepted. Three were offered by Senator DOLE to ensure that national service does not compete with military recruiting, to make the program more accessible to those with disabilities, and to enable those with experience in veterans' affairs to participate in the administration of the program. We also accepted an amendment offered by Senator GRAMM to ensure that participants do not engage in partisan political activities. All of us—Democrats and Republicans—can take pride in the progress we have made.

Of the 32 amendments we have accepted, 30 were Republican proposals to address their concerns. All of these proposals have been constructive, and they have strengthened the bill.

It is clear that this measure has broad public support. Hundreds of young citizens attended a Washington rally last week to endorse it. Thousands of Americans have sent in postcards and made telephone calls to their Senators. All of them share the same goal. They want an opportunity to serve others, and by doing so to make their community and their country a better place.

Community service—helping others—is not a new idea. It is the essence of democracy. America was founded on the concept that free people, working together for the common good, can survive and prosper. And from the first settlers to the first astronauts, it has been the secret of America's success.

The concept of service is important to instill in citizens of all ages, but it is especially important for the young, and it should be a central part of education. The lesson of service to others learned in youth will last a lifetime, and produce a better, fairer, and stronger America in the years ahead.

In his inaugural address 32 years ago, President Kennedy emphasized this quality, and touched a deeply responsive chord when he called upon Americans of all ages to ask what they could do for their country.

The best of the old frontier became the defining quality of his New Frontier. Citizens responded by the millions, and the spirit of America soared again, as it had so often in the past. The people understood that by working together, our Nation could meet and master any challenge. By harnessing the energy, ability, and idealism of our citizens, we can achieve our most pressing national goals.

We need to rekindle that attitude again for our own day and generation, and this legislation is well-designed to achieve that goal. We do not have to compel citizens to serve their country. All we have to do is ask—and provide the opportunity. The National and Community Service Trust Act provides that opportunity.

It has the potential to inspire large numbers of our citizens, from the very young to the very old, to work more effectively with others, and to use their talents in ways that will inspire their communities. In doing so, we will improve our Nation and address more effectively the serious challenges we face.

In a sense, the passage of this legislation marks the end of the me era in our national life, and the beginning of a new era in which the best American values are once again guiding our national spirit. I urge the Senate to pass this legislation and make these opportunities for community service possible and accessible.

The Senate is lucky to have so many Senators who are ardent supporters of national and community service. Senator WOFFORD has personally dedicated himself to this issue from the days of the founding of the Peace Corps. Senators DURENBERGER, JEFFORDS, CHAFEE, and SPECTER built early bipartisan support for this bill. Senators on the Labor Committee have lent their important support for this measure: Senators DODD, SIMON, WELLSTONE, BINGAMAN, and METZENBAUM.

Senator MIKULSKI was a champion in enacting the 1990 National and Community Service Act and has continued to be a key supporter. Senator PELL was one of the first Members of our Senate ever to advocate national service.

Off the committee, Senators NUNN and MOYNIHAN were also key architects of our 1990 national service legislation. Senator BOREN helped form the Civilian Community Corps last year.

The following Senate staff members have been especially helpful in enacting national service legislation. I want to extend my thanks:

Nick Littlefield, Senate Labor Committee; Ron Weich, Senate Labor Committee; Tom Sander, Senate Labor Committee; Marty Rodgers, Senator WOFFORD's staff; Pieter Boelhower, Senator BOREN's staff; Sarah Flanagan, Senator DODD's staff; Suzanne Day, Senator DODD's staff; Anita Harewood, Senator MIKULSKI's staff; Susan Heegaard, Senator DURENBERGER's staff; Jason Rothenberg, Senator PELL's staff; Jon Schroeder, Senator DURENBERGER's staff; and Judy Wagner, Senator SIMON's staff.

Robin Mahler, Senator METZENBAUM's staff; Cheryl Birdsall, Senator

METZENBAUM's staff; Betty Ann Soiefer, Senate Governmental Affairs Committee; John Gompers, Senator WOFFORD's staff; Jason Snyder, intern to Senate Labor Committee; Kim Weaver, Senate Governmental Affairs Committee; John Ogden, Senator BUMPER'S Office; Cathy O'Brien, Senator NUNN's office; Bev Schroeder, Senator HARKIN's office; and Sherry Ettleson, Senator WELLSTONE's office.

In addition, the following individuals have also been invaluable. From the White House Office of National Service: Eli Segal, Jack Lew, Shirley Sagawa, Robert Gordon, Jr. From the House of Representatives, Gene Sofer on the House Education and Labor Committee. Furthermore, the Coalition for National and Community Service, under the supervision of Sara Hartman, and the People for the American Way, assisted by Tracy Sivitz, were very helpful in registering the support of Americans for the national service legislation.

Mr. DOMENICI. Madam President, I would like to speak for a few moments about the Senate's efforts on the National and Community Service Trust Act. While I cannot in good conscience vote for a bill that creates a program I believe we cannot afford at this time, I do want to acknowledge the efforts of a few of my colleagues for their work on this bill.

Senators KENNEDY and KASSEBAUM and their staffs have worked very hard to try to reach agreement on this issue. I know this has been an arduous process for those involved, and while I regret these compromise efforts have not been wholly successful, I do believe that many of the Republican amendments included in the bill make this a stronger bill. Two amendments that I authorized make two very important modifications by ensuring that this program is not an entitlement and providing more community service funding directly to the States.

The first amendment ensures that this program will not become another of our many entitlement programs. This amendment was very simple and clarifies what I believe to be the intent of the original legislation. It merely states that the expenditure of funds must clearly be considered as subject to the availability of appropriations.

I clearly have other concerns about the costs of this legislation. However, if this legislation is to pass, we must frankly take into account that entitlements are the fastest growing portion of the Federal budget. The American people clearly do not want us to enact any new entitlement programs.

My second amendment provides that more of the funding from this bill go directly to the States and allow each of them to work with their communities to develop programs that will adequately address their most critical areas of need.

When the committee substitute was first brought to the floor, it was structured so that funding would flow in three different ways:

First, one-third would have flowed directly to the States;

Second, one-third would have flowed to the Corporation for the States to bid upon competitively; and

Third, the remaining third would go to the Corporation for competitive bid by individual programs and national nonprofits.

Under my amendment, the funding will still flow to these three areas, but more will be allocated directly to the States with:

First, 40 percent going directly to the States the first year of authorization;

Second, 45 percent going directly the second year; and

Third, 50 percent going directly the third year.

In addition, my amendment will provide that our Nation's lesser populated States receive a minimum funding level that is equal to one-half of 1 percent of the Nation's population.

Madam President, despite the Senate's acceptance of my amendments, I intend to vote against this legislation. I do not oppose community and volunteer service. Frankly, I do not believe a single Member of this body opposes community service. It is a noble idea, and I will continue to encourage efforts by States and local communities to top the vast human resource of volunteers that I know is available because I have seen them myself.

The legislation before us, however, is not the right approach. I believe we have made it a better bill during the past week, but it is still not a good bill. Even with these important changes, I cannot support a new program which will cost $1.5 billion over the next 3 years. That is what is at the heart of this issue. We simply cannot raise taxes on our people as the President plans to start new programs, especially those with the potential for more and more spending in the future.

Mr. MITCHELL. Madam President, I support national and community service as a means by which Americans of all ages can contribute to the well-being of our country. The way in which one chooses to serve his or her country is of less importance than the service provided. Service is as old as our country. In fact, our society and the unique form of Government we enjoy was built on the strength of national service.

Those who believed first and fought hardest to convince others to form our Union were the earliest to call us to service. Hamilton opened the Federalist papers by summoning people to the fateful mission of democracy. The formation of this country was our initial and most significant call to national service. We are fortunate the call was answered positively by so many.

Over the course of our history, millions have found ways large and small to give of themselves to the common good of all of us. Throughout this century, men and women, as well as citizens who had not yet reached adulthood, fought to preserve our democracy when confronted by totalitarian forces. Today we are witnessing an outpouring of voluntarism as Americans leave their homes to help others who have been chased from their homes by midwestern floods. Young and old alike are donating their time and money to assist less fortunate individuals.

President Clinton's call to national service continues this rich heritage. His plan would encourage thousands across the country to give of themselves for a greater good while earning money to improve their minds. Under the President's plan, people interested in community and national service would accrue money to help pay college costs. This legislation merges education and service, two critical components of a healthy society.

As I travel throughout Maine, I meet many young people, and some still very young at heart, who lift my spirits by telling me of their efforts to serve the State and country. Students often ask me what they can do to help improve our Nation. I suggest they find a way to help their community and look for opportunities to serve their country. I am pleased the national service legislation includes options for young students to serve their country through organized school activities and by participating in programs offered through nonprofit community-based groups.

Maine has a long history of volunteer service. The legislature in 1983 created and funded the Maine Conservation Corps for the purpose of training people to help care for the State's vast natural resources. By 1986, 24 projects were operating throughout Maine. MCC in 1992 applied for and was awarded a grant from the Commission on National and Community Service to establish four service/conservation youth corps projects in Maine.

One successful program is the College Conservation Corps of Maine. CCCM operates a year-round program as well as a seasonal conservation corps program for youths aged 14 to 21. This program links community service with post-secondary educational opportunities for corpsmembers aged 16 to 24.

The National Service Trust Act of 1993 is intended to promote the patriotism Hamilton wrote of, and to instill in young people a strong work ethic. But opportunities to serve are by no means limited to young people. Americans of all ages have gifts to offer our country. This bill would make open the door to service to anyone interested. Madam President I support the legislation and urge my colleagues to help us make this exciting idea a reality.

Mr. BIDEN. Madam President, the Senate is about to pass the National and Community Service Trust Act. I

am pleased to support this historic legislation.

One of our strengths as a country has always been our sense of community, our values of respect and concern for our neighbors. We see it every day, and we always have. In an earlier era, when the neighbor's barn burned down, everyone pitched in to rebuild it. And, today, with the floods in the Midwest, Americans of all ages, from all walks of life, from all corners of the country are there helping families they have never met and do not know. And, these are not isolated incidents. Every day, millions of concerned, responsible Americans join together to offer real answers to our real problems.

On a national level, many Government programs reflect these same values. But, government checks will always lack the human touch—one neighbor lending a hand to help another in need.

Government can help provide for a poor child, but it can never give the friendship, care, and guidance that a Big Brother or Big Sister can. No welfare check can help a frightened teenage mother deal with the mental and physical demands of child-rearing. No Medicare check can lift the spirits of a sick senior citizen like a visit from a caring neighbor.

No, Government alone cannot do the job. Government alone cannot meet all of America's challenges. For this, we need each other—our churches, our families, and our communities. But one thing the Government can do is to encourage and channel those efforts. We can summon the American spirit and the traditional American instinct to help.

It was just 30 years ago when many thousands of people of my generation some of whom now serve with me here in the Senate—first heard the call of service from a young President named John F. Kennedy—and, I might add, from a Kennedy aide named HARRIS WOFFORD. It was my generation that first served in the Peace Corps and in VISTA, and it was many of my generation that served America in Southeast Asia.

But, my generation is really no different than any other. The only difference is that we were asked—asked to serve by a young President who looked for and appealed to the best in all of us. Americans are again ready to serve—America's young people are ready if only someone would ask. Today, President Clinton has echoed the call many of us heard a generation ago and is now summoning a new generation of Americans to service.

The National and Community Service Trust Act asks the young people of America to give 1 or 2 years of their lives helping the disadvantaged, the elderly, and the underprivileged. And, in lending a helping hand, the Federal Government will in turn offer a helping hand of its own by providing a voucher to assist in meeting the costs of a higher education.

This bill is similar to proposals I made in 1987. At the time, I called for a 50,000-person National Community Service Corps comprised of small teams of young volunteers helping the poor in inner-city areas. I also proposed the creation of a Community Volunteer Guard, modeled after the National Guard, where post-college and middle-aged Americans could give one weekend a month or a couple of weeks every summer to work on community projects. And, I suggested that all high school seniors should be required to perform community service as a condition of graduation. As an aside, I am pleased to note that last year, Maryland became the first State in the Nation to adopt just such a requirement.

I made these proposals 6 years ago, and I am strongly supporting this legislation today, because national and community service can do much to help the homeless, to help the poor, to help the crime-ridden streets of our cities. But, more than that, national service will help teach those who serve about the American spirit and American tradition of community. I truly believe that the young person who helps someone who needs help is helped the most. Community service does as much for the individuals serving as it does for the communities in which they serve.

An experience from my own family confirms this point. My son Hunter recently completed a year of service with the Jesuit Volunteer Corps. He worked as an emergency services coordinator in Portland, OR. Hunt's year in Portland taught him a great deal about the world and about people whose lives have been very different from his. It taught him that you are not going to change the world, but that is no reason not to give your best effort to make a few people's lives a little better. And it taught him that, in a world of finite resources, decisions about how to do the most good with what you have are not easy ones.

But, as important as all of those lessons were, Hunt's JVC experience taught him the most about himself. It challenged him in ways in which he had never been challenged before and made him realize that he is capable of more than he would have ever believed. He came back from that year on the west coast a much more self-confident, self-reliant young man.

Madam President, every American should have the opportunity to participate in such a program. Every young American should have the chance to give something back to their community and country. This is why we need a national service program—to harness America's young people to afford them the chance to make a contribution to the American tradition of shared and common concern.

Even more, a national service program can teach our young people that they belong to a society in which membership conveys both rights and responsibilities. In the 1980's, we forgot the words of John Stuart Mill that "every one who receives the protection of society owes a return for the benefit."

Instead, the prevailing attitude was that of a former President Reagan Cabinet Member who derided the notion of national service by wondering whether America's youth really should be "picking up trash rather than earning their first million." Thank goodness, Mr. President, that today we have a President of the United States who has rejected such cynicism.

For no longer can the question be: How much of America can I get? The new question must be: What kind of America do we want? No longer can the question be: What do I deserve? The new question must be: What can we as Americans earn? What kind of America can we build together?

Madam President, the National and Community Service Trust Act will help to rekindle the American spirit of community and will help remind Americans of the responsibility we have to each other. I urge my colleagues to support this important legislation.

Mr. COATS. Madam President, when I voted in favor of reporting S. 919 out of the Labor Committee, I did so with a great deal of hesitation. It is true that I strongly support the concept of national and community service. It is true because I recognize the importance and value of America's tireless volunteers. Whether Big Brothers or Big Sisters, the Foster Grandparents, or Habitat for Humanity, millions of Americans are devoted to self help, to community service, and to doing so without a handout from the Federal Government.

Service to America is one of our Nation's finest traditions. It is important, first, because it is right and good. It is vital, second, because it meets social needs that Government bureaucrats cannot fill. Madam President, I support the concept of national service, but I cannot support his bill.

First, I am concerned that under S. 919, we are not recruiting volunteers, but new Federal employees. When volunteers are paid or enticed with future benefits, the nature of their service is changed.

Second, I am concerned that S. 919 is too prescriptive and does not provide enough room for State flexibility. A national service program properly designed, should build on existing programs and look to the States for their creativity in designing and administering these programs. The Federal Government should not dictate to the State in a rigid manner how these programs should look and who they should serve. S. 919 appears to take a top-down

approach which may impinge on States in ways that are both unnecessary and unwise.

Third, I am concerned about the amount of resources that continue to be devoted to the new program. While I appreciate the willingness of the bill's sponsors to reduce the level of authorization, I have to question whether any new expenditure at this time is appropriate—especially when we are asking taxpayers to give more of their hard earned dollars to pay for it.

I had hoped the Senate would have adopted an approach like the one offered by Senator KASSEBAUM, which embraced the concept of national service while implementing it in a manner that is fiscally responsible. S. 919 now authorizes several studies that will look at the stipend level and determine not only the level necessary for a successful national service program but the most efficient method for providing those benefits. I support this effort, but would have preferred delaying enactment of this new National Service Program until the study had been completed—or at least conduct the program as a 2-year demonstration until full implementation were more practicable.

Implemented properly, the National and Community Service Program could engender a great amount of support and enthusiasm—unleashing thousands of Americans to take responsibility for themselves and their communities. However, S. 919 appears to be more of a political compromise than it does good policy.

Mr. CHAFEE. Madam President, I am pleased with the substitute national service bill which has emerged from this debate. I want to commend Eli Segal of the White House—as well as Senator KENNEDY—for their willingness to work out this compromise. I also want to thank Senator KASSEBAUM for her tireless efforts to develop a more realistic bill than the one which came out of committee.

The committee-reported bill simply "tried to do too much too fast," as my friend from Kansas so aptly pointed out during the debate. That bill would have authorized $4 billion within the first 3 years, and closer to $10 billion over 5 years. While these authorizations sound great—particularly to the young advocates of national service—they create false expectations. The compromise level of $1.5 billion over 3 years is far superior in light of the fiscal facts.

Do any of us honestly believe that appropriations for this bill of $10 billion were realistic given the constraints in discretionary spending we face? The spending caps included in the budget resolution provide for almost no growth over the next 5 years—not even for inflation. So, where would this money come from?

We all know the competition for discretionary dollars in the appropriations process is getting tougher every year. Once enacted, national service will have to compete with other popular programs for funding within the HUD–VA Subcommittee: environmental protection, low-income housing, veterans hospitals, scientific research, and NASA to name a few. Thus, with such ambitious authorization levels, appropriations of the originally proposed magnitude would never have been achieved.

The committee-reported bill also begged the question of whether or not we could create 25,000 new service positions in fiscal year 1994, and as many as 150,000 by 1997.

Since the new fiscal year begins in just 2 months and the Corporation for National and Community Service does not yet exist, reaching the 25,000 level in year one would have been quite a challenge. To achieve that level would have required a placement rate of approximately 2,100 new entrants per month.

I would remind my colleagues that currently in our whole U.S. Government there are only 20,000 positions of this type. These include approximately 3,300 for VISTA and 5,500 for the Peace Corps. Adding 25,000 new positions on top of these would have more than doubled the size of existing programs, which have taken years to put in place.

If that sounds daunting, imagine trying to reach the 150,000 level envisioned by 1997 under the committee-reported bill. That kind of expansion would have necessitated a placement rate of 12,500 per month.

While the compromise is not perfect, it is a far more realistic and responsible approach than the original bill. I am satisfied that authorizations of $300 million, $500 million, and $700 million over the next 3 fiscal years will provide a more durable, sustainable foundation for the future of national service than the overly ambitious plan that came from committee.

I hope that the bill which emerges from conference with the House is not more grandiose than the one the Senate has produced.

In conclusion, Madam President, I just would like to clarify one thing. While some have sought to label the extended debate, which produced this compromise, a filibuster—that is a misnomer. There are two kinds of debate in this body: the endless variety—the true filibuster—designed to kill legislation—and the constructive variety which is aimed at fostering negotiation and improving legislation. The latter is what happened here, and I think we can all be proud of the result.

Mr. ROTH. Madam President, I do not think that anyone disputes the notion that community service and voluntarism are fundamental to what we value as a nation. Every day millions of Americans contribute unselfishly of their time and energy to help in their communities. I believe the concept of community service is alive and well and flourishing in America. Just the other day the News Journal, one of our Delaware newspapers, reported on volunteer support for our State parks. The article pointed out that in the month of June alone 187 people—of all ages—volunteered at our 11 State parks—outmanning the 125 full-time employees. These individuals made a valuable contribution to our State and their community.

In 1990 the Congress passed the National and Community Service Act. This created new Federal programs which form the basis of the greatly expanded bill we have before us today. Frankly, I think that most people are unaware of the existing national service programs authorized in 1990. This may not be surprising as the first grant funds under the new programs were not obligated until last year. I did not support passage of the bill in 1990. At that time I indicated that I was not convinced that the creation of additional Federal programs and the use of Federal funds to pay people for participation in community service activities was necessary or appropriate to further the ideal of voluntarism and civic responsibility. It is also true today, as it was then, that Congress is facing very difficult decisions in ordering our priorities to meet important domestic concerns. It is important to note that Congress is considering a budget bill which will result in the largest tax increase in history while we have this bill before us today which calls for a significant expansion of programs which have only been funded in the past year. This is no way to reinvent Government or cut Government spending.

Mr. President, this bill before us, S. 919, represents a significant expansion of existing programs. As originally reported the bill contemplated an appropriation for Serve America of $45 million; the current appropriation for this activity is $16.3 million. The suggested funding level for the National and Community Trust Programs in S. 919 was $389 million; the current appropriation for the similar activities funded under the existing program is $21.5 million. The existing American Conservation and Youth Corps Program provides a post service benefit, but this is capped at a maximum of $2500. This bill nearly doubles that benefit for 1 year of service and nearly quadruples the payment if a participant serves for 2 years. It should also be noted that the potential exists for costs to explode under the programs in the bill. The President has called for serving 150,000 individuals a year through this program and his own budget submission called for expenditures growing to $3.7 billion a year and $10.4 billion over 5 years. We cannot afford this program.

Mr. President, many legitimate issues have been raised with respect to

the national service bill during the course of deliberations in the Senate. These concerns range from questions over the scope, size and structure of the programs contemplated in the bill to the basic questions of exactly how the interests of voluntarism and participants are served by the legislation. I am frankly puzzled by the charges of obstructionism being raised with respect to the deliberations on this bill. The development of virtually all legislation—at all levels of Government—Federal, State, and local, are the result of a deliberative and time consuming process. This is constructive and not obstructive. Through negotiations and modifications we are often able to craft a better product. The national service bill is no exception to this fact. Through the course of the debate on this measure several modifications and over a dozen amendments have been incorporated into the bill. The rate of growth in the programs in S. 919 has been reduced and more attention has been given to examination of oversight of the activities to be funded through the legislation. It is simply not accurate to suggest that the expression of differences is an obstructionist tactic.

Finally, I am concerned about the expectations which may be raised through this legislation. As I mentioned this bill—with its very generous $5,000 postservice educational benefit—may serve 25,000 people. There are currently over 14.3 million students enrolled in postsecondary education. This is an extremely expensive program to benefit only a few people and the potential to disappoint many. For these reasons, I cannot support the National and Community Service Trust Act of 1993.

Mr. GLENN. Madam President, I rise today to lend my support to the National and Community Service Trust Act of 1993. This bill will enable Americans of all age groups and from diverse backgrounds to connect with their communities in a wide range of service programs addressing urgent unmet needs. I cannot think of a better investment in our people.

National and community service brings out the best in people and government. Government is at its best when it can engage the talents and dedication of its people in a cooperative effort to solve problems and provide opportunity. National and community service programs such as those in this bill call on people to help solve educational, social, environmental, and public safety problems. These programs provide opportunities for service participants to enrich their lives and to improve the lives of others.

The National Service Trust Program established by this legislation rewards individual responsibility by offering educational awards in return for participation in substantial service projects. This is a coherent and cost-effective program that addresses both the needs of our Nation and the needs of our young people. Young people increase their access to education and training while developing an ethic of service, and communities receive needed services ranging from tutoring and mentoring to revitalizing housing and parks. This program builds on America's proud traditions of compassion and voluntarism—and it provides a positive means to rekindle youthful idealism. The Federal, State, and local partnerships formed to implement the National Service and other service programs in this bill truly represent Government and its people at their best.

I am especially supportive of the concept that universities should help build an infrastructure of community service in neighborhoods and communities through the training of teachers, community leaders and other service professionals. One good example of such a university is John Carroll University in Cleveland, OH. John Carroll has designed a particularly innovative approach to community service that draws on the skills and experience of veterans at a time of military downsizing. John Carroll's program trains separating veterans for careers in science and mathematics education and school administration in Cleveland and in other urban high schools. The university is also developing a complementary plan to recruit and educate youth leaders from economically distressed areas for careers in community service. I applaud the efforts of John Carroll and of other colleges and universities in Ohio and around the country and I am hopeful that the National and Community Service Trust Act will spur many such creative responses to the pressing problems we confront today.

Mr. KERREY. Madam President, I rise today to announce my decision to vote against the National Community Service Act.

While I recognize the merits of this legislation and believe it may have great potential for the youth of this country, I cannot vote for a major new spending initiative during this time of fiscal restraint. At the same time the Federal Government is asking Americans to sacrifice, we must curb our desire to create a massive new program, despite its appeal, for the simple reason that it is unaffordable at this time.

Knowing that national service could make a difference in one young man or woman's life makes it difficult for me to cast my vote. I strongly believe the Government should place a higher priority on initiatives benefiting America's children and youth.

At the same time, if we are serious about deficit reduction, Congress must control spending. Further, there are already many effective national service programs, such as Boston's City Year, that do not rely on Federal funding. Thus, I find myself believing I must fight the urge to establish a new, expensive program, despite its promise.

Madam President, there are other problems of this bill which trouble me. First, I am concerned about the Federal Government's potential negative impact on good programs operating successfully in local communities. Although the Federal Government's intent is to duplicate successful local ventures, its presence can often have a negative impact on the effectiveness of the program. Local ownership of the program may be surrendered due to its reliance on Federal dollars. Federal supervision and mandates can damage a well-functioning program.

Talking to the young men and women participating in existing programs such as City Year and VISTA, I am confident that they have the talent and enthusiasm to run their programs without Government intervention. Unfortunately, by funding national service through the Federal Government, it is the adults who are reaching the conclusion that service is good for the youth of this country. We cannot take possession of a program that rightfully does not belong to us.

Second, I fear that many service programs will come into being to tap into a new Federal pot of money rather than being cultivated from the community. Programs that have developed from the ground up have been successful because people are genuinely committed to improving their community. The community is also in the best position to identify pressing problems that may require some assistance and then develop a solution.

While competitive and accountability provisions have been incorporated into the legislation, there is still the risk that, instead of focusing on the program as a whole, the emphasis will fall on the amount of money channeled into a particular area. Rather than assessing the program based on its effect on the lives of Americans, there is a natural tendency to fight for dollars.

Third, I am uncomfortable that by passing this legislation, we create an unrealistic expectation about what national service is capable of accomplishing. Because participation is limited, most eligible candidates for service will be rejected. Many of these same individuals will be unable to obtain Pell grants or other types of campus based financial assistance because Congress cannot fully fund them. Many students will be shut out of financial assistance all together. For this reason, I believe there should be less emphasis on the educational opportunity included in this bill. Indeed, the most significant outcome of service is not the stipend; it is the multiplying factor of its effect on the community. The stipend is like a carrot on a stick for young adults eager to attend college. These individuals may decide to join a

national service program more out of a need to obtain the stipend rather than out of a desire to get involved in an effort to improve the neighborhoods and communities across America.

Finally, I am troubled with the notion that we should pay people to perform community service. It is my contention that service of this nature should be voluntary and unpaid, with the exception of minimal living expenses. Volunteers across the country have been awarded through personal gratification and asked for nothing more. I believe it sends the wrong signal to suddenly link service with money. It is an unnecessary enticement. If inclined, individuals will eagerly contribute their time, love and skills to people and projects in need of attention. But a quid pro quo situation is the antithesis of what drives voluntarism. We should not confuse the two.

National service can work. However, I would prefer to see cities and communities building their own projects before Federal intervention is required. Not only are local residents in the position to determine what objectives should be met they also know how best to bring their goals to fruition. While Federal funds would undoubtedly help, the attached strings may hamper a community's flexibility.

We should continue to encourage voluntarism and community service. But for the reasons I have just outlined, the Federal Government is the wrong entity to undertake this mission.

Mr. DURENBERGER. Madam President, I would like to engage in a brief colloquy with the distinguished chairman of the Labor Committee designed to clarify legislative intent on several issues regarding the administration of national and community service programs, funding levels for service learning and clearinghouses, and the roles of various administrative agencies that are authorized or reauthorized under this legislation.

STATE ACTION DIRECTORS AND STATE COMMISSIONS

As Senator KENNEDY, knows, I have been a strong supporter of decentralizing decisionmaking and priority setting in this legislation and minimizing unnecessary duplicative administrative and personnel expense. I appreciate very much the changes in the legislation that have been made in that direction and would like to ask him several questions that might help clarify matters even further.

First, it is my understanding that the corporation representatives authorized by section 195(b) of the legislation will be ex officio, nonvoting members of the State commissions. Is that correct?

Mr. KENNEDY. That is correct.

Mr. DURENBERGER. And, is it also true that directors of State ACTION offices may, where appropriate, be designated, as the Corporation representative in one or more States?

Mr. KENNEDY. Yes, that is also correct.

Mr. DURENBERGER. Could the Senator then explain briefly the circumstances under which the State ACTION director would not be designated as the Corporation representative for his or her State?

Mr. KENNEDY. Again, in many cases, I would hope that these two positions could be occupied by the same person—avoiding unnecessary personnel expense and enhancing coordination between the State ACTION offices and State commissions. In some cases, however, existing workloads, past experiences, or other factors involving the State ACTION directors may make it necessary for a different individual to be designated as the Corporation representative for that State. In many cases, I would hope that these individuals might perform that role in two or more States. And, I would hope that as new State ACTION directors are hired, one factor in their selection would be their ability to also serve as the Corporation representative for that State.

CLEARINGHOUSES PROVISIONS

Mr. DURENBERGER. Let me then ask several questions regarding the clearinghouse provisions of this legislation.

As the Senator knows, I authored the clearinghouse provisions in the 1990 National and Community Service Act that we are reauthorizing in this bill. And, I am pleased that the first such clearinghouse has been designated and is now being established by the National Youth Leadership Council which is headquartered in Minnesota.

The concept of clearinghouses is maintained in this legislation, consistent with the objective of drawing on existing expertise that exists around the country for technical assistance, training research, curriculum development, and other services. And, under subtitle B, section 118, the Corporation is required to establish and fund clearinghouses to support both service learning programs and stipended national service programs.

Despite this directive, there is no earmarked funding authority for clearinghouses in the legislation. So, my question is whether it is the intent of this legislation that one or more clearinghouses be established and adequately funded by the Corporation using funds authorized for use by the Corporation for this and other purposes.

Mr. KENNEDY. This legislation retains the concept of decentralized clearinghouses originally authorized by the 1990 law as a way to support State and local youth and community service initiatives using existing expertise in educational institutions, youth service organizations, State agencies, and other sources. Subject to overall all funding levels and its other priorities, I would expect the new Corporation created by this legislation to maintain and expand financial support for clearinghouses as it implements this legislation.

FUNDING LEVELS FOR SERVICE LEARNING

Mr. DURENBERGER. One of my top priorities in cosponsoring and supporting this legislation has been to ensure that the nonstipended service learning programs that we reauthorize in this legislation receive a fair share of funding increases that are authorized. I am very pleased that the so-called ServeAmerica programs that were authorized by the 1990 legislation have their authorized funding levels roughly doubled in the first year of this new legislation, with such sums as may be necessary in the second and third years.

Is it the Senator's intent that, as overall appropriations levels for the stipended service programs increase in years 2 and 3, the nonstipended programs also receive reasonable increases in the appropriations they receive?

Mr. KENNEDY. The Senator from Minnesota is correct in noting that authorized funding levels for service learning programs are substantially increased in year 1 of this legislation. It is my intent that, consistent with other priorities and considerations, actual appropriations also increase in all 3 years authorized by this legislation. I will certainly work with the Senator and others to see that service learning continues to be a high priority in the larger national and community service initiative authorized by this bill.

COORDINATION BETWEEN STATE ACTION OFFICES AND STATE COMMISSIONS

Mr. DURENBERGER. Finally, as the Senator knows, this legislation both authorizes creation of new State commissions on national and community service and retains a role for existing State offices that oversee and support VISTA and senior programs administered by ACTION. What is the intent of this legislation in encouraging cooperation and reducing the potential for unnecessary duplication of functions performed by these two state-level entities?

Mr. KENNEDY. This legislation maintains a maximum degree of independence for existing ACTION programs under the overall umbrella created by the new Corporation for National and Community Service. At the same time, it is the intent of the legislation that States play a significant role in establishing priorities and overseeing new and reauthorized national service and service learning programs. Where there are opportunities to coordinate or combine support functions for State-level programs performed by the State ACTION offices and State commissions, those opportunities should be exercised. They might include recruitment and training of volunteers and agencies where volunteers are placed, general promotion of voluntarism and service, community needs

assessment, and recognition and awards.

Mr. BYRD. Madam President, I support the concept of national and community service. Working for the betterment of our communities and each other is a civic duty. This bill has much that I support. For example, it reauthorizes two programs in particular, the Foster Grandparents Program and the Senior Companion Program, which, in my view, are very valuable and have contributed much to bettering the lives of all Americans.

I regret that, after much consideration, I do not feel that this bill, as structured, is the right way to address the needs of this country, and I intend to vote against this bill. I do not take this action lightly. As I said previously, I support the concept of national service. However, I have some reservations about this bill.

While the purpose of the National Service Trust Act is commendable, I question whether the merits of the program outweigh the cost. It is estimated that the cost per stipended individual will be about $20,000 for each of the 25,000 individuals who participate under the national service provisions of the bill. At a cost of $394 million, for the first year, let me put those numbers in perspective.

For example, for the $394 million 1-year cost of the National Service Program, we could provide a Pell grant of $2,300 to an additional 171,000 students, or nearly seven times the number of individuals who could receive educational benefits under the National Service Program. Or, for the average cost of $20,000 per participant under national service, we could provide the authorized maximum Pell grant of $3,900 to five students; that is five for the price of one.

We have another program known as the Federal Work Study Program. This program provides assistance to low-income students by providing part-time employment to help students pay for college costs. There is also a community service component of the Federal Work Study Program. For the $394 million proposed for national service we could, provide jobs—at an average cost of $1,065 per participant—to nearly 390,000 students through the Work Study Program; or, for the $20,000 it costs to serve one individual through national service, we could provide jobs under the Work Study Program for 18 to 20 students.

Both the Pell grant and the Work Study Programs are good programs and reach far many more students than what is proposed in national service.

Further, the bill tries to be all things to all people. This is impossible. Is the national service piece of this legislation a jobs bill, an education bill, a training bill? There are a myriad programs that we now fund that provide education, job training, and employment assistance. This bill, in some instances, duplicates what is already being done. We are having a difficult time funding existing programs. How are we going to fund this new program? Where do we cut spending—do we want to cut Pell grants? Head Start? Job training? Where is the money going to come from?

This legislation, while perhaps popular, is likely to mushroom in size and cost. In the past, these types of programs have tended to become top heavy with administrative costs, which escalate rapidly. The result is that we feed the bureaucratic machine that operates them, and fail to meet the needs of the citizens and communities we are trying to reach.

In these times of tight budget constraints, we must make some tough decisions. The Appropriations Committee is the place where those tough decisions are made. We do not authorize programs, we just try to figure out how we are going to write the checks. Unfortunately, there is no more money left in the bank.

So, I say to my colleagues, I like the idea of a Volunteer Service Corps, and I wish I could support this bill. However, sometime, somewhere, we have to face reality. While there is no limit on how much discretionary spending Congress can appropriate, with a national debt of over $4.3 trillion, I question the advisability of authorizing new, large programs that we cannot afford.

Madam President, I support the goals of this legislation. However, without sharper focus, the bill before the Senate today is simply too costly. Consequently, it is with regret that I will vote against this bill.

Mr. KENNEDY. I yield 2 minutes to the Senator from Pennsylvania.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania is recognized for 2 minutes.

Mr. WOFFORD. Madam President, today is a day I have been waiting for and working toward for over 30 years. Ever since I helped John Kennedy and Sargent Shriver found the Peace Corps, many of us have looked to the day when we could bring the idea of national service home to deal with the problems facing American families and American communities.

But this past week, after a tough and fair battle, Members of this body rose above party and ideology to say yes to an idea whose time has finally come. Because it is not a liberal or conservative idea; a Democratic or Republican idea it is an idea rooted in the best traditions and values of America: The tradition of giving service to others; the value of taking responsibility for ourselves and our community. The belief that to whom much is given, much is expected; that citizenship does not only mean rights that are owed, but responsibilities that are earned. And that in America, the dream of a higher education ought to be a reality for every young person willing to work for it.

So I want to thank my colleagues on both sides of the aisle for their own national service on this bill. Together, we showed that we can break the gridlock which has too often kept Washington from responding with creative action to the call for change. Not with more government trying to solve every problem, but with a program that empowers citizens themselves to find solutions. Not just government of the people, but truly by the people.

And I want to say a special word of thanks to the man who brought me back to full-time public service, first in State government and then in the U.S. Senate:

Only 1 week ago, Gov. Bob Casey returned to our State capital with a new heart, but the same remarkable soul, whose passionate commitment to this idea helped make Pennsylvania a true laboratory of democracy, a national model for the kind of demanding youth corps and service programs which this legislation will support and expand.

So throughout this debate, I have been able to point with pride to the diverse efforts of PennSERVE, the Governor's Office of Citizen Service and say, "We have seen the future of national service in Pennsylvania * * * and it works."

So today, the 1,000 Points of Light can begin to grow to 100,000, which can then ignite a million more in service to our communities and our country. We will need every willing hand and caring heart. Because there is no shortage of work to do and unmet needs to be filled. So let us begin.

Finally, let me close by thanking the organizations and individuals without whose support this legislation would not have been possible:

The Young People's Coalition for National Service whose 1,500 members worked tirelessly for the passage of this bill that is indeed their bill.

The Coalition for National and Community Service headed by my dear friends John Briscoe from PennSERVE and Roger Landrum from Youth Service America who have both helped give birth and leadership to this movement.

Americans for National Service organized by People for the American Way and John Buchanan.

Thanks also to Senator KASSEBAUM and her staff. The ranking minority member is indeed a joy to work with and I hope she knows the depth of my admiration for her and my appreciation for the grace and leadership and saavy with which she handled this measure.

And, of course, Senator KENNEDY, our distinguished Chair who as with the 1990 act led this effort. Quite fitting as this act brings his brother John's Peace Corps home and this idea was first championed by his other brother Robert. And last but far, far from least two final thank yous from my heart:

Senators DURENBERGER and JEFFORDS who helped fashion this as a truly bipartisan initiative and let me say unequivocally that without them this bill would not be ready to become law.

And Eli Segal, Rick Allen, Shirley Sagawa, Jack Lew, and the rest of the White House Office of National Service who represent the very best of this new administration. They're a great team and offer a model to the rest of the administration of how to get things done and done right. Eli Segal was the new Sarge Shriver we needed to get this victory won.

And this is a victory, the first major campaign promise fulfilled. The box scores of history will record a victory for the American people over gridlock and a victory especially for the young people of America. We have worked over 30 years for this moment. From the Peace Corps to the 1979 Committee for the Study of National Service that first recommended a public corporation for national service, from the founding of PennSERVE to the 1990 act, from VISTA and OAVP to last year's CCC, we are ready today to realize the dream.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota [Mr. DURENBERGER] is recognized.

Mr. DURENBERGER. Madam President, as the original Republican cosponsor, I am proud to vote for this bill and urge my colleagues to support it. It is a different and a better bill because of the changes recommended by the Republicans, all of it now incorporated into the bill.

I want to thank President Clinton, and Eli Segal in particular; Senator KENNEDY and his staff; Senator KASSEBAUM and her staff; and for the tremendous contribution of people like SAM NUNN who have made contributionss over the years to this; HARRIS WOFFORD, who has made the most important contribution of all next to a young man in Minnesota by the name of John Schroeder, who is on my staff and is really responsible for a lot of the community service side of this bill; along with the people from Pennsylvania; and Susan Heegaard, of my staff in Washington; Jim Kielsmeier; and all the great people who defined and led the community service and national service movement in the State of Minnesota.

One of my personal mentors on this subject has been Wayne Meisel, a young man who grew up with my own four sons in south Minneapolis and one of the first members appointed by President Bush to the Commission on National Community Service. Wayne recently wrote me about the reality of how change occurs. He said this:

Movements are not born in Washington, DC. In fact, by the time they reach our Nation's Capital, they have already happened. The youth service movement is no different.

The movement Wayne Meisel is part of involves millions of young people and thousands of teachers and youth service workers all over the country.

I hope that the legislation we are now about to vote on will make that movement an integral part of how we teach and learn in every school building and every classroom and every community in America. No one has a greater stake in addressing the challenge we face as a nation than our children and our youth.

Madam President, it should come as no surprise to anyone that I intend to support this legislation on final passage.

As the original Republican cosponsor of this bill, Mr. President, I am proud of the significant contributions that I and others on this side of the aisle have made during the course of this debate.

I want to give particular credit to the work done—over many months—by my distinguished colleague from Kansas, Senator KASSEBAUM, to address the legitimate concerns that Republican Members have had with this bill. She and her staff have worked hard to accommodate those concerns and because of her untiring efforts this is now a much better bill.

As I have said previously, Madam President, I believe this legislation now embodies a number of what partisans on this side might call traditional Republican principles.

This is a very different bill from the proposal originally made by the President.

It now reflects much greater deference to States and local communities, much more flexibility in establishing or designating State grant making agencies, much more understanding of the purposes of national and community service and the fiscal realities under which this new initiative will be implemented.

I have spoken a number of times during this debate about the reasons for my original cosponsorship.

About the numerous improvements that have been made in the bill;

About the leadership on this issue that has come from my own State of Minnesota; and

About the need for all of us to better understand both the potentials and the limitations of national and community service.

This legislation now recognizes the importance of community service in its title and in the names of the administrative and grantmaking agencies at both the State and Federal level.

This legislation includes a number of features designed to decentralize decisionmaking and priority setting, and to allow States flexibility in determining how they structure the commissions this bill authorizes.

This legislation now sets more fiscally realistic funding levels and limits authorization of national and community service programs to 3 years.

And, this legislation includes the amendment I offered to require the new corporation we are establishing to ask and answer the "how come" "how big" and "how soon" questions that have dominated this debate over much of the last week.

In recognition of these numerous changes and improvements, Madam President, I urge my colleagues—especially my colleagues on this side of the aisle—to lend their support to this important initiative.

I must admit, Madam President, that my own understanding of both the potential and the limitations of national and community service has evolved in recent years as I have listed to people like Jim Kielsmeier and a lot of very bright teachers and students in Minnesota.

In particular, I have learned that integrating community service into the school curriculum—from kindergarten through college—can be an essential element of education reform.

And, I have also learned that service corps and other forms of stipended service can be an effective education alternative for young people who are not well-suited for more traditional forms of schooling that are based only on textbooks used in the classroom.

And, I have learned that service in the community—starting at a young age—can develop a sense of responsibility, citizenship, and leadership in young people that can last an entire lifetime.

I could not have come to that understanding, Madam President, without all my mentors on this subject from Minnesota. Individuals like:

Jim Kielsmeier, Rich Cairn, Mark Langseth, and the entire staff at the National Youth Leadership Council;

From Mary Jo Richardson and others in the Minnesota Department of Education and from Larry Fonnest, who heads the Minnesota Conservation Corps;

Bob Jackson and the thousands of leaders and volunteers in VISTA, RSVP, and all the other ACTION programs now in operation in Minnesota;

From the four current or former Minnesotans who were appointed by President Bush to the first Commission on National and Community Service—Reatha Clark King, Karen Youth, Wayne Meisel, Glen White; and

From teachers and school administrators like Mary Noble and students and young people like Rob Hurt—both of whom made a tremendous impact on this bill through their own testimony before the Senate Labor Committee.

I have also learned about the potential that service learning has for postsecondary students from college-level administrators and faculty members like Mary True at Augsburg College in Minneapolis.

And from Nancy Murphy and a whole group of students and young professionals engaged in service occupations that were organized through the Humphrey Institute at the University of Minnesota.

All of this talent and vision and leadership in Minnesota gives me great confidence that the important goals of this legislation can and will be achieved. I am also reminded that the kind of fundamental changes we are seeking through this legislation very seldom originate in Washington.

One of my personal mentors on this subject has been Wayne Meisel, a young man who grew up with my own four boys in south Minneapolis and as I just noted was among the first group of members appointed by President Bush to the Commission on National and Community Service.

Wayne summarized the reality of how change occurs when he recently wrote:

Movements are not born in Washington, DC. In fact, by the time they reach our nation's capital, they have already happened. The youth service movement is no different.

The movement Wayne Meisel is part of involves millions of young people and thousands of teachers and youth service workers all across the country.

My hope is that the legislation we are now about to vote on will help make that movement an integral part of how we teach and learn in every school building and every classroom in America.

In fact, one important purpose of this bill is to make every community in America a classroom and an environment in which the talents and energies of our youngest citizens can be fully engaged and fully appreciated.

Nobody has a greater stake in addressing all the challenges we face as a nation than our children and our youth. And, as a nation that thrives on tackling tough challenges, we can not afford to leave that tremendous natural resource untapped.

I urge adoption of this legislation, Mr. President. I believe it represents and opportunity to tap a great natural resource in this country that we dare not let pass by.

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

FINAL PASSAGE OF THE NATIONAL AND COMMUNITY SERVICE ACT OF 1993

Ms. MIKULSKI. Madam President, this is a wonderful and very special day for me. As many of my colleagues know, my own background is in social work with a specialty in community organization.

My life's work and training has been to create opportunity structures where people could organize for self-help and help the community they live in. I believe that the National and Community Service Act that we have passed here today does do that.

Let me tell you what I like about this bill.

It creates an opportunity structure to help those people who are middle class, through their own sweat equity to stay there or do better; and for poor kids to say yes to them so they can become middle class.

This bill also builds on lessons learned from other organizations. It builds on lessons learned from VISTA, Peace Corps, and other programs. It also builds on the Commission on National and Community Service that we passed on a bipartisan basis a few years ago.

Because of the National Commission, we have now learned lessons from volunteers themselves on how to improve this program.

National Service will help change our culture. Because it is not only a service program, but it will rekindle the habits of the heart. It will create a sense of civic responsibility so that young people will know that for every opportunity, there is an obligation.

But what I also like about this bill, is that it is organized around our national goals. We will not splinter our efforts—but there will be national goals around education, public health, and public safety.

This bill also allows for part-time volunteers because we know that not many people can go away or should go away. This is especially important to me because I want our high tech graduates to have the opportunity to participate in community service. Now they can.

What I also like is that the bill will set rigorous standards for participation and evaluation. This is not a give away program.

Most importantly, in this program we are committed to no big bureaucracy. I do not believe in trickle-down ideas or trickle-down money. I like the idea of running this initiative as a corporation.

This bill has a lot to offer our country and our citizens. Let me tell you what this bill means for Maryland.

It means we will have more kids like Sarah Greensfelder of Baltimore and Kelly Broxten of Gaithersburg who received community service awards from President Clinton last week for their hard work by working with others and teaching students about first aid and treatment of substance abuse.

It means that young Marylanders who are already doing service—like those who participate in Volunteer Maryland, Maryland's Conservation Corps and the Community Year Program in Montgomery County, Civic Works in Baltimore and the school kids involved in Maryland's Student Service Alliance's Service Learning—can continue to do so.

It means that Maryland will be able to reopen State parks and recreation centers that are badly in need of repair;

It means that Maryland adults will be teaching other adults how to read;

It means that Maryland can deliver more meals on wheels to those who desperately need it; and

Work will be done in my home State that would have been be left undone.

Maryland youth will learn new skills by doing real community service and in the end the award will give them the opportunity for further growth by going to college or receiving job training.

This is the national service I envisioned for Maryland and for all of our volunteers.

Madam President, if we organize ourselves with an emphasis on service, we will do community building. And among our volunteers we will do capacity building—to get them ready for the 21st century.

So, when that time comes, they will know what it means to be an American citizen—and what it means to help your neighbor while pursuing your own goals.

I am delighted that we have passed this legislation today.

Mr. KENNEDY. I yield 15 seconds to Senator BOREN.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma is recognized.

Mr. BOREN. Thank you, Madam President. I thank the Senator from Massachusetts.

President Clinton's call to service taps into a rich tradition of American civic responsibility. In each generation, American political leaders have successfully united our people in a common cause. President Roosevelt gave Americans the chance to contribute to their communities in the WPA and CCC during the Depression. President Kennedy sounded the call in his inaugural address and in the Peace Corps, extending our service commitment to the rest of the world. Throughout our history, when the call has been made, the American people have responded with both purpose and resolve.

What is unique about this President's call is that it does not come at a time of international or economic crisis, like a time of war or depression. It comes at a time when there is fundamental need to restore the strength of our social fabric which has been continuing to unravel over the past three decades. We have become too divided by economic status, by race, and by region. We need to invest in programs that not only fulfill our needs, but remind us of the values we hold in common. By bringing people together and asking them to give back to their communities, national service breaks down the barriers which separate us. It is in giving back that we become bound to our communities and to each other.

The act offers a broad range of new service opportunities to people of all ages and backgrounds. Beginning in kindergarten through 12th grade, students can experience service-learning: community service integrated into their classrooms. These programs help prove to children and young adults that they can make a difference by working on practical projects in their

hometowns. Older Americans will also have a chance to contribute. Their talents and experience will be used in hundreds of different ways, from mentoring students to helping other senior citizens. By embracing people of all ages and backgrounds, the act will help us understand that community service can be a fulfilling lifetime commitment. No one is too old, too young, too rich, or too poor to be involved.

This kind of community service program can have a profound effect on neighborhood unity and identity. Whether it is providing emergency aid to people left homeless by the floods in the Midwest, tutoring fellow students, improving wetlands, or serving as case aides for the homebound elderly, service can revitalize community spirit. Youth service organizations not only contribute to the physical development of buildings and areas, but they contribute something infinitely more lasting and important: they take a place where people live and help make it into a community where people care and look after each other.

Although national service is mainly about reaching unaddressed needs, those who serve also benefit. By contributing to their neighborhoods, participants receive not only the very real satisfaction of helping to improve the lives of others, but also new learning opportunities which bolster employability and self-confidence. Well-designed programs also impart leadership skills, encourage personal development and foster individual responsibility.

The President's national service plan should and will grow only as fast as quality programs can be found. Although the 20,000 national service slots proposed to be funded next year—with postservice educational awards—will only affect a small percentage of college students, it is a significant expansion of the current opportunities available. When paired with the administration's new plan for the repayment of student loans based upon future earnings, more people will be able to choose lower-paying but extremely important public service jobs as careers.

Detractors accuse the President of suggesting a plan that will cost tax dollars at a time when Americans are tightening their belts. Of course the program will require capital, but national service is an investment which will pay off in the short and long term. It will cost us far more in terms of rebuilding the real strength of the Nation to put off making this investment.

We have a wonderful opportunity today to strengthen our country. This national service bill will bring people together to serve, to help others, to meet our country's problems head-on. Look around—there are so many areas of need in this country—education, crime, pollution, health care, broken families. Every day officials cry that the resources we need to fight these problems are becoming more scarce; it seems we are fighting a losing battle. The reality is that people are our resource, and if asked, they will get the job done. National service will lay the foundation for a lifelong commitment to serve in all Americans. It will bring people together—people of every age, economic background, color, and creed. By uniting under a common cause—that of giving ourselves to our fellow Americans—we can break down the racial, economic, and class divisions which separate us. All Americans must take part, they must do their duties as citizens to rebuild and strengthen our communities. We are all in this together, and we all must respond as citizens to the highest call in our nation. As Helen Keller once said: "I look upon true patriotism as brotherhood of man and service of all to all." Although she said those words over 70 years ago, they are even more important and meaningful today.

Madam President, I want to say what a privilege it has been to work with Senator KENNEDY, Senator WOFFORD, Senator DURENBERGER, Senator KASSEBAUM, Senator JEFFORDS, and others.

Pieter Boelhower, of my own staff, has worked very hard on this piece of legislation.

It is urgent that we rebuild the sense of community in this country. This legislation is a very crucial first step.

The ACTING PRESIDENT pro tempore. The Senator from Kansas has 6 minutes and 24 seconds.

Mrs. KASSEBAUM. Madam President, I would like to begin by acknowledging that the substitute proposal put forward by Senators KENNEDY, DURENBERGER, and WOFFORD contains several provisions which make important and substantive changes in the bill which was presented to us 2 weeks ago. The negotiations which have occurred over the past week have been conducted in good faith and have moved the bill in the right direction.

In addition to incorporating over a dozen amendments which were previously accepted, the substitute makes further changes:

First, it lays the groundwork for future consolidation of national service and domestic volunteer programs by requiring the Corporation to study and make recommendations regarding how this goal can be achieved. I am disappointed, of course, that this proposal does not go as far as the consolidation proposal I included in my own substitute. Nevertheless, this mandate to the Corporation offers a promising start—which I believe will ultimately lead us in a new direction with regard to service program delivery.

Second, it caps the administrative costs for the Corporation and State commissions at 15 percent in the first year and at 10 percent thereafter. Capping administrative expenses will make more money available for programs rather than for the bureaucracies to support them.

Previously, there had been no cap on administrative expenses, and it was estimated that these expenses would equal 20 percent of the cost of the bill. Under the original bill, that would have meant $80 million for administration alone in the first year of the program—an amount greater than the entire budget for the current Commission on National and Community Service. With those funds, the current Commission supports 55 ServeAmerica programs, 69 higher education innovative programs, 28 youth corps programs in 25 States, 12 national service programs, and 22 innovative and demonstration programs.

Third, the substitute authorizes the new National Service Program for a period of 3 years, rather than the 5 years included in the original proposal. This provision offers us a better opportunity to review the performance of this program and to consider the results of the studies to be conducted by the Corporation—so that it will be possible to reshape it before it becomes too embedded.

Fourth, the substitute assures that existing State administrative entities established by the 1990 National and Community Service Act can continue to operate under their current structures. Under the original proposal, 18 States would have had to dismantle their current organizations and recreate them to meet the detailed specifications of S. 919 for their membership and functions.

Fifth, the substitute prohibits the funding of organizations that spend more than 10 percent of their annual budget for lobbying or attempting to influence public policy. This legislation is intended to provided needed services in our communities, not to create whole new cadres of lobbyists. This provision will help assure that the legislation meets its intended goals.

Finally, the substitute authorizes funding levels of $300 million in fiscal year 1994, $500 million in fiscal year 1995, and $700 million in fiscal year 1996. These figures are a reduction from the approximately $400 million in fiscal year 1994 funding contained in S. 919 and the uncapped such sums figures in subsequent years.

Although I laud these changes, I cannot support this proposal. I say this regretfully, as I know how hard we have all worked to achieve consensus.

I have two primary objections to the legislation:

One, a first-year price tag of $300 million is simply too high. It is important to recognize that this is $300 million in new money. It is funding which is to be added on top of the $77 million for the existing Commission on National and Community Service, the $35 million for Volunteers in Service to America, the $34 million for RSVP, the $65 million

for Foster Grandparents—and the list goes on. The Commission and ACTION may be placed under the umbrella of the new Corporation, but ACTION's existing funding authorizations continue. The extra money is all for the new program.

It is not simply a question of the amount of money, but—more importantly—whether we can really use such a large influx efficiently. I, too, was willing to support additional funding. My substitute called for nearly $92 million in spending on top of the current amounts for the Commission, ACTION, and the other programs scheduled for consolidation under my proposal. I selected this amount because I believed it was an amount that could reasonably be absorbed in the first year of the new program. Somewhat reluctantly, I would have agreed to a $200 million figure in the first year. Going beyond that, however, is an invitation to waste and inefficiency. I cannot support a $300 million figure.

I simply wish that we could all just realize that starting small and growing at a measured pace gives us the opportunity to shape something that will work and will be meaningful. Let us not forget that the Peace Corps, about which we have heard a great deal in the course of this debate, operates on an annual budget of about $212 million. Clearly, a program does not have to be mammoth in size to be mammoth in impact.

My second major objection to the substitute before us is that it does not go far enough in promoting structural changes. As I have said before, we are missing an important opportunity here. Rather than offering an approach that is truly new, the bill carries on the tired tradition of top-heavy, big-spending Government—where meaning is measured in money and effectiveness in the ability to jump through Federal hoops. Even in a 3-year period, programs and their bureaucratic attendants tend to become untouchable.

Having said that, I hope that I am wrong and that the program will work as its sponsors intend. I recognize their sincerity and commtment to the cause and commend them for that.

I just want to take this opportunity to recognize the efforts of staff who have worked so diligently on this legislation. I note the efforts of Tom Sanders, Ron Weich, and Nick Littlefield on Senator KENNEDY'S staff, and Marty Rogers on Senator WOFFORD'S staff. Susan Heegaard, of Senator DURENBERGER'S staff, and Pam Devitt, of Senator JEFFORD'S staff, worked very hard to bridge the differences between Senator KENNEDY'S staff and my own. Lisa Morin, Brian Jones, and Mike Knapp, of Senator DOMENICI'S staff, provided invaluable assistance, particularly on tax and budget matters. I extend my thanks to Liz Aldridge and Bill Baird, of the Office of Legislative Counsel, for the hours and days spent drafting and redrafting my amendments. On my own staff, I appreciate the energy, enthusiasm, and hard work that Carla Widener, Mary Elizabeth Larson, Susan Hattan, and Kimberly Barnes-O'Connor dedicated to this legislation. I also would like to recognize two interns, Whitney Vliet and Art Jackson, who helped my staff prepare for the floor debate on this legislation.

Madam President, I would like to express my appreciation to those who have worked so hard on this legislation, including Eli Segal, who on behalf of the administration, has dedicated countless hours to ensuring the passage of the National and Community Service Trust Act of 1993.

Also, my particularly thanks to the chairman of the Labor and Human Resources Committee, Senator KENNEDY, and to the Senator from Pennsylvania, Senator WOFFORD, who also have dedicated much time and effort to negotiating what I believe, Madam President, is a much-improved bill. It still does not go quite as far as I would have wished, but I think we achieved some very positive changes which I believe represent a far more constructive approach to national service.

I look forward to working with the administration and with my colleagues in continuing to make sure that this legislation fulfills the desires and goals of those who have worked so hard through the years to see this effort culminate in success in Congress.

I would also like to express appreciation to my staff, particularly Kimberly Barnes-O'Connor, who knows more about public service legislation than many here; to Carla Widener and Mary Elizabeth Larson, who provided valuable assistance; and to two interns, Whitney Vliet and Art Jackson, who have been particularly helpful with the day-to-day activities that make an effort such as this successful.

I yield what time remains to the Republican leader.

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

Mr. DOLE. Madam President, I thank my colleague.

I just say that I think there has been some good come from the debate. At least we reduced the cost of this program from $10.8 billion over 5 years to $1.5 billion over 3 years. I think it is still too much, but that is certainly an improvement. We have injected some sanity into volunteer benefits; we have ensured that existing State administrative remedies will not be jepordized by this new program; and a limitation goes to the workplace on the Corporation's ability to solicit private donations.

Initially the Corporation had no limitation, only the amount that could be raised, and such efforts were supported through tax dollars. Additionally, this would put the Corporation in direct competition with such organizations as the Boy Scouts, the United Way, the March of Dimes, the Red Cross, and others.

It also provides a sense of fairness. And there are a number of other changes, as the Senator from Massachusetts pointed out the other day, that have been suggested by Republicans which have been accepted by Republicans. But I think it has made it a better bill.

I am not certain what will happen in conference. Hopefully the House will take the Senate bill, which is certainly a much better version than the House bill.

So it was our hope we would have widespread support for this program. A lot of us believed in this concept. There may be a number of Republican votes, but not nearly as many as there could have been had we been able to reduce the cost and had we been able to take a look at this program at the end of the second year—only with reference to funding, nothing else, but continued and only take a look at the funding.

There are a number of amendments that have been adopted. The Senator from Massachusetts just sent up the managers' amendment.

I think one thing that I was interested in involves people with disabilities, that reserves up to $10 million of discetionary to fund outreach programs and offset some costs of accommodation. No doubt about it, this act and the accompanying report did a good job of including people with disabilities, but if we do not provide financial resources to promote access, our words will be hollow. It is past time that the people with disabilities be allowed to make their contribution as volunteers and be held to the same standard of citizen duties and national service as others. And I think the amendment which I offered makes good on that commitment.

I also was able to have a simple amendment, that has been accepted, to require the Secretary of Defense to make an annual report to Congress which will analyze the impact of this program on recruitment in our Nation's Armed Forces.

There is also an amendment that would include the Secretary of Veterans Affairs as an ex officio member of the Corporation and that veterans services would be included as a qualification of standard for membership on the Corporation's Board of Directors.

I bet that everyone in this Chamber has had a family member or a friend who was positively impacted by a veterans group. Maybe it was a daughter who received a VFW scholarship, a son who played baseball in the American Legion, or someone who attended Girls or Boys State.

I think this is a step in the right direction.

Madam President, from the very start of the national service debate I have worked hard to make it a program that would have widespread Senate support. Although we could not stick with an agreement on size and scope of the program, a number of changes were made, including a few of my own that were accepted by the floor managers.

Although each of my amendments are important, perhaps the most significant involves people with disabilities. It reserves up to $10 million of discretionary spending to fund outreach programs and offset some costs of accommodations.

No doubt about it, this act and the accompanying report did a good job of including people with disabilities. But if we do not provide financial resources to promote access, our words will be hollow. It is past time that people with disabilities be allowed to make their contribution as volunteers and be held to the same standard of citizen duties and national service as others. My amendment makes good on that commitment.

I also was able to have a simple amendment cleared which would require the Secretary of Defense to make an annual report to Congress, analyzing the impact of the National Service Program on recruitment into our Nation's Armed Forces. As we continue to drawdown our defense forces, we must seek to ensure that our Nation's military can continue to attract the highly qualified individuals on which it has come to rely. My amendment simply provides a tool to do so.

And my last amendment provides recognition of veterans' strong voluntarism record by ensuring that the Secretary of Veteran Affairs is an ex officio member of the Corporation and that veteran services would be included as a qualification standard for membership on the Corporation's Board of Directors. I would bet that everyone in this Chamber has had a family member or friend who was positively impacted by a veterans group. Maybe it was a daughter who received a VFW scholarship, a son who played American Legion baseball, or someone who attended boy's or girl's State. And that it just a little of what our veterans service organizations do each year. With that in mind, it is only right that veterans strong commitment to service be recognized along with environmental, educational and labor groups.

Madam President, I am proud of these changes. I only wish that we could have agreed on the bigger question of size and scope of the National Service Trust Act.

I yield the floor.

The PRESIDING OFFICER. Without objection, the committee substitute, as amended, is agreed to.

The bill will be read the third time.

The bill (S. 919) was ordered to a third reading, and was read the third time.

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of H.R. 2010, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2010) to amend the National and Community Service Act of 1990 to establish a Corporation for National Service, enhance opportunities for national service, and provide national service educational awards to persons participating in such service, and for other purposes.

The PRESIDING OFFICER. Under the previous order, all after the enacting clause of H.R. 2010 is stricken, the text of S. 919, as amended, is inserted in lieu thereof.

Mr. KENNEDY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second.

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

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

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Michigan [Mr. RIEGLE] is necessarily absent.

I further announce that, if present and voting, the Senator from Michigan [Mr. RIEGLE] would vote "aye."

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

The result was announced—yeas 58, nays 41, as follows:

[Rollcall Vote No. 231 Leg.]

YEAS—58

Akaka	Ford	Mitchell
Baucus	Glenn	Moseley-Braun
Biden	Graham	Moynihan
Bingaman	Harkin	Murray
Boren	Hatfield	Nunn
Boxer	Heflin	Pell
Bradley	Hutchison	Pryor
Breaux	Inouye	Reid
Bryan	Jeffords	Robb
Bumpers	Johnston	Rockefeller
Campbell	Kennedy	Sarbanes
Chafee	Kerry	Sasser
Conrad	Kohl	Shelby
Daschle	Lautenberg	Simon
DeConcini	Leahy	Specter
Dodd	Levin	Stevens
Dorgan	Lieberman	Wellstone
Durenberger	Mathews	Wofford
Feingold	Metzenbaum	
Feinstein	Mikulski	

NAYS—41

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

NOT VOTING—1

Riegle

So the bill (H.R. 2010), as amended, was passed, as follows:

Resolved, That the bill from the House of Representatives (H.R. 2010) entitled "An Act to amend the National and Community Service Act of 1990 to establish a Corporation for National Service, enhance opportunities for national service, and provide national service educational awards to persons participating in such service, and for other purposes," do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "National and Community Service Trust Act of 1993".

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

Sec. 1. Short title; table of contents.
Sec. 2. Findings and purpose.

TITLE I—PROGRAMS AND RELATED PROVISIONS

Subtitle A—Programs

Sec. 101. Federal investment in support of national service.
Sec. 102. National Service Trust and provision of national service educational awards.
Sec. 103. School-based and community-based service-learning programs.
Sec. 104. Quality and innovation activities.

Subtitle B—Related Provisions

Sec. 111. Definitions.
Sec. 112. Authority to make State grants.
Sec. 113. Family and medical leave.
Sec. 114. Reports.
Sec. 115. Nondiscrimination.
Sec. 116. Notice, hearing, and grievance procedures.
Sec. 117. Nondisplacement.
Sec. 118. Evaluation.
Sec. 119. Engagement of participants.
Sec. 120. Contingent extension.
Sec. 121. Audits.
Sec. 122. Repeals.
Sec. 123. Effective date.

TITLE II—ORGANIZATION

Sec. 201. State Commissions on National and Community Service.
Sec. 202. Interim authorities of the Corporation for National and Community Service and ACTION Agency.
Sec. 203. Final authorities of the Corporation for National and Community Service.
Sec. 204. Business plan.

TITLE III—REAUTHORIZATION

Subtitle A—National and Community Service Act of 1990

Sec. 301. Authorization of appropriations.

Subtitle B—Domestic Volunteer Service Act of 1973

Sec. 311. Short title; references.

CHAPTER 1—VISTA AND OTHER ANTI-POVERTY PROGRAMS

Sec. 321. Purpose of the VISTA program.
Sec. 322. Selection and assignment of VISTA volunteers.
Sec. 323. Terms and periods of service.
Sec. 324. Support for VISTA volunteers.
Sec. 325. Participation of younger and older persons.
Sec. 326. Literacy activities.

Sec. 327. Applications for assistance.
Sec. 328. Repeal of authority for student community service programs.
Sec. 329. University year for VISTA.
Sec. 330. Authority to establish and operate special volunteer and demonstration programs.
Sec. 331. Technical and financial assistance.
Sec. 332. Elimination of separate authority for drug abuse programs.
CHAPTER 2—NATIONAL SENIOR VOLUNTEER CORPS
Sec. 341. National Senior Volunteer Corps.
Sec. 342. The Retired and Senior Volunteer Program.
Sec. 343. Operation of the Retired and Senior Volunteer Program.
Sec. 344. Services under the Foster Grandparent Program.
Sec. 345. Stipends for low-income volunteers.
Sec. 346. Participation of non-low-income persons under parts B and C.
Sec. 347. Conditions of grants and contracts.
Sec. 348. Evaluation of the Senior Companion Program.
Sec. 349. Agreements with other Federal agencies.
Sec. 350. Programs of national significance.
Sec. 351. Adjustments to Federal financial assistance.
Sec. 352. Demonstration programs.
CHAPTER 3—ADMINISTRATION
Sec. 361. Purpose of agency.
Sec. 362. Authority of the Director.
Sec. 363. Compensation for volunteers.
Sec. 364. Repeal of report.
Sec. 365. Application of Federal law.
Sec. 366. Evaluation of programs.
Sec. 367. Nondiscrimination provisions.
Sec. 368. Elimination of separate requirements for setting regulations.
Sec. 369. Clarification of role of Inspector General.
Sec. 370. Copyright protection.
Sec. 371. Center for research and training.
Sec. 372. Deposit requirement credit for service as a volunteer.
CHAPTER 4—AUTHORIZATION OF APPROPRIATIONS AND OTHER AMENDMENTS
Sec. 381. Authorization of appropriations for title I.
Sec. 382. Authorization of appropriations for title II.
Sec. 383. Authorization of appropriations for title IV.
Sec. 384. Conforming amendments; compensation for VISTA FECA claimants.
Sec. 385. Repeal of authority.
CHAPTER 5—GENERAL PROVISIONS
Sec. 391. Technical and conforming amendments.
Sec. 392. Effective date.
Subtitle C—Youth Conservation Corps Act of 1970
Sec. 399. Public Lands Corps.
TITLE IV—TECHNICAL AND CONFORMING AMENDMENTS
Sec. 401. Definitions.
Sec. 402. References to the Commission on National and Community Service.
Sec. 403. References to Directors of the Commission on National and Community Service.
Sec. 404. Definition of Director.
Sec. 405. References to ACTION and the ACTION Agency.
Sec. 406. Effective date.
TITLE V—RURAL COMMUNITY SERVICE
Sec. 501. Rural community service.
Sec. 502. Demonstration project.
TITLE VI—FEDERAL TORT CLAIMS ACT
Sec. 601. Federal Tort Claims Act.

SEC. 2. FINDINGS AND PURPOSE.

(a) IN GENERAL.—Section 2 of the National and Community Service Act of 1990 (42 U.S.C. 12501) is amended to read as follows:

"SEC. 2. FINDINGS AND PURPOSE.

"(a) FINDINGS.—The Congress finds the following:

"(1) Throughout the United States, there are pressing unmet human, educational, environmental, and public safety needs.

"(2) Americans desire to affirm common responsibilities and shared values, and join together in positive experiences, that transcend race, religion, gender, age, disability, region, income, and education.

"(3) The rising costs of postsecondary education are putting higher education out of reach for an increasing number of citizens.

"(4) Americans of all ages can improve their communities and become better citizens through service to the United States.

"(5) Nonprofit organizations, local governments, States, and the Federal Government are already supporting a wide variety of national service programs that deliver needed services in a cost-effective manner.

"(6) Residents of low-income communities, especially youth and young adults, can be empowered through their service, and can help provide future community leadership.

"(b) PURPOSES.—It is the purpose of this Act to—

"(1) meet the unmet human, educational, environmental, and public safety needs of the United States, without displacing existing workers;

"(2) renew the ethic of civic responsibility and the spirit of community throughout the United States;

"(3) expand educational opportunity by rewarding individuals who participate in national service with an increased ability to pursue higher education or job training;

"(4) encourage citizens of the United States, regardless of race, religion, gender, age, disability, region, income, or education, to engage in full-time or part-time national service;

"(5) reinvent government to eliminate duplication in national service programs, support locally established service initiatives, encourage private sector investment and involvement in national service programs, and require measurable goals for performance in such programs and offer flexibility in meeting those goals;

"(6) empower residents of low-income communities, especially youth and young adults, through their service, and help provide future community leadership;

"(7) build on the existing organizational service infrastructure of Federal, State, and local programs and agencies to expand full-time and part-time service opportunities for all citizens;

"(8) provide tangible benefits to the communities in which national service is performed;

"(9) build ties among Americans that transcend race, religion, gender, age, disability, region, income, and education;

"(10) encourage educational reform by introducing service-learning into curricula in elementary schools, secondary schools, and institutions of higher education; and

"(11) enable service participants to gain personal, academic, and occupational skills through service-learning experiences.".

(b) TABLE OF CONTENTS.—Section 1(b) of the National and Community Service Act of 1990 (Public Law 101–610; 104 Stat. 3127) is amended by striking the item relating to section 2 and inserting the following new item:

"Sec. 2. Findings and purpose.".

TITLE I—PROGRAMS AND RELATED PROVISIONS

Subtitle A—Programs

SEC. 101. FEDERAL INVESTMENT IN SUPPORT OF NATIONAL SERVICE.

(a) ASSISTANCE PROGRAM AUTHORIZED.—Subtitle C of title I of the National and Community Service Act of 1990 (42 U.S.C. 12541 et seq.) is amended to read as follows:

"Subtitle C—National Service Trust Program

"PART I—INVESTMENT IN NATIONAL SERVICE

"SEC. 121. AUTHORITY TO PROVIDE ASSISTANCE AND APPROVED NATIONAL SERVICE POSITIONS.

"(a) PROVISION OF ASSISTANCE.—Subject to the availability of appropriations, the Corporation may make grants to States, subdivisions of States, Indian tribes, public and private not-for-profit organizations (including labor organizations and community action agencies), and institutions of higher education for the purpose of assisting the recipients of the grants by paying for the Federal share of—

"(1) carrying out full- or part-time national service programs, including summer programs, described in section 122(a); and

"(2) making grants in support of other national service programs described in section 122(a) that are carried out by other entities, or grants described in section 129(d)(4).

"(b) AGREEMENTS WITH FEDERAL AGENCIES.—

"(1) IN GENERAL.—The Corporation may enter into a contract or cooperative agreement with another Federal agency to support a national service program carried out by the agency. The support provided by the Corporation pursuant to the contract or cooperative agreement may include the transfer to the Federal agency of funds available to the Corporation under this subtitle.

"(2) NONDUPLICATION.—A Federal agency that enters into a contract or cooperative agreement under paragraph (1) to support a national service program within a State—

"(A) shall consult with the State Commission serving the State to avoid duplication with any service program that is in existence in the State as of the date of the contract or cooperative agreement; and

"(B) shall, in an appropriate case, enter into a contract or cooperative agreement with an entity that is carrying out a service program described in subparagraph (A) that is of high quality, in order to support the national service program.

"(3) APPLICATION OF REQUIREMENTS.—A Federal agency receiving assistance under this subsection shall comply with the Federal share requirements of section 129(d)(2)(B). The supplementation requirements specified in section 173 shall apply with respect to the Federal national service programs supported with such assistance.

"(c) PROVISION OF APPROVED NATIONAL SERVICE POSITIONS.—As part of the provision of assistance under subsections (a) and (b), the Corporation shall—

"(1) approve the provision of national service educational awards described in subtitle D for the participants who serve in national service programs carried out using such assistance; and

"(2) deposit in the National Service Trust established in section 145(a) an amount equal to the product of—

"(A) the value of a national service educational award under section 147; and

"(B) the total number of approved national service positions to be provided.

"(d) FIVE PERCENT LIMITATION ON ADMINISTRATIVE COSTS.—

"(1) LIMITATION.—Not more than 5 percent of the amount of assistance provided to the original recipient of a grant or transfer of assistance

under subsection (a) or (b) for a fiscal year may be used to pay for administrative costs (including indirect costs) incurred by—

"(A) the recipient of the assistance; and

"(B) national service programs carried out or supported with the assistance.

"(2) RULES ON USE.—The Corporation may by rule prescribe the manner and extent to which—

"(A) assistance provided under subsection (a) or (b) may be used to cover administrative costs; and

"(B) that portion of the assistance available to cover administrative costs should be distributed between—

"(i) the original recipient of the grant or transfer of assistance under such subsection; and

"(ii) national service programs carried out or supported with the assistance.

"(e) MATCHING FUNDS REQUIREMENTS.—

"(1) REQUIREMENTS.—Except as provided in sections 129(d)(2)(B) and 140, the Federal share of the cost of carrying out a national service program that receives the assistance under subsection (a), whether the assistance is provided directly or as a subgrant from the original recipient of the assistance, may not exceed 75 percent of such cost.

"(2) CALCULATION.—

"(A) IN GENERAL.—In providing for the remaining share of the cost of carrying out a national service program, the program—

"(i) shall provide for such share through a payment in cash or in kind, fairly evaluated, including facilities, equipment, or services; and

"(ii) may provide for such share through State sources, local sources, or other Federal sources (other than the use of funds made available under the national service laws).

"(B) COST OF HEALTH CARE.—In providing for such remaining share through a payment in cash, a national service program may count not more than 85 percent of the cost of providing health care policy described in section 140(d)(2) toward such share.

"(3) WAIVER.—The Corporation may waive in whole or in part the requirements of paragraph (1) with respect to a national service program in any fiscal year if the Corporation determines that such a waiver would be equitable due to a lack of available financial resources at the local level.

"SEC. 122. TYPES OF NATIONAL SERVICE PROGRAMS ELIGIBLE FOR PROGRAM ASSISTANCE.

"(a) ELIGIBLE NATIONAL SERVICE PROGRAMS.—The recipient of a grant under section 121(a) and each Federal agency receiving assistance under section 121(b) shall use the assistance, directly or through subgrants to other entities, to carry out full- or part-time national service programs, including summer programs, that address unmet human, educational, environmental, or public safety needs. Subject to subsection (b)(1), these national service programs may include the following types of national service programs:

"(1) A community corps program that meets unmet human, educational, environmental, or public safety needs and promotes greater community unity through the use of organized teams of participants of varied social and economic backgrounds, skill levels, capabilities, ages, ethnic backgrounds, or genders.

"(2) A full-time youth corps program, carried out during the summer or throughout the full calendar year, such as a conservation corps or youth service corps (including a conservation corps or youth service corps that performs service on Federal or other public lands or on Indian lands), that—

"(A) undertakes meaningful service projects with visible benefits to a community, including natural resource, urban renovation, rural development, or human services projects;

"(B) includes as participants youths and young adults between the ages of 16 and 25, inclusive, including out-of-school youths, other economically disadvantaged youths, and individuals with disabilities, who are between those ages; and

"(C) provides those participants who are youths and young adults with—

"(i) crew-based, highly structured, and adult-supervised work experience, life skills, education, career guidance and counseling, employment training, and support services; and

"(ii) the opportunity to develop citizenship values and skills through service to their community and the United States.

"(3) A program that provides specialized training to individuals in service-learning and places the individuals after such training in positions, including positions as service-learning coordinators, to facilitate service-learning in programs eligible for funding under part I subtitle B.

"(4) A service program that is targeted at specific unmet human, educational, environmental, or public safety needs and that—

"(A) recruits individuals with special skills or provides specialized preservice training to enable participants to be placed individually or in teams in positions in which the participants can meet such unmet needs; and

"(B) brings participants together for additional training and other activities designed to foster civic responsibility, increase the skills of participants, and improve the quality of the service provided.

"(5) An individualized placement program that includes regular group activities, such as leadership training and special service projects.

"(6) A campus-based program that is designed to provide substantial service in a community during the school term and during summer or other vacation periods through the use of—

"(A) students who are attending an institution of higher education, including students participating in a work-study program assisted under part C of title IV of the Higher Education Act of 1965 (42 U.S.C. 2751 et seq.);

"(B) teams composed of such students; or

"(C) teams composed of a combination of such students and community residents.

"(7) A preprofessional training program in which students enrolled in an institution of higher education—

"(A) receive training in specified fields, which may include classes containing service-learning;

"(B) perform service related to such training outside the classroom during the school term and during summer or other vacation periods; and

"(C) agree to provide service upon graduation to meet unmet human, educational, environmental, or public safety needs related to such training.

"(8) A professional corps program that recruits and places qualified participants in positions—

"(A) as teachers, nurses and other health care providers, police officers, early childhood development staff, engineers, or other professionals providing service to meet educational, human, environmental, or public safety needs in communities with an inadequate number of such professionals;

"(B) that may include a salary in excess of the maximum living allowance authorized in subsection (a)(3) of section 140, as provided in subsection (c) of such section; and

"(C) that are sponsored by public or private not-for-profit employers who agree to pay 100 percent of the salaries and benefits (other than any national service educational award under subtitle D) of the participants.

"(9) A program in which economically disadvantaged individuals who are between the ages of 16 and 24 years of age, inclusive, are provided with opportunities to perform service that, while enabling such individuals to obtain the education and employment skills necessary to achieve economic self-sufficiency, will help their communities meet—

"(A) the housing needs of low-income families and the homeless; and

"(B) the need for community facilities in low-income areas.

"(10) A national service entrepreneur program that identifies, recruits, and trains gifted young adults of all backgrounds and assists such adults in designing solutions to community problems.

"(11) An intergenerational program that combines students, out-of-school youths, and older adults as participants to provide needed community services, including an intergenerational component of a national service program described in any of paragraphs (1) through (10), or in paragraph (12) or (13).

"(12) A program, to be known as a 'Communities in Action program', carried out by not-for-profit organizations, including community action agencies or combinations of such agencies, to provide opportunities for individuals or teams of individuals to engage in local community projects that meet important unaddressed community and individual needs in low-income areas served by such a not-for-profit organization, including service projects to meet the unaddressed needs of economically disadvantaged youth age 18 and younger (including providing safe locations for after-school programs that provide opportunities for learning and recreation).

"(13) Such other national service programs addressing unmet human, educational, environmental, or public safety needs as the Corporation may designate.

"(b) QUALIFICATION CRITERIA TO DETERMINE ELIGIBILITY.—

"(1) ESTABLISHMENT BY CORPORATION.—The Corporation shall establish qualification criteria for different types of national service programs for the purpose of determining whether a particular national service program should be considered to be a national service program eligible to receive assistance or approved national service positions under this subtitle.

"(2) CONSULTATION.—In establishing qualification criteria under paragraph (1), the Corporation shall consult with organizations and individuals that have extensive experience in developing and administering effective national service programs.

"(3) APPLICATION TO SUBGRANTS.—The qualification criteria established by the Corporation under paragraph (1) shall also be used by each recipient of assistance under section 121(a) that uses any portion of the assistance to conduct a grant program to support other national service programs.

"(4) ENCOURAGEMENT OF INTERGENERATIONAL COMPONENTS OF PROGRAMS.—The Corporation shall encourage national service programs eligible to receive assistance or approved national service positions under this subtitle to establish, if consistent with the purposes of the program, an intergenerational component of the program that combines students, out-of-school youths, and older adults as participants to provide services to address unmet human, education, environmental, or public safety needs.

"(c) NATIONAL SERVICE PRIORITIES.—

"(1) ESTABLISHMENT.—

"(A) BY CORPORATION.—In order to concentrate national efforts on meeting certain unmet human, educational, environmental, or public safety needs and to achieve the other purposes of this Act, the Corporation shall establish, and after reviewing the strategic plan approved under section 192A(g)(1), periodically

alter priorities as appropriate regarding the types of national service programs to be assisted under subsection (b) or (d) of section 129 and the purposes for which such assistance may be used.

"(B) BY STATES.—States shall establish, and through the national service plan process described in section 178(e)(1), periodically alter priorities as appropriate regarding the national service programs to be assisted under section 129(a)(1).

"(2) NOTICE TO APPLICANTS.—

"(A) IN GENERAL.—The Corporation shall provide to potential applicants advance notice of any national service priorities to be in effect under this subsection for a fiscal year.

"(B) CONTENTS.—The notice shall specifically include—

"(i) a description of any alteration made in the priorities since the previous notice; and

"(ii) a description of the national service programs that are designated by the Corporation under section 133(d)(2) as eligible for priority consideration in the next competitive distribution of assistance under section 121(a).

"(C) REGULATIONS.—The Corporation shall by regulation establish procedures to ensure the equitable treatment of national service programs that—

"(i) receive funding under this subtitle for multiple years; and

"(ii) would be adversely affected by annual revisions in such national service priorities.

"(3) APPLICATION TO SUBGRANTS.—Any recipient of funds under section 121(a) that uses any portion of the assistance to conduct a grant program to support other national service programs shall, in conducting such a grant program, make reasonable efforts to use any national service priorities established by the Corporation under this subsection.

"(d) EXISTING PROGRAMS.—Notwithstanding any other provision of this section, any program that received financial assistance under subtitle C or D of the National and Community Service Act of 1990, as in effect on the day before the date of enactment of this subsection, shall be eligible to receive financial assistance under this subtitle for a period of 30 months from the date of enactment of this subsection.

"SEC. 123. TYPES OF NATIONAL SERVICE POSITIONS ELIGIBLE FOR APPROVAL FOR NATIONAL SERVICE EDUCATIONAL AWARDS.

"The Corporation may approve of any of the following service positions as an approved national service position that includes the national service educational award described in subtitle D as one of the benefits to be provided for successful service in the position:

"(1) A position for a participant in a national service program described in section 122(a) that receives assistance under subsection (a) or (b) of section 121.

"(2) A position for a participant in a program that—

"(A) is carried out by a State, a subdivision of a State, an Indian tribe, a public or private not-for-profit organization (including a community action agency), an institution of higher education, or a Federal agency; and

"(B) would be eligible to receive assistance under section 121(a), based on criteria established by the Corporation, but has not applied for such assistance.

"(3) A position involving service as a VISTA volunteer under title I of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 et seq.).

"(4) A position facilitating service-learning in a program described in section 122(a)(3) that is eligible for assistance under part I of subtitle B.

"(5) A position for a participant in the Civilian Community Corps under subtitle E.

"(6) A position involving service as a crew leader in a youth corps program or a similar position supporting a national service program that receives an approved national service position.

"(7) Such other national service positions as the Corporation considers to be appropriate.

"SEC. 124. TYPES OF PROGRAM ASSISTANCE.

"(a) PLANNING ASSISTANCE.—The Corporation may provide assistance under section 121 to a qualified applicant that submits an application under section 130 for the planning of a national service program. Assistance provided in accordance with this subsection may cover a period of not more than 1 year.

"(b) OPERATIONAL ASSISTANCE.—The Corporation may provide assistance under section 121 to a qualified applicant that submits an application under section 130 for the establishment, operation, or expansion of a national service program. Assistance provided in accordance with this subsection may cover a period of not more than 3 years, but may be renewed by the Corporation upon consideration of a new application under section 130.

"(c) REPLICATION ASSISTANCE.—The Corporation may provide assistance under section 121 to a qualified applicant that submits an application under section 130 for the expansion of a proven national service program to another geographical location. Assistance provided in accordance with this subsection may cover a period of not more than 3 years, but may be renewed by the Corporation upon consideration of a new application under section 130.

"(d) APPLICATION TO SUBGRANTS.—The requirements of this section shall apply to any State or other applicant receiving assistance under section 121 that proposes to conduct a grant program using the assistance to support other national service programs.

"SEC. 125. TRAINING AND TECHNICAL ASSISTANCE.

"(a) TRAINING PROGRAMS.—The Corporation may conduct, directly or by grant or contract, appropriate training programs regarding national service in order to—

"(1) improve the ability of national service programs assisted under section 121 to meet human, educational, environmental, or public safety needs in communities—

"(A) where services are needed most; and

"(B) where programs do not exist, or are too limited to meet community needs, as of the date on which the Corporation makes the grant or enters into the contract;

"(2) promote leadership development in such programs;

"(3) improve the instructional and programmatic quality of such programs to build an ethic of civic responsibility;

"(4) develop the management and budgetary skills of program operators; and

"(5) provide for or improve the training provided to the participants in such programs.

"(b) TECHNICAL ASSISTANCE.—The Corporation shall, where necessary, make appropriate technical assistance available to States, Indian tribes, labor organizations, organizations operated by young adults, organizations serving economically disadvantaged individuals, and other entities described in section 121 that desire—

"(1) to develop national service programs; or

"(2) to apply for assistance under such section or under a grant program conducted using assistance provided under such section.

"SEC. 126. OTHER SPECIAL ASSISTANCE.

"(a) SUPPORT FOR STATE COMMISSIONS.—

"(1) ASSISTANCE AUTHORIZED.—The Corporation may make assistance available to assist a State to establish or operate the State Commission on National and Community Service required to be established by the State under section 178.

"(2) AMOUNT OF ASSISTANCE.—The amount of assistance that may be provided to a State Commission under this subsection, together with other Federal funds available to establish or operate the State Commission, may not exceed—

"(A) 85 percent of the total cost to establish or operate the State Commission for the first year for which the State Commission receives assistance under this subsection; and

"(B) such smaller percentage of such cost as the Corporation may establish for the second, third, and fourth years of such assistance in order to ensure that the Federal share does not exceed 50 percent of such costs for the fifth year, and any subsequent year, for which the State Commission receives assistance under this subsection.

"(b) DISASTER SERVICE.—The Corporation may undertake activities, including activities carried out through part A of title I of the Domestic Volunteer Service Act of 1973, to involve in disaster relief efforts youth corps programs described in section 122(a)(2) and other programs that receive assistance under the national service laws.

"(c) CHALLENGE GRANTS FOR NATIONAL SERVICE PROGRAMS.—

"(1) ASSISTANCE AUTHORIZED.—

"(A) IN GENERAL.—The Corporation may make challenge grants under this subsection to national service programs that receive assistance under section 121.

"(B) CRITERIA.—The Corporation shall develop criteria for the selection of recipients of such challenge grants, so as to make the grants widely available to a variety of programs that—

"(i) are high-quality national service programs; and

"(ii) are carried out by entities with demonstrated experience in establishing and implementing projects that provide benefits to participants and communities.

"(2) AMOUNT OF ASSISTANCE.—A challenge grant under this subsection may provide not more than $1 of assistance under this subsection for each $1 in cash raised by the national service program from private sources in excess of amounts required to be provided by the program to satisfy matching funds requirements under section 121(e). The Corporation shall establish a ceiling on the amount of assistance that may be provided to a national service program under this subsection.

"PART II—APPLICATION AND APPROVAL PROCESS

"SEC. 129. PROVISION OF ASSISTANCE AND APPROVED NATIONAL SERVICE POSITIONS BY COMPETITIVE AND OTHER MEANS.

"(a) ALLOTMENTS OF ASSISTANCE AND APPROVED POSITIONS TO STATES AND INDIAN TRIBES.—

"(1) ALLOTMENT OF ASSISTANCE TO CERTAIN STATES.—

"(A) IN GENERAL.—Of the funds allocated by the Corporation for provision of assistance under subsections (a) and (b) of section 121 for a fiscal year, the Corporation shall make a grant under section 121(a) (and a corresponding allotment of approved national service positions) to each of the several States (through the State Commission of the State), the District of Columbia, and the Commonwealth of Puerto Rico that has an application approved by the Corporation under section 133.

"(B) ALLOTMENT AMOUNTS.—Except as provided in subparagraph (C), the amount allotted as a grant to each such State under this paragraph for a fiscal year shall be equal to—

"(i) in the first fiscal year for which funds are appropriated under section 501(a)(2), an amount that bears the same ratio to 40 percent of the allocated funds for such fiscal year;

"(ii) in the second such fiscal year, an amount that bears the same ratio to 45 percent of the allocated funds for such fiscal year; and

"(iii) in the third such fiscal year, an amount that bears the same ratio to 50 percent of the allocated funds for such fiscal year,

as the population of the State bears to the total population of the several States, the District of Columbia, and the Commonwealth of Puerto Rico.

"(C) LIMITATION.—In no case shall any State receive a grant under this paragraph for a fiscal year in an amount that is less than ½ of 1 percent of the allocated funds for the fiscal year.

"(2) ALLOTMENT OF ASSISTANCE TO OTHER JURISDICTIONS AND INDIAN TRIBES.—Of the funds allocated by the Corporation for provision of assistance under subsections (a) and (b) of section 121 for a fiscal year, the Corporation shall reserve up to 1 percent of the allocated funds for grants under section 121(a) to Indian tribes, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, to be allotted by the Corporation on a competitive basis in accordance with their respective needs. Palau shall also be eligible for a grant under this paragraph from the reserved funds until such time as the Compact of Free Association with Palau is ratified.

"(3) EFFECT OF FAILURE TO APPLY.—If a State or Indian tribe fails to apply for, or fails to give notice to the Corporation of its intent to apply for, an allotment under this subsection, the Corporation shall use the amount that would have been allotted under this subsection to the State or Indian tribe—

"(A) to make grants (and provide approved national service positions in connection with such grants) to other eligible entities under section 121 that propose to carry out national service programs in the State or on behalf of the Indian tribe; and

"(B) after making grants under paragraph (1), to make a reallotment to other States and Indian tribes with approved applications under section 130.

"(b) RESERVATION OF APPROVED POSITIONS.—

"(1) NUMBER RESERVED.—Except as provided in paragraph (2), the Corporation shall ensure that each individual selected during a fiscal year for assignment as a VISTA volunteer under title I of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 et seq.) or as a participant in the Civilian Community Corps Demonstration Program under subtitle E shall receive the national service educational award described in subtitle D if the individual satisfies the eligibility requirements for the award. Funds for approved national service positions required by this paragraph for a fiscal year shall be deducted from the total funding for approved national service positions for that fiscal year.

"(2) TRANSITION.—The Corporation shall determine an equitable procedure for providing post-service educational awards to individuals who are selected for assignment as described in paragraph (1) after the date of enactment of this subtitle and before the effective date of section 203(c)(2) of the National and Community Service Trust Act of 1993.

"(c) RESERVATION FOR SPECIAL ASSISTANCE.—Subject to section 501(a)(2), of the funds allocated by the Corporation for provision of assistance under subsections (a) and (b) of section 121 for a fiscal year, the Corporation may reserve such amount as the Corporation considers to be appropriate for the purpose of making assistance available under sections 125 and 126. The Corporation may not reserve more than $10,000,000 for a fiscal year for challenge grants under section 126(c).

"(d) COMPETITIVE DISTRIBUTION OF REMAINING FUNDS.—

"(1) STATE COMPETITION.—Of the funds allocated by the Corporation for provision of assistance under subsections (a) and (b) of section 121 for a fiscal year, the Corporation shall use not less than 30 percent of the allocated funds in the first fiscal year for which funds are appropriated under section 501(a)(2), not less than 27½ percent of the allocated funds in the second such fiscal year, and not less than 25 percent of the allocated funds in the third such fiscal year, to make grants to States (through the State Commissions) on a competitive basis under section 121(a).

"(2) FEDERAL AGENCIES AND OTHER APPLICANTS.—

"(A) IN GENERAL.—The Corporation shall distribute on a competitive basis to subdivisions of States (through the State Commissions), Indian tribes, public and private not-for-profit organizations (including labor organizations and community action agencies), institutions of higher education, and Federal agencies the remainder of the funds allocated by the Corporation for provision of assistance under section 121 for a fiscal year, after operation of paragraph (1) and subsections (a) and (c).

"(B) FEDERAL SHARE.—Notwithstanding section 121(e), if a Federal agency proposes to carry out a national service program using funds made available under subparagraph (A), and the Federal agency is authorized to use funds made available under Federal law (other than the national service laws) to carry out such a program, the Federal share attributable to this paragraph of the cost of carrying out the national service program shall be 50 percent of such cost. The President may by regulation specify the sources that may be used by the Federal agency to provide for the remaining share of such cost.

"(C) FEDERAL AGENCIES.—The Corporation may not distribute more than 30 percent of such remainder to Federal agencies for a fiscal year under subparagraph (A).

"(D) LIMITATIONS.—The Corporation shall limit the categories of eligible applicants for assistance under this paragraph consistent with the priorities established by the Corporation under section 133(d)(2).

"(3) PRIORITY.—In distributing the funds allocated by the Corporation for provision of assistance under section 121 for a fiscal year, after operation of subsections (a) and (c) and after using the appropriate percentage of such funds, as described in paragraph (1), to make grants under paragraph (1), in determining whether to—

"(A) use an additional portion of the funds to make a grant under paragraph (1) to a State applicant; or

"(B) distribute the portion of the funds to an applicant that is a private not-for-profit organization under paragraph (2),

the Corporation shall give preference to the private not-for-profit organization in any case in which the Corporation determines that the applicants have submitted applications of equal quality under section 130.

"(4) RESERVATION.—

"(A) SUPPLEMENTAL AND OTHER GRANTS.—In distributing the funds allocated by the Corporation for provision of assistance under section 121 for a fiscal year, after operation of subsections (a) and (c), the President shall reserve, from the funds available to make grants under paragraphs (1) and (2), an amount that is not less than 2 percent and not more than 5 percent of such funds (except that such amount may not exceed $10,000,000), in order to make supplemental grants as provided in subparagraph (B) and grants as provided in subparagraph (C).

"(B) GRANTS TO ASSIST ENTITIES IN PLACING APPLICANTS WHO ARE INDIVIDUALS WITH A DISABILITY.—

"(i) IN GENERAL.—The President shall make grants from a portion of the funds reserved under subparagraph (A) to entities that—

"(I) receive a grant to carry out a national service program under paragraph (1) or (2);

"(II) demonstrate that the entity has received a substantial number of applications for placement in the national service program of persons who are individuals with a disability, as defined in section 3(2) of the Americans with Disabilities Act of 1990, and who require a reasonable accommodation, as defined in section 101(9) of such Act or auxiliary aids and services, as defined in section 3(1) of such Act, in order to perform national service; and

"(III) demonstrate that additional funding would assist the national service program in placing a substantial number of such individuals with a disability as participants in projects carried out through the program.

"(ii) REQUIREMENTS.—Funds made available through such a supplemental grant under clause (i) shall be made available for the same purposes, and subject to the same requirements, as funds made available through a grant made under paragraph (1) or (2).

"(C) GRANTS FOR OUTREACH TO INDIVIDUALS WITH A DISABILITY.—

"(i) IN GENERAL.—From the portion of the funds reserved under subparagraph (A) that is not used to make grants under subparagraph (B), the President shall make grants to public and private not-for-profit organizations to pay for the Federal share described in section 121(e) of—

"(I) providing information about the programs specified in section 193A(d)(10) to such individuals with a disability who desire to perform national service; and

"(II) enabling the individuals to participate in activities carried out through such programs, which may include assisting the placement of the individuals in approved national service positions.

"(ii) APPLICATION.—To be eligible to receive a grant under this subparagraph, an organization described in clause (i) shall submit an application to the President at such time, in such manner, and containing such information as the President may require.

"(e) APPLICATION REQUIRED.—The allotment of assistance and approved national service positions to a State or Indian tribe under subsection (a), and the competitive distribution of assistance under subsection (d), shall be made by the Corporation only pursuant to an application submitted by a State or other applicant under section 130 and approved by the Corporation under section 133.

"(f) APPROVAL OF POSITIONS SUBJECT TO AVAILABLE FUNDS.—The Corporation may not approve positions as approved national service positions under this subtitle for a fiscal year in excess of the number of such positions for which the Corporation has sufficient available funds in the National Service Trust for that fiscal year, taking into consideration funding needs for national service educational awards under subtitle D based on completed service. If appropriations are insufficient to provide the maximum allowable national service educational awards under subtitle D for all eligible participants, the Corporation is authorized to make necessary and reasonable adjustments to program rules.

"(g) SPONSORSHIP OF APPROVED NATIONAL SERVICE POSITIONS.—

"(1) SPONSORSHIP AUTHORIZED.—The Corporation may enter into agreements with persons or entities who offer to sponsor national service positions for which the person or entity will be responsible for supplying the funds necessary to provide a national service educational award. The distribution of these approved national service positions shall be made pursuant to the agreement, and the creation of these positions shall not be taken into consideration in determining the number of approved national service positions to be available for distribution under this section.

"(2) DEPOSIT OF CONTRIBUTION.—Funds provided pursuant to an agreement under paragraph (1) and any other funds contributed to the Corporation to support the activities of the Corporation under the national service laws shall be deposited in the National Service Trust established in section 145 until such time as the funds are needed.

"SEC. 130. APPLICATION FOR ASSISTANCE AND APPROVED NATIONAL SERVICE POSITIONS.

"(a) TIME, MANNER, AND CONTENT OF APPLICATION.—To be eligible to receive assistance under section 121 and approved national service positions for participants who serve in the national service programs to be carried out using the assistance, a State, subdivision of a State, Indian tribe, public or private not-for-profit organization (including a community action agency), institution of higher education, or Federal agency shall prepare and submit to the Corporation an application at such time, in such manner, and containing such information as the Corporation may reasonably require.

"(b) TYPES OF APPLICATION INFORMATION.—In order to have adequate information upon which to consider an application under section 133, the Corporation—

"(1) may require that an applicant described in subsection (a) submit an application under subsection (a) containing—

"(A) a description of the national service programs proposed to be carried out directly by the applicant using assistance provided under section 121;

"(B) a description of the national service programs that are selected by the applicant to receive a grant from assistance requested under section 121 and a description of the process and criteria by which the programs were selected;

"(C) a description of other funding sources to be used, or sought to be used, for the national service programs referred to in subparagraphs (A) and (B), and, if the application is submitted for the purpose of seeking a renewal of assistance, a description of the success of the programs in reducing their reliance on Federal funds;

"(D) a description of the extent to which the projects to be conducted using the assistance will address unmet human, educational, environmental, or public safety needs and produce a direct benefit for the community in which the projects are performed;

"(E) a description of the plan to be used to recruit participants, including economically disadvantaged youth, for the national service programs referred to in subparagraphs (A) and (B);

"(F) a description of the manner in which the national service programs referred to in subparagraphs (A) and (B) build on existing programs, including Federal programs;

"(G) a description of the manner in which the national service programs referred to in subparagraphs (A) and (B) will involve participants—

"(i) in projects that build an ethic of civic responsibility and produce a positive change in the lives of participants through training and participation in meaningful service experiences and opportunities for reflection on such experiences; and

"(ii) in leadership positions in implementing and evaluating the program;

"(H) measurable goals for the national service programs referred to in subparagraphs (A) and (B), and a strategy to achieve such goals, in terms of—

"(i) the impact to be made in meeting unmet human, educational, environmental, or public safety needs; and

"(ii) the service experience to be provided to participants in the programs;

"(I) a description of the manner and extent to which the national service programs referred to in subparagraphs (A) and (B) conform to the national service priorities established by the Corporation under section 122(c);

"(J) a description of the past experience of the applicant in operating a comparable program or in conducting a grant program in support of other comparable programs;

"(K) a description of the type and number of proposed service positions in which participants will receive the national service educational award described in subtitle D and a description of the manner in which approved national service positions will be apportioned by the applicant;

"(L) a description of the manner and extent to which participants, representatives of the community served, community-based agencies with a demonstrated record of experience in providing services, and labor organizations contributed to the development of the national service programs referred to in subparagraphs (A) and (B), including the identity of the individual representing the labor organization who was consulted and the nature of the consultation;

"(M) a description of a plan to be used to encourage women to participate in programs referred to in subparagraphs (A) and (B); and

"(N) such other information as the Corporation may reasonably require; and

"(2) shall require that the applicant submit an application under subsection (a) containing—

"(A) a description of the jobs or positions into which participants will be placed using the assistance provided under section 121, including descriptions of specific tasks to be performed by such participants; and

"(B) a description of the minimum qualifications that individuals shall meet to become participants in such programs.

"(c) APPLICATION TO RECEIVE ONLY APPROVED NATIONAL SERVICE POSITIONS.—

"(1) APPLICABILITY OF SUBSECTION.—This subsection shall apply in the case of an application in which—

"(A) the applicant is not seeking assistance under subsection (a) or (b) of section 121, but requests national service educational awards for individuals serving in service positions described in section 123; or

"(B) the applicant requests national service educational awards for service positions described in section 123, but the positions are not positions in a national service program described in section 122(a) for which assistance may be provided under subsection (a) or (b) of section 121.

"(2) SPECIAL APPLICATION REQUIREMENTS.—For the applications described in paragraph (1), the Corporation shall establish special application requirements in order to determine—

"(A) whether the service positions meet unmet human, educational, environmental, or public safety needs and meet the criteria for assistance under this subtitle; and

"(B) whether the Corporation should approve the positions as approved national service positions that include the national service educational award described in subtitle D as one of the benefits to be provided for successful service in the position.

"(d) SPECIAL RULE FOR STATE APPLICANTS.—

"(1) SUBMISSION BY STATE COMMISSION.—The application of a State for approved national service positions or for a grant under section 121(a) shall be submitted by the State Commission.

"(2) COMPETITIVE SELECTION.—The application of a State shall contain an assurance that all assistance provided under section 121(a) to the State will be used to support national service programs that were selected by the State on a competitive basis.

"(3) ASSISTANCE TO NONSTATE ENTITIES.—The application of a State shall also contain an assurance that not less than 60 percent of the assistance will be used to make grants in support of national service programs other than national service programs carried out by a State agency. The Corporation may permit a State to deviate from the percentage specified by this paragraph if the State has not received a sufficient number of acceptable applications to comply with the percentage.

"(e) SPECIAL RULE FOR CERTAIN SERVICE SPONSORS.—In the case of a program applicant that proposes to serve as the service sponsor, the application shall include the written concurrence of any local labor organization representing employees of the applicant who are engaged in the same or substantially similar work as that proposed to be carried out.

"(f) LIMITATION ON SAME PROJECT IN MULTIPLE APPLICATIONS.—No applicant shall submit an application under this section, and the Corporation shall reject an application that is submitted under this section, if the application describes a project proposed to be conducted using assistance requested by the applicant and the project is already described in another application pending before the Corporation.

"SEC. 131. NATIONAL SERVICE PROGRAM ASSISTANCE REQUIREMENTS.

"(a) IMPACT ON COMMUNITIES.—An application submitted under section 130 shall include an assurance by the applicant that any national service program carried out by the applicant using assistance provided under section 121 and any national service program supported by a grant made by the applicant using such assistance will—

"(1) address unmet human, educational, environmental, or public safety needs through services that provide a direct benefit to the community in which the service is performed; and

"(2) comply with the nonduplication and nondisplacement requirements of section 177.

"(b) IMPACT ON PARTICIPANTS.—An application submitted under section 130 shall also include an assurance by the applicant that any national service program carried out by the applicant using assistance provided under section 121 and any national service program supported by a grant made by the applicant using such assistance will—

"(1) provide participants in the national service program with the training, skills, and knowledge necessary for the projects that participants are called upon to perform;

"(2) provide support services to participants, such as the provision of appropriate information and support—

"(A) to those participants who are completing a term of service and making the transition to other educational and career opportunities; and

"(B) to those participants who are school dropouts in order to assist those participants in earning the equivalent of a high school diploma; and

"(3) provide structured opportunities for participants to reflect on their service experiences.

"(c) CONSULTATION.—An application submitted under section 130 shall also include an assurance by the applicant that any national service program carried out by the applicant using assistance provided under section 121 and any national service program supported by a grant made by the applicant using such assistance will—

"(1) provide in the design, recruitment, and operation of the program for broad-based input from the community served, individuals eligible to serve as participants in the program, community-based agencies (including community action agencies) with a demonstrated record of experience in providing services, and local labor organizations representing employees of service sponsors;

"(2) prior to the placement of participants, consult with any local labor organization representing employees in the area who are engaged in the same or similar work as that proposed to be carried out by such program to ensure compliance with the nondisplacement requirements specified in section 177; and

"(3) in the case of a program that is not funded through a State, consult with and coordinate activities with the State Commission for the State in which the program operates.

"(d) EVALUATION AND PERFORMANCE GOALS.—

"(1) IN GENERAL.—An application submitted under section 130 shall also include an assurance by the applicant that the applicant will—

"(A)(i) arrange for an independent evaluation of any national service program carried out using assistance provided to the applicant under section 121; or

"(ii) with the approval of the Corporation, conduct an internal evaluation of the program;

"(B) develop measurable performance goals and evaluation methods (such as the use of surveys of participants and persons served), which are to be used as part of such evaluation to determine the impact of the program—

"(i) on communities and persons served by the projects performed by the program;

"(ii) on participants who take part in the projects; and

"(iii) in such other areas as the Corporation may require; and

"(C) cooperate with any evaluation activities undertaken by the Corporation.

"(2) ALTERNATIVE EVALUATION REQUIREMENTS.—The Corporation may establish alternative evaluation requirements for national service programs based upon the amount of assistance received under section 121 or received by a grant made by a recipient of assistance under such section. The determination of whether a national service program is covered by this paragraph shall be made in such manner as the Corporation may prescribe.

"(e) LIVING ALLOWANCES AND OTHER INSERVICE BENEFITS.—Except as provided in section 140(c), an application submitted under section 130 shall also include an assurance by the applicant that the applicant will—

"(1) provide a living allowance and other benefits specified in section 140 to participants in any national service program carried out by the applicant using assistance provided under section 121; and

"(2) require that each national service program that receives a grant from the applicant using such assistance will also provide a living allowance and other benefits specified in section 140 to participants in the program.

"(f) SELECTION OF PARTICIPANTS FROM INDIVIDUALS RECRUITED BY CORPORATION OR STATE COMMISSIONS.—The Corporation may also require an assurance by the applicant that any national service program carried out by the applicant using assistance provided under section 121 and any national service program supported by a grant made by the applicant using such assistance will select a portion of the participants for the program from among prospective participants recruited by the Corporation or State Commissions under section 138(d). The Corporation may specify a minimum percentage of participants to be selected from the national leadership pool established under section 138(e) and may vary the percentage for different types of national service programs.

"SEC. 132. INELIGIBLE SERVICE CATEGORIES.

"(a) IN GENERAL.—Except as provided in subsections (b) and (c), an application submitted to the Corporation under section 130 shall include an assurance by the applicant that any national service program carried out using assistance provided under section 121 and any approved national service position provided to an applicant will not be used to perform service that provides a direct benefit to any—

"(1) business organized for profit;

"(2) labor union;

"(3) partisan political organization;

"(4) organization engaged in religious activities, unless such service does not involve the use of assistance provided under section 121 or participants to give religious instruction, conduct worship services, provide instruction as part of a program that includes mandatory religious education or worship, construct, operate, or maintain facilities devoted to religious instruction or worship, or engage in any form of proselytization; or

"(5) organization that expends more than 20 percent of the annual budget of the organization, or whose primary purpose is, to influence public policy or engage in legislative advocacy activities.

"(b) ADVOCACY ACTIVITIES.—Nothing in this section shall be construed to prevent participants from engaging in advocacy activities undertaken at their own initiative.

"(c) REGIONAL CORPORATION.—The requirement of subsection (a) relating to an assurance regarding direct benefits to businesses organized for profit shall not apply with respect to a Regional Corporation, as defined in section 3(g) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(g)), that is established in accordance with such Act as a for-profit corporation but that is engaging in not-for-profit activities.

"(d) PROHIBITION ON CERTAIN POLITICAL ACTIVITIES.—

"(1) IN GENERAL.—Except as provided in subsection (b) and paragraph (2), an application submitted to the Corporation under section 130 shall include an assurance by the applicant that any national service program carried out using assistance provided under section 121 and any approved national service position provided to an applicant will not be used to—

"(A) provide political seminars, training, instruction, lectures, classes, or speeches; or

"(B) assist political organizations, partisan organizations, or political appointees.

"(2) POLITICAL APPOINTEES.—The requirement of paragraph (1) relating to an assurance regarding speeches shall not apply to political appointees who are responsible for the administration of a national service program.

"(3) ENFORCEMENT.—If the Corporation determines that a national service program has failed to comply with the assurances provided under paragraph (1), the Corporation shall—

"(A) prohibit the program from recruiting or selecting individuals to participate in the program during the 2-year period beginning on the date the Corporation determines the noncompliance commenced; and

"(B) direct the program to terminate the employment of the supervisors determined to be involved in the noncompliance.

"SEC. 133. CONSIDERATION OF APPLICATIONS.

"(a) CORPORATION CONSIDERATION OF CERTAIN CRITERIA.—The Corporation shall apply the criteria described in subsections (c) and (d) in determining whether—

"(1) to approve an application submitted under section 130 and provide assistance under section 121 to the applicant; and

"(2) to approve service positions described in the application as national service positions that include the national service educational award described in subtitle D and provide such approved national service positions to the applicant.

"(b) APPLICATION TO SUBGRANTS.—

"(1) IN GENERAL.—A State or other entity that uses assistance provided under section 121(a) to support national service programs selected on a competitive basis to receive a share of the assistance shall use the criteria described in subsections (c) and (d) when considering an application submitted by a national service program to receive a portion of such assistance or an approved national service position.

"(2) CONTENTS.—The application of the State or other entity under section 130 shall contain—

"(A) a certification that the State or other entity complied with these criteria in the selection of national service programs to receive assistance;

"(B) a description of the jobs or positions into which participants will be placed using such assistance, including descriptions of specific tasks to be performed by such participants; and

"(C) a description of the minimum qualifications that individuals shall meet to become participants in such programs.

"(c) ASSISTANCE CRITERIA.—The criteria required to be applied in evaluating applications submitted under section 130 are as follows:

"(1) The quality of the national service program proposed to be carried out directly by the applicant or supported by a grant from the applicant.

"(2) The innovative aspects of the national service program, and the feasibility of replicating the program.

"(3) The sustainability of the national service program, based on evidence such as the existence—

"(A) of strong and broad-based community support for the program; and

"(B) of multiple funding sources or private funding for the program.

"(4) The quality of the leadership of the national service program, the past performance of the program, and the extent to which the program builds on existing programs.

"(5) The extent to which participants of the national service program are recruited from among residents of the communities in which projects are to be conducted, and the extent to which participants and community residents are involved in the design, leadership, and operation of the program.

"(6) The extent to which projects would be conducted in areas where such projects are needed most, such as—

"(A) communities designated as enterprise zones or redevelopment areas, targeted for special economic incentives, or otherwise identifiable as having high percentages or concentrations of low-income individuals;

"(B) areas that are environmentally distressed;

"(C) areas adversely affected by reductions in defense spending or the closure or realignment of military installations; and

"(D) areas—

"(i) that have experienced a substantial reduction in population, as determined by the Corporation; and

"(ii) with high numbers or percentages of economically disadvantaged older adults.

"(7) In the case of applicants other than States, the extent to which the application is consistent with the application under section 130 of the State in which the projects would be conducted.

"(8) Such other criteria as the Corporation considers to be appropriate.

"(d) OTHER CONSIDERATIONS.—

"(1) GEOGRAPHIC DIVERSITY.—The Corporation shall ensure that recipients of assistance provided under section 121 are geographically diverse and include projects to be conducted in those urban and rural areas in a State with the highest rates of poverty.

"(2) PRIORITIES.—

"(A) IN GENERAL.—The Corporation may designate, under such criteria as may be established by the Corporation, certain national service programs or types of national service programs described in section 122(a) for priority

consideration in the competitive distribution of funds under section 129(d)(2).

"(B) PROGRAMS DESIGNATED TO RECEIVE PRIORITY.—In designating national service programs to receive priority, the Corporation may include—

"(i) national service programs carried out by another Federal agency;

"(ii) national service programs that conform to the national service priorities in effect under section 122(c);

"(iii) innovative national service programs;

"(iv) national service programs that are well established in one or more States at the time of the application and are proposed to be expanded to additional States using assistance provided under section 121;

"(v) grant programs in support of other national service programs if the grant programs are to be conducted by not-for-profit organizations (including community action agencies) with a demonstrated and extensive expertise in the provision of services to meet human, educational, environmental, or public safety needs;

"(vi) professional corps programs described in section 122(a)(8); and

"(vii) programs that—

"(I) received funding under subtitle D of this Act, as in effect on the day before the date of enactment of this subtitle;

"(II) the Corporation determines to meet the requirements of sections 142 (other than subsection (g)), 143, and 148 through 150 of this Act, as in effect on such day, in addition to the requirements of this subtitle; and

"(III) include an evaluation component.

"(C) EXCEPTION.—In making a competitive distribution of funds under section 129(d)(2), the President may give priority consideration to a national service program that is—

"(i) proposed in an application submitted by a State Commission; and

"(ii) not one of the types of programs described in clauses (i) through (vi) of subparagraph (B),

if the State Commission provides an adequate explanation of the reasons why it should not be a priority of such State to carry out any of such types of programs in the State.

"(3) REVIEW PANEL.—The President shall—

"(A) establish panels of experts for the purpose of securing recommendations on applications submitted under section 130 for more than $100,000 in assistance, or for national service positions that would require more than $100,000 in national service educational awards; and

"(B) consider the opinions of such panels prior to making such determinations.

"(e) EMPHASIS ON AREAS MOST IN NEED.—In making assistance available under section 121 and in providing approved national service positions under section 123, the Corporation shall ensure that not less than 50 percent of the total amount of assistance to be distributed to States under subsections (a) and (d)(1) of section 129 for a fiscal year is provided to carry out or support national service programs and projects that—

"(1) are conducted in areas described in any of subparagraphs (A) through (D) of subsection (c)(6) or on Federal or other public lands, to address unmet human, educational, environmental, or public safety needs in such areas or on such lands; and

"(2) place a priority on the recruitment of participants who are residents of areas described in any of subparagraphs (A) through (D) of subsection (c)(6) or Federal or other public lands.

"(f) REJECTION OF STATE APPLICATIONS.—

"(1) NOTIFICATION OF STATE APPLICANTS.—If the Corporation rejects an application submitted by a State Commission under section 130 for funds described in section 129(a)(1), the Corporation shall promptly notify the State Commission of the reasons for the rejection of the application.

"(2) RESUBMISSION AND RECONSIDERATION.—The Corporation shall provide a State Commission notified under paragraph (1) with a reasonable opportunity to revise and resubmit the application. At the request of the State Commission, the Corporation shall provide technical assistance to the State Commission as part of the resubmission process. The Corporation shall promptly reconsider an application resubmitted under this paragraph.

"(3) REALLOTMENT.—The amount of any State's allotment under section 129(a) for a fiscal year that the Corporation determines will not be provided for that fiscal year shall be available for distribution by the Corporation as provided in paragraph (3) of such subsection.

"PART III—NATIONAL SERVICE PARTICIPANTS

"SEC. 137. DESCRIPTION OF PARTICIPANTS.

"(a) IN GENERAL.—For purposes of this subtitle, an individual shall be considered to be a participant in a national service program carried out using assistance provided under section 121 if the individual—

"(1) meets such eligibility requirements, directly related to the tasks to be accomplished, as may be established by the program;

"(2) is selected by the program to serve in a position with the program;

"(3) will serve in the program for a term of service specified in section 139 to be performed before, during, or after attendance at an institution of higher education;

"(4) is 17 years of age or older at the time the individual begins the term of service;

"(5)(A)(i) has received a high school diploma or its equivalent; or

"(ii) agrees to obtain a high school diploma or its equivalent and the individual did not drop out of an elementary or secondary school to enroll in the program; or

"(B)(i) is enrolled at an institution of higher education on the basis of meeting the standard described in paragraph (1) or (2) of section 484(d) of the Higher Education Act of 1965 (20 U.S.C. 109I(d)); and

"(ii) meets the requirements of section 484(a) of such Act; and

"(6) is a citizen of the United States or lawfully admitted for permanent residence.

"(b) SPECIAL RULES FOR CERTAIN YOUTH PROGRAMS.—An individual shall be considered to be a participant in a youth corps program described in section 122(a)(2) or a program described in section 122(a)(9) that is carried out with assistance provided under section 121(a) if the individual—

"(1) satisfies the requirements specified in subsection (a), except paragraph (4) of such subsection; and

"(2) is between the ages of 16 and 25, inclusive, at the time the individual begins the term of service.

"(c) WAIVER.—The Corporation may waive the requirements of subsection (a)(5)(A) with respect to an individual if the program in which the individual seeks to become a participant conducts an independent evaluation demonstrating that the individual is incapable of obtaining a high school diploma or its equivalent.

"SEC. 138. SELECTION OF NATIONAL SERVICE PARTICIPANTS.

"(a) SELECTION PROCESS.—Subject to subsections (b) and (c) and section 131(f), the actual recruitment and selection of an individual to serve in a national service program receiving assistance under section 121 or to fill an approved national service position shall be conducted by the State, subdivision of a State, Indian tribe, public or private not-for-profit organization, institution of higher education, Federal agency, or other entity to which the assistance and approved national service positions are provided.

"(b) NONDISCRIMINATION AND NONPOLITICAL SELECTION OF PARTICIPANTS.—The recruitment and selection of individuals to serve in national service programs receiving assistance under section 121 or to fill approved national service positions shall be consistent with the requirements of section 175.

"(c) SECOND TERM.—Acceptance into a national service program to serve a second term of service under section 139 shall only be available to individuals who perform satisfactorily in their first term of service.

"(d) RECRUITMENT AND PLACEMENT.—The Corporation and each State Commission shall establish a system to recruit individuals who desire to perform national service and to assist the placement of these individuals in approved national service positions, including positions available under title I of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951). The Corporation and State Commissions shall disseminate information regarding available approved national service positions through cooperation with secondary schools, institutions of higher education, employment service offices, State vocational rehabilitation agencies within the meaning of the Rehabilitation Act of 1973 and other State agencies that primarily serve individuals with disabilities, and other appropriate entities, particularly those organizations that provide outreach to economically disadvantaged youths or youths who are individuals with disabilities.

"(e) NATIONAL LEADERSHIP POOL.—

"(1) SELECTION AND TRAINING.—From among individuals recruited under subsection (d), the Corporation may select individuals with significant leadership potential, as determined by the Corporation, to receive special training to enhance their leadership ability. The leadership training shall be provided by the Corporation directly or through a grant or contract.

"(2) EMPHASIS ON CERTAIN INDIVIDUALS.—In selecting individuals to receive leadership training under this subsection, the Corporation shall make special efforts to select individuals who have served—

"(A) in the Peace Corps;

"(B) as VISTA volunteers;

"(C) as participants in national service programs receiving assistance under section 121; or

"(D) as participants in programs receiving assistance under subtitle D of the National and Community Service Act of 1990, as in effect on the day before the date of enactment of this subtitle.

"(3) ASSIGNMENT.—At the request of a program that receives assistance under the national service laws, the Corporation may assign an individual who receives leadership training under paragraph (1) to work with the program in a leadership position and carry out assignments not otherwise performed by regular participants. An individual assigned to a program shall be considered to be a participant of the program.

"SEC. 139. TERMS OF SERVICE.

"(a) IN GENERAL.—As a condition of receiving a national service educational award under subtitle D, a participant in an approved national service position shall be required to perform full- or part-time national service for at least one term of service specified in subsection (b).

"(b) TERM OF SERVICE.—

"(1) FULL-TIME SERVICE.—An individual performing full-time national service in an approved national service position shall agree to participate in the program sponsoring the position for not less than 1,700 hours during a period of not less than 9 months and not more than 1 year.

"(2) PART-TIME SERVICE.—Except as provided in paragraph (3), an individual performing part-time national service in an approved national service position shall agree to participate in the program sponsoring the position for not less than 900 hours during a period of—

"(A) not more than 2 years; or

"(B) not more than 3 years if the individual is enrolled in an institution of higher education while performing all or a majority of the hours of such service.

"(3) REDUCTION IN HOURS OF PART-TIME SERVICE.—The Corporation may reduce the number of hours required to be served to successfully complete part-time national service to a level determined by the Corporation, except that any reduction in the required term of service shall include a corresponding reduction in the amount of any national service educational award that may be available under subtitle D with regard to that service.

"(c) RELEASE FROM COMPLETING TERM OF SERVICE.—

"(1) RELEASE AUTHORIZED.—A recipient of assistance under section 121 or a program sponsoring an approved national service position may release a participant from completing a term of service in the position—

"(A) for compelling personal circumstances as demonstrated by the participant; or

"(B) for cause.

"(2) EFFECT OF RELEASE.—If the released participant was serving in an approved national service position, the participant may receive a portion of the national service educational award corresponding to that service in the manner provided in section 147(b), except that a participant released for cause may not receive any portion of the national service educational award.

"SEC. 140. LIVING ALLOWANCES FOR NATIONAL SERVICE PARTICIPANTS.

"(a) PROVISION OF LIVING ALLOWANCE.—

"(1) LIVING ALLOWANCE PERMITTED.—Subject to paragraph (3), a national service program carried out using assistance provided under section 121 shall provide to each participant in the program a living allowance in such an amount as may be established by the program.

"(2) LIMITATION ON FEDERAL SHARE.—The amount of the annual living allowance provided under paragraph (1) that may be paid using assistance provided under section 121 and using any other Federal funds shall not exceed the lesser of—

"(A) 85 percent of the total average annual subsistence allowance provided to VISTA volunteers under section 105 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4955); and

"(B) 85 percent of the annual living allowance established by the national service program involved.

"(3) MAXIMUM LIVING ALLOWANCE.—Except as provided in subsection (c), the total amount of an annual living allowance that may be provided to a participant in a national service program shall not exceed 200 percent of the average annual subsistence allowance provided to VISTA volunteers under section 105 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4955).

"(4) PRORATION OF LIVING ALLOWANCE.—The amount provided as a living allowance under this subsection shall be prorated in the case of a participant who is authorized to serve a reduced term of service under section 139(b)(3).

"(b) COVERAGE OF CERTAIN EMPLOYMENT-RELATED TAXES.—To the extent a national service program that receives assistance under section 121 is subject, with respect to the participants in the program, to the taxes imposed on an employer under sections 3111 and 3301 of the Internal Revenue Code of 1986 (26 U.S.C. 3111, 3301) and taxes imposed on an employer under a workmen's compensation act, the assistance provided to the program under section 121 shall include an amount sufficient to cover 85 percent of such taxes based upon the lesser of—

"(1) the total average annual subsistence allowance provided to VISTA volunteers under section 105 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4955); and

"(2) the annual living allowance established by the program.

"(c) EXCEPTION FROM MAXIMUM LIVING ALLOWANCE FOR CERTAIN ASSISTANCE.—A professional corps program described in section 122(a)(8) that desires to provide a living allowance in excess of the maximum allowance authorized in subsection (a)(3) may still apply for such assistance, except that—

"(1) any assistance provided to the applicant under section 121 may not be used to pay for any portion of the allowance;

"(2) the applicant shall apply for such assistance only by submitting an application to the Corporation for assistance on a competitive basis; and

"(3) the national service program shall be operated directly by the applicant and shall meet urgent, unmet human, educational, environmental, or public safety needs, as determined by the Corporation.

"(d) HEALTH INSURANCE.—

"(1) IN GENERAL.—A State or other recipient of assistance under section 121 shall provide a basic health care policy for each full-time participant in a national service program carried out or supported using the assistance if the participant is not otherwise covered by a health care policy. Not more than 85 percent of the cost of a premium shall be provided by the Corporation, with the remaining cost paid by the entity receiving assistance under section 121. The Corporation shall establish minimum standards that all plans shall meet in order to qualify for payment under this part, any circumstances in which an alternative health care policy may be substituted for the basic health care policy, and mechanisms to prohibit participants from dropping existing coverage.

"(2) OPTION.—A State or other recipient of assistance under section 121 may elect to provide from the funds of the State or recipient a health care policy for participants that does not meet all of the standards established by the Corporation if the fair market value of such policy is equal to or greater than the fair market value of a plan that meets the minimum standards established by the Corporation, and is consistent with other applicable laws.

"(e) CHILD CARE.—

"(1) AVAILABILITY.—A State or other recipient of assistance under section 121 shall—

"(A) make child care available for children of each full-time participant who needs child care in order to participate in a national service program carried out or supported by the recipient using the assistance; or

"(B) provide a child care allowance to each full-time participant in a national service program who needs such assistance in order to participate in the program.

"(2) GUIDELINES.—The Corporation shall establish guidelines regarding the circumstances under which child care shall be made available under this subsection and the value of any allowance to be provided.

"(f) WAIVER OF LIMITATION ON FEDERAL SHARE.—The Corporation may waive in whole or in part the limitation on the Federal share specified in this section with respect to a particular national service program in any fiscal year if the Corporation determines that such a waiver would be equitable due to a lack of available financial resources at the local level.

"(g) LIMITATION ON NUMBER OF TERMS OF SERVICE FOR FEDERALLY SUBSIDIZED LIVING ALLOWANCE.—No national service program may use assistance provided under section 121, or any other Federal funds, to provide a living allowance under subsection (a), a health care policy under subsection (d), or child care or a child care allowance under subsection (e), to an individual for a third, or subsequent, term of service described in section 139(b) by the individual in a national service program carried out under this subtitle.

"SEC. 141. NATIONAL SERVICE EDUCATIONAL AWARDS.

"(a) ELIGIBILITY GENERALLY.—A participant in a national service program carried out using assistance provided to an applicant under section 121 shall be eligible for the national service educational award described in subtitle D if the participant—

"(1) serves in an approved national service position; and

"(2) satisfies the eligibility requirements specified in section 146 with respect to service in that approved national service position.

"(b) SPECIAL RULE FOR VISTA VOLUNTEERS.—A VISTA volunteer who serves in an approved national service position shall be ineligible for a national service educational award if the VISTA volunteer accepts the stipend authorized under section 105(a)(1) of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4955(a)(1)).".

(b) TABLE OF CONTENTS.—Section 1(b) of the National and Community Service Act of 1990 (Public Law 101–610; 104 Stat. 3127) is amended by striking the items relating to subtitle C of title I of such Act and inserting the following new items:

"Subtitle C—National Service Trust Program

"PART I—INVESTMENT IN NATIONAL SERVICE

"Sec. 121. Authority to provide assistance and approved national service positions.
"Sec. 122. Types of national service programs eligible for program assistance.
"Sec. 123. Types of national service positions eligible for approval for national service educational awards.
"Sec. 124. Types of program assistance.
"Sec. 125. Training and technical assistance.
"Sec. 126. Other special assistance.

"PART II—APPLICATION AND APPROVAL PROCESS

"Sec. 129. Provision of assistance and approved national service positions by competitive and other means.
"Sec. 130. Application for assistance and approved national service positions.
"Sec. 131. National service program assistance requirements.
"Sec. 132. Ineligible service categories.
"Sec. 133. Consideration of applications.

"PART III—NATIONAL SERVICE PARTICIPANTS

"Sec. 137. Description of participants.
"Sec. 138. Selection of national service participants.
"Sec. 139. Terms of service.
"Sec. 140. Living allowances for national service participants.
"Sec. 141. National service educational awards.".

SEC. 102. NATIONAL SERVICE TRUST AND PROVISION OF NATIONAL SERVICE EDUCATIONAL AWARDS.

(a) ESTABLISHMENT OF TRUST; PROVISION OF AWARDS.—Subtitle D of title I of the National and Community Service Act of 1990 (42 U.S.C. 12571 et seq.) is amended to read as follows:

"Subtitle D—National Service Trust and Provision of National Service Educational Awards

"SEC. 145. ESTABLISHMENT OF THE NATIONAL SERVICE TRUST.

"(a) ESTABLISHMENT.—There is established in the Treasury of the United States an account to

be known as the National Service Trust. The Trust shall consist of—

"(1) from the amounts appropriated to the Corporation and made available to carry out this subtitle pursuant to section 501(a)(2), such amounts as the Corporation may designate to be available for the payment of—

"(A) national service educational awards; and

"(B) interest expenses pursuant to subsection 148(e);

"(2) any amounts received by the Corporation as gifts, bequests, devise, or otherwise pursuant to section 196(a)(2); and

"(3) the interest on, and proceeds from the sale or redemption of, any obligations held by the Trust.

"(b) INVESTMENT OF TRUST.—It shall be the duty of the Secretary of the Treasury to invest in full the amounts appropriated to the Trust. Except as otherwise expressly provided in instruments concerning a gift, bequest, devise, or other donation and agreed to by the Corporation, such investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. For such purpose, such obligations may be acquired (1) on original issue at the issue price, or (2) by purchase of outstanding obligations at the market-place. Any obligation acquired by the Trust may be sold by the Secretary at the market price.

"(c) EXPENDITURES FROM TRUST.—Amounts in the Trust shall be available, to the extent provided for in advance by appropriation, for payments of national service educational awards in accordance with section 148.

"(d) REPORTS TO CONGRESS ON RECEIPTS AND EXPENDITURES.—The Corporation shall submit an annual report to the Congress on the financial status of the Trust. Such report shall—

"(1) specify the amount deposited to the Trust from the most recent appropriation to the Corporation, the amount received by the Corporation as gifts or bequest during the period covered by the report, and any amounts obtained by the Trust pursuant to subsection (a)(3);

"(2) identify the number of individuals who are currently performing service to qualify, or have qualified, for national service educational awards;

"(3) identify the number of individuals whose expectation to receive national service educational awards during the period covered by the report—

"(A) has been reduced pursuant to section 147(b); or

"(B) has lapsed pursuant to section 146(d); and

"(4) estimate the number of additional approved national service positions which the Corporation will be able to make available under subtitle C on the basis of any accumulated surplus in the Trust above the amount required to provide national service educational awards to individuals identified under paragraph (2), including any amounts available as a result of the circumstances referred to in paragraph (3).

"SEC. 146. INDIVIDUALS ELIGIBLE TO RECEIVE A NATIONAL SERVICE EDUCATIONAL AWARD FROM THE TRUST.

"(a) ELIGIBLE INDIVIDUALS.—An individual shall be eligible to receive a national service educational award from the National Service Trust if the individual—

"(1) successfully completes the required term of service described in subsection (b) in an approved national service position;

"(2) was 17 years of age or older at the time the individual began serving in the approved national service position or was an out-of-school youth serving in an approved national service position with a youth corps program described in section 122(a)(2) or a program described in section 122(a)(9);

"(3) at the time the individual uses the national service educational award—

"(A) has received a high school diploma, or the equivalent of such diploma;

"(B)(i) is enrolled at an institution of higher education on the basis of meeting the standard described in paragraph (1) or (2) of section 484(d) of the Higher Education Act of 1965 (20 U.S.C. 1091(d)); and

"(ii) meets the requirements of section 484(a) of such Act; or

"(C) has received a waiver described in section 137(c); and

"(4) is a citizen of the United States or lawfully admitted for permanent residence.

"(b) TERM OF SERVICE.—The term of service for an approved national service position shall not be less than the full- or part-time term of service specified in section 139(b).

"(c) LIMITATION ON NUMBER OF TERMS OF SERVICE FOR AWARDS.—Although an individual may serve more than 2 terms of service described in subsection (b) in an approved national service position, the individual shall receive a national service educational award from the National Service Trust only on the basis of the first and second of such terms of service.

"(d) TIME FOR USE OF EDUCATIONAL AWARD.—

"(1) FIVE-YEAR REQUIREMENT.—An individual eligible to receive a national service educational award under this section may not use such award after the end of the 5-year period beginning on the date the individual completes the term of service in an approved national service position that is the basis of the award.

"(2) EXCEPTION.—The Corporation may extend the period within which an individual may use a national service educational award if the Corporation determines that the individual—

"(A) was unavoidably prevented from using the national service educational award during the original 5-year period; or

"(B) performed another term of service in an approved national service position during that period.

"SEC. 147. DETERMINATION OF THE AMOUNT OF THE NATIONAL SERVICE EDUCATIONAL AWARD.

"(a) AMOUNTS GENERALLY.—Except as provided in subsection (b), an individual described in section 146(a) who successfully completes a required term of service in an approved national service position shall receive a national service education award having a value, for each of not more than 2 of such term of service, equal to 90 percent of—

"(1) one-half of the aggregate minimum basic educational assistance allowance calculated under sections 3013(d)(1) and 3015(b)(1) of title 38, United States Code (as in effect on July 28, 1993), for a member of the Armed Forces who is entitled to such an allowance under section 3011 of such title and whose initial obligation period of active duty is two years; less

"(2) one-half of the aggregate basic contribution required to be made by the member under section 3011(b) of such title (as in effect on July 28, 1993).

"(b) AWARD FOR PARTIAL COMPLETION OF SERVICE.—If an individual serving in an approved national service position is released in accordance with section 139(c)(1)(A) from completing the term of service agreed to by the individual, the Corporation may provide the individual with that portion of the national service educational award approved for the individual that corresponds to the quantity of the term of service actually completed by the individual.

"SEC. 148. DISBURSEMENT OF NATIONAL SERVICE EDUCATIONAL AWARDS.

"(a) IN GENERAL.—Amounts in the Trust shall be available—

"(1) to repay student loans in accordance with subsection (b);

"(2) to pay all or part of the cost of attendance at an institution of higher education in accordance with subsection (c);

"(3) to pay expenses incurred in participating in an approved school-to-work program in accordance with subsection (d); and

"(4) to pay interest expenses in accordance with regulations prescribed pursuant to subsection (e).

"(b) USE OF EDUCATIONAL AWARD TO REPAY OUTSTANDING STUDENT LOANS.—

"(1) APPLICATION BY ELIGIBLE INDIVIDUALS.—An eligible individual under section 146 who desires to apply the national service educational award of the individual to the repayment of qualified student loans shall submit, in a manner prescribed by the Corporation, an application to the Corporation that—

"(A) identifies, or permits the Corporation to identify readily, the holder or holders of such loans;

"(B) indicates, or permits the Corporation to determine readily, the amounts of principal and interest outstanding on the loans;

"(C) specifies the qualified student loan to which the individual desires to apply the national service educational award, in any case in which the total of the amounts described in subparagraph (B) is greater than the amount of the national service educational award to which the individual is entitled; and

"(D) contains or is accompanied by such other information as the Corporation may require.

"(2) DISBURSEMENT OF REPAYMENTS.—Upon receipt of an application from an eligible individual of an application that complies with paragraph (1), the Corporation shall, as promptly as practicable consistent with paragraph (5), disburse the amount of the national service educational award that the participant has earned. Such disbursement shall be made by check or other means that is payable to the holder of the loan and requires the endorsement or other certification by the eligible individual.

"(3) APPLICATION OF DISBURSED AMOUNTS.—If the amount disbursed under paragraph (2) is less than the principal and accrued interest on any qualified student loan, such amount shall first be applied to the repayment of principal. In a case described in paragraph (1)(C), such amount shall be applied to the loan described in paragraph (1)(C).

"(4) REPORTS BY HOLDERS.—Any holder receiving a loan payment pursuant to this subsection shall submit to the Corporation such information as the Corporation may require to verify that such payment was applied in accordance with this subsection and any regulations prescribed to carry out this subsection.

"(5) AUTHORITY TO AGGREGATE PAYMENTS.—The Corporation may, by regulation, provide for the aggregation of payments to holders under this subsection.

"(6) NOTIFICATION.—On disbursing a national service educational award to which an individual is entitled under paragraph (2) and applying the award to a loan, the Corporation shall notify the individual of the amount disbursed for each such loan and the date of the disbursal.

"(7) DEFINITIONS.—As used in this subsection:

"(A) QUALIFIED STUDENT LOAN.—The term 'qualified student loan' means—

"(i) any loan made, insured, or guaranteed pursuant to title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.), other than a loan to a parent of a student pursuant to section 428B of such Act (20 U.S.C. 1078–2); and

"(ii) any loan made pursuant to title VII or VIII of the Public Health Service Act (42 U.S.C. 292a et seq.).

"(B) HOLDER.—The term 'holder' with respect to any eligible loan means the original lender or, if the loan is subsequently sold, transferred, or

assigned to some other person, and such other person acquires a legally enforceable right to receive payments from the borrower, such other person.

"(c) USE OF EDUCATIONAL AWARDS TO PAY CURRENT EDUCATIONAL EXPENSES.—

"(1) APPLICATION BY ELIGIBLE INDIVIDUAL.—An eligible individual under section 146 who desires to apply the national service educational award of the individual to the payment of full-time or part-time educational expenses, that have been incurred by the individual prior to the service of the individual under subtitle C, shall, on a form prescribed by the Corporation, submit an application to the institution of higher education in which the student will be enrolled that contains such information as the Corporation may require to verify the individual's eligibility.

"(2) SUBMISSION OF REQUESTS FOR PAYMENT BY INSTITUTIONS.—An institution of higher education that receives one or more applications that comply with paragraph (1) shall submit to the Corporation a statement, in a manner prescribed by the Corporation, that—

"(A) identifies each eligible individual filing an application under paragraph (1) for a disbursement of the individual's national service educational award under this subsection;

"(B) specifies the amounts for which such eligible individuals are, consistent with paragraph (6), qualified for disbursement under this subsection;

"(C) certifies that—

"(i) the institution of higher education has in effect a program participation agreement under section 487 of the Higher Education Act of 1965 (20 U.S.C. 1094);

"(ii) the institution's eligibility to participate in any of the programs under title IV of such Act (20 U.S.C. 1070 et seq.) has not been limited, suspended, or terminated; and

"(iii) individuals using national service educational awards received under this subtitle to pay for educational costs do not comprise more than 15 percent of the total student population of the institution; and

"(D) contains such provisions concerning financial compliance as the Corporation may require.

"(3) DISBURSEMENT OF PAYMENTS.—Upon receipt of a statement from an institution of higher education that complies with paragraph (2), the Corporation shall, subject to paragraph (4), disburse the total amount of the national service educational awards for which eligible individuals who have submitted applications to that institution under paragraph (1) are scheduled to receive. Such disbursement shall be made by check or other means that is payable to the institution and requires the endorsement or other certification by the eligible individual.

"(4) MULTIPLE DISBURSEMENTS REQUIRED.—The total amount required to be disbursed to an institution of higher education under paragraph (3) for any period of enrollment shall be disbursed by the Corporation in 2 or more installments, none of which exceeds ½ of such total amount. The interval between the first and second such installment shall not be less than ½ of such period of enrollment, except as necessary to permit the second installment to be paid at the beginning of the second semester, quarter, or similar division of such period of enrollment.

"(5) REFUND RULES.—The Corporation shall, by regulation, provide for the refund to the Corporation (and the crediting to the national service educational award of an eligible individual) of amounts disbursed to institutions for the benefit of eligible individuals who withdraw or otherwise fail to complete the period of enrollment for which the assistance was provided. Such regulations shall be consistent with the fair and equitable refund policies required of institutions pursuant to section 484B of the Higher Education Act of 1965 (20 U.S.C. 1091b). Amounts refunded to the Trust pursuant to this paragraph may be used by the Corporation to fund additional approved national service positions under subtitle C.

"(6) MAXIMUM AWARD.—The portion of an eligible individual's total available national service educational award that may be disbursed under this subsection for any period of enrollment shall not exceed the difference between—

"(A) the eligible individual's cost of attendance for such period of enrollment, determined in accordance with section 472 of the Higher Education Act of 1965 (20 U.S.C. 1087ll); and

"(B) the sum of—

"(i) the student's estimated financial assistance for such period under part A of title IV of such Act (20 U.S.C. 1070 et seq.); and

"(ii) the student's veterans' education benefits, determined in accordance with section 480(c) of such Act (20 U.S.C. 1087vv(c)).

"(d) USE OF EDUCATIONAL AWARD TO PARTICIPATE IN APPROVED SCHOOL-TO-WORK PROGRAMS.—The Corporation shall by regulation provide for the payment of national service educational awards to permit eligible individuals to participate in school-to-work programs approved by the Secretaries of Labor and Education.

"(e) INTEREST PAYMENTS DURING FORBEARANCE ON LOAN REPAYMENT.—The Corporation may provide by regulation for the payment on behalf of an eligible individual of interest that accrues during a period for which such individual has obtained forbearance in the repayment of a qualified student loan (as defined in subsection (b)(7)), if the eligible individual successfully completes the required term of service (as determined under section 146(b)) of the individual. Such regulations shall be prescribed after consultation with the Secretary of Education.

"(f) EXCEPTION.—

"(1) OPTION.—With the approval of the President, a national service program that receives assistance under section 121 may offer to each participant in the program the option of—

"(A) waiving the right of the participant to receive a national service educational award; and

"(B) receiving an alternative post-service benefit.

"(2) SOURCES OF FUNDING.—In providing for the alternative post-service benefit, the program may not use funds made available under this Act or any other Federal law.

"(g) DEFINITION OF INSTITUTION OF HIGHER EDUCATION.—Notwithstanding section 101 of this Act, for purposes of this section the term 'institution of higher education' has the meaning provided by section 481(a) of the Higher Education Act of 1965 (20 U.S.C. 1088(a)).".

(b) TABLE OF CONTENTS.—Section 1(b) of the National and Community Service Act of 1990 (Public Law 101–610; 104 Stat. 3127) is amended by striking the items relating to subtitle D of title I of such Act and inserting the following new items:

"Subtitle D—National Service Trust and Provision of National Service Educational Awards

"Sec. 145. Establishment of the National Service Trust.

"Sec. 146. Individuals eligible to receive a national service educational award from the Trust.

"Sec. 147. Determination of the amount of the national service educational award.

"Sec. 148. Disbursement of national service educational awards.".

(c) CONFORMING AMENDMENTS.—

(1) ELIGIBILITY FOR SUBSIDIZED STAFFORD LOANS.—Section 428(a)(2)(C)(i) of the Higher Education Act of 1965 (20 U.S.C. 1078(a)(2)(C)(i)) is amended by inserting "any national service educational award such student will receive under subtitle D of title I of the National and Community Service Act of 1990 (42 U.S.C. 12751 et seq.)," after "parts C and E of this title,".

(2) FORBEARANCE IN THE COLLECTION OF STAFFORD LOANS.—Section 428 of the Higher Education Act of 1965 is amended—

(A) in subsection (b)(1)—

(i) by redesignating subparagraphs (W), (X), and (Y) as subparagraphs (X), (Y), and (Z), respectively; and

(ii) by inserting after subparagraph (V) the following new subparagraph:

"(W)(i) provides that, upon written request, a lender shall grant a borrower forbearance on such terms as are otherwise consistent with the regulations of the Secretary, during periods in which the borrower is serving in a national service position, for which the borrower receives a national service educational award under the National and Community Service Trust Act of 1993;

"(ii) provides that clauses (iii) and (iv) of subparagraph (V) shall also apply to a forbearance granted under this subparagraph; and

"(iii) provides that interest shall continue to accrue on a loan for which a borrower receives forbearance under this subparagraph and shall be capitalized or paid by the borrower;"; and

(B) in subsection (c)(3)(A), by striking "subsection (b)(1)(V)" and inserting "subparagraphs (V) and (W) of subsection (b)(1)".

(3) ELIGIBILITY FOR STAFFORD LOAN FORGIVENESS.—Section 428J of the Higher Education Act of 1965 (20 U.S.C. 1078–10) is amended—

(A) in subsection (b)(1), is amended by striking "October 1, 1992" and inserting "October 1, 1989"; and

(B) in subsection (c), by adding at the end the following new paragraph:

"(5) INELIGIBILITY OF NATIONAL SERVICE EDUCATIONAL AWARD RECIPIENTS.—No student borrower may, for the same volunteer service, receive a benefit under both this section and subtitle D of title I of the National and Community Service Act of 1990 (42 U.S.C. 12751 et seq.).".

(4) ELIGIBILITY FOR PERKINS LOAN FORGIVENESS.—Section 465(a) of the Higher Education Act of 1965 (20 U.S.C. 1087ee(a)) is amended by adding at the end the following new paragraph:

"(6) No borrower may, for the same volunteer service, receive a benefit under both this section and subtitle D of title I of the National and Community Service Act of 1990 (42 U.S.C. 12751 et seq.).".

(5) IMPACT ON GENERAL NEEDS ANALYSIS.—Section 480(j) of such Act (20 U.S.C. 1087vv(j)) is amended by adding at the end the following new paragraph:

"(3) Notwithstanding paragraph (1), any national service educational award such student will receive under subtitle D of title I of the National and Community Service Act of 1990 (42 U.S.C. 12751 et seq.) shall not be taken into account in determining estimated financial assistance not received under this title.".

SEC. 103. SCHOOL-BASED AND COMMUNITY-BASED SERVICE-LEARNING PROGRAMS.

(a) AMENDMENTS TO SERVE-AMERICA PROGRAMS.—

(1) PURPOSE.—The purpose of this subsection is to improve the Serve-America programs established under part I of subtitle B of the National and Community Service Act of 1990, and to enable the Corporation for National and Community Service, and the entities receiving financial assistance under such part, to—

(A) work with teachers in elementary schools and secondary schools within a community, and with community-based agencies, to create and offer service-learning opportunities for all school-age youth;

(B) educate teachers, and faculty providing teacher training and retraining, about service-learning, and incorporate service-learning opportunities into classroom teaching to strengthen academic learning;

(C) coordinate the work of adult volunteers who work with elementary and secondary schools as part of their community service activities; and

(D) work with employers in the communities to ensure that projects introduce the students to various careers and expose the students to needed further education and training.

(2) PROGRAMS.—Subtitle B of title I of the National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.) is amended by striking the subtitle heading and all that follows through the end of part I and inserting the following:

"Subtitle B—School-Based and Community-Based Service-Learning Programs

"PART I—SERVE-AMERICA PROGRAMS

"Subpart A—School-Based Programs for Students

"SEC. 111. AUTHORITY TO ASSIST STATES AND INDIAN TRIBES.

"(a) USE OF FUNDS.—The Corporation, in consultation with the Secretary of Education, may make grants under section 112(b)(1), and allotments under subsections (a) and (b)(2) of section 112, to States (through State educational agencies), and to Indian tribes, to pay for the Federal share of—

"(1) planning and building the capacity of the States or Indian tribes (which may be accomplished through grants or contracts with qualified organizations) to implement school-based service-learning programs, including—

"(A) providing training for teachers, supervisors, personnel from community-based agencies (particularly with regard to the utilization of participants), and trainers, to be conducted by qualified individuals or organizations that have experience with service-learning;

"(B) developing service-learning curricula to be integrated into academic programs, including the age-appropriate learning component described in section 114(d)(1)(B);

"(C) forming local partnerships described in paragraph (2) or (4) to develop school-based service-learning programs in accordance with this subpart;

"(D) devising appropriate methods for research and evaluation of the educational value of service-learning and the effect of service-learning activities on communities; and

"(E) establishing effective outreach and dissemination of information to ensure the broadest possible involvement of community-based agencies with demonstrated effectiveness in working with school-age youth in their communities;

"(2) implementing, operating, or expanding school-based service-learning programs, which may include paying for the cost of the recruitment, training, supervision, placement, salaries, and benefits of service-learning coordinators, through State distribution of Federal funds made available under this subpart to projects operated by local partnerships among—

"(A) local educational agencies; and

"(B) one or more community partners that—

"(i) shall include a public or private not-for-profit organization that—

"(I) has demonstrated expertise in the provision of services to meet human, educational, environmental, or public safety needs;

"(II) was in existence 1 year before the date on which the organization submitted an application under section 114; and

"(III) will make projects available for participants, who shall be students; and

"(ii) may include a private for-profit business or private elementary or secondary school;

"(3) planning of school-based service-learning programs through State distribution of Federal funds made available under this subpart to local educational agencies, which planning may include paying for the cost of—

"(A) the salaries and benefits of service-learning coordinators; or

"(B) the recruitment, training, supervision, and placement of service-learning coordinators who are participants in a program under subtitle C or receive a national service educational award under subtitle D,

who will identify the community partners described in paragraph (2)(B) and assist in the design and implementation of a program described in paragraph (2); and

"(4) implementing, operating, or expanding school-based service-learning programs involving adult volunteers to utilize service-learning to improve the education of students through State distribution of Federal funds made available under this part to local partnerships among—

"(A) local educational agencies; and

"(B) one or more—

"(i) public or private not-for-profit organizations;

"(ii) other educational agencies; or

"(iii) private for-profit businesses,

that coordinate and operate projects for participants, who shall be students.

"(b) RELATED EXPENSES.—A partnership, local educational agency, or other qualified organization that receives financial assistance under this subpart may, in carrying out the activities described in subsection (a), use such assistance to pay for the Federal share of reasonable costs related to the supervision of participants, program administration, transportation, insurance, evaluations, and for other reasonable expenses related to the activities.

"SEC. 111A. AUTHORITY TO ASSIST LOCAL APPLICANTS IN NONPARTICIPATING STATES.

"In any fiscal year in which a State does not submit an application under section 113, for an allotment under subsection (a) or (b)(2) of section 112, that meets the requirements of section 113 and such other requirements as the President may determine to be appropriate, the Corporation may use the allotment of that State to make direct grants to pay for the Federal share of the cost of—

"(1) carrying out the activities described in paragraph (2) or (4) of section 111(a), to a local partnership described in such paragraph; or

"(2) carrying out the activities described in paragraph (3) of such section, to an agency described in such paragraph,

that is located in the State.

"SEC. 111B. AUTHORITY TO ASSIST PUBLIC OR PRIVATE NOT-FOR-PROFIT ORGANIZATIONS.

"(a) IN GENERAL.—The Corporation may make a grant under section 112(b)(1) to a public or private not-for-profit organization that—

"(1) has experience with service-learning;

"(2) was in existence 1 year before the date on which the organization submitted an application under section 114(a); and

"(3) meets such other criteria as the President may establish.

"(b) USE OF FUNDS.—Such an organization may use a grant made under subsection (a) to make grants to partnerships described in paragraph (2) or (4) of section 111(a) to implement, operate, or expand school-based service-learning programs as described in such section and provide technical assistance and training to appropriate persons.

"SEC. 112. GRANTS AND ALLOTMENTS.

"(a) INDIAN TRIBES AND TERRITORIES.—Of the amounts appropriated to carry out this subpart for any fiscal year, the Corporation shall reserve an amount of not more than 3 percent for payments to Indian tribes, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, to be allotted in accordance with their respective needs. The Corporation may also make payments from such amount to Palau, in accordance with its needs, until such time as the Compact of Free Association with Palau is ratified.

"(b) GRANTS AND ALLOTMENTS THROUGH STATES.—The Corporation shall use the remainder of the funds appropriated to carry out this subpart for any fiscal year as follows:

"(1) GRANTS.—Except as provided in paragraph (3), from 25 percent of such funds, the Corporation may make grants, on a competitive basis, to—

"(A) States and Indian tribes; or

"(B) as described in section 111B, to grantmaking entities.

"(2) ALLOTMENTS.—

"(A) SCHOOL-AGE YOUTH.—Except as provided in paragraph (3), from 37.5 percent of such funds, the Corporation shall allot to each State an amount that bears the same ratio to 37.5 percent of such funds as the number of school-age youth in the State bears to the total number of school-age youth of all States.

"(B) ALLOCATION UNDER ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.—Except as provided in paragraph (3), from 37.5 percent of such funds, the Corporation shall allot to each State an amount that bears the same ratio to 37.5 percent of such funds as the allocation to the State for the previous fiscal year under chapter 1 of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2711 et seq.) bears to such allocations to all States.

"(3) MINIMUM AMOUNT.—No State shall receive, under paragraph (2), an allotment that is less than the allotment such State received for fiscal year 1993 under section 112(b) of this Act, as in effect on the day before the date of enactment of this part. If the amount of funds made available in a fiscal year to carry out paragraph (2) is insufficient to make such allotments, the Corporation shall make available sums from the 25 percent described in paragraph (1) for such fiscal year to make such allotments.

"(4) DEFINITION.—Notwithstanding section 101(27), for purposes of this subsection, the term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, and an Indian tribe.

"(c) REALLOTMENT.—If the Corporation determines that the allotment of a State or Indian tribe under this section will not be required for a fiscal year because the State or Indian tribe does not submit an application for the allotment under section 113 that meets the requirements of such section and such other requirements as the President may determine to be appropriate, the Corporation shall, after making any grants under section 111A to a partnership or agency described in such section, make any remainder of such allotment available for reallotment to such other States, and Indian tribes, with approved applications submitted under section 113, as the Corporation may determine to be appropriate.

"(d) EXCEPTION.—Notwithstanding subsections (a) and (b), if less than $20,000,000 is appropriated for any fiscal year to carry out this subpart, the Corporation shall award grants to States and Indian tribes, from the amount so appropriated, on a competitive basis to pay for the Federal share of the activities described in section 111.

"SEC. 113. STATE OR TRIBAL APPLICATIONS.

"(a) SUBMISSION.—To be eligible to receive a grant under section 112(b)(1), an allotment under subsection (a) or (b)(2) of section 112, a reallotment under section 112(c), or a grant under section 112(d), a State, acting through the State educational agency, or an Indian tribe, shall prepare, submit to the Corporation, and

obtain approval of, an application at such time and in such manner as the President may reasonably require.

"(b) CONTENTS.—An application that is submitted under subsection (a) with respect to service-learning programs described in section 111 shall include—

"(1) a 3-year strategic plan, or a revision of a previously approved 3-year strategic plan, for promoting service-learning through the programs, which plan shall contain such information as the President may reasonably require, including information demonstrating that the programs will be carried out in a manner consistent with the approved strategic plan;

"(2) assurances that—

"(A) the applicant will keep such records and provide such information to the Corporation with respect to the programs as may be required for fiscal audits and program evaluation; and

"(B) the applicant will comply with the nonduplication and nondisplacement requirements of section 177 and the grievance procedure requirements of section 176(f); and

"(3) such additional information as the President may reasonably require.

"SEC. 114. LOCAL APPLICATIONS.

"(a) APPLICATION TO CORPORATION TO MAKE GRANTS FOR SCHOOL-BASED SERVICE-LEARNING PROGRAMS.—

"(1) IN GENERAL.—To be eligible to receive a grant in accordance with section 111B(a) to make grants relating to school-based service-learning programs described in section 111(a)(2), a grantmaking entity shall prepare, submit to the Corporation, and obtain approval of, an application.

"(2) SUBMISSION.—Such application shall be submitted at such time and in such manner, and shall contain such information, as the President may reasonably require.

"(b) DIRECT APPLICATION TO CORPORATION TO CARRY OUT SCHOOL-BASED SERVICE-LEARNING PROGRAMS IN NONPARTICIPATING STATES.—To be eligible to receive a grant from the Corporation in the circumstances described in section 111A to carry out an activity described in such section, a partnership or agency described in such section shall prepare, submit to the Corporation, and obtain approval of, an application. Such application shall be submitted at such time and in such manner, and shall contain such information, as the President may reasonably require.

"(c) APPLICATION TO STATE OR INDIAN TRIBE TO RECEIVE ASSISTANCE TO CARRY OUT SCHOOL-BASED SERVICE-LEARNING PROGRAMS.—

"(1) IN GENERAL.—Any—

"(A) qualified organization that desires to receive financial assistance under this subpart from a State or Indian tribe for an activity described in section 111(a)(1);

"(B) partnership described in section 111(a)(2) that desires to receive such assistance from a State, Indian tribe, or grantmaking entity for an activity described in section 111(a)(2);

"(C) agency described in section 111(a)(3) that desires to receive such assistance from a State or Indian tribe for an activity described in such section; or

"(D) partnership described in section 111(a)(4) that desires to receive such assistance from a State or Indian tribe for an activity described in such section,

to be carried out through a service-learning program described in section 111, shall prepare, submit to the State educational agency, Indian tribe, or grantmaking entity, and obtain approval of, an application for the program.

"(2) SUBMISSION.—Such application shall be submitted at such time and in such manner, and shall contain such information, as the agency, tribe, or entity may reasonably require.

"(d) REGULATIONS.—The Corporation shall by regulation establish standards for the information and assurances required to be contained in an application submitted under subsection (a) or (b) with respect to a service-learning program described in section 111, including, at a minimum—

"(1) assurances that—

"(A) prior to the placement of a participant, the entity carrying out the program will consult with any local labor organization representing employees in the area who are engaged in the same or similar work as that proposed to be carried out by such program, to prevent the displacement and protect the rights of such employees;

"(B) the entity carrying out the program will develop an age-appropriate learning component for participants in the program that shall include a chance for participants to analyze and apply their service experiences; and

"(C) the entity carrying out the program will comply with the nonduplication and nondisplacement requirements of section 177 and the grievance procedure requirements of section 176(f); and

"(2) in the case of an application submitted by a grantmaking entity, information demonstrating that the entity will make grants for a program to—

"(A) carry out activities described in section 111B(b) in two or more States, under circumstances in which the activities carried out under such program can be carried out more efficiently through one program than through two or more programs; and

"(B) carry out the same activities, such as training activities or activities related to exchanging information on service experiences, through each of the projects assisted through the program.

"(e) LIMITATION ON SAME PROJECT IN MULTIPLE APPLICATIONS.—No applicant shall submit an application under section 113 or this section, and the Corporation shall reject an application that is submitted under section 113 or this section, if the application describes a project proposed to be conducted using assistance requested by the applicant and the project is already described in another application pending before the Corporation.

"SEC. 115. CONSIDERATION OF APPLICATIONS.

"(a) CRITERIA FOR APPLICATIONS.—In approving applications for financial assistance under subsection (a), (b), (c), or (d) of section 112, the Corporation shall consider such criteria with respect to sustainability, replicability, innovation, and quality of programs under this subpart as the President may by regulation specify. In providing assistance under this subpart, a State educational agency, Indian tribe, or grantmaking entity shall consider such criteria.

"(b) PRIORITY FOR LOCAL APPLICATIONS.—In providing assistance under this subpart, a State educational agency or Indian tribe, or the Corporation if section 111A or 111B applies, shall give priority to entities that submit applications under section 114 with respect to service-learning programs described in section 111 that—

"(1) involve participants in the design and operation of the program;

"(2) are in the greatest need of assistance, such as programs targeting low-income areas;

"(3) involve—

"(A) students from public elementary or secondary schools, and students from private elementary or secondary schools, serving together; or

"(B) students of different ages, races, sexes, ethnic groups, disabilities, or economic backgrounds, serving together; or

"(4) are integrated into the academic program of the participants.

"(c) REJECTION OF APPLICATIONS.—If the Corporation rejects an application submitted by a State under section 113 for an allotment under subsection (b)(2) of section 112, the Corporation shall promptly notify the State of the reasons for the rejection of the application. The Corporation shall provide the State with a reasonable opportunity to revise and resubmit the application and shall provide technical assistance, if needed, to the State as part of the resubmission process. The Corporation shall promptly reconsider such resubmitted application.

"SEC. 115A. PARTICIPATION OF STUDENTS AND TEACHERS FROM PRIVATE SCHOOLS.

"(a) IN GENERAL.—To the extent consistent with the number of students in the State or Indian tribe or in the school district of the local educational agency involved who are enrolled in private not-for-profit elementary and secondary schools, such State, Indian tribe, or agency shall (after consultation with appropriate private school representatives) make provision—

"(1) for the inclusion of services and arrangements for the benefit of such students so as to allow for the equitable participation of such students in the programs implemented to carry out the objectives and provide the benefits described in this subpart; and

"(2) for the training of the teachers of such students so as to allow for the equitable participation of such teachers in the programs implemented to carry out the objectives and provide the benefits described in this subpart.

"(b) WAIVER.—If a State, Indian tribe, or local educational agency is prohibited by law from providing for the participation of students or teachers from private not-for-profit schools as required by subsection (a), or if the Corporation determines that a State, Indian tribe, or local educational agency substantially fails or is unwilling to provide for such participation on an equitable basis, the President shall waive such requirements and shall arrange for the provision of services to such students and teachers. Such waivers shall be subject to consultation, withholding, notice, and judicial review requirements in accordance with paragraphs (3) and (4) of section 1017(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2727(b)).

"SEC. 116. FEDERAL, STATE, AND LOCAL CONTRIBUTIONS.

"(a) SHARE.—

"(1) IN GENERAL.—The Federal share attributable to this subpart of the cost of carrying out a program for which a grant or allotment is made under this subpart may not exceed—

"(A) 90 percent of the total cost of the program for the first year for which the program receives assistance under this subpart;

"(B) 80 percent of the total cost of the program for the second year for which the program receives assistance under this subpart;

"(C) 70 percent of the total cost of the program for the third year for which the program receives assistance under this subpart; and

"(D) 50 percent of the total cost of the program for the fourth year, and for any subsequent year, for which the program receives assistance under this subpart.

"(2) CALCULATION.—In providing for the remaining share of the cost of carrying out such a program, each recipient of assistance under this subpart—

"(A) shall provide for such share through a payment in cash or in kind, fairly evaluated, including facilities, equipment, or services; and

"(B) may provide for such share through State sources, local sources, or Federal sources (other than funds made available under the national service laws).

"(b) WAIVER.—The President may waive the requirements of subsection (a) in whole or in part with respect to any such program in any fiscal year if the Corporation determines that such a waiver would be equitable due to a lack of available financial resources at the local level.

"SEC. 116A. LIMITATIONS ON USES OF FUNDS.

"(a) ADMINISTRATIVE COSTS.—

"(1) LIMITATION.—Not more than 5 percent of the amount of assistance provided to a State educational agency, Indian tribe, or grantmaking entity that is the original recipient of a grant or allotment under subsection (a), (b), (c), or (d) of section 112 for a fiscal year may be used to pay for administrative costs incurred by—

"(A) the original recipient; or

"(B) the entity carrying out the service-learning programs supported with the assistance.

"(2) RULES ON USE.—The President may by rule prescribe the manner and extent to which—

"(A) such assistance may be used to cover administrative costs; and

"(B) that portion of the assistance available to cover administrative costs should be distributed between—

"(i) the original recipient; and

"(ii) the entity carrying out the service-learning programs supported with the assistance.

"(b) CAPACITY-BUILDING ACTIVITIES.—

"(1) IN GENERAL.—Except as provided in paragraph (2), not less than 10 percent and not more than 15 percent of the amount of assistance provided to a State educational agency or Indian tribe that is the original recipient of a grant or allotment under subsection (a), (b), (c), or (d) of section 112 for a fiscal year may be used to build capacity through training, technical assistance, curriculum development, and coordination activities, describea in section 111(a)(1).

"(2) WAIVER.—The President may waive the requirements of paragraph (1) in order to permit an agency or a tribe to use not less than 10 percent and not more than 25 percent of such amount to build capacity as provided in paragraph (1). To be eligible to receive such a waiver such an agency or tribe shall submit an application to the President at such time, in such manner, and containing such information as the President may require.

"(c) LOCAL USES OF FUNDS.—Funds made available under this subpart may not be used to pay any stipend, allowance, or other financial support to any student who is a participant under this subtitle, except reimbursement for transportation, meals, and other reasonable out-of-pocket expenses directly related to participation in a program assisted under this subpart.

"SEC. 116B. DEFINITIONS.

"As used in this subpart:

"(1) GRANTMAKING ENTITY.—The term 'grantmaking entity' means an organization described in section 111B(a).

"(2) SCHOOL-BASED.—The term 'school-based' means based in an elementary school or a secondary school.

"(3) STUDENT.—Notwithstanding section 101(30), the term 'student' means an individual who is enrolled in an elementary or secondary school on a full- or part-time basis.

"Subpart B—Community-Based Service Programs for School-Age Youth

"SEC. 117. DEFINITIONS.

"As used in this subpart:

"(1) COMMUNITY-BASED SERVICE PROGRAM.—The term 'community-based service program' means a program described in section 117A(b)(1)(A).

"(2) GRANTMAKING ENTITY.—The term 'grantmaking entity' means a qualified organization that—

"(A) submits an application under section 117C(a) to make grants to qualified organizations;

"(B) was in existence 1 year before the date on which the organization submitted the application;

"(C) has experience with service-learning; and

"(D) meets such other criteria as the President shall establish.

"(3) QUALIFIED ORGANIZATION.—The term 'qualified organization' means a public or private not-for-profit organization with experience working with school-age youth that meets such criteria as the President may establish.

"SEC. 117A. GENERAL AUTHORITY.

"(a) GRANTS.—From the funds appropriated to carry out this subpart for a fiscal year, the Corporation may make grants to State Commissions, grantmaking entities, and qualified organizations to pay for the Federal share of the implementation, operation, expansion, or replication of community-based service programs.

"(b) USE OF FUNDS.—

"(1) STATE COMMISSIONS AND GRANTMAKING ENTITIES.—A State Commission or grantmaking entity may use a grant made under subsection (a)—

"(A) to make a grant to a qualified organization to implement, operate, expand, or replicate a community-based service program that provides for meaningful human, educational, environmental, or public safety service by participants, who shall be school-age youth; or

"(B) to provide training and technical assistance to such an organization.

"(2) QUALIFIED ORGANIZATIONS.—A qualified organization, other than a grantmaking entity, may use a grant made under subsection (a) to implement, operate, expand, or replicate a program described in paragraph (1)(A).

"SEC. 117B. STATE APPLICATIONS.

"(a) IN GENERAL.—To be eligible to receive a grant under section 117A(a), a State Commission shall prepare, submit to the Corporation, and obtain approval of, an application.

"(b) SUBMISSION.—Such application shall be submitted to the Corporation at such time and in such manner, and shall contain such information, as the President may reasonably require.

"(c) CONTENTS.—Such an application shall include, at a minimum, a State plan that contains the information and assurance described in section 117C(d) with respect to each community-based service program proposed to be carried out through funding distributed by the State Commission under this subpart.

"SEC. 117C. LOCAL APPLICATIONS.

"(a) APPLICATION TO CORPORATION TO MAKE GRANTS FOR COMMUNITY-BASED SERVICE PROGRAMS.—To be eligible to receive a grant from the Corporation under section 117A(a) to make grants under section 117A(b)(1), a grantmaking entity shall prepare, submit to the Corporation, and obtain approval of, an application that proposes a community-based service program to be carried out through grants made to qualified organizations. Such application shall be submitted at such time and in such manner, and shall contain such information, as the President may reasonably require.

"(b) DIRECT APPLICATION TO CORPORATION TO CARRY OUT COMMUNITY-BASED SERVICE PROGRAMS.—To be eligible to receive a grant from the Corporation under section 117A(a) to implement, operate, expand, or replicate a community service program, a qualified organization shall prepare, submit to the Corporation, and obtain approval of, an application that proposes a community-based service program to be carried out at multiple sites, or that proposes a model or an innovative community-based service program. Such application shall be submitted at such time and in such manner, and shall contain such information, as the President may reasonably require.

"(c) APPLICATION TO STATE COMMISSION OR GRANTMAKING ENTITY TO RECEIVE GRANTS TO CARRY OUT COMMUNITY-BASED SERVICE PROGRAMS.—To be eligible to receive a grant from a State Commission or grantmaking entity under section 117A(b)(1), a qualified organization shall prepare, submit to the Commission or entity, and obtain approval of, an application. Such application shall be submitted at such time and in such manner, and shall contain such information, as the Commission or entity may reasonably require.

"(d) REGULATIONS.—The Corporation shall by regulation establish standards for the information and assurances required to be contained in an application submitted under subsection (a) or (b) with respect to a service-learning program described in section 117, including, at a minimum—

"(1) an assurance that the entity carrying out the program proposed by the applicant will comply with the nonduplication and nondisplacement provisions of section 177 and the grievance procedure requirements of section 176(f);

"(2) an assurance that the entity carrying out the program will, prior to placing a participant in the program, consult with any local labor organization representing employees in the area in which the program will be carried out that are engaged in the same or similar work as the work proposed to be carried out by the program, to prevent the displacement of such employees; and

"(3) in the case of an application submitted by a grantmaking entity, information demonstrating that the entity will make grants for a program to—

"(A) carry out activities described in section 117A(b)(1) in two or more States, under circumstances in which the activities carried out under such program can be carried out more efficiently through one program than through two or more programs; and

"(B) carry out the same activities, such as training activities or activities related to exchanging information on service experiences, through each of the projects assisted through the program.

"(e) LIMITATION ON SAME PROJECT IN MULTIPLE APPLICATIONS.—No applicant shall submit an application under section 117B or this section, and the Corporation shall reject an application that is submitted under section 117B or this section, if the application describes a project proposed to be conducted using assistance requested by the applicant and the project is already described in another application pending before the Corporation.

"SEC. 117D. CONSIDERATION OF APPLICATIONS.

"(a) APPLICATION OF CRITERIA.—The Corporation shall apply the criteria described in subsection (b) in determining whether to approve an application submitted under section 117B or under subsection (a) or (b) of section 117C and to provide assistance under section 117A to the applicant on the basis of the application.

"(b) ASSISTANCE CRITERIA.—In evaluating such an application with respect to a program under this subpart, the Corporation shall consider the criteria established for national service programs under section 133(c).

"(c) APPLICATION TO SUBGRANTS.—A State Commission or grantmaking entity shall apply the criteria described in subsection (b) in determining whether to approve an application under section 117C(c) and to make a grant under section 117A(b)(1) to the applicant on the basis of the application.

"SEC. 117E. FEDERAL, STATE, AND LOCAL CONTRIBUTIONS.

"(a) FEDERAL SHARE.—

"(1) IN GENERAL.—The Federal share attributable to this subpart of the cost of carrying out a program for which a grant is made under this subpart may not exceed the percentage specified in subparagraph (A), (B), (C), or (D) of section 116(a)(1), as appropriate.

"(2) CALCULATION.—Each recipient of assistance under this subpart shall comply with section 116(a)(2).

"(b) WAIVER.—The President may waive the requirements of subsection (a), in whole or in part, as provided in section 116(b).

"SEC. 117F. LIMITATIONS ON USES OF FUNDS.

"(a) ADMINISTRATIVE COSTS.—Not more than 5 percent of the amount of assistance provided to a State Commission, grantmaking entity, or qualified organization that is the original recipient of a grant under section 117A(a) for a fiscal year may be used to pay for administrative costs incurred by—

"(1) the original recipient; or

"(2) the entity carrying out the community-based service programs supported with the assistance.

"(b) RULES ON USE.—The President may by rule prescribe the manner and extent to which—

"(1) such assistance may be used to cover administrative costs; and

"(2) that portion of the assistance available to cover administrative costs should be distributed between—

"(A) the original recipient; and

"(B) the entity carrying out the community-based service programs supported with the assistance.

"Subpart C—Clearinghouse

"SEC. 118. SERVICE-LEARNING CLEARINGHOUSE.

"(a) IN GENERAL.—The Corporation shall provide financial assistance, from funds appropriated to carry out subtitle H, to agencies described in subsection (b) to establish a clearinghouse, which shall carry out activities, either directly or by arrangement with another such entity, with respect to information about service-learning.

"(b) PUBLIC AND PRIVATE NOT-FOR-PROFIT AGENCIES.—Public and private not-for-profit agencies that have extensive experience with service-learning, including use of adult volunteers to foster service-learning, shall be eligible to receive assistance under subsection (a).

"(c) FUNCTION OF CLEARINGHOUSE.—An entity that receives assistance under subsection (a) may—

"(1) assist entities carrying out State or local service-learning programs with needs assessments and planning;

"(2) conduct research and evaluations concerning service-learning;

"(3)(A) provide leadership development and training to State and local service-learning program administrators, supervisors, service sponsors, and participants; and

"(B) provide training to persons who can provide the leadership development and training described in subparagraph (A);

"(4) facilitate communication among entities carrying out service-learning programs and participants in such programs;

"(5) provide information, curriculum materials, and technical assistance relating to planning and operation of service-learning programs, to States and local entities eligible to receive financial assistance under this title;

"(6)(A) gather and disseminate information on successful service-learning programs, components of such successful programs, innovative youth skills curricula related to service-learning, and service-learning projects; and

"(B) coordinate the activities of the Clearinghouse with appropriate entities to avoid duplication of effort;

"(7) make recommendations to State and local entities on quality controls to improve the quality of service-learning programs;

"(8) assist organizations in recruiting, screening, and placing service-learning coordinators; and

"(9) carry out such other activities as the President determines to be appropriate.".

(b) HIGHER EDUCATION INNOVATIVE PROJECTS.—Subtitle B of title I of the National and Community Service Act of 1990 (42 U.S.C. 12531 et seq.) is amended by striking part II and inserting the following:

"PART II—HIGHER EDUCATION INNOVATIVE PROGRAMS FOR COMMUNITY SERVICE

"SEC. 119. HIGHER EDUCATION INNOVATIVE PROGRAMS FOR COMMUNITY SERVICE.

"(a) PURPOSE.—It is the purpose of this part to expand participation in community service by supporting innovative community service programs carried out through institutions of higher education, acting as civic institutions to meet the human, educational, environmental, or public safety needs of neighboring communities.

"(b) GENERAL AUTHORITY.—The Corporation, in consultation with the Secretary of Education, is authorized to make grants to, and enter into contracts with, institutions of higher education (including a combination of such institutions), and partnerships comprised of such institutions and of other public agencies or not-for-profit private organizations, to pay for the Federal share of the cost of—

"(1) enabling such an institution or partnership to create or expand an organized community service program that—

"(A) engenders a sense of social responsibility and commitment to the community in which the institution is located; and

"(B) provides projects for participants, who shall be students, faculty, administration, or staff of the institution, or residents of the community;

"(2) supporting student-initiated and student-designed community service projects through the program;

"(3) strengthening the leadership and instructional capacity of teachers at the elementary, secondary, and post secondary levels, with respect to service-learning, by—

"(A) including service-learning as a key component of the preservice teacher education of the institution; and

"(B) encouraging the faculty of the institution to use service-learning methods throughout their curriculum;

"(4) facilitating the integration of community service carried out under the program into academic curricula, including integration of clinical programs into the curriculum for students in professional schools, so that students can obtain credit for their community service projects;

"(5) supplementing the funds available to carry out work-study programs under part C of title IV of the Higher Education Act of 1965 (42 U.S.C. 2751 et seq.) to support service-learning and community service through the community service program;

"(6) strengthening the service infrastructure within institutions of higher education in the United States through the program; and

"(7) providing for the training of teachers, prospective teachers, related education personnel, and community leaders in the skills necessary to develop, supervise, and organize service-learning.

"(c) FEDERAL SHARE.—

"(1) SHARE.—

"(A) IN GENERAL.—The Federal share of the cost of carrying out a community service project for which a grant or contract is awarded under this part may not exceed 50 percent.

"(B) CALCULATION.—Each recipient of assistance under this part shall comply with section 116(a)(2).

"(2) WAIVER.—The President may waive the requirements of paragraph (1), in whole or in part, as provided in section 116(b).

"(d) APPLICATION FOR GRANT.—

"(1) SUBMISSION.—To receive a grant or enter into a contract under this part, an institution or partnership described in subsection (b) shall prepare, submit to the Corporation, and obtain approval of, an application at such time, in such manner, and containing such information as the Corporation may reasonably require. In requesting applications for assistance under this part, the Corporation shall specify such required information.

"(2) CONTENTS.—An application submitted under paragraph (1) shall, at a minimum, contain—

"(A) assurances that—

"(i) prior to the placement of a participant, the applicant will consult with any local labor organization representing employees in the area who are engaged in the same or similar work as that proposed to be carried out by such program, to prevent the displacement and protect the rights of such employees; and

"(ii) the applicant will comply with the nonduplication and nondisplacement provisions of section 177 and the grievance procedure requirements of section 176(f); and

"(B) such other assurances as the President may reasonably require.

"(e) PRIORITY.—

"(1) IN GENERAL.—In making grants and entering into contracts under subsection (b), the Corporation shall give priority to applicants that submit applications containing proposals that—

"(A) demonstrate the commitment of the institution of higher education, other than by demonstrating the commitment of the students, to supporting the community service projects carried out under the program;

"(B) specify the manner in which the institution will promote faculty, administration, and staff participation in the community service projects;

"(C) specify the manner in which the institution will provide service to the community through organized programs, including, where appropriate, clinical programs for students in professional schools;

"(D) describe any partnership that will participate in the community service projects, such as a partnership comprised of—

"(i) the institution;

"(ii)(I) a community-based agency;

"(II) a local government agency; or

"(III) a not-for-profit entity that serves or involves school-age youth or older adults; and

"(iii) a student organization;

"(E) demonstrate community involvement in the development of the proposal;

"(F) specify that the institution will use such assistance to strengthen the service infrastructure in institutions of higher education; or

"(G) with respect to projects involving delivery of service, specify projects that involve leadership development of school-age youth.

"(2) DETERMINATION.—In giving priority to applicants under paragraph (1), the Corporation shall give increased priority to such an applicant for each characteristic described in subparagraphs (A) through (G) of paragraph (1) that is reflected in the application submitted by the applicant.

"(f) NATIONAL SERVICE EDUCATIONAL AWARD.—A participant in a program funded under this part shall be eligible for the national service educational award described in subtitle D, if the participant served in an approved national service position.

"(g) DEFINITION.—Notwithstanding section 101(30), as used in this part, the term 'student' means an individual who is enrolled in an institution of higher education on a full- or part-time basis.".

(c) TABLE OF CONTENTS.—Section 1(b) of the National and Community Service Act of 1990 (Public Law 101–610; 104 Stat. 3127) is amended by striking the items relating to subtitle B of title I of such Act and inserting the following:

"Subtitle B—School-Based and Community-Based Service-Learning Programs

"PART I—SERVE-AMERICA PROGRAMS

"SUBPART A—SCHOOL-BASED PROGRAMS FOR STUDENTS

"Sec. 111. Authority to assist States and Indian tribes.
"Sec. 111A. Authority to assist local applicants in nonparticipating States.
"Sec. 111B. Authority to assist public or private not-for-profit organizations.
"Sec. 112. Grants and allotments.
"Sec. 113. State or tribal applications.
"Sec. 114. Local applications.
"Sec. 115. Consideration of applications.
"Sec. 115A. Participation of students and teachers from private schools.
"Sec. 116. Federal, State, and local contributions.
"Sec. 116A. Limitations on uses of funds.
"Sec. 116B. Definitions.

"SUBPART B—COMMUNITY-BASED SERVICE PROGRAMS FOR SCHOOL-AGE YOUTH

"Sec. 117. Definitions.
"Sec. 117A. General authority.
"Sec. 117B. State applications.
"Sec. 117C. Local applications.
"Sec. 117D. Consideration of applications.
"Sec. 117E. Federal, State, and local contributions.
"Sec. 117F. Limitations on uses of funds.

"SUBPART C—CLEARINGHOUSE

"Sec. 118. Service-learning clearinghouse.

"PART II—HIGHER EDUCATION INNOVATIVE PROGRAMS FOR COMMUNITY SERVICE

"Sec. 119. Higher education innovative programs for community service.".

SEC. 104. QUALITY AND INNOVATION ACTIVITIES.

(a) REPEAL.—Subtitle E of title I of the National and Community Service Act of 1990 (42 U.S.C. 12591 et seq.) is repealed.

(b) TRANSFER.—Title I of the National and Community Service Act of 1990 is amended—

(1) by redesignating subtitle H (42 U.S.C. 12653 et seq.) as subtitle E;

(2) by inserting subtitle E (as redesignated by paragraph (1) of this subsection) after subtitle D; and

(3) by redesignating sections 195 through 195O as sections 151 through 166, respectively.

(c) INVESTMENT FOR QUALITY AND INNOVATION.—Title I of the National and Community Service Act of 1990 (as amended by subsection (b) of this section) is amended by adding at the end the following new subtitle:

"Subtitle H—Investment for Quality and Innovation

"SEC. 198. ADDITIONAL CORPORATION ACTIVITIES TO SUPPORT NATIONAL SERVICE.

"(a) METHODS OF CONDUCTING ACTIVITIES.—The Corporation may carry out this section directly or through grants, contracts, and cooperative agreements with other entities.

"(b) INNOVATION AND QUALITY IMPROVEMENT.—

"(1) ACTIVITIES.—The Corporation may undertake activities to improve the quality of national service programs and to support innovative and model programs, including—

"(A) programs, including programs for rural youth, under subtitle B or C;

"(B) employer-based retiree programs;

"(C) intergenerational programs;

"(D) programs involving individuals with disabilities as participants providing service; and

"(E) programs sponsored by Governors.

"(2) INTERGENERATIONAL PROGRAM.—An intergenerational program referred to in paragraph (1)(C) may include a program in which older adults provide services to children who participate in Head Start programs.

"(c) SUMMER PROGRAMS.—The Corporation may support service programs intended to be carried out between May 1 and October 1, except that such a program may also include a year-round component.

"(d) COMMUNITY-BASED AGENCIES.—The Corporation may provide training and technical assistance and other assistance to service sponsors and other community-based agencies that provide volunteer placements in order to improve the ability of such agencies to use participants and other volunteers in a manner that results in high-quality service and a positive service experience for the participants and volunteers.

"(e) IMPROVE ABILITY TO APPLY FOR ASSISTANCE.—The Corporation shall provide training and technical assistance, where necessary, to individuals, programs, local labor organizations, State educational agencies, State Commissions, local educational agencies, local governments, community-based agencies, and other entities to enable them to apply for funding under one of the national service laws, to conduct high-quality programs, to evaluate such programs, and for other purposes.

"(f) NATIONAL SERVICE FELLOWSHIPS.—The Corporation may award national service fellowships.

"(g) CONFERENCES AND MATERIALS.—The Corporation may organize and hold conferences, and prepare and publish materials, to disseminate information and promote the sharing of information among programs for the purpose of improving the quality of programs and projects.

"(h) PEACE CORPS AND VISTA TRAINING.—The Corporation may provide training assistance to selected individuals who volunteer to serve in the Peace Corps or a program authorized under title I of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 et seq.). The training shall be provided as part of the course of study of the individual at an institution of higher education, shall involve service-learning, and shall cover appropriate skills that the individual will use in the Peace Corps or VISTA.

"(i) PROMOTION AND RECRUITMENT.—The Corporation may conduct a campaign to solicit funds for the National Service Trust and other programs and activities authorized under the national service laws and to promote and recruit participants for programs that receive assistance under the national service laws.

"(j) TRAINING.—The Corporation may support national and regional participant and supervisor training, including leadership training and training in specific types of service and in building the ethic of civic responsibility.

"(k) RESEARCH.—The Corporation may support research on national service, including service-learning.

"(l) INTERGENERATIONAL SUPPORT.—The Corporation may assist programs in developing a service component that combines students, out-of-school youths, and older adults as participants to provide needed community services.

"(m) PLANNING COORDINATION.—The Corporation may coordinate community-wide planning among programs and projects.

"(n) YOUTH LEADERSHIP.—The Corporation may support activities to enhance the ability of youth and young adults to play leadership roles in national service.

"(o) NATIONAL PROGRAM IDENTITY.—The Corporation may support the development and dissemination of materials, including training materials, and arrange for uniforms and insignia, designed to promote unity and shared features among programs that receive assistance under the national service laws.

"(p) SERVICE-LEARNING.—The Corporation shall support innovative programs and activities that promote service-learning.

"(q) NATIONAL YOUTH SERVICE DAY.—

"(1) DESIGNATION.—April 19, 1994, and April 18, 1995 are each designated as 'National Youth Service Day'. The President of the United States is authorized and directed to issue a proclamation calling on the people of the United States to observe the day with appropriate ceremonies and activities.

"(2) FEDERAL ACTIVITIES.—In order to observe National Youth Service Day at the Federal level, the Corporation may organize and carry out appropriate ceremonies and activities.

"(3) ACTIVITIES.—The Corporation may make grants to not-for-profit organizations with demonstrated ability to carry out appropriate activities, in order to support such activities on National Youth Service Day.

"SEC. 198A. CLEARINGHOUSES.

"(a) ASSISTANCE.—The Corporation shall provide assistance to appropriate entities to establish one or more clearinghouses, including the clearinghouse described in section 118.

"(b) APPLICATION.—To be eligible to receive assistance under subsection (a), an entity shall submit an application to the Corporation at such time, in such manner, and containing such information as the Corporation may require.

"(c) FUNCTION OF CLEARINGHOUSES.—An entity that receives assistance under subsection (a) may—

"(1) assist entities carrying out State or local community service programs with needs assessments and planning;

"(2) conduct research and evaluations concerning community service;

"(3)(A) provide leadership development and training to State and local community service program administrators, supervisors, and participants; and

"(B) provide training to persons who can provide the leadership development and training described in subparagraph (A);

"(4) facilitate communication among entities carrying out community service programs and participants;

"(5) provide information, curriculum materials, technical assistance relating to planning and operation of community service programs, to States and local entities eligible to receive funds under this title;

"(6)(A) gather and disseminate information on successful community service programs, components of such successful programs, innovative youth skills curriculum, and community service projects; and

"(B) coordinate the activities of the clearinghouse with appropriate entities to avoid duplication of effort;

"(7) make recommendations to State and local entities on quality controls to improve the delivery of community service programs and on changes in the programs under this title; and

"(8) carry out such other activities as the President determines to be appropriate.

"SEC. 198B. PRESIDENTIAL AWARDS FOR SERVICE.

"(a) PRESIDENTIAL AWARDS.—

"(1) IN GENERAL.—The President of the United States, acting through the Corporation, may make Presidential awards for service to individuals providing significant service, and to outstanding service programs.

"(2) INDIVIDUALS AND PROGRAMS.—Notwithstanding section 101(20)—

"(A) an individual receiving an award under this subsection need not be a participant in a program authorized under this Act; and

"(B) a program receiving an award under this subsection need not be a program authorized under this Act.

"(3) NATURE OF AWARD.—In making an award under this section to an individual or program, the President of the United States, acting through the Corporation—

"(A) is authorized to incur necessary expenses for the honorary recognition of the individual or program; and

"(B) is not authorized to make a cash award to such individual or program.

"(b) INFORMATION.—The President of the United States, acting through the Corporation, shall ensure that information concerning individuals and programs receiving awards under this section is widely disseminated.

"SEC. 198C. MILITARY INSTALLATION CONVERSION DEMONSTRATION PROGRAMS.

"(a) PURPOSES.—The purposes of this section are to—

"(1) provide meaningful training and paid employment to economically disadvantaged youth;

"(2) fully utilize military installations affected by closures or realignments;

"(3) encourage communities affected by such closures or realignments to convert the installations to community use; and

"(4) foster a sense of community pride in the youth in the community.

"(b) DEFINITIONS.—As used in this section:

"(1) AFFECTED MILITARY INSTALLATION.—The term 'affected military installation' means a military installation described in section 325(e)(1) of the Job Training Partnership Act (29 U.S.C. 1662d(e)(1)).

"(2) COMMUNITY.—The term 'community' includes a county.

"(3) CONVERT TO COMMUNITY USE.—The term 'convert to community use', used with respect to an affected military installation, includes—

"(A) conversion of the installation or a part of the installation to—

"(i) a park;

"(ii) a community center;

"(iii) a recreational facility; or

"(iv) a facility for a Head Start program under the Head Start Act (42 U.S.C. 9831 et seq.); and

"(B) carrying out, at the installation, a construction or economic development project that is of substantial benefit, as determined by the President, to—

"(i) the community in which the installation is located; or

"(ii) a community located within such distance of the installation as the President may determine by regulation to be appropriate.

"(4) DEMONSTRATION PROGRAM.—The term 'demonstration program' means a program described in subsection (c).

"(c) DEMONSTRATION PROGRAMS.—

"(1) GRANTS.—The Corporation may make grants to communities and community-based agencies to pay for the Federal share of establishing and carrying out military installation conversion demonstration programs, to assist in converting to community use affected military installations located—

"(A) within the community; or

"(B) within such distance from the community as the President may by regulation determine to be appropriate.

"(2) DURATION.—In carrying out such a demonstration program, the community or community-based agency may carry out—

"(A) a program of not less than 6 months in duration; or

"(B) a full-time summer program.

"(d) USE OF FUNDS.—

"(1) SALARY.—A community or community-based agency that receives a grant under subsection (c) to establish and carry out a project through a demonstration program may use the funds made available through such grant to pay for a portion of the salary of the participants in the project.

"(2) LIMITATION ON AMOUNT OF SALARY.—The amount of the salary provided to a participant under paragraph (1) that may be paid using assistance provided under this section and using any other Federal funds shall not exceed the lesser of—

"(A) 85 percent of the total average annual subsistence allowance provided to VISTA volunteers under section 105 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4955); and

"(B) 85 percent of the salary established by the demonstration program involved.

"(e) PARTICIPANTS.—

"(1) ELIGIBILITY.—A person shall be eligible to be selected as a participant in a project carried out through a demonstration program if the person is—

"(A) an economically disadvantaged individual; and

"(B)(i) a person described in section 153(b);

"(ii) a youth described in section 154(a); or

"(iii) an eligible youth described in section 423 of the Job Training Partnership Act (29 U.S.C. 1693).

"(2) PARTICIPATION.—Persons desiring to participate in such a project shall enter into an agreement with the service sponsor of the project to participate—

"(A) on a full-time or a part-time basis; and

"(B) for the duration referred to in subsection (f)(2)(C).

"(f) APPLICATION.—

"(1) IN GENERAL.—To be eligible to receive a grant under subsection (c), a community or community-based agency shall submit an application to the President at such time, in such manner, and containing such information as the President may require.

"(2) CONTENTS.—At a minimum, such application shall contain—

"(A) a description of the demonstration program proposed to be conducted by the applicant;

"(B) a proposal for carrying out the program that describes the manner in which the applicant will—

"(i) provide preservice and inservice training, for supervisors and participants, that will be conducted by qualified individuals or qualified organizations;

"(ii) conduct an appropriate evaluation of the program; and

"(iii) provide for appropriate community involvement in the program;

"(C) information indicating the duration of the program; and

"(D) an assurance that the applicant will comply with the nonduplication and nondisplacement provisions of section 177 and the grievance procedure requirements of section 176(f).

"(g) LIMITATION ON GRANT.—In making a grant under subsection (c) with respect to a demonstration program to assist in converting an affected military installation, the Corporation shall not make a grant for more than 25 percent of the total cost of the conversion.".

(d) TABLE OF CONTENTS.—

(1) CIVILIAN COMMUNITY CORPS.—Section 1(b) of the National and Community Service Act of 1990 (Public Law 101–610; 104 Stat. 3127) is amended by striking the items relating to subtitle E of title I of such Act and inserting the following:

"Subtitle E—Civilian Community Corps

"Sec. 151. Purpose.
"Sec. 152. Establishment of Civilian Community Corps Demonstration Program.
"Sec. 153. National service program.
"Sec. 154. Summer national service program.
"Sec. 155. Civilian Community Corps.
"Sec. 156. Training.
"Sec. 157. Service projects.
"Sec. 158. Authorized benefits for Corps personnel under Federal law.
"Sec. 159. Administrative provisions.
"Sec. 160. Status of Corps members and Corps personnel under Federal law.
"Sec. 161. Contract and grant authority.
"Sec. 162. Responsibilities of other departments.
"Sec. 163. Advisory board.
"Sec. 164. Annual evaluation.
"Sec. 165. Funding limitation.
"Sec. 166. Definitions.".

(2) QUALITY AND INNOVATION.—Section 1(b) of the National and Community Service Act of 1990 (Public Law 101–610; 104 Stat. 3127) is amended by striking the items relating to subtitle H of title I of such Act and inserting the following:

"Subtitle H—Investment for Quality and Innovation

"Sec. 198. Additional corporation activities to support national service.
"Sec. 198A. Clearinghouses.
"Sec. 198B. Presidential awards for service.
"Sec. 198C. Military installation conversion demonstration programs.".

(e) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1993.—

(A) Section 1091(f)(2) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484) is amended by striking "195G" and inserting "158".

(B) Paragraphs (1) and (2) of section 1092(b), and sections 1092(c), 1093(a), and 1094(a) of such Act are amended by striking "195A" and inserting "152".

(C) Sections 1091(f)(2), 1092(b)(1), and 1094(a), and subsections (a) and (c) of section 1095 of such Act are amended by striking "subtitle H" and inserting "subtitle E".

(D) Section 1094(b)(1) and subsections (b) and (c)(1) of section 1095 of such Act are amended by striking "subtitles B, C, D, E, F, and G" and inserting "subtitles B, C, D, F, G, and H".

(2) NATIONAL AND COMMUNITY SERVICE ACT OF 1990.—

(A) Section 153(a) of the National and Community Service Act of 1990 (as redesignated in subsection (b)(3) of this section) (42 U.S.C. 12653b(a)) is amended by striking "195A(a)" and inserting "152(a)".

(B) Section 154(a) of such Act (as redesignated in subsection (b)(3) of this section) (42 U.S.C. 12653c(a)) is amended by striking "195A(a)" and inserting "152(a)".

(C) Section 155 of such Act (as redesignated in subsection (b)(3) of this section) (42 U.S.C. 12653d) is amended—

(i) in subsection (a), by striking "195H(c)(1)" and inserting "159(c)(1)";

(ii) in subsection (c)(2), by striking "195H(c)(2)" and inserting "159(c)(2)"; and

(iii) in subsection (d)(3), by striking "195K(a)(3)" and inserting "162(a)(3)".

(D) Section 156 of such Act (as redesignated in subsection (b)(3) of this section) (42 U.S.C. 12653e) is amended—

(i) in subsection (c)(1), by striking "195H(c)(2)" and inserting "159(c)(2)"; and

(ii) in subsection (d), by striking "195K(a)(3)" and inserting "162(a)(3)".

(E) Section 159 of such Act (as redesignated in subsection (b)(3) of this section) (42 U.S.C. 12653h) is amended—

(i) in subsection (a)—

(I) by striking "195A" and inserting "152"; and

(II) in paragraph (2), by striking "195" and inserting "151"; and

(ii) in subsection (c)(2)(C)(i), by striking "195K(a)(2)" and inserting "section 162(a)(2)".

(F) Section 161(b)(1)(B) of such Act (as redesignated in subsection (b)(3) of this section) (42 U.S.C. 12653j(b)(1)(B)) is amended by striking "195K(a)(3)" and inserting "162(a)(3)".

(G) Section 162(a)(2)(A) of such Act (as redesignated in subsection (b)(3) of this section) (42 U.S.C. 12653k(a)(2)(A)) is amended by striking "195(3)" and inserting "151(3)".

(H) Section 166 of such Act (as redesignated in subsection (b)(3) of this section) (42 U.S.C. 12653o) is amended—

(i) in paragraph (2), by striking "195D" and inserting "155";

(ii) in paragraph (8), by striking "195A" and inserting "152";

(iii) in paragraph (10), by striking "195D(d)" and inserting "155(d)"; and

(iv) in paragraph (11), by striking "195D(c)" and inserting "155(c)".

(f) EXTENSION OF AUTHORITY TO CONDUCT CIVILIAN COMMUNITY CORPS.—Section 1092(c) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2534), as amended by subsection (e)(1) of this section, is further amended by adding at the end the following new sentence: "The amount made available for the Civilian Community Corps Demonstration Program pursuant to this subsection shall remain available for expenditure during fiscal years 1993 and 1994.".

(g) PARTICIPANTS.—

(1) NATIONAL SERVICE PROGRAM.—Section 153 of the National and Community Service Act of 1990 (as redesignated in subsection (b)(3) of this section) (42 U.S.C. 12653b) is amended—

(A) by striking subsection (d); and

(B) by redesignating subsection (e) as subsection (d).

(2) SUMMER NATIONAL SERVICE PROGRAM.—Section 154 of the National and Community Service Act of 1990 (as redesignated in subsection (b)(3) of this section) (42 U.S.C. 12653c) is amended—

(A) by striking subsection (b); and

(B) by redesignating subsection (c) as subsection (b).

(h) ADDITIONAL AMENDMENT REGARDING CIVILIAN COMMUNITY CORPS.—Section 158 of the National and Community Service Act of 1990 (as redesignated in subsection (b)(3) of this section) (42 U.S.C. 12653g) is amended by striking subsections (f), (g), and (h) and inserting the following new subsections:

"(f) NATIONAL SERVICE EDUCATIONAL AWARDS.—A Corps member who successfully completes a period of agreed service in the Corps may receive the national service educational award described in subtitle D if the Corps member—

"(1) serves in an approved national service position; and

"(2) satisfies the eligibility requirements specified in section 146 with respect to service in that approved national service position.

"(g) ALTERNATIVE BENEFIT.—If a Corps member who successfully completes a period of agreed service in the Corps is ineligible for the national service educational award described in subtitle D, the Director may provide for the provision of a suitable alternative benefit for the Corps member.".

Subtitle B—Related Provisions

SEC. 111. DEFINITIONS.

(a) IN GENERAL.—Section 101 of the National and Community Service Act of 1990 (42 U.S.C. 12511) is amended to read as follows:

"SEC. 101. DEFINITIONS.

"For purposes of this title:

"(1) ADULT VOLUNTEER.—The term 'adult volunteer' means an individual, such as an older adult, an individual with a disability, a parent, or an employee of a business or public or private not-for-profit agency, who—

"(A) works without financial remuneration in an educational institution to assist students or out-of-school youth; and

"(B) is beyond the age of compulsory school attendance in the State in which the educational institution is located.

"(2) APPROVED NATIONAL SERVICE POSITION.—The term 'approved national service position' means a national service position for which the Corporation has approved the provision of a national service educational award described in section 147 as one of the benefits to be provided for successful service in the position.

"(3) CARRY OUT.—The term 'carry out', when used in connection with a national service program described in section 122, means the planning, establishment, operation, expansion, or replication of the program.

"(4) COMMUNITY ACTION AGENCY.—The term 'community action agency' means an entity or organization referred to in section 675(c)(2)(A) of the Community Services Block Grant Act (42 U.S.C. 9904(c)(2)(A)).

"(5) COMMUNITY-BASED AGENCY.—The term 'community-based agency' means a private not-for-profit organization, including a church or other religious entity, that is representative of a community and that is engaged in meeting human, educational, environmental, or public safety community needs.

"(6) CORPORATION.—The term 'Corporation' means the Corporation for National and Community Service established under section 191.

"(7) ECONOMICALLY DISADVANTAGED.—The term 'economically disadvantaged' means, with respect to an individual, an individual who is determined by the President to be low-income according to the latest available data from the Department of Commerce.

"(8) ELEMENTARY SCHOOL.—The term 'elementary school' has the same meaning given such term in section 1471(8) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891(8)).

"(9) INDIAN.—The term 'Indian' means a person who is a member of an Indian tribe, or is a 'Native', as defined in section 3(b) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(b)).

"(10) INDIAN LANDS.—The term 'Indian lands' means any real property owned by an Indian tribe, any real property held in trust by the United States for an Indian or Indian tribe, and any real property held by an Indian or Indian tribe that is subject to restrictions on alienation imposed by the United States.

"(11) INDIAN TRIBE.—The term 'Indian tribe' means—

"(A) an Indian tribe, band, nation, or other organized group or community, including—

"(i) any Native village, as defined in section 3(c) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(c)), whether organized traditionally or pursuant to the Act of June 18, 1934 (commonly known as the 'Indian Reorganization Act'; 48 Stat. 984, chapter 576; 25 U.S.C 461 et seq.); and

"(ii) any Regional Corporation or Village Corporation, as defined in subsection (g) or (j), respectively, of section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602 (g) or (j)), that is recognized as eligible for the special programs and services provided by the United States under Federal law to Indians because of their status as Indians; and

"(B) any tribal organization controlled, sanctioned, or chartered by an entity described in subparagraph (A).

"(12) INDIVIDUAL WITH A DISABILITY.—Except as provided in section 175(a), the term 'individual with a disability' has the meaning given the term in section 7(8) of the Rehabilitation Act of 1973 (29 U.S.C. 706(8)).

"(13) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the same meaning given such term in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)).

"(14) LOCAL EDUCATIONAL AGENCY.—The term 'local educational agency' has the same meaning given such term in section 1471(12) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891(12)).

"(15) NATIONAL SERVICE LAWS.—The term 'national service laws' means this Act and the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4950 et seq.).

"(16) OUT-OF-SCHOOL YOUTH.—The term 'out-of-school youth' means an individual who—

"(A) has not attained the age of 27;

"(B) has not completed college or the equivalent thereof; and

"(C) is not enrolled in an elementary or secondary school or institution of higher education.

"(17) PARTICIPANT.—

"(A) IN GENERAL.—The term 'participant' means—

"(i) for purposes of subtitle C, an individual in an approved national service position; and

"(ii) for purposes of any other provision of this Act, an individual enrolled in a program that receives assistance under this title.

"(B) RULE.—A participant shall not be considered to be an employee of the program in which the participant is enrolled.

"(18) PARTNERSHIP PROGRAM.—The term 'partnership program' means a program through which an adult volunteer, a public or private not-for-profit agency, an institution of higher education, or a business assists a local educational agency.

"(19) PRESIDENT.—The term 'President', except when used as part of the term 'President of the United States' means the President of the Corporation appointed under section 193.

"(20) PROGRAM.—The term 'program', except when used as part of the term 'academic program', means a program described in section 111(a) (other than a program referred to in paragraph (3)(B) of such section), 117A(a), 119(b)(1), or 122(a), in paragraph (1) or (2) of section 152(b), or in section 198.

"(21) PROJECT.—The term 'project' means an activity, carried out through a program that receives assistance under this title, that results in a specific identifiable service or improvement that otherwise would not be done with existing funds, and that does not duplicate the routine services or functions of the employer to whom participants are assigned.

"(22) SCHOOL-AGE YOUTH.—The term 'school-age youth' means—

"(A) individuals between the ages of 5 and 17, inclusive; and

"(B) children with disabilities, as defined in section 602(a)(1) of the Individuals with Disabilities Education Act, who receive services under part B of such Act.

"(23) SECONDARY SCHOOL.—The term 'secondary school' has the same meaning given such term in section 1471(21) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891(21)).

"(24) SERVICE-LEARNING.—The term 'service-learning' means a method—

"(A) under which students or participants learn and develop through active participation in thoughtfully organized service that—

"(i) is conducted in and meets the needs of a community;

"(ii) is coordinated with an elementary school, secondary school, institution of higher education, or community service program, and with the community; and

"(iii) helps foster civic responsibility; and

"(B) that—

"(i) is integrated into and enhances the academic curriculum of the students, or the educational components of the community service program in which the participants are enrolled; and

"(ii) provides structured time for the students or participants to reflect on the service experience.

"(25) SERVICE-LEARNING COORDINATOR.—The term 'service-learning coordinator' means an individual who provides services as described in section 111(a)(3).

"(26) SERVICE SPONSOR.—The term 'service sponsor' means an organization, or other entity, that has been selected to provide a placement for a participant.

"(27) STATE.—The term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

The term also includes Palau, until such time as the Compact of Free Association is ratified.

"(28) STATE COMMISSION.—The term 'State Commission' means a State Commission on National and Community Service maintained by a State pursuant to section 178. Except when used in section 178, the term includes an alternative administrative entity for a State approved by the Corporation under such section to act in lieu of a State Commission.

"(29) STATE EDUCATIONAL AGENCY.—The term 'State educational agency' has the same meaning given such term in section 1471(23) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891(23)).

"(30) STUDENT.—The term 'student' means an individual who is enrolled in an elementary or secondary school or institution of higher education on a full- or part-time basis.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 182(a)(2) of the National and Community Service Act of 1990 (42 U.S.C 12642(a)(2)) is amended by striking "adult volunteer and partnership" each place the term appears and inserting "partnership".

(2) Section 182(a)(3) of the National and Community Service Act of 1990 (42 U.S.C 12642(a)(3)) is amended by striking "adult volunteer and partnership" and inserting "partnership".

(3) Section 441(c)(2) of the Higher Education Act of 1965 (42 U.S.C. 2751(c)(2)) is amended by striking "service opportunities or youth corps as defined in section 101 of the National and Community Service Act of 1990, and service in the agencies, institutions and activities designated in section 124(a) of the National and Community Service Act of 1990" and inserting "a project, as defined in section 101(21) of the National and Community Service Act of 1990 (42 U.S.C. 12511(18))".

(4) Section 1122(a)(2)(C) of the Higher Education Act of 1965 (20 U.S.C. 1137a(a)(2)(C)) is amended by striking "youth corps as defined in section 101(30) of the National and Community Service Act of 1990" and inserting "youth corps programs, as described in section 122(a)(1) of the National and Community Service Act of 1990".

(5) Section 1201(p) of the Higher Education Act of 1965 (20 U.S.C. 1141(p)) is amended by striking "section 101(22) of the National and Community Service Act of 1990" and inserting "section 101(24) of the National and Community Service Act of 1990 (42 U.S.C. 12511(21))".

SEC. 112. AUTHORITY TO MAKE STATE GRANTS.

Section 102 of the National and Community Service Act of 1990 (42 U.S.C. 12512) is repealed.

SEC. 113. FAMILY AND MEDICAL LEAVE.

(a) IN GENERAL.—Section 171 of the National and Community Service Act of 1990 (42 U.S.C. 12631) is amended to read as follows:

"SEC. 171. FAMILY AND MEDICAL LEAVE.

"(a) PARTICIPANTS IN PRIVATE, STATE, AND LOCAL PROJECTS.—For purposes of title I of the Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.), if—

"(1) a participant has provided service for the period required by section 101(2)(A)(i) (29 U.S.C. 2611(2)(A)(i)), and has met the hours of service requirement of section 101(2)(A)(ii), of such Act with respect to a project; and

"(2) the service sponsor of the project is an employer described in section 101(4) of such Act (other than an employing agency within the meaning of subchapter V of chapter 63 of title 5, United States Code),

the participant shall be considered to be an eligible employee of the service sponsor.

"(b) PARTICIPANTS IN FEDERAL PROJECTS.—For purposes of subchapter V of chapter 63 of title 5, United States Code, if—

"(1) a participant has provided service for the period required by section 6381(1)(B) of such title with respect to a project; and

"(2) the service sponsor of the project is an employing agency within the meaning of such subchapter,

the participant shall be considered to be en employee of the service sponsor.".

(b) TABLE OF CONTENTS.—Section 1(b) of the National and Community Service Act of 1990 (Public Law 101–610; 104 Stat. 3127) is amended by striking the item relating to section 171 of such Act and inserting the following:

"Sec. 171. Family and medical leave.".

SEC. 114. REPORTS.

Section 172 of the National and Community Service Act of 1990 (42 U.S.C. 12632) is amended—

(1) in subsection (a)(3)(A), by striking "sections 177 and 113(9)" and inserting "section 177";

(2) in subsection (b)—

(A) by striking "REPORT TO CONGRESS"; and inserting "REPORT TO CONGRESS BY CORPORATION"; and

(B) in paragraph (1), by striking "this title" and inserting "the national service laws"; and

(3) by adding at the end the following:

"(c) REPORT TO CONGRESS BY SECRETARY OF DEFENSE.—

"(1) STUDY.—The Secretary of Defense shall annually conduct a study of the effect of the programs carried out under this title on recruitment for the Armed Forces.

"(2) REPORT.—The Secretary of Defense shall annually submit a report to the appropriate committees of Congress containing the findings of the study described in paragraph (1) and such recommendations for legislative and administrative reform as the Secretary may determine to be appropriate.".

SEC. 115. NONDISCRIMINATION.

Section 175 of the National and Community Service Act of 1990 (42 U.S.C. 12635) is amended to read as follows:

"SEC. 175. NONDISCRIMINATION.

"(a) IN GENERAL.—

"(1) BASIS.—An individual with responsibility for the operation of a project that receives assistance under this title shall not discriminate against a participant in, or member of the staff of, such project on the basis of race, color, national origin, sex, age, or political affiliation of such participant or member, or on the basis of disability, if the participant or member is a qualified individual with a disability.

"(2) DEFINITION.—As used in paragraph (1), the term 'qualified individual with a disability' has the meaning given the term in section 101(8) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12111(8)).

"(b) FEDERAL FINANCIAL ASSISTANCE.—Any assistance provided under this title shall constitute Federal financial assistance for purposes of title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), and the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.), and shall constitute Federal financial assistance to an education program or activity for purposes of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.).

"(c) RELIGIOUS DISCRIMINATION.—

"(1) IN GENERAL.—Except as provided in paragraph (2), an individual with responsibility for the operation of a project that receives assistance under this title shall not discriminate on the basis of religion against a participant in such project or a member of the staff of such project who is paid with funds received under this title.

"(2) EXCEPTION.—Paragraph (1) shall not apply to the employment, with assistance provided under this title, of any member of the staff, of a project that receives assistance under this title, who was employed with the organization operating the project on the date the grant under this title was awarded.

"(d) RULES AND REGULATIONS.—The President shall promulgate rules and regulations to provide for the enforcement of this section that shall include provisions for summary suspension of assistance for not more than 30 days, on an emergency basis, until notice and an opportunity to be heard can be provided.".

SEC. 116. NOTICE, HEARING, AND GRIEVANCE PROCEDURES.

(a) DECERTIFICATION OF POSITIONS.—Section 176(a) of the National and Community Service Act of 1990 (42 U.S.C. 12636(a)) is amended—

(1) in paragraph (1), by inserting ", or revoke the designation of positions, related to the grant or contract, as approved national service positions," before "whenever the Commission"; and

(2) in paragraph (2)(B), by inserting "or revoked" after "terminated".

(b) CONSTRUCTION.—Section 176(e) of such Act (42 U.S.C. 12636(e)) is amended by adding before the period the following ", other than assistance provided pursuant to this Act".

(c) GRIEVANCE PROCEDURE.—Section 176(f) of such Act is amended to read as follows:

"(f) GRIEVANCE PROCEDURE.—

"(1) IN GENERAL.—A State or local applicant that receives assistance under this title shall establish and maintain a procedure for the filing and adjudication of grievances from participants, labor organizations, and other interested individuals concerning projects that receive assistance under this title, including grievances regarding proposed placements of such participants in such projects.

"(2) DEADLINE FOR GRIEVANCES.—Except for a grievance that alleges fraud or criminal activity, a grievance shall be made not later than 1 year after the date of the alleged occurrence of the event that is the subject of the grievance.

"(3) DEADLINE FOR HEARING AND DECISION.—

"(A) HEARING.—A hearing on any grievance conducted under this subsection shall be conducted not later than 30 days after the filing of such grievance.

"(B) DECISION.—A decision on any such grievance shall be made not later than 60 days after the filing of such grievance.

"(4) ARBITRATION.—

"(A) IN GENERAL.—

"(i) JOINTLY SELECTED ARBITRATOR.—In the event of a decision on a grievance that is adverse to the party who filed such grievance, or 60 days after the filing of such grievance if no decision has been reached, such party shall be permitted to submit such grievance to binding arbitration before a qualified arbitrator who is jointly selected and independent of the interested parties.

"(ii) APPOINTED ARBITRATOR.—If the parties cannot agree on an arbitrator, the President shall appoint an arbitrator from a list of qualified arbitrators within 15 days after receiving a request for such appointment from one of the parties to the grievance.

"(B) DEADLINE FOR PROCEEDING.—An arbitration proceeding shall be held not later than 45 days after the request for such arbitration proceeding, or, if the arbitrator is appointed by the President in accordance with subparagraph (A)(ii), not later than 30 days after the appointment of such arbitrator.

"(C) DEADLINE FOR DECISION.—A decision concerning a grievance shall be made not later than 30 days after the date such arbitration proceeding begins.

"(D) COST.—

"(i) IN GENERAL.—Except as provided in clause (ii), the cost of an arbitration proceeding shall be divided evenly between the parties to the arbitration.

"(ii) EXCEPTION.—If a participant, labor organization, or other interested individual described in paragraph (1) prevails under a binding arbitration proceeding, the State, local agency, public or private not-for-profit organization, or partnership of such agencies and organizations, that is a party to such grievance shall pay the total cost of such proceeding and the attorneys' fees of such participant, labor organization, or individual, as the case may be.

"(5) PROPOSED PLACEMENT.—If a grievance is filed regarding a proposed placement of a participant in a project that receives assistance under this title, such placement shall not be made unless the placement is consistent with the resolution of the grievance pursuant to this subsection.

"(6) REMEDIES.—Remedies for a grievance filed under this subsection include—

"(A) suspension of payments for assistance under this title;

"(B) termination of such payments;

"(C) prohibition of the placement described in paragraph (5); and

"(D) in a case in which the grievance involves a violation of subsection (a) or (b) of section 177 and the employer of the displaced employee is the recipient of assistance under this title—

"(i) reinstatement of the displaced employee to the position held by such employee prior to displacement;

"(ii) payment of lost wages and benefits of the displaced employee;

"(iii) reestablishment of other relevant terms, conditions, and privileges of employment of the displaced employee; and

"(iv) such equitable relief as is necessary to correct any violation of subsection (a) or (b) of section 177 or to make the displaced employee whole.

"(7) ENFORCEMENT.—Suits to enforce arbitration awards under this section may be brought in any district court of the United States having jurisdiction of the parties, without regard to the amount in controversy and without regard to the citizenship of the parties.".

SEC. 117. NONDISPLACEMENT.

Section 177(b)(3) of the National and Community Service Act of 1990 (42 U.S.C. 12637(b)(3)) is amended—

(1) in subparagraph (B), to read as follows:

"(B) SUPPLANTATION OF HIRING.—A participant in any program receiving assistance under this title shall not perform any services or duties, or engage in activities, that—

"(i) will supplant the hiring of employed workers; or

"(ii) are services, duties, or activities with respect to which an individual has recall rights pursuant to a collective bargaining agreement or applicable personnel procedures."; and

(2) in subparagraph (C)(iii), to read as follows:

"(iii) employee who—

"(I) is subject to a reduction in force; or

"(II) has recall rights pursuant to a collective bargaining agreement or applicable personnel procedures;".

SEC. 118. EVALUATION.

Section 179 of the National and Community Service Act of 1990 (42 U.S.C 12639) is amended—

(1) in subsection (a)(2)—

(A) in the matter preceding subparagraph (A), by striking "for purposes of the reports required by subsection (j)," and inserting "with respect to the programs authorized under subtitle C,"; and

(B) in subparagraph (A), by striking "older American volunteer programs" and inserting "National Senior Volunteer Corps programs";

(2) in subsection (g)—

(A) in the matter preceding paragraph (1), by striking "subtitle D" and inserting "subtitle C"; and

(B) in paragraphs (3) and (9), by striking "older American volunteer programs" and inserting "National Senior Volunteer Corps programs";

(3) by striking subsections (i) and (j); and

(4) by adding at the end the following:

"(i) INDEPENDENT EVALUATION AND REPORT OF DEMOGRAPHICS OF NATIONAL SERVICE PARTICIPANTS AND COMMUNITIES.—

"(1) INDEPENDENT EVALUATION.—

"(A) IN GENERAL.—The Corporation shall, on an annual basis, arrange for an independent evaluation of the programs assisted under subtitle C.

"(B) PARTICIPANTS.—

"(i) IN GENERAL.—The entity conducting such evaluation shall determine the demographic characteristics of the participants in such programs.

"(ii) CHARACTERISTICS.—The entity shall determine, for the year covered by the evaluation, the total number of participants in the programs, and the number of participants within the programs in each State, by sex, age, economic background, education level, ethnic group, disability classification, and geographic region.

"(iii) CATEGORIES.—The Corporation shall determine appropriate categories for analysis of each of the characteristics referred to in clause (ii) for purposes of such an evaluation.

"(C) COMMUNITIES.—In conducting the evaluation, the entity shall determine the amount of assistance provided under section 121 during the year that has been expended for projects conducted under the programs in areas described in section 133(c)(6).

"(2) REPORT.—The entity conducting the evaluation shall submit a report to the President, Congress, the Corporation, and each State Commission containing the results of the evaluation—

"(A) with respect to the evaluation covering the year beginning on the date of enactment of this subsection, not later than 18 months after such date; and

"(B) with respect to the evaluation covering each subsequent year, not later than 18 months after the first day of each such year.".

SEC. 119. ENGAGEMENT OF PARTICIPANTS.

Section 180 of the National and Community Service Act of 1990 (42 U.S.C. 12640) is amended by striking "post-service benefits" and inserting "national service educational awards".

SEC. 120. CONTINGENT EXTENSION.

(a) IN GENERAL.—Section 181 of the National and Community Service Act of 1990 (42 U.S.C. 12641) is amended to read as follows:

"SEC. 181. CONTINGENT EXTENSION.

"Section 414 of the General Education Provisions Act (20 U.S.C. 1226a) shall apply to this Act.".

(b) TABLE OF CONTENTS.—Section 1(b) of the National and Community Service Act of 1990 (Public Law 101–610; 104 Stat. 3127) is amended by striking the item relating to sections 181 of such Act and inserting the following:

"Sec. 181. Contingent extension.".

SEC. 121. AUDITS.

(a) IN GENERAL.—Section 183 of the National and Community Service Act of 1990 (42 U.S.C. 12643) is amended to read as follows:

"SEC. 183. RIGHTS OF ACCESS, EXAMINATION, AND COPYING.

"(a) COMPTROLLER GENERAL.—The Comptroller General, or any of the duly authorized representatives of the Comptroller General, shall have access to, and the right to examine and copy, any books, documents, papers, records, and other recorded information in any form—

"(1) within the possession or control of the Corporation or any State or local government, Indian tribe, or public or private not-for-profit organization receiving assistance directly or indirectly under this Act; and

"(2) that the Comptroller General, or his representative, considers necessary to the performance of an evaluation, audit, or review.

"(b) CHIEF FINANCIAL OFFICER.—The Chief Financial Officer of the Corporation shall have access to, and the right to examine and copy, any books, documents, papers, records, and other recorded information in any form—

"(1) within the possession or control of the Corporation or any State or local government, Indian tribe, or public or private not-for-profit organization receiving assistance directly or indirectly under this Act; and

"(2) that relate to the duties of the Chief Financial Officer.".

(b) TABLE OF CONTENTS.—Section 1(b) of the National and Community Service Act of 1990 (Public Law 101–610; 104 Stat. 3127) is amended by striking the item relating to section 183 of such Act and inserting the following:

"Sec. 183. Rights of access, examination, and copying.".

SEC. 122. REPEALS.

(a) IN GENERAL.—Subtitle F of title I of the National and Community Service Act of 1990 (42 U.S.C. 12631 et seq.) is amended by repealing sections 185 and 186.

(b) TABLE OF CONTENTS.—Section 1(b) of the National and Community Service Act of 1990 (Public Law 101–610; 104 Stat. 3127) is amended by striking the item relating to section 185 of such Act.

SEC. 123. EFFECTIVE DATE.

This title, and the amendments made by this title, shall take effect on October 1, 1993.

TITLE II—ORGANIZATION

SEC. 201. STATE COMMISSIONS ON NATIONAL AND COMMUNITY SERVICE.

(a) COMPOSITION AND DUTIES OF STATE COMMISSIONS.—Subtitle F of title I of the National and Community Service Act of 1990 is amended by striking section 178 (42 U.S.C. 12638) and inserting the following new section:

"SEC. 178. STATE COMMISSIONS ON NATIONAL AND COMMUNITY SERVICE.

"(a) EXISTENCE REQUIRED.—

"(1) STATE COMMISSION.—Except as provided in paragraph (2), to be eligible to receive a grant or allotment under subtitle B or C or to receive a distribution of approved national service positions under subtitle C, a State shall maintain a State Commission on National and Community Service that satisfies the requirements of this section.

"(2) ALTERNATIVE ADMINISTRATIVE ENTITY.—The chief executive officer of a State may apply to the Corporation for approval to use an alternative administrative entity to carry out the duties otherwise entrusted to a State Commission under this Act. The chief executive officer shall ensure that any alternative administrative entity used in lieu of a State Commission still provides for the individuals described in paragraph (1), and some of the individuals described in paragraph (2), of subsection (c) to play a significant policymaking role in carrying out the duties otherwise entrusted to a State Commission, including the submission of applications on behalf of the State under sections 117B and 130.

"(b) APPOINTMENT AND SIZE.—Except as provided in subsection (c)(3), the members of a State Commission for a State shall be appointed by the chief executive officer of the State. A State Commission shall consist of not less than 7 voting members and not more than 25 voting members.

"(c) COMPOSITION AND MEMBERSHIP.—

"(1) REQUIRED MEMBERS.—The State Commission for a State shall include as voting members at least one representative from each of the following categories:

"(A) Individuals between the ages of 16 and 25 who are participants or supervisors in programs.

"(B) National service programs, such as youth corps programs.

"(C) School-based or community-based programs for school-age youth.

"(D) Programs in which older adults are participants.

"(E) Local and State governmental entities in the State, including the State educational agency (from which at least one such member shall be appointed).

"(F) Local labor organizations.

"(2) SOURCES OF OTHER MEMBERS.—The State Commission for a State may include as voting members the following:

"(A) Representatives of community-based organizations or community-based agencies, including community action agencies.

"(B) Members selected from among participants in service programs who are youths.

"(C) Members selected from among local educators.

"(D) Members selected from among experts in the delivery of human, educational, environmental, or public safety services to communities and persons.

"(E) Representatives of businesses and business groups.

"(F) Representatives of Indian tribes.

"(G) Representatives of groups serving economically disadvantaged individuals.

"(H) Members selected from among out-of-school youth or other at-risk youth.

"(I) Members selected from among older adults who are volunteers or participants in national service programs.

"(3) CORPORATION REPRESENTATIVE.—The representative of the Corporation designated under section 195(b) for a State shall be an ex officio nonvoting member of the State Commission or alternative administrative entity for that State.

"(4) EX OFFICIO STATE REPRESENTATIVES.—The chief executive officer of a State shall appoint, as an ex officio nonvoting member of the State Commission for the State, the Corporation employee responsible for volunteer service programs in the State, if such employee is not the representative described in paragraph (3). The chief executive officer may appoint, as ex officio nonvoting members of the State Commission for the State, representatives selected from among officers and employees of State agencies operating community service, youth service, education, social service, senior service, and job training programs.

"(5) LIMITATION ON NUMBER OF STATE EMPLOYEES AS MEMBERS.—The number of voting members of a State Commission selected under paragraph (1) or (2) who are officers or employees of the State may not exceed 25 percent (reduced to the nearest whole number) of the total membership of the State Commission.

"(d) MISCELLANEOUS MATTERS.—

"(1) MEMBERSHIP BALANCE.—The chief executive officer of a State shall ensure, to the maximum extent practicable, that the membership of the State Commission for the State is diverse with respect to race, ethnicity, age, gender, and disability characteristics. Not more than 50 percent of the voting members of a State Commission, plus one additional member, may be from the same political party.

"(2) TERMS.—Each member of the State Commission for a State shall serve for a term of 3 years, except that the chief executive officer of a State shall initially appoint a portion of the members to terms of 1 year and 2 years.

"(3) VACANCIES.—As vacancies occur on a State Commission, new members shall be appointed by the chief executive of the State and serve for the remainder of the term for which the predecessor of such member was appointed. The vacancy shall not affect the power of the remaining members to execute the duties of the State Commission.

"(4) COMPENSATION.—A member of a State Commission or alternative administrative entity shall not receive any additional compensation by reason of service on the State Commission or alternative administrative entity, except that the State may authorize the reimbursement of travel expenses, including a per diem in lieu of subsistence, in the same manner as other employees serving intermittently in the service of the State.

"(5) CHAIRPERSON.—The voting members of a State Commission shall elect one of the voting members to serve as chairperson of the State Commission.

"(e) DUTIES OF A STATE COMMISSION.—The State Commission or alternative administrative entity for a State shall be responsible for the following duties:

"(1) Preparation of a national service plan for the State that may build on any comprehensive State plan submitted pursuant to regulations issued under the National and Community Service Act of 1990, and that—

"(A) covers a 3-year period;

"(B) is updated annually;

"(C) contains such information as the State Commission or alternative administrative entity considers to be appropriate or as the Corporation may require; and

"(D) ensures outreach to diverse community-based agencies that serve underrepresented populations, by—

"(i) using established networks, and registries, at the State level; or

"(ii) establishing such networks and registries.

"(2) Preparation of the applications of the State under sections 117B and 130 for financial assistance, in such a manner as to ensure that any decision regarding whether to include a program in the application shall be made on the basis of the criteria described in section 133(c), applied in a fair and equitable manner by an impartial decisionmaker.

"(3) Assistance in the preparation of the application of the State educational agency for assistance under section 113.

"(4) Preparation of the application of the State under section 130 for the approval of service positions that include the national service educational award described in subtitle D.

"(5) Assistance in the provision of health care and child care benefits under section 140 to participants in national service programs that receive assistance under section 121.

"(6) Development of a State system for the recruitment and placement of participants in national service programs that receive assistance under section 121 and dissemination of information concerning national service programs that receive assistance and approved national service positions.

"(7) Administration of the grant program in support of national service programs that is conducted by the State using assistance provided to the State under section 121, including selection, oversight, and evaluation of grant recipients.

"(8) Development of projects, training methods, curriculum materials, and other materials and activities related to national service programs that receive assistance directly from the Corporation (to be made available in a case in which such a program requests such a project, method, material, or activity) or from the State using assistance provided under section 121, for use by programs that request such projects, methods, materials, and activities.

"(f) ACTIVITY INELIGIBLE FOR ASSISTANCE.—A State Commission or alternative administrative entity may not directly carry out any national service program that receives assistance under section 121.

"(g) DELEGATION.—Subject to such requirements as the Corporation may prescribe, a State Commission may delegate nonpolicymaking duties to a State agency or public or private not-for-profit organization.

"(h) APPROVAL OF STATE COMMISSION OR ALTERNATIVE.—

"(1) SUBMISSION TO CORPORATION.—The chief executive officer for a State shall notify the Corporation of the establishment or designation of the State Commission or use of an alternative administrative entity for the State. The notification shall include a description of—

"(A) the composition and membership of the State Commission or alternative administrative entity; and

"(B) the authority of the State Commission or alternative administrative entity regarding national service activities carried out by the State.

"(2) APPROVAL OF ALTERNATIVE ADMINISTRATIVE ENTITY.—Any designation of a State Commission or use of an alternative administrative entity to carry out the duties of a State Commission shall be subject to the approval of the Corporation, which shall not be unreasonably withheld. The Corporation shall approve an alternative administrative entity if such entity provides for individuals described in subsection (c) to play a significant policymaking role in carrying out the duties otherwise entrusted to a State Commission, including the duties described in paragraphs (1) through (4) of subsection (e).

"(3) REJECTION.—The Corporation may reject a State Commission if the Corporation determines that the composition, membership, or duties of the State Commission do not comply with the requirements of this section. The Corporation may reject a request to use an alternative administrative entity in lieu of a State Commission if the Corporation determines that the entity does not provide for individuals described in subsection (c) to play a significant policymaking role as described in paragraph (2). If the Corporation rejects a State Commission or alternative administrative entity under this paragraph, the Corporation shall promptly notify the State of the reasons for the rejection.

"(4) RESUBMISSION AND RECONSIDERATION.—The Corporation shall provide a State notified under paragraph (3) with a reasonable opportunity to revise the rejected State Commission or alternative administrative entity. At the request of the State, the Corporation shall provide technical assistance to the State as part of the revision process. The Corporation shall promptly reconsider any resubmission of a notification under paragraph (1) or application to use an alternative administrative entity under paragraph (2).

"(5) SUBSEQUENT CHANGES.—This subsection shall also apply to any change in the composition or duties of a State Commission or an alternative administrative entity made after approval of the State Commission or the alternative administrative entity.

"(6) RIGHTS, BENEFITS, AND SUPPORT.—An alternative administrative entity approved by the Corporation under this subsection shall have the same rights as a State Commission, and shall receive from the Corporation the same benefits and support as the Corporation provides to a State Commission.

"(i) COORDINATION.—

"(1) COORDINATION WITH OTHER STATE AGENCIES.—The State Commission or alternative administrative entity for a State shall coordinate the activities of the Commission or entity under this Act with the activities of other State agencies that administer Federal financial assistance programs under the Community Services Block Grant Act (42 U.S.C. 9901 et seq.) or other appropriate Federal financial assistance programs.

"(2) COORDINATION WITH VOLUNTEER SERVICE PROGRAMS.—

"(A) IN GENERAL.—The State Commission or alternative administrative entity for a State shall coordinate functions of the Commission or entity (including recruitment, public awareness, and training activities) with such functions of any division of ACTION, or of the Corporation, that carries out volunteer service programs in the State.

"(B) AGREEMENT.—In coordinating functions under this paragraph, such Commission or entity, and such division, may enter into an agreement to—

"(i) carry out such a function jointly;

"(ii) to assign responsibility for such a function to the Commission or entity; or

"(iii) to assign responsibility for such a function to the division.

"(C) INFORMATION.—The State Commission or alternative entity for a State, and the head of any such division, shall exchange information about—

"(i) the programs carried out in the State by the Commission, entity, or division, as appropriate; and

"(ii) opportunities to coordinate activities.

"(j) LIABILITY.—

"(1) LIABILITY OF STATE.—Except as provided in paragraph (2)(B), a State shall agree to assume liability with respect to any claim arising out of or resulting from any act or omission by a member of the State Commission or alternative administrative entity of the State, within the scope of the service of the member on the State Commission or alternative administrative entity.

"(2) OTHER CLAIMS.—

"(A) IN GENERAL.—A member of the State Commission or alternative administrative entity shall have no personal liability with respect to any claim arising out of or resulting from any act or omission by such person, within the scope of the service of the member on the State Commission or alternative administrative entity.

"(B) LIMITATION.—This paragraph shall not be construed to limit personal liability for criminal acts or omissions, willful or malicious misconduct, acts or omissions for private gain, or any other act or omission outside the scope of the service of such member on the State Commission or alternative administrative entity.

"(3) EFFECT ON OTHER LAW.—This subsection shall not be construed—

"(A) to affect any other immunities and protections that may be available to such member under applicable law with respect to such service;

"(B) to affect any other right or remedy against the State under applicable law, or against any person other than a member of the State Commission or alternative administrative entity; or

"(C) to limit or alter in any way the immunities that are available under applicable law for State officials and employees not described in this subsection.".

(b) TABLE OF CONTENTS.—Section 1(b) of the National and Community Service Act of 1990 (Public Law 101-610; 104 Stat. 3127) is amended by striking the item relating to section 178 and inserting the following new item:

"Sec. 178. State Commissions on National and Community Service.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1993.

(d) TRANSITIONAL PROVISIONS.—

(1) USE OF ALTERNATIVES TO STATE COMMISSION.—If a State does not have a State Commission on National and Community Service that satisfies the requirements specified in section 178 of the National and Community Service Act of 1990, as amended by subsection (a), the Corporation for National and Community Service may authorize the chief executive of the State to use an existing agency of the State to perform the duties otherwise reserved to a State Commission under subsection (e) of such section.

(2) APPLICATION OF SUBSECTION.—This subsection shall apply only during the 1-year period beginning on the date of the enactment of this Act.

SEC. 202. INTERIM AUTHORITIES OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE AND ACTION AGENCY.

(a) NATIONAL AND COMMUNITY SERVICE ACT OF 1990.—Subtitle G of title I of the National and Community Service Act of 1990 (42 U.S.C. 12651) is amended to read as follows:

"Subtitle G—Corporation for National and Community Service

"SEC. 191. CORPORATION FOR NATIONAL AND COMMUNITY SERVICE.

"There is established a Corporation for National and Community Service that shall administer the programs established under this Act. The Corporation shall be a Government corporation, as defined in section 103 of title 5, United States Code.

"SEC. 192. BOARD OF DIRECTORS.

"(a) COMPOSITION.—

"(1) IN GENERAL.—There shall be in the Corporation a Board of Directors (referred to in this subtitle as the 'Board') that shall be composed of—

"(A) 15 members, including an individual between the ages of 16 and 25 who—

"(i) has served in a school-based or community-based service-learning program; or

"(ii) is a participant or a supervisor in a program,

to be appointed by the President of the United States, by and with the advice and consent of the Senate;

"(B) the President of the Corporation, who shall serve as an ex officio nonvoting member; and

"(C) the ex officio nonvoting members described in paragraph (3).

"(2) QUALIFICATIONS.—To the maximum extent practicable, the President of the United States shall appoint members—

"(A) who have extensive experience in volunteer or service activities, such as—

"(i) activities funded under the national service laws; and

"(ii) Federal financial assistance activities, such as—

"(I) activities under the Head Start Act (42 U.S.C. 9831 et seq.);

"(II) activities under the Community Services Block Grant Act (42 U.S.C. 9901 et seq.); or

"(III) antipoverty activities under other Federal law;

that have a volunteer or service focus;

"(B) who represent a broad range of viewpoints;

"(C) who are experts in the delivery of human, educational, environmental, or public safety services, or are experts in the delivery of services by veterans;

"(D) that include at least one representative of local educators and at least one representative of community-based agencies;

"(E) so that the Board shall be diverse with respect to race, ethnicity, age, gender, and disability characteristics; and

"(F) so that no more than 8 appointed members of the Board are from a single political party.

"(3) EX OFFICIO MEMBERS.—The Secretary of Veterans Affairs, the Secretary of Education, the Secretary of Health and Human Services, the Secretary of Labor, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Housing and Urban Development, the Secretary of Defense, the Attorney General, the Director of the Peace Corps, and the Administrator of the Environmental Protection Agency shall serve as ex officio nonvoting members of the Board.

"(b) OFFICERS.—

"(1) CHAIRPERSON AND VICE CHAIRPERSON.—The Board shall elect a Chairperson and a Vice Chairperson from among its membership.

"(2) OTHER OFFICERS.—The Board may elect from among its membership such additional officers of the Board as the Board determines to be appropriate.

"(c) TERMS.—Each appointed member of the Board shall serve for a term of 3 years, except that 5 of the members first appointed to the Board after the date of enactment of this section shall serve for a term of 1 year and 5 shall serve for a term of 2 years, as designated by the President of the United States.

"(d) VACANCIES.—As vacancies occur on the Board, new members shall be appointed by the President of the United States, by and with the advice and consent of the Senate, and serve for the remainder of the term for which the predecessor of such member was appointed. The vacancy shall not affect the power of the remaining members to execute the duties of the Board.

"SEC. 192A. AUTHORITIES AND DUTIES OF THE BOARD OF DIRECTORS.

"(a) MEETINGS.—The Board shall meet not less than 3 times each year. The Board shall hold additional meetings at the call of the Chairperson of the Board, or if 6 members of the Board request such meetings in writing.

"(b) QUORUM.—A majority of the appointed members of the Board shall constitute a quorum.

"(c) AUTHORITIES OF OFFICERS.—

"(1) CHAIRPERSON.—The Chairperson of the Board may call and conduct meetings of the Board.

"(2) VICE CHAIRPERSON.—The Vice Chairperson of the Board may conduct meetings of the Board in the absence of the Chairperson.

"(d) EXPENSES.—While away from their homes or regular places of business on the business of the Board, members of such Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, for persons employed intermittently in the Government service.

"(e) SPECIAL GOVERNMENT EMPLOYEES.—For purposes of the provisions of chapter 11 of part I of title 18, United States Code, and any other provision of Federal law, a member of the Board (to whom such provisions would not otherwise apply except for this subsection) shall be a special Government employee.

"(f) STATUS OF MEMBERS.—

"(1) TORT CLAIMS.—For the purposes of the tort claims provisions of chapter 171 of title 28, United States Code, a member of the Board shall be considered to be a Federal employee.

"(2) OTHER CLAIMS.—A member of the Board shall have no personal liability under Federal law with respect to any claim arising out of or resulting from any act or omission by such person, within the scope of the service of the member on the Board, in connection with any transaction involving the provision of financial assistance by the Corporation. This paragraph shall not be construed to limit personal liability for criminal acts or omissions, willful or malicious misconduct, acts or omissions for private gain, or any other act or omission outside the scope of the service of such member on the Board.

"(3) EFFECT ON OTHER LAW.—This subsection shall not be construed—

"(A) to affect any other immunities and protections that may be available to such member under applicable law with respect to such transactions;

"(B) to affect any other right or remedy against the Corporation, against the United

States under applicable law, or against any person other than a member of the Board participating in such transactions; or

"(C) to limit or alter in any way the immunities that are available under applicable law for Federal officials and employees not described in this subsection.

"(g) DUTIES.—The Board shall—

"(1) review and approve the strategic plan described in section 193A(b)(1), and annual updates of the plan;

"(2) review and approve the proposal described in section 193A(b)(2)(A), with respect to the grants, allotments, contracts, financial assistance, payment, and positions referred to in such section;

"(3) review and approve the proposal described in section 193A(b)(3)(A), regarding the regulations, standards, policies, procedures, programs, and initiatives referred to in such section;

"(4) review and approve the evaluation plan described in section 193A(b)(4)(A);

"(5)(A) review, and advise the President regarding, the actions of the President with respect to the personnel of the Corporation, and with respect to such standards, policies, procedures, programs, and initiatives as are necessary or appropriate to carry out this Act; and

"(B) inform the President of any aspects of the actions of the President that are not in compliance with the annual strategic plan referred to in paragraph (1), the proposals referred to in paragraphs (2) and (3), or the plan referred to in paragraph (4), or are not consistent with the objectives of this Act;

"(6) receive any report as provided under section 8E (b), (c), or (d) of the Inspector General Act of 1978;

"(7) make recommendations relating to a program of research for the Corporation with respect to national and community service programs, including service-learning programs;

"(8) advise the President of the United States and the Congress concerning developments in national and community service that merit the attention of the President of the United States and the Congress;

"(9) ensure effective dissemination of information regarding the programs and initiatives of the Corporation; and

"(10) prepare and make recommendations to the Congress and the President of the United States for changes in this Act resulting from the studies and demonstrations the President of the Corporation is required to carry out under section 193A(b)(10), which recommendations shall be submitted to the Congress and President of the United States not later than September 30, 1995.

"(h) ADMINISTRATION.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply with respect to the Board.

"SEC. 193. PRESIDENT.

"(a) APPOINTMENT.—The Corporation shall be headed by an individual who shall serve as President of the Corporation, and who shall be appointed by the President of the United States, by and with the advice and consent of the Senate.

"(b) COMPENSATION.—The President shall be compensated at the rate provided for level III of the Executive Schedule under section 5314 of title 5, United States Code.

"(c) REGULATIONS.—The President shall prescribe such rules and regulations as are necessary or appropriate to carry out this Act.

"SEC. 193A. AUTHORITIES AND DUTIES OF THE PRESIDENT.

"(a) GENERAL POWERS AND DUTIES.—The President shall be responsible for the exercise of the powers and the discharge of the duties of the Corporation that are not reserved to the Board, and shall have authority and control over all personnel of the Corporation, except as provided in section 194(b)(4).

"(b) DUTIES.—In addition to the duties conferred on the President under any other provision of this Act, the President shall—

"(1) prepare and submit to the Board a strategic plan every 3 years, and annual updates of the plan, for the Corporation with respect to the major functions and operations of the Corporation;

"(2)(A) prepare and submit to the Board a proposal with respect to such grants and allotments, contracts, other financial assistance, and designation of positions as approved national service positions, as are necessary or appropriate to carry out this Act; and

"(B) after receiving and reviewing an approved proposal under section 192A(g)(2), make such grants and allotments, enter into such contracts, award such other financial assistance, make such payments (in lump sum or installments, and in advance or by way of reimbursement, and in the case of financial assistance otherwise authorized under this Act, with necessary adjustments on account of overpayments and underpayments), and designate such positions as approved national service positions as are necessary or appropriate to carry out this Act;

"(3)(A) prepare and submit to the Board a proposal regarding, the regulations established under section 195(a)(4)(B)(i), and such other standards, policies, procedures, programs, and initiatives as are necessary or appropriate to carry out this Act; and

"(B) after receiving and reviewing an approved proposal under section 192A(g)(3)—

"(i) establish such standards, policies, and procedures as are necessary or appropriate to carry out this Act; and

"(ii) establish and administer such programs and initiatives as are necessary or appropriate to carry out this Act;

"(4)(A) prepare and submit to the Board a plan for the evaluation of programs established under this Act, in accordance with section 179; and

"(B) after receiving an approved proposal under section 192A(g)(4)—

"(i) establish measurable performance goals and objectives for such programs, in accordance with section 179; and

"(ii) provide for periodic evaluation of such programs to assess the manner and extent to which the programs achieve the goals and objectives, in accordance with such section;

"(5) consult with appropriate Federal agencies in administering the programs and initiatives;

"(6) suspend or terminate payments and positions described in paragraph (2)(B), in accordance with section 176;

"(7) prepare and submit to the Board an annual report, and such interim reports as may be necessary, describing the major actions of the President with respect to the personnel of the Corporation, and with respect to such standards, policies, procedures, programs, and initiatives;

"(8) inform the Board of, and provide an explanation to the Board regarding, any substantial differences regarding the implementation of this Act between—

"(A) the actions of the President; and

"(B)(i) the strategic plan approved by the Board under section 192A(g)(1);

"(ii) the proposals approved by the Board under paragraph (2) or (3) of section 192A(g); or

"(iii) the evaluation plan approved by the Board under section 192A(g)(4);

"(9) prepare and submit to the appropriate committees of Congress an annual report, and such interim reports as may be necessary, describing—

"(A) the services referred to in paragraph (1), and the money and property referred to in paragraph (2), of section 196(a) that have been accepted by the Corporation;

"(B) the manner in which the Corporation used or disposed of such services, money, and property; and

"(C) information on the results achieved by the programs funded under this Act during the year preceding the year in which the report is prepared; and

"(10) provide for studies and demonstrations that evaluate, and prepare and submit to the Board by June 30, 1995 a report containing recommendations regarding, issues related to—

"(A) the administration and organization of programs authorized under the national service laws or under Public Law 91–378 (referred to in this subparagraph as 'service programs'), including—

"(i) whether the State and national priorities designed to meet the unmet human, education, environmental, or public safety needs described in section 122(c)(1) are being addressed by this Act;

"(ii) the manner in which—

"(I) educational and other outcomes of both stipended and nonstipended service and service-learning are defined and measured in such service programs; and

"(II) such outcomes should be defined and measured in such service programs;

"(iii) whether stipended service programs, and service programs providing educational benefits in return for service, should focus on economically disadvantaged individuals or at-risk youth or whether such programs should include a mix of individuals, including individuals from middle- and upper-income families;

"(iv) the role and importance of stipends and educational benefits in achieving desired outcomes in the service programs;

"(v) the potential for cost savings and coordination of support and oversight services from combining functions performed by ACTION State offices and State Commissions;

"(vi) the implications of the results from such studies and demonstrations for authorized funding levels for the service programs; and

"(vii) other issues that the Director determines to be relevant to the administration and organization of the service programs; and

"(B) the number, potential consolidation, and future organization of national service or domestic volunteer service programs that are authorized under Federal law, including VISTA, service corps assisted under subtitle C and other programs authorized by this Act, programs administered by the Public Health Service, the Department of Defense, or other Federal agencies, programs regarding teacher corps, and programs regarding work-study and higher education loan forgiveness or forbearance programs authorized by the Higher Education Act of 1965 related to community service.

"(c) POWERS.—In addition to the authority conferred on the President under any other provision of this Act, the President may—

"(1) establish, alter, consolidate, or discontinue such organizational units or components within the Corporation as the President considers necessary or appropriate, consistent with Federal law, and shall, to the maximum extent practicable, consolidate such units or components of the division of the Corporation that carries out volunteer service programs and the division of the Corporation that carries out financial assistance programs as may be appropriate to enable the two divisions to coordinate common support functions, such as recruiting, public awareness, or training functions;

"(2) with the approval of the President of the United States, arrange with and reimburse the heads of other Federal agencies for the performance of any of the provisions of this Act;

"(3) with their consent, utilize the services and facilities of Federal agencies with or without reimbursement, and, with the consent of any State, or political subdivision of a State, accept and utilize the services and facilities of the agencies of such State or subdivisions without reimbursement;

"(4) allocate and expend funds made available under this Act, including expenditure for construction, repairs, and capital improvements;

"(5) disseminate, without regard to the provisions of section 3204 of title 39, United States Code, data and information, in such form as the President shall determine to be appropriate to public agencies, private organizations, and the general public;

"(6) collect or compromise all obligations to or held by the President and all legal or equitable rights accruing to the President in connection with the payment of obligations in accordance with chapter 37 of title 31, United States Code (commonly known as the 'Federal Claims Collection Act of 1966');

"(7) expend funds made available for purposes of this Act for rent of buildings and space in buildings and for repair, alteration, and improvement of buildings and space in buildings rented by the President;

"(8) file a civil action in any court of record of a State having general jurisdiction or in any district court of the United States, with respect to a claim arising under this Act;

"(9) exercise the authorities of the Corporation under section 196;

"(10) consolidate the reports to Congress required under this Act, and the report required under section 9106 of title 31, United States Code, into a single report, and submit the report to Congress on an annual basis; and

"(11) generally perform such functions and take such steps consistent with the objectives and provisions of this Act, as the President determines to be necessary or appropriate to carry out such provisions.

"(d) DELEGATION.—

"(1) DEFINITION.—As used in this subsection, the term 'function' means any duty, obligation, power, authority, responsibility, right, privilege, activity, or program.

"(2) IN GENERAL.—Except as otherwise prohibited by law or provided in this Act, the President may delegate any function under this Act, and authorize such successive redelegations of such function as may be necessary or appropriate. No delegation of a function by the President under this subsection or under any other provision of this Act shall relieve such President of responsibility for the administration of such function.

"(3) FUNCTION OF BOARD.—The President may not delegate a function of the Board without the permission of the Board.

"(e) ACTIONS.—In an action described in subsection (c)(8)—

"(1) a district court referred to in such subsection shall have jurisdiction of such a civil action without regard to the amount in controversy;

"(2) such an action brought by the President shall survive notwithstanding any change in the person occupying the office of President or any vacancy in that office;

"(3) no attachment, injunction, garnishment, or other similar process, mesne or final, shall be issued against the President or the Board or property under the control of the President or the Board; and

"(4) nothing in this section shall be construed to except litigation arising out of activities under this Act from the application of sections 509, 517, 547, and 2679 of title 28, United States Code.

"SEC. 194. OFFICERS.

"(a) MANAGING DIRECTORS.—

"(1) IN GENERAL.—There shall be in the Corporation 2 Managing Directors, who shall be appointed by the President of the United States, by and with the advice and consent of the Senate, and who shall report to the President.

"(2) COMPENSATION.—The Managing Directors shall be compensated at the rate provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

"(3) DUTIES.—

"(A) VOLUNTEER SERVICE PROGRAMS.—One of the Managing Directors shall be primarily responsible for the volunteer service programs carried out by the Corporation.

"(B) INVESTMENT PROGRAMS.—The other Managing Director shall be primarily responsible for the financial assistance programs carried out by the Corporation.

"(b) INSPECTOR GENERAL.—

"(1) OFFICE.—There shall be in the Corporation an Office of the Inspector General.

"(2) APPOINTMENT.—The Office shall be headed by an Inspector General, appointed in accordance with the Inspector General Act of 1978.

"(3) COMPENSATION.—The Inspector General shall be compensated at the rate provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

"(c) CHIEF FINANCIAL OFFICER.—

"(1) OFFICE.—There shall be in the Corporation a Chief Financial Officer, who shall be appointed by the President of the United States, by and with the advice and consent of the Senate.

"(2) COMPENSATION.—The Chief Financial Officer shall be compensated at the rate provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

"(3) DUTIES.—The Chief Financial Officer shall—

"(A) report directly to the President regarding financial management matters;

"(B) oversee all financial management activities relating to the programs and operations of the Corporation;

"(C) develop and maintain an integrated accounting and financial management system for the Corporation, including financial reporting and internal controls;

"(D) develop and maintain any joint financial management systems with the Department of Education necessary to carry out the programs of the Corporation; and

"(E) direct, manage, and provide policy guidance and oversight of the financial management personnel, activities, and operations of the Corporation.

"SEC. 195. EMPLOYEES, CONSULTANTS, AND OTHER PERSONNEL.

"(a) EMPLOYEES.—

"(1) IN GENERAL.—Except as provided in section 194(b)(4), it is within the exclusive discretion of the President to appoint and determine the compensation of such employees as the President determines to be necessary to carry out the duties of the Corporation.

"(2) CIVIL SERVICE PROTECTIONS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the provisions of title 5, United States Code, shall apply with respect to the Corporation and the employees of the Corporation.

"(B) APPOINTMENT AND COMPENSATION.—Except as provided in section 194(b)(4), it is within the exclusive discretion of the President to appoint and determine the compensation of employees under this subsection without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates (other than the provisions described in clauses (iii) and (iv) of paragraph (4)(B)).

"(3) APPOINTMENT IN THE COMPETITIVE SERVICE AFTER EMPLOYMENT IN THE CORPORATION.—

"(A) EMPLOYEES WITH NOT LESS THAN 3 YEARS OF EMPLOYMENT.—If an employee, other than a representative described in subsection (b), is separated from the Corporation (other than by removal for cause), and has been continuously employed by the Corporation for a period of not less than 3 years, such period shall be treated as a period of service in the competitive service for purposes of chapter 33 of title 5, United States Code.

"(B) EMPLOYEES WITH NOT LESS THAN 1 BUT LESS THAN 3 YEARS OF EMPLOYMENT.—If an employee, other than a representative described in subsection (b), is separated from the Corporation (other than by removal for cause), and has been continuously employed by the Corporation for a period of not less than 1 year, but less than 3 years, such period shall be treated as a period of service in the competitive service for purposes of chapter 33 of title 5, United States Code, until the date that is 3 years after the date of separation.

"(C) DEFINITION.—As used in this paragraph, the term 'competitive service' has the meaning given the term in section 2102 of title 5, United States Code.

"(4) APPOINTMENT AND COMPENSATION.—

"(A) IN GENERAL.—The Chairperson shall appoint and determine the compensation of employees referred to in paragraph (1), in accordance with the appointment and compensation systems referred to in subparagraph (B).

"(B) CORPORATION APPOINTMENT AND COMPENSATION SYSTEMS.—

"(i) ESTABLISHMENT OF SYSTEM.—The President, after reviewing the approved proposal of the Board under section 192A(g)(3) and after obtaining the approval of the Director of the Office of Personnel Management, shall issue regulations establishing appointment and compensation systems for the Corporation.

"(ii) CONTENT AND CONSIDERATIONS.—In issuing such regulations, the President shall—

"(I) establish appropriate appointment and compensation mechanisms for the representatives described in subsection (b); and

"(II) take into consideration the need for flexibility in such a system.

"(iii) APPOINTMENT SYSTEM.—The appointment system shall require that the appointment of such an employee be—

"(I) on the basis of the qualifications of applicants and the requirements of the position, in accordance with the merit system principles set forth in section 2301(b) of title 5, United States Code; and

"(II) through a competitive process.

"(iv) COMPENSATION SYSTEM.—

"(I) IN GENERAL.—The compensation system shall include a scheme for the classification of positions in the Corporation. The system shall require that the compensation of such an employee be determined based in part on the job performance of the employee, and in a manner consistent with the principles described in section 5301 of title 5, United States Code.

"(II) LIMITATION ON EMPLOYEE COMPENSATION.—The rate of compensation for each employee compensated through the system shall not exceed the annual rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

"(III) LIMITATION ON COMPENSATION OF REPRESENTATIVE.—The rate of pay for a representative described in subsection (b) shall not exceed the maximum rate of basic pay payable for grade GS–13 of the General Schedule under section 5332 of title 5, United States Code.

"(5) RETENTION OF CIVIL SERVICE RIGHTS.—

"(A) RETENTION OF COMPETITIVE SERVICE RIGHTS.—An individual who—

"(i) was an employee of ACTION or the Commission on National and Community Service

who served under a permanent appointment on the day before the date of enactment of this subtitle in—

"(I) a position in the competitive service; or

"(II) a career appointee position in the Senior Executive Service;

"(ii) is transferred to the Corporation under section 202(c) or 203(c) of the National and Community Service Trust Act of 1993; and

"(iii) accepts a position established under paragraph (4) in the Corporation,

shall be appointed to a position in the competitive service of the Corporation.

"(B) DURATION OF POSITION IN COMPETITIVE SERVICE.—During the period of employment of such an employee in a position, the position shall be a position in the competitive service. After such period of employment, the position shall be a position in the excepted service unless the President appoints an individual to such position in accordance with the provisions described in subsection (a)(2).

"(C) ESTABLISHMENT OF POSITIONS.—With respect to a position vacancy or a position to be established in the Corporation, the President—

"(i) shall select the individual to be appointed to such position in accordance with the regulations promulgated under paragraph (4);

"(ii) if the individual to be appointed to the position is an individual described in subparagraph (A), shall establish the position as a position in the competitive service; and

"(iii) if the individual to be so appointed is not an individual described in subparagraph (A)—

"(I) may establish the position as a position in the excepted service; and

"(II) in an exceptional case in which the individual, immediately prior to accepting the position, served under a permanent appointment in a position described in subclause (I) or (II) of subparagraph (A)(i), may establish the position as a position in the competitive service,

in any case in which an individual described in subparagraph (A) is an employee of the Corporation and is eligible to be appointed to such position.

"(D) DEFINITIONS.—As used in this paragraph:

"(i) COMPETITIVE SERVICE.—The term 'competitive service' has the meaning given the term in section 2102 of title 5, United States Code.

"(ii) EXCEPTED SERVICE.—The term 'excepted service' has the meaning given the term in section 2103 of title 5, United States Code.

"(iii) SENIOR EXECUTIVE SERVICE.—The term 'Senior Executive Service' has the meaning given the term in section 2101a of title 5, United States Code.

"(b) CORPORATION REPRESENTATIVE IN EACH STATE.—

"(1) DESIGNATION OF REPRESENTATIVE.—The Corporation shall designate 1 employee of the Corporation for each State or group of States to serve as the representative of the Corporation in the State or States and to assist the Corporation in carrying out the activities described in this Act in the State or States.

"(2) DUTIES.—The representative designated under this subsection for a State or group of States shall serve as the liaison between—

"(A) the Corporation and the State Commission that is established in the State or States;

"(B) the Corporation and any subdivision of a State, Indian tribe, public or private nonprofit organization, or institution of higher education, in the State or States, that is awarded a grant under section 121 directly from the Corporation; and

"(C) the State Commission and the Corporation employee responsible for volunteer service programs in the State, if the employee is not the representative described in paragraph (1) for the State.

"(3) MEMBER OF STATE COMMISSION.—The representative designated under this subsection for a State or group of States shall also serve as an ex officio nonvoting member of the State Commission established in the State or States.

"(c) CONSULTANTS.—The President may procure the temporary and intermittent services of experts and consultants and compensate the experts and consultants in accordance with section 3109(b) of title 5, United States Code.

"(d) DETAILS OF PERSONNEL.—The head of any Federal department or agency may detail on a reimbursable basis, or on a nonreimbursable basis for not to exceed 180 calendar days during any fiscal year, as agreed upon by the President and the head of the Federal agency, any of the personnel of that department or agency to the Corporation to assist the Corporation in carrying out the duties of the Corporation under this Act. Any detail shall not interrupt or otherwise affect the civil service status or privileges of the Federal employee.

"(e) ADVISORY COMMITTEES.—

"(1) ESTABLISHMENT.—The President, acting upon the recommendation of the Board, may establish advisory committees in the Corporation to advise the Board with respect to national service issues, such as the type of programs to be established or assisted under the national service laws, priorities and criteria for such programs, and methods of conducting outreach for, and evaluation of, such programs.

"(2) COMPOSITION.—Such an advisory committee shall be composed of members appointed by the President, with such qualifications as the President may specify.

"(3) EXPENSES.—Members of such an advisory committee may be allowed travel expenses as described in section 192A(d).

"(4) STAFF.—The President is authorized to appoint and fix the compensation of such staff as the President determines to be necessary to carry out the functions of the advisory committee, in accordance with subsection (a)(2), and without regard to the selection and compensation systems described in subsection (a)(4)(B). Such compensation shall not exceed the rate described in subsection (a)(4)(B)(iv)(III).

"SEC. 196. ADMINISTRATION.

"(a) DONATIONS.—

"(1) SERVICES.—

"(A) VOLUNTEERS.—Notwithstanding section 1342 of title 31, United States Code, the Corporation may solicit and accept the voluntary services of individuals to assist the Corporation in carrying out the duties of the Corporation under this Act, and may provide to such individuals the travel expenses described in section 192A(d).

"(B) LIMITATION.—Such a volunteer shall not be considered to be a Federal employee and shall not be subject to the provisions of law relating to Federal employment, including those relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal employee benefits, except that—

"(i) for the purposes of the tort claims provisions of chapter 171 of title 28, United States Code, a volunteer under this subtitle shall be considered to be a Federal employee;

"(ii) for the purposes of subchapter I of chapter 81 of title 5, United States Code, relating to compensation to Federal employees for work injuries, volunteers under this subtitle shall be considered to be employees, as defined in section 8101(1)(B) of title 5, United States Code, and the provisions of such subchapter shall apply; and

"(iii) for purposes of the provisions of chapter 11 of part I of title 18, United States Code, such a volunteer (to whom such provisions would not otherwise apply except for this subsection) shall be a special Government employee.

"(C) INHERENTLY GOVERNMENTAL FUNCTION.—

"(i) IN GENERAL.—Such a volunteer shall not carry out an inherently governmental function.

"(ii) REGULATIONS.—The President shall promulgate regulations to carry out this subparagraph.

"(iii) INHERENTLY GOVERNMENTAL FUNCTION.—As used in this subparagraph, the term 'inherently governmental function' means any activity that is so intimately related to the public interest as to mandate performance by an officer or employee of the Federal Government, including an activity that requires either the exercise of discretion in applying the authority of the Government or the use of value judgment in making a decision for the Government.

"(2) PROPERTY.—

"(A) IN GENERAL.—The Corporation may solicit, accept, hold, administer, use, and dispose of, in furtherance of the purposes of this Act, donations of any money or property, real, personal, or mixed, tangible or intangible, received by gift, devise, bequest, or otherwise. Donations accepted under this subparagraph shall be used as nearly as possible in accordance with the terms, if any, of such donation.

"(B) TAX.—For purposes of Federal income, estate, and gift taxes, money or property accepted under subparagraph (A) shall be considered to be a gift, devise, or bequest to, or for the use of, the United States.

"(C) RULES.—The President shall establish written rules to ensure that the solicitation, acceptance, holding, administration, and use of property described in subparagraph (A)—

"(i) will not reflect unfavorably upon the ability of the Corporation, or of any officer or employee of the Corporation, to carry out the responsibilities or official duties of the Corporation in a fair and objective manner; and

"(ii) will not compromise the integrity of the programs of the Corporation or any official or employee of the Corporation involved in such programs.

"(D) DISPOSITION.—Upon completion of the use by the Corporation of any property accepted pursuant to subparagraph (A) (other than money or monetary proceeds from sales of property so accepted), such completion shall be reported to the General Services Administration and such property shall be disposed of in accordance with title II of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481 et seq.).

"(3) VOLUNTEER.—As used in this subsection, the term 'volunteer' does not include a participant.

"(b) CONTRACTS.—Subject to the Federal Property and Administrative Services Act of 1949, the Corporation may enter into contracts, and cooperative and interagency agreements, with Federal and State agencies, private firms, institutions, and individuals to conduct activities necessary to assist the Corporation in carrying out the duties of the Corporation under this Act.

"(c) OFFICE OF MANAGEMENT AND BUDGET.—Appropriate circulars of the Office of Management and Budget shall apply to the Corporation.".

(b) DOMESTIC VOLUNTEER SERVICE ACT OF 1973.—Section 401 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5041) is amended by inserting after the second sentence the following: "The Director shall report directly to the President of the Corporation for National and Community Service.".

(c) TRANSFER OF FUNCTIONS OF COMMISSION ON NATIONAL AND COMMUNITY SERVICE.—

(1) DEFINITIONS.—For purposes of this subsection, unless otherwise provided or indicated by the context, each term specified in section 203(c)(1) shall have the meaning given the term in such section.

(2) TRANSFER OF FUNCTIONS.—There are transferred to the Corporation the functions that the Board of Directors or Executive Director of the

Commission on National and Community Service exercised before the effective date of this subsection (including all related functions of any officer or employee of the Commission).

(3) APPLICATION.—The provisions of paragraphs (3) through (10) of section 203(c) shall apply with respect to the transfer described in paragraph (2), except that—

(A) for purposes of such application, references to the term "ACTION Agency" shall be deemed to be references to the Commission on National and Community Service; and

(B) paragraph (10) of such section shall not preclude the transfer of the members of the Board of Directors of the Commission to the Corporation if, on the effective date of this subsection, the Board of Directors of the Corporation has not been confirmed.

(d) CONTINUING PERFORMANCE OF CERTAIN FUNCTIONS.—The individuals who, on the day before the date of enactment of this Act, are performing any of the functions required by section 190 of the National and Community Service Act of 1990 (42 U.S.C. 12651), as in effect on such date, to be performed by the members of the Board of Directors of the Commission on National and Community Service may, subject to section 193A of the National and Community Service Act of 1990, as added by subsection (a) of this section, continue to perform such functions until the date on the Board of Directors of the Corporation for National and Community Service conducts the first meeting of the Board. The service of such individuals as members of the Board of Directors of such Commission, and the employment of such individuals as special government employees, shall terminate on such date.

(e) JOB SEARCH ASSISTANCE.—The President of the Corporation shall establish a program to provide, or shall seek to enter into a memorandum of understanding with the Director of the Office of Personnel Management to provide, job search and related assistance to employees of the ACTION agency who are not transferred to the Corporation for National and Community Service under section 203(c). The President of the Corporation shall make available funds appropriated under section 501(a)(4) of the National and Community Service Act of 1990 in order to provide such assistance.

(f) GOVERNMENT CORPORATION CONTROL.—

(1) WHOLLY OWNED GOVERNMENT CORPORATION.—Section 9101(3) of title 31, United States Code, is amended by inserting after subparagraph (D) the following:

"(E) the Corporation for National and Community Service.".

(2) AUDITS.—Section 9105(a)(1) of title 31, United States Code, is amended by inserting ", or under other Federal law," before "or by an independent".

(g) DISPOSAL OF PROPERTY.—Section 203(k) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(k)) is amended by adding at the end the following:

"(5)(A) Under such regulations as the Administrator may prescribe, the Administrator is authorized, in the discretion of the Administrator, to assign to the President of the Corporation for National and Community Service for disposal such surplus property as is recommended by the President as being needed for national service activities.

"(B) Subject to the disapproval of the Administrator, within 30 days after notice to the Administrator by the President of the Corporation for National and Community Service of a proposed transfer of property for such activities, the President, through such officers or employees of the Corporation as the President may designate, may sell, lease, or donate such property to any entity that receives financial assistance under the National and Community Service Act of 1990 for such activities.

"(C) In fixing the sale or lease value of such property, the President of the Corporation for National and Community Service shall comply with the requirements of paragraph (1)(C).".

(h) INSPECTOR GENERAL.—

(1) SPECIAL PROVISIONS IN INSPECTOR GENERAL ACT OF 1978.—The Inspector General Act of 1978 (5 U.S.C. App.) is amended by redesignating sections 8E and 8F as sections 8F and 8G, respectively, and inserting after section 8D the following new section:

"SPECIAL PROVISIONS CONCERNING THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

"SEC. 8E. (a) Notwithstanding the provisions of sections 6(a) (7) and (8), it is within the exclusive jurisdiction of the Inspector General of the Corporation for National and Community Service to—

"(1) appoint and determine the compensation of such officers and employees in accordance with section 195(a)(4) of the National and Community Service Trust Act of 1993; and

"(2) procure the temporary and intermittent services of and compensate such experts and consultants, in accordance with section 3109(b) of title 5, United States Code,

as may be necessary to carry out the functions, powers, and duties of the Inspector General.

"(b) No later than the date on which the President of the Corporation for National and Community Service transmits any report to the Congress under section 5 (a) or (b), the President shall transmit such report to the Board of Directors of such Corporation.

"(c) No later than the date on which the President of the Corporation for National and Community Service transmits a report described under section 5(b) to the Board of Directors as provided under subsection (b) of this section, the President shall also transmit any audit report which is described in the statement required under section 5(b)(4) to the Board of Directors. All such audit reports shall be placed on the agenda for review at the next scheduled meeting of the Board of Directors following such transmittal. The President of the Corporation shall be present at such meeting to provide any information relating to such audit reports.

"(d) No later than the date on which the Inspector General of the Corporation for National and Community Service reports a problem, abuse, or deficiency under section 5(d) to the President of the Corporation, the President shall report such problem, abuse, or deficiency to the Board of Directors.".

(2) TERMINATION OF STATUS AS DESIGNATED FEDERAL ENTITY.—

(A) IN GENERAL.—Section 8F(a)(2) of the Inspector General Act of 1978 (5 U.S.C. App.) (as redesignated by paragraph (1) of this subsection) is amended by striking out "ACTION,".

(B) EFFECTIVE DATE.—This paragraph shall take effect on the effective date of section 203(c)(2).

(3) TRANSFER.—

(A) IN GENERAL.—Section 9(a)(1) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(i) in subparagraph (T), by striking out "and" at the end thereof; and

(ii) by adding at the end thereof the following new subparagraph:

"(V) of the Corporation for National and Community Service, the Office of Inspector General of ACTION; and".

(B) EFFECTIVE DATE.—This paragraph shall take effect on the effective date of section 203(c)(2).

(4) HEAD OF ESTABLISHMENT AND ESTABLISHMENT.—Section 11 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(A) in paragraph (1) by inserting "; the President of the Corporation for National and Community Service;" after "Thrift Depositor Protection Oversight Board"; and

(B) in paragraph (2) by inserting ", the Corporation for National and Community Service," after "United States Information Agency".

(5) TECHNICAL AND CONFORMING AMENDMENTS TO THE INSPECTOR GENERAL ACT OF 1978.—The Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(A) in section 4(b)(2)—

(i) by striking out "section 8E(a)(2), and any" and inserting in lieu thereof "section 8F(a)(2), and any";

(ii) by striking out "section 8E(a)(1)" and inserting in lieu thereof "section 8F(a)(1)"; and

(iii) by striking out "section 8E(a)(2)." and inserting in lieu thereof "section 8F(a)(2).."; and

(B) section 8G (as redesignated by paragraph (1) of this subsection)—

(i) by striking out "or 8D" and inserting in lieu thereof "8D, or 8E"; and

(ii) by striking out "section 8E(a)" and inserting in lieu thereof "section 8F(a)".

(6) POSTAL SERVICE TECHNICAL AND CONFORMING AMENDMENTS.—Section 410(b) of title 39, United States Code, is amended—

(A) in paragraph (8) by striking out "and" after the semicolon;

(B) in the first paragraph (9) by striking out the period and inserting in lieu thereof a semicolon and "and"; and

(C) by striking out the second paragraph (9) and inserting in lieu thereof the following:

"(10) the provisions of section 8F of the Inspector General Act of 1978.".

(i) TABLE OF CONTENTS.—Section 1(b) of the National and Community Service Act of 1990 (Public Law 101–610; 104 Stat. 3127) is amended by striking the items relating to subtitle G of title I of such Act and inserting the following:

"Subtitle G—Corporation for National and Community Service

"Sec. 191. Corporation for National and Community Service.
"Sec. 192. Board of Directors.
"Sec. 192A. Authorities and duties of the Board of Directors.
"Sec. 193. President.
"Sec. 193A. Authorities and duties of the President.
"Sec. 194. Officers.
"Sec. 195. Employees, consultants, and other personnel.
"Sec. 196. Administration.".

(j) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2) or subsection (h)(2) or (3), the amendments made by this section shall take effect on October 1, 1993.

(2) ESTABLISHMENT AND APPOINTMENT AUTHORITIES.—Sections 191, 192, and 193 of the National and Community Service Act of 1990, as added by subsection (a), shall take effect on the date of enactment of this Act.

SEC. 203. FINAL AUTHORITIES OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE.

(a) NATIONAL AND COMMUNITY SERVICE ACT OF 1990.—

(1) APPLICATION.—

(A) EVALUATION.—Subsections (a), (d), and (e) of section 179 of the National and Community Service Act of 1990 (42 U.S.C. 12639) is amended by striking "this title" and inserting "the national service laws".

(B) CORPORATION.—Subtitle I of the National and Community Service Act of 1990 (as amended by section 202 of this Act) is amended in section 191, section 192A(g)(5), section 193(c), subsections (b) (other than paragraph (10)), (c) (other than paragraph (8)), and (d) of section 193A, subsections (b) and (d) of section 195, and subsections (a) and (b) of section 196, by striking "this Act" each place the term appears and inserting "the national service laws".

(2) GRANTS.—Section 192A(g) of the National and Community Service Act of 1990 (as added by section 202 of this Act) is amended—

(A) by striking "and" at the end of paragraph (8);

(B) by redesignating paragraph (9) as paragraph (10); and

(C) by inserting after paragraph (8) the following:

"(9) notwithstanding any other provision of law, make grants to or contracts with Federal or other public departments or agencies and private nonprofit organizations for the assignment or referral of volunteers under the provisions of the Domestic Volunteer Service Act of 1973 (except as provided in section 108 of the Domestic Volunteer Service Act of 1973), which may provide that the agency or organization shall pay all or a part of the costs of the program; and".

(3) RECRUITMENT AND PUBLIC AWARENESS FUNCTIONS.—Section 193A of the National and Community Service Act of 1993 (as added by section 202 of this Act) is amended by adding at the end the following:

"(f) RECRUITMENT AND PUBLIC AWARENESS FUNCTIONS.—

"(1) EFFORT.—The President shall ensure that the Corporation, in carrying out the recruiting and public awareness functions of the Corporation, shall expend at least the level of effort on recruitment and public awareness activities related to the programs referred to in section 194(a)(3)(A) as ACTION expended on recruitment and public awareness activities related to programs under the Domestic Volunteer Service Act of 1973 during fiscal year 1993.

"(2) PERSONNEL.—The President shall assign or hire, as necessary, such additional national, regional, and State personnel to carry out such recruiting and public awareness functions as may be necessary to ensure that such functions are carried out in a timely and effective manner. The President shall give priority in the hiring of such additional personnel to individuals who have formerly served as volunteers in the programs referred to in section 194(a)(3)(A), or similar programs, and to individual who have specialized experience in the recruitment of volunteers.

"(3) FUNDS.—For the first fiscal year after the effective date of this subsection, and for each fiscal year thereafter, for the purpose of carrying out such recruiting and public awareness functions, the President shall obligate not less than 1.5 percent of the amounts appropriated for the fiscal year under section 501(a) of the Domestic Volunteer Service Act of 1973.".

(4) ASSISTANT DIRECTORS.—Section 194 of the National and Community Service Act of 1990 (as added by section 202 of this Act) is amended by adding at the end the following:

"(d) ASSISTANT DIRECTORS.—

"(1) IN GENERAL.—There shall be in the Corporation four Assistant Directors, each of whom shall be appointed by the President, and who shall report directly to the Managing Director described in subsection (a)(3)(A).

"(2) DUTIES.—

"(A) VISTA AND OTHER ANTIPOVERTY PROGRAMS.—One of the Assistant Directors shall be primarily responsible for the VISTA and other antipoverty programs under title I of the Domestic Volunteer Service Act of 1973.

"(B) RETIRED AND SENIOR VOLUNTEER PROGRAMS.—One of the Assistant Directors shall be primarily responsible for the Retired and Senior Volunteer Program established under part A of title II of such Act.

"(C) FOSTER GRANDPARENT PROGRAM.—One of the Assistant Directors shall be primarily responsible for the Foster Grandparent Program established under part B of title II of such Act.

"(D) SENIOR COMPANION PROGRAM.—One of the Assistant Directors shall be primarily responsible for the Senior Companion Program established under part C of title II of such Act.".

(b) AUTHORITIES OF ACTION AGENCY.—Sections 401 and 402 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5041 and 5042) are repealed.

(c) TRANSFER OF FUNCTIONS FROM ACTION AGENCY.—

(1) DEFINITIONS.—For purposes of this subsection, unless otherwise provided or indicated by the context—

(A) the term "Corporation" means the Corporation for National and Community Service, established under section 191 of the National and Community Service Act of 1990;

(B) the term "Federal agency" has the meaning given to the term "agency" by section 551(1) of title 5, United States Code;

(C) the term "function" means any duty, obligation, power, authority, responsibility, right, privilege, activity, or program;

(D) the term "office" includes any office, administration, agency, institute, unit, organizational entity, or component thereof; and

(E) the term "President", except as used as part of the term "President of the United States", means the President of the Corporation.

(2) TRANSFER OF FUNCTIONS.—There are transferred to the Corporation such functions as the President of the United States determines to be appropriate that the Director of the ACTION Agency exercised before the effective date of this subsection (including all related functions of any officer or employee of the ACTION Agency).

(3) DETERMINATIONS OF CERTAIN FUNCTIONS BY THE OFFICE OF MANAGEMENT AND BUDGET.—The President of the United States may delegate to the Director of the Office of Management and Budget the authority to make any determination of the functions that are transferred under paragraph (2), if the President determines that such a delegation would be appropriate.

(4) REORGANIZATION.—The President is authorized to allocate or reallocate any function transferred under paragraph (2) among the officers of the Corporation, after providing notice of the allocation or reallocation to Congress.

(5) TRANSFER AND ALLOCATIONS OF APPROPRIATIONS AND PERSONNEL.—Except as otherwise provided in this subsection, the personnel employed in connection with, and the assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, used, held, arising from, available to, or to be made available in connection with the functions transferred by this subsection, subject to section 1531 of title 31, United States Code, shall be transferred to the Corporation. Unexpended funds transferred pursuant to this paragraph shall be used only for the purposes for which the funds were originally authorized and appropriated.

(6) INCIDENTAL TRANSFER.—The Director of the Office of Management and Budget is authorized to make such additional incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with such functions, as may be necessary to carry out the provisions of this subsection. The Director of the Office of Management and Budget shall provide for the termination of the affairs of all entities terminated by this subsection and for such further measures and dispositions as may be necessary to effectuate the purposes of this subsection.

(7) EFFECT ON PERSONNEL.—

(A) IN GENERAL.—Except as otherwise provided by this subsection, the transfer pursuant to this subsection of full-time personnel (except special Government employees) and part-time personnel holding permanent positions shall not cause any such employee to be separated or reduced in grade or compensation, or to have the benefits of the employee reduced, for 1 year after the date of transfer of such employee under this subsection.

(B) EXECUTIVE SCHEDULE POSITIONS.—Except as otherwise provided in this subsection, any person who, on the day preceding the effective date of this subsection, held a position compensated in accordance with the Executive Schedule prescribed in chapter 53 of title 5, United States Code, and who, without a break in service, is appointed in the Corporation to a position having duties comparable to the duties performed immediately preceding such appointment shall continue to be compensated in such new position at not less than the rate provided for such previous position, for the duration of the service of such person in such new position.

(C) TERMINATION OF CERTAIN POSITIONS.—Positions whose incumbents are appointed by the President of the United States, by and with the advice and consent of the Senate, the functions of which are transferred by this subsection, shall terminate on the effective date of this subsection.

(8) SAVINGS PROVISIONS.—

(A) CONTINUING EFFECT OF LEGAL DOCUMENTS.—All orders, determinations, rules, regulations, permits, agreements, grants, contracts, certificates, licenses, registrations, privileges, and other administrative actions—

(i) that have been issued, made, granted, or allowed to become effective by the President of the United States, any Federal agency or official thereof, or by a court of competent jurisdiction, in the performance of functions that are transferred under this subsection; and

(ii) that are in effect at the time this subsection takes effect, or were final before the effective date of this subsection and are to become effective on or after the effective date of this subsection,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President of the United States, the President of the Corporation, or other authorized official, a court of competent jurisdiction, or by operation of law.

(B) PROCEEDINGS NOT AFFECTED.—The provisions of this subsection shall not affect any proceedings, including notices of proposed rulemaking, or any application for any license, permit, certificate, or financial assistance pending before the ACTION Agency at the time this subsection takes effect, with respect to functions transferred by this subsection. Such proceedings and applications shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this subsection had not been enacted, and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this subparagraph shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this subsection had not been enacted.

(C) SUITS NOT AFFECTED.—The provisions of this subsection shall not affect suits commenced before the effective date of this subsection, and in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this subsection had not been enacted.

(D) NONABATEMENT OF ACTIONS.—No suit, action, or other proceeding commenced by or against the ACTION Agency, or by or against any individual in the official capacity of such individual as an officer of the ACTION Agency, shall abate by reason of the enactment of this subsection.

(E) ADMINISTRATIVE ACTIONS RELATING TO PROMULGATION OF REGULATIONS.—Any administrative action relating to the preparation or promulgation of a regulation by the ACTION Agency relating to a function transferred under this subsection may be continued by the Corporation with the same effect as if this subsection had not been enacted.

(9) SEVERABILITY.—If a provision of this subsection or its application to any person or circumstance is held invalid, neither the remainder of this subsection nor the application of the provision to other persons or circumstances shall be affected.

(10) TRANSITION.—Prior to, or after, any transfer of a function under this subsection, the President is authorized to utilize—

(A) the services of such officers, employees, and other personnel of the ACTION Agency with respect to functions that will be or have been transferred to the Corporation by this subsection; and

(B) funds appropriated to such functions for such period of time as may reasonably be needed to facilitate the orderly implementation of this subsection.

(d) DEVELOPMENT OF TRANSFER SCHEDULE.—The President of the Corporation for National and Community Service, in consultation with the Director of ACTION, shall, not later than 9 months after the date of enactment of this Act, prepare a schedule that specifies the date on which the employees of ACTION will be notified about—

(1) whether their functions will be transferred to the Corporation; and

(2) if such functions will be transferred, the date on which the transfer will occur.

(e) APPOINTMENT OF ACTION EMPLOYEES.—During the period beginning on October 1, 1993 and ending on the effective date of subsection (c)(2), in making appointments to the Corporation under the appointment system described in section 195(a)(4)(B)(iii) of the National and Community Service Act of 1990, the President of the Corporation for National and Community Service shall ensure that individuals who are employees of ACTION shall receive fair and equitable treatment.

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), this section, and the amendments made by this section, shall take effect—

(A) 18 months after the date of enactment of this Act; or

(B) on such earlier date (which shall be not earlier than 12 months after the date of the enactment of this Act) as the President of the United States shall determine to be appropriate and announce by proclamation published in the Federal Register.

(2) TRANSITION.—Subsections (c)(10), (d), and (e) shall take effect on the date of enactment of this Act.

SEC. 204. BUSINESS PLAN.

(a) BUSINESS PLAN REQUIRED.—

(1) IN GENERAL.—The Corporation for National and Community Service (referred to in this section as the "Corporation") shall prepare and submit to Congress a business plan. The Corporation may not provide assistance under section 121 of the National and Community Service Act of 1990 before the twentieth day of continuous session of Congress after the date on which the Corporation submits the business plan to Congress.

(2) COMPUTATION.—For purposes of the computation of the 20-day period referred to in paragraph (1), continuity of a session of the Congress shall be considered to be broken only by—

(A) an adjournment of the Congress sine die; and

(B) the days on which either House is not in session because of an adjournment of more than 3 days to a date certain.

(b) REQUIRED ELEMENTS OF BUSINESS PLAN.—

(1) ALLOCATION OF FUNDS.—The business plan shall contain—

(A) a description of the manner in which the Corporation will allocate funds for programs carried out by the Corporation after October 1, 1993;

(B) information on the principal offices and officers of the Corporation that will allocate such funds; and

(C) information that indicates how accountability for such funds can be determined, in terms of the office or officer responsible for such funds.

(2) INVESTIGATIVE AND AUDIT FUNCTIONS.—The business plan shall include a description of the plans of the Corporation—

(A) to ensure continuity, during the transition period, and after the transition period, in the investigative and audit functions carried out by the Inspector General of ACTION prior to such period, consistent with the Inspector General Act of 1978 (5 U.S.C. App.); and

(B) to carry out investigative and audit functions and implement financial management controls regarding programs carried out by the Corporation after October 1, 1993, consistent with the Inspector General Act of 1978, including a specific description of—

(i) the manner in which the Office of Inspector General shall be established in the Corporation, in accordance with section 194(b) of the National Community Service Act of 1990, as added by section 202 of this Act; and

(ii) the manner in which grants made by the Corporation shall be audited by such Office and the financial management controls that shall apply with regard to such grants and programs.

(3) ACCOUNTABILITY MEASURES.—The business plan shall include a detailed description of the accountability measures to be established by the Corporation to ensure effective control of all funds for programs carried out by the Corporation after October 1, 1993.

(4) INFORMATION RESOURCES.—The business plan shall include a description of an information resource management program that will support the program and financial management needs of the Corporation.

(5) CORPORATION STAFFING AND INTEGRATION OF ACTION.—

(A) TRANSFERS.—The business plan shall include a report on the progress and plans of the President for transferring the functions, programs, and related personnel of ACTION to the Corporation, and shall include a timetable for the transfer. Not later than 9 months after the date of enactment of this section, the President shall identify all functions of ACTION to be transferred to the Corporation.

(B) DETAILS AND ASSIGNMENTS.—The report shall specify the number of ACTION employees detailed or assigned to the Corporation, and describe the hiring activity of the Corporation, during the transition period.

(C) STRUCTURE.—The business plan shall include a description of the organizational structure of the Corporation during the transition period.

(D) STAFFING.—The business plan shall include a description of—

(i) measures to ensure adequate staffing during the transition period with respect to programs carried out by the Corporation after October 1, 1993; and

(ii) the responsibilities and authorities of the Managing Directors and other key personnel of the Corporation.

(E) SENIOR EXECUTIVE SERVICE.—The business plan shall include—

(i) an explanation of the number of the employees of the Corporation who will be paid at or above the rate of pay for level 1 of the Senior Executive Service Schedule under section 5382 of title 5, United States Code; and

(ii) information justifying such pay for such employees.

(6) DUPLICATION OF FUNCTIONS.—The business plan shall include a description of the measures that the Corporation is taking or will take to minimize duplication of functions in the Corporation caused by the transfer of the functions of the Commission on National and Community Service, and the transfer of the functions of ACTION, to the Corporation. This description shall address functions at both the national and State levels.

(c) DEFINITION.—The term "transition period" means the period beginning on October 1, 1993 and ending on the day before the effective date of section 203(c)(2).

TITLE III—REAUTHORIZATION

Subtitle A—National and Community Service Act of 1990

SEC. 301. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Section 501 of the National and Community Service Act of 1990 (42 U.S.C. 12681) is amended to read as follows:

"SEC. 501. AUTHORIZATION OF APPROPRIATIONS.

"(a) TITLE I.—

"(1) SUBTITLE B.—

"(A) IN GENERAL.—There are authorized to be appropriated to provide financial assistance under subtitle B of title I, $45,000,000 for fiscal year 1994 and such sums as may be necessary for each of the fiscal years 1995 through 1996.

"(B) PROGRAMS.—Of the amount appropriated under subparagraph (A) for a fiscal year—

"(i) not more than 63.75 percent shall be available to provide financial assistance under subpart A of part I of subtitle B of title I;

"(ii) not more than 11.25 percent shall be available to provide financial assistance under subpart B of part I of such subtitle; and

"(iii) not more than 25 percent shall be available to provide financial assistance under part II of such subtitle.

"(2) SUBTITLES C, D, AND H.—

"(A) IN GENERAL.—There are authorized to be appropriated to provide financial assistance under subtitles C and H of title I, to provide national service educational awards under subtitle D of title I, and to carry out such audits and evaluations as the President or the Inspector General of the Corporation may determine to be necessary, $300,000,000 for fiscal year 1994, $500,000,000 for fiscal year 1995, and $700,000,000 for fiscal year 1996.

"(B) PROGRAMS.—Of the amount appropriated under subparagraph (A) for a fiscal year, up to 15 percent shall be made available to provide financial assistance under sections 125 and 126 and under subtitle H of title I.

"(3) SUBTITLE E.—There are authorized to be appropriated to provide financial assistance under subtitle E of title I, such sums as may be necessary for each of the fiscal years 1995 through 1996.

"(4) ADMINISTRATION.—

"(A) IN GENERAL.—There are authorized to be appropriated for the administration of this Act such sums as may be necessary for each of the fiscal years 1994 through 1996.

"(B) LIMITATION.—For fiscal year 1994, the sums appropriated under subparagraph (A) shall not exceed 15 percent of the amounts appropriated to carry out subtitles B, C, D, and H of title I of this Act for such fiscal year. For each subsequent fiscal year, the sums appropriated under subparagraph (A) shall not exceed 10 percent of the amounts appropriated to carry out such subtitles for such subsequent fiscal year.

"(C) STATE COMMISSIONS AND CORPORATION.—Of the amounts appropriated under subparagraph (A) for a fiscal year, up to 50 percent shall be made available to the State Commissions, and up to 50 percent shall be made available to the Corporation, for the administration of this Act.

"(b) TITLE III.—There are authorized to be appropriated to carry out title III $5,000,000 for each of the fiscal years 1994 through 1996.

"(c) AVAILABILITY OF APPROPRIATIONS.—Funds appropriated under this section shall remain available until expended.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1993.

Subtitle B—Domestic Volunteer Service Act of 1973

SEC. 311. SHORT TITLE; REFERENCES.

(a) SHORT TITLE.—This subtitle may be cited as the "Domestic Volunteer Service Act Amendments of 1993".

(b) REFERENCES.—Except as otherwise specifically provided, whenever in this subtitle 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 Domestic Volunteer Service Act of 1973 (42 U.S.C. 4950 et seq.).

CHAPTER 1—VISTA AND OTHER ANTI-POVERTY PROGRAMS

SEC. 321. PURPOSE OF THE VISTA PROGRAM.

The last sentence of section 101 (42 U.S.C. 4951) is amended to read as follows: "In addition, the objectives of this part are to generate the commitment of private sector resources, to encourage volunteer service at the local level, and to strengthen local agencies and organizations to carry out the purpose of this part.".

SEC. 322. SELECTION AND ASSIGNMENT OF VISTA VOLUNTEERS.

(a) VOLUNTEER ASSIGNMENTS.—Section 103(a) (42 U.S.C. 4953(a)) is amended—

(1) in the matter preceding paragraph (1), by striking "a public" and inserting "public";

(2) in paragraph (2), by striking "and" at the end;

(3) in paragraph (3), by striking "illiterate or functionally illiterate youth and other individuals,";

(4) in paragraph (5), by striking "and" at the end;

(5) in paragraph (6)—

(A) by striking "the Headstart act, or the Community Economic" and inserting "the Head Start Act, the Community Economic";

(B) by inserting "or other similar Acts," after "1981,"; and

(C) by striking the period and inserting "; and"; and

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

"(7) in strengthening, supplementing, and expanding efforts to address the problem of illiteracy throughout the United States.".

(b) RECRUITMENT PROCEDURES.—Section 103(b) (42 U.S.C. 4953(b)) is amended—

(1) by striking paragraphs (2), (4), (5) and (6);

(2) by redesignating paragraphs (3) and (7) as paragraphs (2) and (3), respectively;

(3) in paragraph (2) (as redesignated in paragraph (2) of this subsection), by striking "paragraph (7)" and inserting "paragraph (3)"; and

(4) in paragraph (3) (as redesignated in paragraph (2) of this subsection)—

(A) in subparagraph (A), by striking "paragraph (4)" and inserting "paragraph (2)";

(B) by striking subparagraphs (B), (C), and (E);

(C) by redesignating subparagraphs (D) and (F) as subparagraphs (C) and (D), respectively; and

(D) by inserting after subparagraph (A) the following new subparagraph:

"(B) A sponsoring organization may recruit volunteers for service under this part, subject to final approval by the Director.".

(c) PUBLIC AWARENESS AND RECRUITMENT.—Subsection (c) of section 103 (42 U.S.C. 4953(c)) is amended—

(1) in paragraph (1), to read as follows:

"(1)(A) The Director shall conduct national and local public awareness and recruitment activities in order to meet the volunteer goals of the program. In conducting such activities, the Director shall place special emphasis on recruiting volunteers for local, community-based programs that serve underrepresented populations, in situations in which volunteers might not otherwise learn about the programs. Such activities shall be coordinated with recruitment authorized under subtitle C or E of the National and Community Service Act of 1990 and may include public service announcements, advertisements, publicity on loan deferments, repayments, and cancellations available to VISTA volunteers, maintenance of a toll-free telephone system, and provision of technical assistance for the recruitment of volunteers to programs and projects receiving assistance under this part.

"(B) The Director shall take steps to recruit individuals 18 through 27 years of age, 55 years of age and older, recent graduates of institutions of higher education, and special skilled volunteers and to promote diverse participation in the program.";

(2) in paragraph (3), by adding at the end the following new sentence: "In addition, the Director shall take steps to provide opportunities for returned Peace Corps volunteers to serve in the VISTA program.";

(3) by striking paragraphs (4), (5), and (6); and

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

"(4) From the amounts appropriated under section 501(a) for fiscal year 1994 and each subsequent fiscal year, the Director shall obligate such sums as may be necessary for the purpose of carrying out this subsection in such fiscal year.".

(d) COORDINATION WITH OTHER FEDERAL AGENCIES.—Section 103 (42 U.S.C. 4953) is amended by adding at the end the following new subsection:

"(h) The Director is encouraged to enter into agreements with other Federal agencies to use VISTA volunteers in furtherance of program objectives that are consistent with the purposes described in section 101.".

SEC. 323. TERMS AND PERIODS OF SERVICE.

(a) CLARIFICATION AND PERIODS OF SERVICE.—Subsection (b) of section 104 (42 U.S.C. 4954(b)) is amended to read as follows:

"(b)(1) Volunteers serving under this part may be enrolled initially for periods of service of not less than 1 year, nor more than 2 years, except as provided in paragraph (2) or subsection (e).

"(2) Volunteers serving under this part may be enrolled for periods of service of less than 1 year if the Director determines, on an individual basis, that a period of service of less than 1 year is necessary to meet a critical scarce skill need.

"(3) Volunteers serving under this part may be reenrolled for periods of service in a manner to be determined by the Director. No volunteer shall serve for more than a total of 5 years under this part.".

(b) SUMMER PROGRAM.—Section 104 (42 U.S.C. 4954) is amended by adding at the end the following new subsection:

"(e)(1) Notwithstanding any other provision of this part, the Director may enroll full-time VISTA summer associates in a program for the summer months only, under such terms and conditions as the Director shall determine to be appropriate. Such individuals shall be assigned to projects that meet the criteria set forth in section 103(a).

"(2) In preparing reports relating to programs under this Act, the Director shall report on participants, costs, and accomplishments under the summer program separately.

"(3) The limitation on funds appropriated for grants and contracts, as contained in section 108, shall not apply to the summer program.".

SEC. 324. SUPPORT FOR VISTA VOLUNTEERS.

(a) POSTSERVICE STIPEND.—Section 105(a)(1) (42 U.S.C. 4955(a)(1)) is amended—

(1) by inserting "(A)" after "(a)(1)"; and

(2) by striking the second sentence and inserting the following:

"(B) Such stipend shall not exceed $95 per month in fiscal year 1994, but shall be set at a minimum of $125 per month during the service of the volunteer after October 1, 1994, assuming the availability of funds to accomplish this increase.

"(C) The Director shall not provide a stipend under this subsection to an individual who elects to receive a national service education award under subtitle D of title I of the National and Community Service Act of 1990.".

(b) SUBSISTENCE ALLOWANCE.—Section 105(b) (42 U.S.C. 4955(b)) is amended—

(1) in paragraph (3)—

(A) by striking subparagraph (A);

(B) in subparagraph (B), by striking the subparagraph designation; and

(C) by adding at the end the following new sentence: "The Director shall review such adjustments on an annual basis to ensure that the adjustments are current."; and

(2) by striking paragraph (4).

(c) CHILD CARE.—Section 105 (42 U.S.C. 4955) is amended by adding at the end the following:

"(c)(1) The Director shall—

"(A) make child care available for children of each volunteer enrolled under this part who need such child care in order to participate as volunteers; or

"(B) provide a child care allowance to each such volunteer who needs such assistance in order to participate as volunteers.

"(2) The Corporation shall establish guidelines regarding the circumstances under which child care shall be made available under this subsection and the value of any child care allowance to be provided.".

SEC. 325. PARTICIPATION OF YOUNGER AND OLDER PERSONS.

Section 107 (42 U.S.C. 4957) is amended to read as follows:

"SEC. 107. PARTICIPATION OF YOUNGER AND OLDER PERSONS.

"In carrying out this part and part C, the Director shall take necessary steps, including the development of special projects, where appropriate, to encourage the fullest participation of individuals 18 through 27 years of age, and individuals 55 years of age and older, in the various programs and activities authorized under such parts.".

SEC. 326. LITERACY ACTIVITIES.

Section 109 (42 U.S.C. 4959) is amended—

(1) in subsection (g)—

(A) by striking paragraph (1); and

(B) by striking the paragraph designation of paragraph (2); and

(2) in subsection (h), by striking paragraph (3).

SEC. 327. APPLICATIONS FOR ASSISTANCE.

Section 110 (42 U.S.C. 4960) is amended to read as follows:

"SEC. 110. APPLICATIONS FOR ASSISTANCE.

"In reviewing an application for assistance under this part, the Director shall not deny such assistance to any project or program, or any public or private nonprofit organization, solely on the basis of the duration of the assistance such project, program, or organization has received under this part prior to the date of submission of the application. The Director shall grant assistance under this part on the basis of merit and to accomplish the goals of the VISTA program, and shall consider the needs and requirements of projects in existence on such date as well as potential new projects.".

SEC. 328. REPEAL OF AUTHORITY FOR STUDENT COMMUNITY SERVICE PROGRAMS.

Section 114 (42 U.S.C. 4974) is repealed.

SEC. 329. UNIVERSITY YEAR FOR VISTA.

(a) PROGRAM TITLE.—Part B of title I (42 U.S.C. 4971 et seq.) is amended—

(1) in the part heading, to read as follows:

"PART B—UNIVERSITY YEAR FOR VISTA";

(2) by striking "University Year for ACTION" each place that such term appears in such part and inserting "University Year for VISTA";

(3) by striking "UYA" each place that such term appears in such part and inserting "UYV"; and

(4) in section 112 (42 U.S.C. 4972) by striking the section heading and inserting the following new section heading:

"AUTHORITY TO OPERATE UNIVERSITY YEAR FOR VISTA PROGRAM".

(b) SPECIAL CONDITIONS.—Section 113(a) (42 U.S.C. 4973(a)) is amended—

(1) by striking "of not less than the duration of an academic year" and inserting "of not less than the duration of an academic semester or its equivalent"; and

(2) by adding at the end the following new sentence: "Volunteers may receive a living allowance and such other support or allowances as the Director determines to be appropriate.".

SEC. 330. AUTHORITY TO ESTABLISH AND OPERATE SPECIAL VOLUNTEER AND DEMONSTRATION PROGRAMS.

Section 122 (42 U.S.C. 4992) is amended to read as follows:

"SEC. 122. AUTHORITY TO ESTABLISH AND OPERATE SPECIAL VOLUNTEER AND DEMONSTRATION PROGRAMS.

"(a) IN GENERAL.—The Director is authorized to conduct special volunteer programs for demonstration programs, or award grants to or enter into contracts with public or nonprofit organizations to carry out such programs. Such programs shall encourage wider volunteer participation on a full-time, part-time, or short-term basis to further the purpose of this part, and identify particular segments of the poverty community that could benefit from volunteer and other antipoverty efforts.

"(b) ASSIGNMENT AND SUPPORT OF VOLUNTEERS.—The assignment of volunteers under this section, and the provision of support for such volunteers, including any subsistence allowances and stipends, shall be on such terms and conditions as the Director shall determine to be appropriate, but shall not exceed the level of support provided under section 105. Projects using volunteers who do not receive stipends may also be supported under this section.

"(c) CRITERIA AND PRIORITIES.—In carrying out this section and section 123, the Director shall establish criteria and priorities for awarding grants and entering into contracts under this part in each fiscal year. No grant or contract exceeding $100,000 shall be made under this part unless the recipient of the grant or contractor has been selected by a competitive process that includes public announcement of the availability of funds for such grant or contract, general criteria for the selection of recipients or contractors, and a description of the application process and application review process.".

SEC. 331. TECHNICAL AND FINANCIAL ASSISTANCE.

Section 123 (42 U.S.C. 4993) is amended to read as follows:

"SEC. 123. TECHNICAL AND FINANCIAL ASSISTANCE.

"The Director may provide technical and financial assistance to Federal agencies, State and local governments and agencies, private nonprofit organizations, employers, and other private organizations that utilize or desire to utilize volunteers in carrying out the purpose of this part.".

SEC. 332. ELIMINATION OF SEPARATE AUTHORITY FOR DRUG ABUSE PROGRAMS.

Title I (42 U.S.C. 4951 et seq.) is amended—

(1) by repealing section 124; and

(2) by redesignating section 125 as section 124.

CHAPTER 2—NATIONAL SENIOR VOLUNTEER CORPS

SEC. 341. NATIONAL SENIOR VOLUNTEER CORPS.

(a) TITLE HEADING.—The heading for title II is amended to read as follows:

"TITLE II—NATIONAL SENIOR VOLUNTEER CORPS".

(b) REFERENCES.—

(1) Section 200(1) (42 U.S.C. 5000(1)) is amended by striking "Older American Volunteer Programs" and inserting "National Senior Volunteer Corps".

(2) The heading for section 221 (42 U.S.C. 5021) is amended by striking "OLDER AMERICAN VOLUNTEER PROGRAMS" and inserting "NATIONAL SENIOR VOLUNTEER CORPS".

(3) Section 224 (42 U.S.C. 5024) is amended—

(A) in the section heading by striking "OLDER AMERICAN VOLUNTEER PROGRAMS" and inserting "NATIONAL SENIOR VOLUNTEER CORPS"; and

(B) by striking "volunteer projects for older Americans" and inserting "National Senior Volunteer Corps projects".

(4) Section 205(c) of the Older Americans Amendments of 1975 (Public Law 94–135; 89 Stat. 727; 42 U.S.C. 5001 note) is amended by striking "national older American volunteer programs" each place the term appears and inserting "National Senior Volunteer Corps programs".

SEC. 342. THE RETIRED AND SENIOR VOLUNTEER PROGRAM.

(a) PART HEADING.—The heading for part A of title II is amended by striking "RETIRED SENIOR VOLUNTEER PROGRAM" and inserting "RETIRED AND SENIOR VOLUNTEER PROGRAM".

(b) REFERENCES.—Section 200 (42 U.S.C. 5000) is amended by striking "retired senior volunteer program" each place that such term appears in such section and inserting "Retired and Senior Volunteer Program".

SEC. 343. OPERATION OF THE RETIRED AND SENIOR VOLUNTEER PROGRAM.

(a) ELIGIBILITY FOR PARTICIPANTS IN THE PROGRAM.—Section 201(a) (42 U.S.C. 5001(a)) is amended—

(1) in the matter preceding paragraph (1), by inserting "and older working persons" after "retired persons"; and

(2) in paragraph (2), by striking "aged sixty" and inserting "age 55".

(b) DELETION OF REQUIREMENT FOR STATE AGENCY REVIEW.—Section 201 (42 U.S.C. 5001) is amended—

(1) by striking subsection (c); and

(2) by redesignating subsection (d) as subsection (c).

SEC. 344. SERVICES UNDER THE FOSTER GRANDPARENT PROGRAM.

Section 211(a) (42 U.S.C. 5011(a)) is amended by striking ", including services" and all that follows through "with special needs." and inserting a period and the following: "Such services may include services by individuals serving as foster grandparents to children who are individuals with disabilities, who have chronic health conditions, who are receiving care in hospitals, who are residing in homes for dependent and neglected children, or who are receiving services provided by day care centers, schools, early intervention programs under part H of the Individuals with Disabilities Education Act (20 U.S.C. 1471 et seq.), Head Start agencies under the Head Start Act, or any of a variety of other programs, establishments, and institutions providing services for children with special or exceptional needs. Individual foster grandparents may provide person-to-person services to one or more children, depending on the needs of the project and local site.".

SEC. 345. STIPENDS FOR LOW-INCOME VOLUNTEERS.

The second sentence of section 211(d) (42 U.S.C. 5011(d)) is amended by striking "Any stipend or allowance provided under this subsection shall not be less than $2.20 per hour until October 1, 1990, $2.35 per hour during fiscal year 1991, and $2.50 per hour on and after October 1, 1992," and inserting "Any stipend or allowance provided under this section shall not be less than $2.45 per hour on and after October 1, 1993, and shall be adjusted once prior to December 31, 1997, to account for inflation, as determined by the Director and rounded to the nearest five cents,".

SEC. 346. PARTICIPATION OF NON-LOW-INCOME PERSONS UNDER PARTS B AND C.

Subsection (f) of section 211(f) (42 U.S.C. 5011(f)) is amended to read as follows:

"(f) Individuals who are not low-income persons may serve as volunteers under parts B and C, in accordance with such regulations as the Director shall issue, at the discretion of the local project. Such individuals shall not receive any allowance, stipend, or other financial support for such service except reimbursement for transportation, meals, and out-of-pocket expenses related to such service.".

SEC. 347. CONDITIONS OF GRANTS AND CONTRACTS.

Section 212 (42 U.S.C. 5012) is repealed.

SEC. 348. EVALUATION OF THE SENIOR COMPANION PROGRAM.

Section 213(c) (42 U.S.C. 5013(c)) is amended by striking paragraph (3).

SEC. 349. AGREEMENTS WITH OTHER FEDERAL AGENCIES.

Section 221(a) (42 U.S.C. 5021(a)) is amended—

(1) by striking "(a)" and inserting "(a)(1)"; and

(2) by adding at the end the following:

"(2) The Director is encouraged to enter into agreements with—

"(A) the Department of Health and Human Services to—

"(i) involve retired or senior volunteers and foster grandparents in Head Start projects; and

"(ii) promote in-home care in cooperation with the Administration on Aging;

"(B) the Department of Education to promote intergenerational tutoring and mentoring for at-risk children; and

"(C) the Environmental Protection Agency to support conservation efforts.".

SEC. 350. PROGRAMS OF NATIONAL SIGNIFICANCE.

Section 225 (42 U.S.C. 5025) is amended—

(1) in subsection (a)—

(A) by striking paragraph (1) and inserting the following new paragraph:

"(1) The Director is authorized to make grants under parts A, B, and C to support programs that address national problems that are also of local concern. The Director may, in any fiscal year, determine which programs of national significance will receive priority in that year. In determining the priority of programs to address problems of local concern in a particular area, the Director shall solicit and consider the views of representatives of local groups serving the area.";

(B) in paragraph (2)(B), by striking "paragraph (10)" and inserting "paragraphs (10) and (12)"; and

(C) in paragraph (2)(C), by striking "and (10)" and inserting "(10), (12), (15), and (16)";

(2) in subsection (b), by adding at the end the following new paragraphs:

"(12) Programs that address environmental needs.

"(13) Programs that reach out to organizations not previously involved in addressing local needs, such as labor unions and profitmaking organizations.

"(14) Programs that provide for ethnic outreach.

"(15) Programs that support criminal justice activities.

"(16) Programs that involve older volunteers working with young people in apprenticeship programs.

"(17) Programs that support the integration of individuals with disabilities into the community."; and

(3) in subsection (d), by striking paragraph (1) and inserting the following new paragraph:

"(1) Except as provided in paragraph (2), from the amounts appropriated under subsection (a), (b), (c), or (d) of section 502, for each fiscal year there shall be available to the Director such sums as may be necessary to make grants under subsection (a).".

SEC. 351. ADJUSTMENTS TO FEDERAL FINANCIAL ASSISTANCE.

Section 226 (42 U.S.C. 5026) is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (A), by striking "(A)"; and

(B) by striking subparagraph (B); and

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by striking "(1)"; and

(ii) by striking "annually" and inserting ", once every 2 years"; and

(B) by striking paragraph (2).

SEC. 352. DEMONSTRATION PROGRAMS.

Title II (42 U.S.C. 5000 et seq.) is amended by adding at the end the following new part:

"PART E—DEMONSTRATION PROGRAMS

"SEC. 231. AUTHORITY OF DIRECTOR.

"(a) IN GENERAL.—The Director is authorized to make grants to or enter into contracts with public or nonprofit organizations, including organizations funded under part A, B, or C, for the purposes of demonstrating innovative activities involving older Americans as volunteers. The Director may support under this part both volunteers receiving stipends and volunteers not receiving stipends.

"(b) ACTIVITIES.—An organization that receives a grant or enters into a contract under subsection (a) may use funds made available through the grant or contract for activities such as—

"(1) linking youth groups and older American organizations in volunteer activities;

"(2) involving older volunteers in programs and activities different from programs and activities supported in the community; and

"(3) testing whether older American volunteer programs may contribute to new objectives or certain national priorities.

"SEC. 232. PROHIBITION.

"The Director may not reduce the activities, projects, or volunteers funded under the other parts of this title in order to support projects under this part.".

CHAPTER 3—ADMINISTRATION

SEC. 361. PURPOSE OF AGENCY.

Section 401 (42 U.S.C. 5041) is amended—

(1) by inserting after the first sentence the following: "Such Agency shall also promote the coordination of volunteer efforts among Federal, State, and local agencies and organizations, exchange technical assistance information among such agencies and organizations."; and

(2) by striking "Older American Volunteer Programs" each place the term appears and inserting "National Senior Volunteer Corps".

SEC. 362. AUTHORITY OF THE DIRECTOR.

Section 402 (42 U.S.C. 5042) is amended in paragraphs (5) and (6) by inserting "solicit and" before "accept" each place the term appears.

SEC. 363. COMPENSATION FOR VOLUNTEERS.

Section 404 (42 U.S.C. 5044) is amended—

(1) in subsection (c), by inserting "from such volunteers or from beneficiaries" after "compensation";

(2) by striking subsection (f); and

(3) by redesignating subsection (g) as subsection (f).

SEC. 364. REPEAL OF REPORT.

Section 407 (42 U.S.C. 5047) is repealed.

SEC. 365. APPLICATION OF FEDERAL LAW.

Section 415(b)(4)(A) (42 U.S.C. 5055(b)(4)(A)) is amended by striking "a grade GS–7 employee" and inserting "an employee at grade GS–5 of the General Schedule under section 5332 of title 5, United States Code".

SEC. 366. EVALUATION OF PROGRAMS.

Section 416 (42 U.S.C. 5056) is amended—

(1) in subsection (a)—

(A) in the first sentence, by striking "(including the VISTA Literacy Corps which shall be evaluated as a separate program at least once every 3 years)"; and

(B) in the second sentence, by striking "at least once every 3 years" and inserting "periodically";

(2) in subsection (b) to read as follows:

"(b) In carrying out evaluations of programs under this Act, the Director shall create appropriate management information systems that will summarize information on volunteer activities and accomplishments across the programs supported under this Act. The Director shall periodically prepare and submit to the appropriate committees of Congress a report containing such information."; and

(3) by striking subsections (d), (e), (f), and (g).

SEC. 367. NONDISCRIMINATION PROVISIONS.

Section 417 (42 U.S.C. 5057) is amended to read as follows:

"SEC. 417. NONDISCRIMINATION PROVISIONS.

"(a) IN GENERAL.—

"(1) BASIS.—An individual with responsibility for the operation of a program that receives assistance under this Act shall not discriminate against a participant in, or member of the staff of, such program on the basis of race, color, national origin, sex, age, or political affiliation of such participant or member, or on the basis of disability, if the participant or member is a qualified individual with a disability.

"(2) DEFINITION.—As used in paragraph (1), the term 'qualified individual with a disability' has the meaning given the term in section 101(8) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12111(8)).

"(b) FEDERAL FINANCIAL ASSISTANCE.—Any assistance provided under this Act shall constitute Federal financial assistance for purposes of title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), and the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.).

"(c) RELIGIOUS DISCRIMINATION.—

"(1) IN GENERAL.—Except as provided in paragraph (2), an individual with responsibility for the operation of a program that receives assistance under this Act shall not discriminate on the basis of religion against a participant in such program or a member of the staff of such program who is paid with funds received under this Act.

"(2) EXCEPTION.—Paragraph (1) shall not apply to the employment, with assistance provided under this Act, of any member of the staff, of a program that receives assistance under this Act, who was employed with the organization operating the program on the date the grant under this Act was awarded.

"(d) RULES AND REGULATIONS.—The Director shall promulgate rules and regulations to provide for the enforcement of this section that shall include provisions for summary suspension of assistance for not more than 30 days, on an emergency basis, until notice and an opportunity to be heard can be provided.".

SEC. 368. ELIMINATION OF SEPARATE REQUIREMENTS FOR SETTING REGULATIONS.

Section 420 (42 U.S.C. 5060) is repealed.

SEC. 369. CLARIFICATION OF ROLE OF INSPECTOR GENERAL.

Section 422 (42 U.S.C. 5062) is amended—

(1) in subsection (a), by inserting "or the Inspector General" after "Director"; and

(2) in subsection (b), by inserting ", the Inspector General," after "Director" each place that such term appears.

SEC. 370. COPYRIGHT PROTECTION.

Title IV (42 U.S.C. 5041 et seq.) is amended by adding at the end the following new section:

"SEC. 425. PROTECTION AGAINST IMPROPER USE.

"Whoever falsely—

"(1) advertises or represents; or

"(2) publishes or displays any sign, symbol, or advertisement, reasonably calculated to convey the impression,

that an entity is affiliated with, funded by, or operating under the authority of ACTION, VISTA, or any of the programs of the National Senior Volunteer Corps may be enjoined under an action filed by the Attorney General, on a complaint by the Director.".

SEC. 371. CENTER FOR RESEARCH AND TRAINING.

Title IV (42 U.S.C. 5041 et seq.) (as amended by section 370 of this Act) is further amended by adding at the end the following new section:

"SEC. 426. CENTER FOR RESEARCH AND TRAINING.

"The Director may establish, directly or by grant or contract, a Center for Research and Training on Volunteerism to carry out research concerning the impact of volunteerism on individuals, organizations, and communities, provide training at a State, regional, or local level to help improve programs across the United States, and carry out such other functions as the Director determines to be appropriate.".

SEC. 372. DEPOSIT REQUIREMENT CREDIT FOR SERVICE AS A VOLUNTEER.

(a) CIVIL SERVICE RETIREMENT SYSTEM.—

(1) CREDITABLE SERVICE.—Section 8332(j) of title 5, United States Code, is amended—

(A) in paragraph (1)—

(i) in the first sentence, by inserting "the period of an individual's services as a full-time volunteer enrolled in a program of at least 1 year in duration under part A, B, or C of title I of the Domestic Volunteer Service Act of 1973," after "Economic Opportunity Act of 1964,";

(ii) in the second sentence, by inserting ", as a full-time volunteer enrolled in a program of at least 1 year in duration under part A, B, or C of title I of the Domestic Volunteer Service Act of 1973," after "Economic Opportunity Act of 1964,"; and

(iii) in the last sentence—

(I) by inserting "or under the Domestic Volunteer Service Act of 1973" after "Economic Opportunity Act of 1964"; and

(II) by inserting "or the Director of ACTION, as appropriate," after "Director of the Office of Economic Opportunity"; and

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

"(3) The provisions of paragraph (1) relating to credit for service as a volunteer or volunteer leader under the Economic Opportunity Act of 1964 or the Domestic Volunteer Service Act of 1973 shall not apply to any period of service as a volunteer or volunteer leader of an employee or Member with respect to which the employee or Member has made the deposit with interest, if any, required by section 8334(l).".

(2) DEDUCTIONS, CONTRIBUTIONS, AND DEPOSITS.—

(A) IN GENERAL.—Section 8334 of title 5, United States Code, is amended by adding at the end the following new subsection:

"(l)(1) Each employee or Member who has performed service as a volunteer or volunteer leader under part A of title VIII of the Economic Opportunity Act of 1964, or as a full-time volunteer

enrolled in a program of at least 1 year in duration under part A, B, or C of title I of the Domestic Volunteer Service Act of 1973, before the date of the separation from service on which the entitlement to any annuity under this subchapter is based may pay, in accordance with such regulations as the Office of Personnel Management shall issue, to the agency by which the employee is employed or, in the case of a Member or a congressional employee, to the Secretary of the Senate or the Clerk of the House of Representatives, as appropriate, an amount equal to 7 percent of the readjustment allowance paid to the employee or Member under title VIII of the Economic Opportunity Act of 1964 or title I of the Domestic Volunteer Service Act of 1973 for each period of service as such a volunteer or volunteer leader.

"(2) Any deposit made under paragraph (1) more than 2 years after the later of—

"(A) the date of enactment of this subsection; or

"(B) the date on which the employee or Member making the deposit first becomes an employee or Member,

shall include interest on such amount, computed and compounded annually beginning on the date of the expiration of the 2-year period. The interest rate that is applicable in computing interest in any year under this paragraph shall be equal to the interest rate that is applicable for such year under subsection (e).

"(3) Any payment received by an agency, the Secretary of the Senate, or the Clerk of the House of Representatives under this subsection shall be immediately remitted to the Office of Personnel Management for deposit in the Treasury of the United States to the credit of the Fund.

"(4) The Director shall furnish such information to the Office of Personnel Management as the Office may determine to be necessary for the administration of this subsection.".

(B) CONFORMING AMENDMENT.—Section 8334(e) of title 5, United States Code, is amended in paragraphs (1) and (2) by striking "or (k)" each place that such term appears and inserting "(k), or (l)".

(b) FEDERAL EMPLOYEES RETIREMENT SYSTEM.—

(1) CREDITABLE SERVICE.—Section 8411 of title 5, United States Code, is amended—

(A) in subsection (b)(3), by striking "subsection (f)" and inserting "subsection (f) or (h)"; and

(B) by adding at the end the following new subsection:

"(h) An employee or Member shall be allowed credit for service as a volunteer or volunteer leader under part A of title VIII of the Economic Opportunity Act of 1964, or as a full-time volunteer enrolled in a program of at least 1 year in duration under part A, B, or C of title I of the Domestic Volunteer Service Act of 1973, performed at any time prior to the separation from service on which the entitlement to any annuity under this subchapter is based if the employee or Member has made a deposit with interest, if any, with respect to such service under section 8422(f).".

(2) DEDUCTIONS, CONTRIBUTIONS.—Section 8422 of title 5, United States Code, is amended by adding at the end the following new subsection:

"(f)(1) Each employee or Member who has performed service as a volunteer or volunteer leader under part A of title VIII of the Economic Opportunity Act of 1964, or as a full-time volunteer enrolled in a program of at least 1 year in duration under part A, B, or C of title I of the Domestic Volunteer Service Act of 1973, before the date of the separation from service on which the entitlement to any annuity under this subchapter, or subchapter V of this chapter, is based may pay, in accordance with such regulations as the Office of Personnel Management shall issue, to the agency by which the employee is employed or, in the case of a Member or a congressional employee, to the Secretary of the Senate or the Clerk of the House of Representatives, as appropriate, an amount equal to 3 percent of the readjustment allowance paid to the employee or Member under title VIII of the Economic Opportunity Service Act of 1964 or title I of the Domestic Volunteer Service Act of 1973 for each period of service as such a volunteer or volunteer leader.

"(2) Any deposit made under paragraph (1) more than 2 years after the later of—

"(A) the date of enactment of this subsection, or

"(B) the date on which the employee or Member making the deposit first becomes an employee or Member,

shall include interest on such amount computed and compounded annually beginning on the date of the expiration of the 2-year period. The interest rate that is applicable in computing interest in any year under this paragraph shall be equal to the interest rate that is applicable for such year under section 8334(e).

"(3) Any payment received by an agency, the Secretary of the Senate, or the Clerk of the House of Representatives under this subsection shall be immediately remitted to the Office of Personnel Management for deposit in the Treasury of the United States to the credit of the Fund.

"(4) The Director shall furnish such information to the Office of Personnel Management as the Office may determine to be necessary for the administration of this subsection.".

(c) APPLICABILITY AND OTHER PROVISIONS.—

(1) APPLICABILITY.—

(A) TIMING.—The amendments made by subsections (a) and (b) shall apply with respect to credit for service as a volunteer or volunteer leader under the Economic Opportunity Act of 1964 or the Domestic Volunteer Service Act of 1973 to individuals who are entitled to an annuity on the basis of a separation from service occurring before, on, or after the effective date of this subtitle.

(B) SEPARATION.—In the case of any individual whose entitlement to an annuity is based on a separation from service occurring before the date of enactment of this Act, any increase in such individual's annuity on the basis of a deposit made pursuant to section 8334(l) or section 8442(f) of title 5, United States Code, as amended by this Act, shall be effective only with respect to annuity payments payable for calendar months beginning after the date of enactment of this Act.

(2) ACTION TO INFORM INDIVIDUALS.—The Director of the Office of Personnel Management shall take such action as may be necessary and appropriate to inform individuals entitled to credit under this section for service as a volunteer or volunteer leader, or to have any annuity recomputed, or to make a deposit under this section, of such entitlement.

CHAPTER 4—AUTHORIZATION OF APPROPRIATIONS AND OTHER AMENDMENTS

SEC. 381. AUTHORIZATION OF APPROPRIATIONS FOR TITLE I.

Section 501 (42 U.S.C. 5081) is amended to read as follows:

"SEC. 501. NATIONAL VOLUNTEER ANTIPOVERTY PROGRAMS.

"(a) AUTHORIZATIONS.—

"(1) VOLUNTEERS IN SERVICE TO AMERICA.—There are authorized to be appropriated to carry out part A of title I, excluding sections 104(e) and 109, $45,800,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996.

"(2) SUMMER PROGRAM.—There are authorized to be appropriated to carry out section 104(e), such sums as may be necessary for each of the fiscal years 1994 through 1996.

"(3) LITERACY ACTIVITIES.—There are authorized to be appropriated to carry out section 109, $5,600,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996.

"(4) UNIVERSITY YEAR FOR VISTA.—There are authorized to be appropriated to carry out part B of title I, such sums as may be necessary for each of the fiscal years 1994 through 1996.

"(5) SPECIAL VOLUNTEER PROGRAMS.—There are authorized to be appropriated to carry out part C of title I, excluding section 124, such sums as may be necessary for each of the fiscal years 1994 through 1996.

"(6) LITERACY CHALLENGE GRANTS.—There are authorized to be appropriated to carry out section 124, such sums as may be necessary for each of the fiscal years 1994 through 1996.

"(b) SUBSISTENCE.—The minimum level of an allowance for subsistence required under section 105(b)(2), to be provided to each volunteer under title I, may not be reduced or limited in order to provide for an increase in the number of volunteer service years under part A of title I.

"(c) LIMITATION.—No part of the funds appropriated to carry out part A of title I may be used to provide volunteers or assistance to any program or project authorized under part B or C of title I, or under title II, unless the program or project meets the antipoverty criteria of part A of title I.

"(d) AVAILABILITY.—Amounts appropriated for part A of title I shall remain available for obligation until the end of the fiscal year following the fiscal year for which the amounts were appropriated.

"(e) VOLUNTEER SERVICE REQUIREMENT.—

"(1) VOLUNTEER SERVICE YEARS.—Of the amounts appropriated under this section for parts A, B, and C of title I, including section 124, there shall first be available for part A of title I, including sections 104(e) and 109, an amount not less than the amount necessary to provide 3,700 volunteer service years in fiscal year 1994, 4,000 volunteer service years in fiscal year 1995, and 4,500 volunteer service years in fiscal year 1996.

"(2) PLAN.—If the Director determines that funds appropriated to carry out part A, B, or C of title I are insufficient to provide for the years of volunteer service required by paragraph (1), the Director shall submit a plan to the relevant authorizing and appropriations committees of Congress that will detail what is necessary to fully meet this requirement.".

SEC. 382. AUTHORIZATION OF APPROPRIATIONS FOR TITLE II.

Section 502 (42 U.S.C. 5082) is amended to read as follows:

"SEC. 502. NATIONAL SENIOR VOLUNTEER CORPS.

"(a) RETIRED AND SENIOR VOLUNTEER PROGRAM.—There are authorized to be appropriated to carry out part A of title II, $37,054,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996.

"(b) FOSTER GRANDPARENT PROGRAM.—There are authorized to be appropriated to carry out part B of title II, $71,284,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996.

"(c) SENIOR COMPANION PROGRAM.—There are authorized to be appropriated to carry out part C of title II, $32,509,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996.

"(d) DEMONSTRATION PROGRAMS.—There are authorized to be appropriated to carry out part E of title II, such sums as may be necessary for each of the fiscal years 1994 through 1996.".

SEC. 383. AUTHORIZATION OF APPROPRIATIONS FOR TITLE IV.

Title V (42 U.S.C. 5081 et seq.) is amended—

(1) by striking section 504;

(2) by inserting the following after section 502:

"SEC. 503. ADMINISTRATION AND COORDINATION.

"(a) IN GENERAL.—For each of the fiscal years 1994 through 1998, there are authorized to be appropriated for the administration of this Act as provided for in title IV, 15 percent of the total amount appropriated under sections 501 and 502 with respect to such year.

"(b) EVALUATION AND CENTER FOR RESEARCH AND TRAINING.—For each of the fiscal years 1994 through 1998, the Director is authorized to expend not less than one-half of 1 percent, and not more than 1 percent, from the amounts appropriated under sections 501 and 502, for the purposes prescribed in sections 416 and 426."; and

(3) by redesignating section 505 as section 504.

SEC. 384. CONFORMING AMENDMENTS; COMPENSATION FOR VISTA FECA CLAIMANTS.

Section 8143(b) of title 5, United States Code, is amended by striking "GS–7" and inserting "GS–5 of the General Schedule under section 5332 of title 5, United States Code".

SEC. 385. REPEAL OF AUTHORITY.

Title VII (42 U.S.C. 5091 et seq.) is repealed.

CHAPTER 5—GENERAL PROVISIONS

SEC. 391. TECHNICAL AND CONFORMING AMENDMENTS.

The Domestic Volunteer Service Act of 1973 (42 U.S.C. 4950 et seq.) is amended by striking "That this Act" and all that follows through the end of the table of contents and inserting the following:

"SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

"(a) SHORT TITLE.—This Act may be cited as the 'Domestic Volunteer Service Act of 1973'.

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

"Sec. 1. Short title; table of contents.
"Sec. 2. Volunteerism policy.
"TITLE I—NATIONAL VOLUNTEER ANTIPOVERTY PROGRAMS
"PART A—VOLUNTEERS IN SERVICE TO AMERICA
"Sec. 101. Statement of purpose.
"Sec. 102. Authority to operate VISTA program.
"Sec. 103. Selection and assignment of volunteers.
"Sec. 104. Terms and periods of service.
"Sec. 105. Support service.
"Sec. 106. Participation of beneficiaries.
"Sec. 107. Participation of younger and older persons.
"Sec. 108. Limitation.
"Sec. 109. VISTA Literacy Corps.
"Sec. 110. Applications for assistance.
"PART B—UNIVERSITY YEAR FOR VISTA
"Sec. 111. Statement of purpose.
"Sec. 112. Authority to operate University Year for VISTA program.
"Sec. 113. Special conditions.
"PART C—SPECIAL VOLUNTEER PROGRAMS
"Sec. 121. Statement of purpose.
"Sec. 122. Authority to establish and operate special volunteer and demonstration programs.
"Sec. 123. Technical and financial assistance.
"Sec. 124. Literacy challenge grants.
"TITLE II—NATIONAL SENIOR VOLUNTEER CORPS
"Sec. 200. Statement of purposes.
"PART A—RETIRED AND SENIOR VOLUNTEER PROGRAM
"Sec. 201. Grants and contracts for volunteer service projects.
"PART B—FOSTER GRANDPARENT PROGRAM
"Sec. 211. Grants and contracts for volunteer service projects.
"PART C—SENIOR COMPANION PROGRAM
"Sec. 213. Grants and contracts for volunteer service projects.
"PART D—GENERAL PROVISIONS
"Sec. 221. Promotion of National Senior Volunteer Corps.
"Sec. 222. Payments.
"Sec. 223. Minority group participation.
"Sec. 224. Use of locally generated contributions in National Senior Volunteer Corps.
"Sec. 225. Programs of national significance.
"Sec. 226. Adjustments to Federal financial assistance.
"Sec. 227. Multiyear grants or contracts.
"PART E—DEMONSTRATION PROGRAMS
"Sec. 231. Authority of Director.
"Sec. 232. Prohibition.
"TITLE IV—ADMINISTRATION AND COORDINATION
"Sec. 403. Political activities.
"Sec. 404. Special limitations.
"Sec. 406. Labor standards.
"Sec. 408. Joint funding.
"Sec. 409. Prohibition of Federal control.
"Sec. 410. Coordination with other programs.
"Sec. 411. Prohibition.
"Sec. 412. Notice and hearing procedures for suspension and termination of financial assistance.
"Sec. 414. Distribution of benefits between rural and urban areas.
"Sec. 415. Application of Federal law.
"Sec. 416. Evaluation.
"Sec. 417. Nondiscrimination provisions.
"Sec. 418. Eligibility for other benefits.
"Sec. 419. Legal expenses.
"Sec. 421. Definitions.
"Sec. 422. Audit.
"Sec. 423. Reduction of paperwork.
"Sec. 424. Review of project renewals.
"Sec. 425. Protection against improper use.
"Sec. 426. Center for Research and Training.
"TITLE V—AUTHORIZATION OF APPROPRIATIONS
"Sec. 501. National volunteer antipoverty programs.
"Sec. 502. National Senior Volunteer Corps.
"Sec. 503. Administration and coordination.
"Sec. 504. Availability of appropriations.
"TITLE VI—AMENDMENTS TO OTHER LAWS AND REPEALERS
"Sec. 601. Supersedence of Reorganization Plan No. 1 of July 1, 1971.
"Sec. 602. Creditable service for civil service retirement.
"Sec. 603. Repeal of title VIII of the Economic Opportunity Act.
"Sec. 604. Repeal of title VI of the Older Americans Act.".

SEC. 392. EFFECTIVE DATE.

This subtitle, and the amendments made by this subtitle shall take effect on October 1, 1993.

Subtitle C—Youth Conservation Corps Act of 1970

SEC. 399. PUBLIC LANDS CORPS.

(a) IN GENERAL.—Public Law 91–378 (16 U.S.C. 1701–1706; commonly known as the "Youth Conservation Corps Act of 1970") is amended—

(1) by inserting before section 1 the following:

"TITLE I—YOUTH CONSERVATION CORPS";

(2) by striking "Act" each place such term appears and inserting "title";

(3) by redesignating sections 1 through 6 as sections 101 through 106, respectively;

(4) in subsection (a) of section 102 (as redesignated by paragraph (3)), by inserting "in this title" after "hereinafter";

(5) in subsection (d) of section 104 (as redesignated by paragraph (3)), by striking "section 6" and inserting "section 106"; and

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

"TITLE II—PUBLIC LANDS CORPS

"SEC. 201. SHORT TITLE.

"This title may be cited as the 'Public Lands Corps Act of 1993'.

"SEC. 202. CONGRESSIONAL FINDINGS AND PURPOSE.

"(a) FINDINGS.—The Congress finds the following:

"(1) Conserving or developing natural and cultural resources and enhancing and maintaining environmentally important lands and waters through the use of the Nation's young men and women in a Public Lands Corps can benefit those men and women by providing such men and women with education and work opportunities, furthering their understanding and appreciation of the natural and cultural resources, and providing a means to pay for higher education or to repay indebtedness such men and women have incurred to obtain higher education while at the same time benefiting the Nation's economy and environment.

"(2) Many facilities and natural resources located on public lands and on Indian lands are in disrepair or degraded and in need of labor intensive rehabilitation, restoration, and enhancement work that cannot be carried out by Federal agencies at existing personnel levels.

"(3) Youth conservation corps have established a good record of restoring and maintaining these kinds of facilities and resources in a cost-effective and efficient manner, especially when the corps have worked in partnership arrangements with government land management agencies.

"(b) PURPOSE.—It is the purpose of this title to—

"(1) perform, in a cost-effective manner, appropriate conservation projects on public lands and Indian lands where such projects will not be performed by existing employees;

"(2) assist governments and Indian tribes in performing research and public education tasks associated with natural and cultural resources on public lands and Indian lands;

"(3) expose young men and women to public service while furthering their understanding and appreciation of the Nation's natural and cultural resources;

"(4) expand educational opportunities by rewarding individuals who participate in national service with an increased ability to pursue higher education or job training; and

"(5) stimulate interest among the Nation's young men and women in conservation careers by exposing such men and women to conservation professionals in land managing agencies.

"SEC. 203. DEFINITIONS.

"For purposes of this title:

"(1) APPROPRIATE CONSERVATION PROJECT.—The term 'appropriate conservation project' means any project for the conservation, restoration, construction, or rehabilitation of natural, cultural, historic, archaeological, recreational, or scenic resources.

"(2) CORPS AND PUBLIC LANDS CORPS.—The terms 'Corps' and 'Public Lands Corps' mean the Public Lands Corps established under section 204.

"(3) INDIAN.—The term 'Indian' means a person who is a member of an Indian tribe, or is a 'Native', as defined in section 3(b) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(b)).

"(4) INDIAN LANDS.—The term 'Indian lands' means—

"(A) any Indian reservation;

"(B) any public domain Indian allotments;

"(C) any former Indian reservation in the State of Oklahoma;

"(D) any land held by incorporated Native groups, regional corporations, and village corporations under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.); and

"(E) any land held by dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a State.

"(5) INDIAN TRIBE.—The term 'Indian tribe' means—

"(A) an Indian tribe, band, nation, or other organized group or community, including—

"(i) any Native village, as defined in section 3(c) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(c)), whether organized traditionally or pursuant to the Act of June 18, 1934 (commonly known as the 'Indian Reorganization Act'; 48 Stat. 984, chapter 576; 25 U.S.C 461 et seq.); and

"(ii) any Regional Corporation or Village Corporation, as defined in subsection (g) or (j), respectively, of section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602 (g) or (j)), that is recognized as eligible for the special programs and services provided by the United States under Federal law to Indians because of their status as Indians; and

"(B) any tribal organization controlled, sanctioned, or chartered by an entity described in subparagraph (A).

"(6) PUBLIC LANDS.—The term 'public lands' means any lands or waters (or interest therein) owned or administered by the United States, except that such term does not include any Indian lands.

"(7) QUALIFIED YOUTH OR CONSERVATION CORPS.—The term 'qualified youth or conservation corps' means any program established by a State or local government, by the governing body of any Indian tribe, or by a nonprofit organization, that—

"(A) is capable of offering meaningful, full-time, productive work for individuals between the ages of 16 and 25, inclusive, in a natural or cultural resource setting;

"(B) gives participants a mix of work experience, basic and life skills, education, training, and support services; and

"(C) provides participants with the opportunity to develop citizenship values and skills through service to their community and the United States.

"(8) RESOURCE ASSISTANT.—The term 'resource assistant' means a resource assistant selected under section 206.

"(9) STATE.—The term 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, and the Commonwealth of the Northern Mariana Islands.

"SEC. 204. PUBLIC LANDS CORPS PROGRAM.

"(a) ESTABLISHMENT OF PUBLIC LANDS CORPS.—There is hereby established in the Department of the Interior and the Department of Agriculture a Public Lands Corps.

"(b) PARTICIPANTS.—The Corps shall consist of individuals between the ages of 16 and 25, inclusive, who are enrolled as participants in the Corps by the Secretary of the Interior or the Secretary of Agriculture. To be eligible for enrollment in the Corps, an individual shall satisfy the criteria specified in section 137(b) of the National and Community Service Act of 1990. The Secretaries may enroll such individuals in the Corps without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates. The Secretaries may establish a preference for the enrollment in the Corps of individuals who are economically, physically, or educationally disadvantaged.

"(c) QUALIFIED YOUTH OR CONSERVATION CORPS.—The Secretary of the Interior and the Secretary of Agriculture are authorized to enter into contracts and cooperative agreements with any qualified youth or conservation corps to perform appropriate conservation projects referred to in subsection (d).

"(d) PROJECTS TO BE CARRIED OUT.—The Secretary of the Interior and the Secretary of Agriculture may each utilize the Corps or any qualified youth or conservation corps to carry out appropriate conservation projects that such Secretary is authorized to carry out under other authority of law on public lands. Appropriate conservation projects may also be carried out under this title on Indian lands with the approval of the Indian tribe involved.

"(e) PREFERENCE FOR CERTAIN PROJECTS.—In selecting appropriate conservation projects to be carried out under this title, the Secretary of the Interior and the Secretary of Agriculture shall give preference to those projects that—

"(1) will provide long-term benefits to the public;

"(2) will instill in the enrollee involved a work ethic and a sense of public service;

"(3) will be labor intensive;

"(4) can be planned and initiated promptly; and

"(5) will provide academic, experiential, or environmental education opportunities.

"(f) CONSISTENCY.—Each appropriate conservation project carried out under this title on any public lands or Indian lands shall be consistent with the provisions of law and policies relating to the management and administration of such lands, with all other applicable provisions of law, and with all management, operational, and other plans and documents that govern the administration of the area.

"SEC. 205. CONSERVATION CENTERS.

"(a) ESTABLISHMENT AND USE.—The Secretary of the Interior and the Secretary of Agriculture are each authorized to provide such quarters, board, medical care, transportation, and other services, facilities, supplies, and equipment as such Secretary determines to be necessary in connection with the Public Lands Corps and appropriate conservation projects carried out under this title and to establish and use conservation centers owned and operated by such Secretary for purposes of the Corps and such projects. The Secretaries shall establish basic standards of health, nutrition, sanitation, and safety for all conservation centers established under this section and shall assure that such standards are enforced. Where necessary or appropriate, the Secretaries may enter into contracts and other appropriate arrangements with State and local government agencies and private organizations for the management of such conservation centers.

"(b) LOGISTICAL SUPPORT.—The Secretary of the Interior and the Secretary of Agriculture may make arrangements with the Secretary of Defense to have logistical support provided by the Armed Forces to the Corps and any conservation center established under this section, where feasible. Logistical support may include the provision of temporary tent shelters where needed, transportation, and residential supervision.

"(c) USE OF MILITARY INSTALLATIONS.—The Secretary of the Interior and the Secretary of Agriculture may make arrangements with the Secretary of Defense to identify military installations and other facilities of the Department of Defense and, in consultation with the adjutant generals of the State National Guards, National Guard facilities that may be used, in whole or in part, by the Corps for training or housing Corps participants.

"SEC. 206. RESOURCE ASSISTANTS.

"(a) AUTHORIZATION.—The Secretary of the Interior and the Secretary of Agriculture are each authorized to provide individual placements of resource assistants with any Federal land managing agency under the jurisdiction of such Secretary to carry out research or resource protection activities on behalf of the agency. To be eligible for selection as a resource assistant, an individual shall be at least 17 years of age. The Secretaries may select resource assistants without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates. The Secretaries shall give a preference to the selection of individuals who are enrolled in an institution of higher education or are recent graduates from an institution of higher education, as defined in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)) with particular attention given to ensure the full representation of women and participants from historically black, Hispanic, and Native American schools.

"(b) USE OF EXISTING NONPROFIT ORGANIZATIONS.—Whenever one or more existing nonprofit organizations can provide, in the judgment of the Secretary of the Interior or the Secretary of Agriculture, appropriate recruitment and placement services to fulfill the requirements of this section, the Secretary may implement this section through such existing organizations. Participating nonprofit organizations shall contribute to the expenses of providing and supporting the resource assistants, through private sources of funding, at a level equal to 25 percent of the total costs of each participant in the resource assistant program who has been recruited and placed through that organization. Any such participating nonprofit conservation service organization shall be required, by the respective land managing agency, to submit an annual report evaluating the scope, size, and quality of the program, including the value of work contributed by the resource assistants, to the mission of the agency.

"SEC. 207. LIVING ALLOWANCES AND TERMS OF SERVICE.

"(a) LIVING ALLOWANCES.—The Secretary of the Interior and the Secretary of Agriculture shall provide each participant in the Public Lands Corps and each resource assistant with a living allowance in an amount not to exceed the maximum living allowance authorized by section 140(a)(3) of the National and Community Service Act of 1990 for participants in a national service program assisted under subtitle C of title I of such Act.

"(b) TERMS OF SERVICE.—Each participant in the Corps and each resource assistant shall agree to participate in the Corps or serve as a resource assistant, as the case may be, for such term of service as may be established by the Secretary enrolling or selecting the individual.

"SEC. 208. NATIONAL SERVICE EDUCATIONAL AWARDS.

"(a) EDUCATIONAL BENEFITS AND AWARDS.—If a participant in the Public Lands Corps or a resource assistant also serves in an approved national service position designated under subtitle C of title I of the National and Community Service Act of 1990, the participant or resource assistant shall be eligible for a national service educational award in the manner prescribed in subtitle D of such title upon successfully complying with the requirements for the award. The period during which the national service educational award may be used, the purposes for which the award may be used, and the amount of the award shall be determined as provided under such subtitle.

"(b) FORBEARANCE IN THE COLLECTION OF STAFFORD LOANS.—For purposes of section 428 of the Higher Education Act of 1965, in the case of borrowers who are either participants in the Corps or resource assistants, upon written request, a lender shall grant a borrower forbearance on such terms as are otherwise consistent

with the regulations of the Secretary of Education, during periods in which the borrower is serving as such a participant or a resource assistant.

"SEC. 209. NONDISPLACEMENT.

"The nondisplacement requirements of section 177 of the National and Community Service Act of 1990 shall be applicable to all activities carried out by the Public Lands Corps, to all activities carried out under this title by a qualified youth or conservation corps, and to the selection and service of resource assistants.

"SEC. 210. FUNDING.

"(a) COST SHARING.—

"(1) PROJECTS BY QUALIFIED YOUTH OR CONSERVATION CORPS.—The Secretary of the Interior and the Secretary of Agriculture are each authorized to pay not more than 75 percent, and shall collectively pay 75 percent, of the costs of any appropriate conservation project carried out pursuant to this title on public lands by a qualified youth or conservation corps. The remaining 25 percent of the costs of such a project may be provided from non-Federal sources in the form of funds, services, facilities, materials, equipment, or any combination of the foregoing. No cost sharing shall be required in the case of any appropriate conservation project carried out on Indian lands under this title.

"(2) PUBLIC LANDS CORPS PROJECTS.—The Secretary of the Interior and the Secretary of Agriculture are each authorized to accept donations of funds, services, facilities, materials, or equipment for the purposes of operating the Public Lands Corps and carrying out appropriate conservation projects by the Corps. The Department of the Interior and the Department of Agriculture shall comply with the Federal share requirements of section 129(d)(2)(B) of the National and Community Service Act of 1990.

"(b) FUNDS AVAILABLE UNDER NATIONAL AND COMMUNITY SERVICE ACT.—In order to carry out the Public Lands Corps or to support resource assistants and qualified youth or conservation corps under this title, the Secretary of the Interior and the Secretary of Agriculture shall be eligible to apply for and receive assistance described in section 121(b) of the National and Community Service Act of 1990, from funds available under section 129(d)(2).".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 1993.

TITLE IV—TECHNICAL AND CONFORMING AMENDMENTS

SEC. 401. DEFINITIONS.

Section 421 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5061) is amended—

(1) by striking "and" at the end of paragraph (6);

(2) by striking the period at the end of paragraph (7) and inserting a semicolon; and

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

"(8) the term 'Corporation' means the Corporation for National and Community Service established under section 191 of the National and Community Service Act of 1990;

"(9) the term 'foster grandparent' means a volunteer in the Foster Grandparent Program;

"(10) the term 'Foster Grandparent Program' means the program established under part B of title II;

"(11) except as provided in section 417, the term 'individual with a disability' has the meaning given the term in section 7(8) of the Rehabilitation Act of 1973 (29 U.S.C. 706(8));

"(12) the term 'Inspector General' means the Inspector General of ACTION;

"(13) the term 'national senior volunteer' means a volunteer in the National Senior Volunteer Corps;

"(14) the term 'National Senior Volunteer Corps' means the programs established under parts A, B, C, and E of title II;

"(15) the term 'Retired and Senior Volunteer Program' means the program established under part A of title II;

"(16) the term 'retired or senior volunteer' means a volunteer in the Retired and Senior Volunteer Program;

"(17) the term 'senior companion' means a volunteer in the Senior Companion Program;

"(18) the term 'Senior Companion Program' means the program established under part C of title II;

"(19) the terms 'VISTA' and 'Volunteers in Service to America' mean the program established under part A of title I; and

"(20) the term 'VISTA volunteer' means a volunteer in VISTA.".

SEC. 402. REFERENCES TO THE COMMISSION ON NATIONAL AND COMMUNITY SERVICE.

(a) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1993.—

(1) Section 1092(b) of the National Defense Authorization Act for Fiscal Year 1993 (42 U.S.C. 12653a note) is amended—

(A) in paragraph (1)—

(i) by striking "Commission on National Community Service" and inserting "Corporation for National and Community Service"; and

(ii) by striking "Commission shall prepare" and inserting "Board of Directors of the Corporation shall prepare"; and

(B) in paragraph (2), by striking "Board of Directors of the Commission on National and Community Service" and inserting "Board of Directors of the Corporation for National and Community Service".

(2) Section 1093(a) of such Act (42 U.S.C. 12653a note) is amended by striking "the Board of Directors and Executive Director of the Commission on National and Community Service" and inserting "the Board of Directors and President of the Corporation for National and Community Service".

(3) Section 1094 of such Act (Public Law 102–484; 106 Stat. 2535) is amended—

(A) in the title, by striking "**COMMISSION ON NATIONAL AND COMMUNITY SERVICE**" and inserting "**CORPORATION FOR NATIONAL AND COMMUNITY SERVICE**";

(B) in subsection (a)—

(i) in the heading, by striking "COMMISSION" and inserting "CORPORATION";

(ii) in the first sentence, by striking "Commission on National and Community Service" and inserting "Corporation for National and Community Service"; and

(iii) in the second sentence, by striking "The Commission" and inserting "The President of the Corporation"; and

(C) in subsection (b)—

(i) in paragraph (1), by striking "Board of Directors of the Commission on National and Community Service" and inserting "President of the Corporation for National and Community Service"; and

(ii) in paragraph (2), by striking "the Commission" and inserting "the President of the Corporation for National and Community Service".

(4) Section 1095 of such Act (Public Law 102–484; 106 Stat. 2535) is amended in the heading for subsection (b) by striking "COMMISSION ON NATIONAL AND COMMUNITY SERVICE" and inserting "CORPORATION FOR NATIONAL AND COMMUNITY SERVICE".

(5) Section 2(b) of such Act (Public Law 102–484; 106 Stat. 2315) is amended by striking the item relating to section 1094 of such Act and inserting the following:

"Sec. 1094. Other programs of the Corporation for National and Community Service.".

(b) NATIONAL AND COMMUNITY SERVICE ACT OF 1990.—

(1) Sections 159(b)(2) (as redesignated in section 104(b)(3) of this Act) and 165 (as redesignated in section 104(b)(3) of this Act), subsections (a) and (b) of section 172, sections 176(a) and 177(c), and subsections (a), (b), and (d) through (h) of section 179, of the National and Community Service Act of 1990 (42 U.S.C. 12653h(b)(2), 12653n, 12632 (a) and (b), 12636(a), 12637(c), and 12639 (a), (b), and (d) through (h)) are each amended by striking the term "Commission" each place the term appears and inserting "Corporation".

(2) Sections 152, 157(b)(2), 162(a)(2)(C), 164, and 166(1) of such Act (in each case, as redesignated in section 104(b)(3) of this Act) (42 U.S.C. 12653a, 12653f(b)(2), 12653k(a)(2)(C), 12653m, and 12653o(1)) are each amended by striking "Commission on National and Community Service" and inserting "Corporation".

(3) Section 163(b)(9) of such Act (as redesignated in section 104(b)(3) of this Act) (42 U.S.C. 12635l(b)(9)) is amended by striking "Chair of the Commission on National and Community Service" and inserting "President".

(4) Section 303(a) of such Act (42 U.S.C. 12662(a)) is amended—

(A) by striking "The President" and inserting "The President of the United States, acting through the Corporation,";

(B) by inserting "in furtherance of activities under section 302" after "section 501(b)"; and

(C) by striking "the President" both places it appears and inserting "the Corporation".

SEC. 403. REFERENCES TO DIRECTORS OF THE COMMISSION ON NATIONAL AND COMMUNITY SERVICE.

(a) PRESIDENT.—

(1) Section 159(a) of such Act (as redesignated in section 104(b)(3) of this Act) (42 U.S.C. 12653h(b)) is amended—

(A) by striking "BOARD.—The Board" and inserting "SUPERVISION.—The President";

(B) by striking "the Board" in the matter preceding paragraph (1), and in paragraph (1), and inserting "the President"; and

(C) by striking "the Director" in paragraph (1) and inserting "the Board".

(2) Section 159(b) of such Act (as redesignated in section 104(b)(3) of this Act) (42 U.S.C. 12653h(b)) is amended by striking "(b)" and all that follows through "Commission on National and Community Service" and inserting "(b) MONITORING AND COORDINATION.—The President".

(3) Section 159(c)(1) (as redesignated in section 104(b)(3) of this Act) (42 U.S.C. 12653h(c)(1)) is amended—

(A) in subparagraph (A), by striking "the Board, in consultation with the Executive Director," and inserting "the President"; and

(B) in subparagraph (B)(iii), by striking "the Board through the Executive Director" and inserting "the President".

(4) Section 166(6) (as redesignated in section 104(b)(3) of this Act) (42 U.S.C. 12653o(6)) is amended—

(A) by striking paragraph (6); and

(B) by redesignating paragraphs (7) through (11) as paragraphs (6) through (10), respectively.

(b) DIRECTOR OF CIVILIAN COMMUNITY CORPS.—Sections 155(a), 157(b)(1)(A), 158(a), 159(c)(1)(A), and 163(a) (in each case, as redesignated in section 104(b)(3) of this Act) of the National and Community Service Act of 1990 (42 U.S.C. 12653d(a), 12653f(b)(1)(A), 12653g(a), 12653h(c)(1)(A), and 12653l(a)) are amended by striking "Director of the Civilian Community Corps" each place the term appears and inserting "Director".

SEC. 404. DEFINITION OF DIRECTOR.

Section 421 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5061) is amended by striking paragraph (1) and inserting the following new paragraph:

"(1) the term 'Director' means the President of the Corporation for National and Community

Service appointed under section 193 of the National and Community Service Act of 1990;".

SEC. 405. REFERENCES TO ACTION AND THE ACTION AGENCY.

(a) DOMESTIC VOLUNTEER SERVICE ACT OF 1973.—

(1) Section 2(b) of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4950(b)) is amended—

(A) by striking "ACTION, the Federal domestic volunteer agency," and inserting "this Act"; and

(B) by striking "ACTION shall" and inserting "the Corporation for National and Community Service shall".

(2) Subtitle (b) of section 124 of such Act (as redesignated by section 322(2) of this Act) is amended by striking "the ACTION Agency" and inserting "the Corporation".

(3) Section 225(e) of such Act (42 U.S.C. 5025(e)) is amended by striking "the ACTION Agency" and inserting "the Corporation".

(4) Section 403(a) of such Act (42 U.S.C. 5043(a)) is amended—

(A) by striking "the ACTION Agency" the first place such term appears and inserting "the Corporation under this Act"; and

(B) by striking "the ACTION Agency" the second place such term appears and inserting "the Corporation".

(5) Section 408 of such Act (42 U.S.C. 5048) is amended by striking "the ACTION Agency" and inserting "the Corporation".

(6) Section 421(12) of such Act (as added by section 401 of this Act) is further amended by striking "ACTION" and inserting "the Corporation".

(7) Section 425 of such Act (as added by section 370 of this Act) is further amended by striking "ACTION" and inserting "the Corporation".

(b) CIVIL SERVICE RETIREMENT SYSTEM.—Section 8332(j)(1) of title 5, United States Code (as amended by section 372(a)(1)(A)(iii)(II) of this Act) is amended by striking "the Director of ACTION" and inserting "the President of the Corporation for National and Community Service".

(c) PUBLIC HOUSING SECURITY.—Section 207(c) of the Public Housing Security Demonstration Act of 1978 (Public Law 95–557; 92 Stat. 2093; 12 U.S.C. 1701z–6 note) is amended—

(1) in paragraph (3)(ii), by striking "ACTION" and inserting "the Corporation for National and Community Service"; and

(2) in paragraph (4), by striking "ACTION" and inserting "the Corporation for National and Community Service".

(d) NATIONAL FOREST VOLUNTEERS.—Section 1 of the Volunteers in the National Forests Act of 1972 (16 U.S.C. 558a) is amended by striking "ACTION" and inserting "the Corporation for National and Community Service".

(e) PEACE CORPS.—Section 2A of the Peace Corps Act (22 U.S.C. 2501–1) is amended by inserting after "the ACTION Agency" the following: ", the successor to the ACTION Agency,".

(f) INDIAN ECONOMIC DEVELOPMENT.—Section 502 of the Indian Financing Act of 1974 (25 U.S.C. 1542) is amended by striking "ACTION Agency" and inserting "the Corporation for National and Community Service".

(g) OLDER AMERICANS.—The Older Americans Act of 1965 is amended—

(1) in section 202(c)(1) (42 U.S.C. 3012(c)(1)), by striking "the Director of the ACTION Agency" and inserting "the Corporation for National and Community Service";

(2) in section 203(a)(1) (42 U.S.C. 3013(a)(1)), by striking "the ACTION Agency" and inserting "the Corporation for National and Community Service"; and

(3) in section 422(b)(12)(C) (42 U.S.C. 3035a(b)(12)(C)), by striking "the ACTION Agency" and inserting "the Corporation for National and Community Service".

(h) VISTA SERVICE EXTENSION.—Section 101(c)(1) of the Domestic Volunteer Service Act Amendments of 1989 (Public Law 101–204; 103 Stat. 1810; 42 U.S.C. 4954 note) is amended by striking "Director of the ACTION Agency" and inserting "President of the Corporation for National and Community Service".

(i) AGING RESOURCE SPECIALISTS.—Section 205(c) of the Older Americans Amendments of 1975 (Public Law 94–135; 89 Stat. 727; 42 U.S.C. 5001 note) is amended—

(1) in paragraph (1)—

(A) by striking "the ACTION Agency," and inserting "the Corporation for National and Community Service,"; and

(B) by striking "the Director of the ACTION Agency" and inserting "the President of the Corporation";

(2) in paragraph (2)(A), by striking "ACTION Agency" and inserting "Corporation"; and

(3) in paragraph (3), by striking subparagraph (A) and inserting the following new subparagraph:

"(A) the term 'Corporation' means the Corporation for National and Community Service established by section 191 of the National and Community Service Act of 1990.".

(j) PROMOTION OF PHOTOVOLTAIC ENERGY.—Section 11(a) of the Solar Photovoltaic Energy Research, Development, and Demonstration Act of 1978 (42 U.S.C. 5590) is amended by striking "the Director of ACTION,".

(k) COORDINATING COUNCIL ON JUVENILE JUSTICE.—Section 206(a)(1) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616(a)(1)) is amended by striking "the Director of the ACTION Agency" and inserting "the President of the Corporation for National and Community Service".

(l) ENERGY CONSERVATION.—Section 413(b)(1) of the Energy Conservation and Production Act (42 U.S.C. 6863(b)(1)) is amended by striking "the Director of the ACTION Agency,".

(m) INTERAGENCY COUNCIL ON THE HOMELESS.—Section 202(a) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11312(a)) is amended by striking paragraph (12) and inserting the following new paragraph:

"(12) The President of the Corporation for National and Community Service, or the designee of the President.".

(n) ANTI-DRUG ABUSE.—Section 3601 of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11851) is amended by striking paragraph (5) and inserting the following new paragraph:

"(5) the term 'Director' means the President of the Corporation for National and Community Service,".

(o) ADMINISTRATION ON CHILDREN, YOUTH, AND FAMILIES.—Section 916(b) of the Claude Pepper Young Americans Act of 1990 (42 U.S.C. 12312(b)) is amended by striking "the Director of the ACTION Agency" and inserting "the President of the Corporation for National and Community Service".

SEC. 406. EFFECTIVE DATE.

(a) COMMISSION.—The amendments made by sections 401 through 402 will take effect on October 1, 1993.

(b) ACTION.—The amendments made by sections 404 and 405 shall take effect on the effective date of section 203(c)(2).

TITLE V—RURAL COMMUNITY SERVICE

SEC. 501. RURAL COMMUNITY SERVICE.

Title XI of the of the Higher Education Act of 1965 (20 U.S.C. 1136 et seq.) is amended by adding at the end the following new part:

"PART C—RURAL COMMUNITY SERVICE

"SEC. 1171. FINDINGS; PURPOSE.

"(a) FINDINGS.—The Congress finds that—

"(1) the Nation's rural centers are facing increasingly pressing problems and needs in the areas of economic development, community infrastructure and service, social policy, public health, housing, crime, education, environmental concerns, planning and work force preparation;

"(2) there are, in the Nation's rural institutions, people with underutilized skills, knowledge, and experience who are capable of providing a vast range of services towards the amelioration of the problems described in paragraph (1);

"(3) the skills, knowledge, and experience in these rural institutions, if applied in a systematic and sustained manner, can make a significant contribution to the solution of such problems; and

"(4) the application of such skills, knowledge, and experience is hindered by the limited funds available to redirect attention to solutions to such rural problems.

"(b) PURPOSE.—It is the purpose of this part to provide incentives to rural academic institutions to enable such institutions to work with private and civic organizations to devise and implement solutions to pressing and severe problems in their communities.

"SEC. 1172. PROGRAM.

"The Secretary is authorized to carry out a program of providing assistance to eligible institutions to enable such institutions to carry out the authorized activities described in section 1174 in accordance with the provisions of this part.

"SEC. 1173. APPLICATIONS FOR RURAL COMMUNITY SERVICE GRANTS.

"(a) APPLICATION.—

"(1) IN GENERAL.—Each eligible institution desiring a grant under this part shall submit to the Secretary an application at such time, in such form, and containing or accompanied by such information and assurances, as the Secretary may require by regulation.

"(2) CONTENTS.—Each application submitted pursuant to paragraph (1) shall—

"(A) describe the activities and services for which assistance is sought; and

"(B) contain assurances that the eligible institution will enter into a consortium to carry out the provisions of this part that includes, in addition to the eligible institution, one or more of the following entities:

"(i) A community college.

"(ii) A rural local educational agency.

"(iii) A local government.

"(iv) A business or other employer.

"(v) A nonprofit institution.

"(3) WAIVER.—The Secretary may waive the consortium requirements described in paragraph (2) for any applicant who can demonstrate to the satisfaction of the Secretary that the applicant has devised an integrated and coordinated plan which meets the purpose of this part.

"(b) PRIORITY IN SELECTION OF APPLICATIONS.—The Secretary shall give priority to applications that propose to conduct joint projects supported by other local, State, and Federal programs.

"(c) SELECTION PROCEDURES.—The Secretary, by regulation, shall develop a formal procedure for the submission of applications under this part and shall publish in the Federal Register an announcement of that procedure and the availability of funds under this part.

"SEC. 1174. AUTHORIZED ACTIVITIES.

"Grant funds made available under this part shall be used to support planning, applied research, training, resource exchanges or technology transfers, the delivery of services, or other activities the purpose of which is to design and implement programs to assist rural communities to meet and address their pressing and severe problems, such as any of the following:

"(1) Work force preparation.

"(2) Rural poverty and the alleviation of such poverty.

"(3) Health care, including health care delivery and access as well as health education, prevention and wellness.

"(4) Underperforming school systems and students.

"(5) Problems faced by the elderly and individuals with disabilities in rural settings.

"(6) Problems faced by families and children.

"(7) Campus and community crime prevention, including enhanced security and safety awareness measures as well as coordinated programs addressing the root causes of crime.

"(8) Rural housing.

"(9) Rural infrastructure.

"(10) Economic development.

"(11) Rural farming and environmental concerns.

"(12) Other problem areas which participants in the consortium described in section 1173(a)(2)(B) concur are of high priority in rural areas.

"(13)(A) Problems faced by individuals with disabilities and economically disadvantaged individuals regarding accessibility to institutions of higher education and other public and private community facilities.

"(B) Amelioration of existing attitudinal barriers that prevent full inclusion of individuals with disabilities in their community.

"SEC. 1175. PEER REVIEW.

"The Secretary shall designate a peer review panel to review applications submitted under this part and make recommendations for funding to the Secretary. In selecting the peer review panel, the Secretary may consult with other appropriate Cabinet-level Federal officials and with non-Federal organizations, to ensure that the panel will be geographically balanced and be composed of representatives from public and private institutions of higher education, labor, business, and State and local government, who have expertise in rural community service or in education.

"SEC. 1176. DISBURSEMENT OF FUNDS.

"(a) MULTIYEAR AVAILABILITY.—Subject to the availability of appropriations, grants under this part may be made on a multiyear basis, except that no institution, individually or as a participant in a consortium, may receive a grant for more than 5 years.

"(b) EQUITABLE GEOGRAPHIC DISTRIBUTION.—The Secretary shall award grants under this part in a manner that achieves equitable geographic distribution of such grants.

"(c) MATCHING REQUIREMENT.—An applicant under this part and the local governments associated with its application shall contribute to the conduct of the program supported by the grant an amount from non-Federal funds equal to at least one-fourth of the amount grant, which contribution may be in cash or in kind, fairly evaluated.

"SEC. 1177. DESIGNATION OF RURAL GRANT INSTITUTIONS.

"The Secretary shall publish a list of eligible institutions under this part and shall designate such institutions of higher education as 'Rural Grant Institutions'. The Secretary shall establish a national network of Rural Grant Institutions so that the results of individual projects achieved in 1 rural area can be generalized, disseminated, replicated and applied throughout the Nation.

"SEC. 1178. DEFINITIONS.

"As used in this part:

"(1) RURAL AREA.—The term 'rural area' means any area that is—

"(A) outside an urbanized area, as such term is defined by the Bureau of the Census; and

"(B) outside any place that—

"(i) is incorporated or Bureau of the Census designated; and

"(ii) has a population of 75,000 or more.

"(2) ELIGIBLE INSTITUTION.—The term 'eligible institution' means an institution of higher education, or a consortium of such institutions any one of which meets all the requirements of this paragraph, which—

"(A) is located in a rural area;

"(B) draws a substantial portion of its undergraduate students from the rural area in which such institution is located, or from contiguous areas;

"(C) carries out programs to make postsecondary educational opportunities more accessible to residents of such rural areas, or contiguous areas;

"(D) has the present capacity to provide resources responsive to the needs and priorities of such rural areas and contiguous areas;

"(E) offers a range of professional, technical, or graduate programs sufficient to sustain the capacity of such institution to provide such resources; and

"(F) has demonstrated and sustained a sense of responsibility to such rural area and contiguous areas and the people of such areas.

"SEC. 1179. AUTHORIZATION OF APPROPRIATIONS; FUNDING RULE.

"(a) IN GENERAL.—There are authorized to be appropriated such sums as may be necessary in each fiscal year to carry out the provisions of this part.

"(b) FUNDING RULE.—If in any fiscal year the amount appropriated pursuant to the authority of subsection (a) is less than 50 percent of the funds appropriated to carry out part A in such year, then the Secretary shall make available in such year from funds appropriated to carry out part A an amount equal to the difference between 50 percent of the funds appropriated to carry out part A and the amount appropriated pursuant to the authority of subsection (a).".

SEC. 502. DEMONSTRATION PROJECT.

(a) IN GENERAL.—Subtitle H of title I of the National and Community Service Act of 1990 (as added by section 104(c) of this Act) is amended by adding at the end the following:

"SEC. 198D. SPECIAL DEMONSTRATION PROJECT.

"(a) SPECIAL DEMONSTRATION PROJECT FOR THE YUKON-KUSKOKWIM DELTA OF ALASKA.—The President may award grants to, and enter into contracts with, organizations to carry out programs that address significant human needs in the Yukon-Kuskokwim delta region of Alaska.

"(b) APPLICATION.—

"(1) GENERAL REQUIREMENTS.—To be eligible to receive a grant or enter into a contract under subsection (a) with respect to a program, an organization shall submit an application to the President at such time, in such manner, and containing such information as the President may require.

"(2) CONTENTS.—The application submitted by the organization shall, at a minimum—

"(A) include information describing the manner in which the program will utilize VISTA volunteers, individuals who have served in the Peace Corps, and other qualified persons, in partnership with the local not-for-profit organizations known as the Yukon-Kuskokwim Health Corporation and the Alaska Village Council Presidents;

"(B) take into consideration—

"(i) the primarily noncash economy of the region; and

"(ii) the needs and desires of residents of the local communities in the region; and

"(C) include specific strategies, developed in cooperation with the Yupi'k speaking population that resides in such communities, for comprehensive and intensive community development for communities in the Yukon-Kuskokwim delta region.".

(b) TABLE OF CONTENTS.—Section 1(b) of the National and Community Service Act of 1990 (Public Law 101–610; 104 Stat. 3127) is amended by inserting after the item relating to section 198C of such Act the following:

"Sec. 198D. Special demonstration project.".

TITLE VI—FEDERAL TORT CLAIMS ACT

SEC. 601. FEDERAL TORT CLAIMS ACT.

Individuals participating in programs receiving funding under this Act shall be covered by the provisions of the Federal Tort Claims Act to the same extent as participants in other federally funded service programs.

Mr. KENNEDY. Mr. President, I move to reconsider the vote by which the bill was passed.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, S. 919 is indefinitely postponed.

Under the previous order, the Senate insists upon its amendments and requests a conference with the House on disagreeing votes of the two Houses.

The Chair appoints the following conferees on the part of the Senate: Mr. KENNEDY, Mr. PELL, Mr. METZENBAUM, Mr. DODD, Mr. SIMON, Mr. HARKIN, Ms. MIKULSKI, Mr. BINGAMAN, Mr. WELLSTONE, Mr. WOFFORD, Mrs. KASSEBAUM, Mr. JEFFORDS, Mr. COATS, Mr. GREGG, Mr. HATCH, Mr. THURMOND, and Mr. DURENBERGER; and with respect to those provisions within the jurisdiction of the Committee on Governmental Affairs: Mr. GLENN, Mr. PRYOR, and Mr. ROTH.

The PRESIDING OFFICER. The Chair recognizes the majority leader, Senator MITCHELL.

Mr. MITCHELL. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate is not in order. The Chair requests the Senate to be in order. Senators will please take their seats.

The Chair requests order.

The Chair recognizes the Senator from Maine, the majority leader.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, and Members of the Senate, in accordance with past practice and tradition, I ask that all Senators take their seats and remain at their desks during the vote and respond from their desks when the clerk calls the roll.

Mr. President, I repeat my request that all Senators take their seats and remain at their desks and respond from their desks when the roll is called.

EXECUTIVE SESSION

SUPREME COURT OF THE UNITED STATES

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to executive session.

The clerk will report the Supreme Court nomination.

The legislative clerk read the nomination of Ruth Bader Ginsburg, of New

York, to be an Associate Justice of the Supreme Court of the United States.

Mr. LAUTENBERG. Mr. President, I am pleased to support the nomination of Ruth Bader Ginsburg to become Associate Justice of the U.S. Supreme Court. She will bring to the Nation's highest court the integrity, commitment, judical temperament, and caring that is critically important in this position.

Judge Ginsburg's life and career have exemplified the very best values of public service. The story of the obstacles Judge Ginsburg has overcome to reach the position she will soon hold at the pinnacle of the legal profession is well known. What is so startling is how many women identify with her struggles. Someone who has made the journey she has made is a person who will bring to the Court an appreciation of the plight of others who are struggling.

As a teacher, advocate, and jurist, Judge Ginsburg has demonstrated both the passion of her views and the restraint necessary to effectively exercise the awesome powers conferred on a judge. Her advocacy for equal opportunity for women and men has advanced the state of the law in a manner that breaks down barriers erected to support outdated stereotypes. In her 13 years on the U.S. Court of Appeals, Judge Ginsburg has demonstrated that she can make the transition from advocate to judge. Her opinions have demonstrated thoughtfulness and skilled legal reasoning. She has received the very highest rating from the American Bar Association.

I would be remiss in not pointing out that Judge Ginsburg's first faculty position was at Rutgers University Law School where she served on the school's faculty from 1963 to 1972.

As a Senator, I take most seriously my responsibilities to give the President my advice and, if warranted, my consent, on his nominations to the Supreme Court. As with few other appointments, the Supreme Court seat is a position that requires a judgment on how someone will serve in the long term on issues that we cannot always see clearly from our positions today.

In my view, one of the best ways to evaluate how a nominee will do in the long term is to look at how he or she has accorded themselves over the length of their public career. On that criterion, Judge Ginsburg instills in me the greatest confidence. I commend President Clinton on her selection and urge my colleagues to join me in voting in favor of her appointment.

Mr. COATS. Mr. President, the nomination of Judge Ruth Bader Ginsburg to be an Associate Justice on the U.S. Supreme Court will be the third opportunity I have had as a U.S. Senator to participate in the Senate's historical role of advise and consent.

During Senate debate over the nomination of Judge Souter and Clarence Thomas, I expressed concern that the Senate's constitutional role of advice and consent had lost its way in a thicket of policy debates and partisan agendas. Recent confirmation fights have scarred the process with bitterness and distortion. Senate hearings have become political inquisitions, rehashing the shifting debates of current elections.

In the past I encouraged the Senate to relearn a basic principle—a principle concerning how the Senate should treat the President's Supreme Court appointments. A principle about what the power of nomination means.

With the nomination of Judge Ruth Bader Ginsburg we have yet another opportunity to do this—to learn from past mistakes.

This is not a process we conduct in a vacuum. The doctrine of advice and consent was given considerable attention by the Founders. Alexander Hamilton wrote that the Senate should approve a President's nominee unless there were special and strong reasons for refusal.

A judicial nomination is not properly a political struggle for the direction of the Court between the executive and legislative branches. That decision was made in last November's national election. The criteria for our judgment has to be character, experience, qualifications, and intelligence—not politics. This is especially true for justices to the Supreme Court which was designed specifically not to be a political institution.

With the nomination of Judge Ginsburg, the President has met these criteria. It is an undisputed fact that she is fit for office and that she will bring exceptional talent, temperament, experience, and knowledge to the Court.

However, it is also a fact that if one were to look only at the issues, there would be reason for concern.

We should be concerned that in 1974, in a speech published by Phi Beta Kappa Key Reporter, Ginsburg called for affirmative action hiring quotas for women. Later that year she considered it a setback for women's rights when the Supreme Court, in Kahn versus Shevin upheld a Florida property tax exemption for widows. We should be concerned about her pro-choice position and her belief that taxpayer funding for abortion should be protected as a constitutional right. We should be concerned that her support for gender neutrality leads her to conclude that there should be absolutely no distinctions—legal or otherwise, between men and women; that women should be subject to military draft; that the age of statutory rape should be lowered from 16 to 12; that single-sex schools, colleges and activities, single sex organizations, and single sex fraternities, and sororities should all be sex-integrated.

Is Judge Ginsburg a moderate as the press has attempted to portray her? Probably not. Do her views fall within the mainstream of liberal philosophy? Probably so. Are there special and strong reasons to deny her the Senate's consent? I don't believe so, and for that reason I will vote for her today.

Yes, I disagree with some of her rulings and many of her positions on issues that I consider fundamental. But as important as Judge Ginsburg's personal positions may be, it is her approach to the law that must concern us. Will she judge the law or will she seek to actively rewrite it? Will she exercise caution in her approach—drawing on legal precedent and the historical role of the Court—or will she use the Court as an instrument to validate radical and controversial views not shared by mainstream America. She has given the Senate her assurance that her approach will not substitute her judgment for the working of political institutions. I accept that assurance.

Judge Ginsburg has earned a distinguished reputation as a litigator, professor, and circuit court judge, and I will not oppose her.

Ms. MOSELEY-BRAUN. Mr. President, it is with pleasure that I speak today in support of the nomination of Judge Ruth Bader Ginsburg to be an Associate Justice of the U.S. Supreme Court. Since President Clinton nominated Judge Ginsburg for this position last June, much has been written and spoken about her pioneering work in the area of gender discrimination. I mention that work here today merely to thank Judge Ginsburg for the difference she made not only in my life, but in the lives of all American women. Beginning with the landmark case of Frontiero versus Richardson—decided exactly 100 years after the Supreme Court upheld the State of Illinois' refusal to admit a woman to the practice of law—Judge Ginsburg persuaded the Supreme Court to apply the Constitution's guarantee of equal protection to women. In doing so, she blazed a trail in which thousands of women have followed. I think we can all agree that were it not for Judge Ginsburg's leadership in this area—forcing not only the courts, but society, to reevaluate their outdated notions of a woman's proper place in society—you might not have seven female Senators about to cast their votes on the confirmation of the second female Supreme Court Justice.

I do not, however, want to limit my comments to Judge Ginsburg's work as an advocate for women's rights. To do so would be unfair to Judge Ginsburg, for it would ignore the thoughtfulness and intelligence she has demonstrated as both a legal scholar and a judge. Judge Ginsburg's responses to the committee's questions were not only honest and forthright, but the depth of knowledge of both legal doctrine and American history that they displayed

showed all Americans why President Clinton chose this judge to fill Justice White's shoes on the Supreme Court.

When I made my opening statement at the beginning of her confirmation hearing, I urged Judge Ginsburg to bring not only her intellect, but her heart, her history, and her humanity to the Court. After listening to her testimony before the committee, I am convinced that Judge Ginsburg will do just that. Judge Ginsburg correctly noted that the Constitution must often serve as a check on Government power, noting that "the Framers are shortchanged if we view them as having a limited view of rights." She stated that the right of a woman to control her reproductive destiny is central to that woman's life and dignity. And she deplored discrimination of all types, whether with respect to race, religion, gender, or sexual orientation. As Judge Ginsburg so eloquently stated, "Rank discrimination is not a part of our Nation's culture. Tolerance is."

Mr. Chairman, in the wake of these hearings there have been numerous comparisons between the collegiality of this hearing and the bitter, divisive fights that have characterized past nominees. Although I was not present for these past hearings, I think there is one reason for this difference. In selecting the next Supreme Court Justice, President Clinton went beyond ideology and partisan politics. He took his time, consulted with legal scholars, consulted with Congress, and selected the best possible person to do the job. The American people are fortunate to have a President who takes so seriously the task of selecting a Supreme Court Justice.

I believe Judge Ginsburg's dedication to the rule of law and the cause of equal justice, as evidenced by her work with the women's rights project, her tenure at Rutgers and Columbia law schools, and her years on the court of appeals, indicate that she has the potential to be one of the outstanding Justices of our time. I add my voice with enthusiasm to the host of others in support of Judge Ginsburg today, and I look forward to casting my vote for her confirmation.

Mr. FEINGOLD. Mr. President, I rise today to declare my support for the confirmation of Judge Ruth Bader Ginsburg to become the 107th Justice of the U.S. Supreme Court.

The constitutional responsibility to advise and consent on the President's nominee to the Supreme Court is one of the most important responsibilities bestowed upon Members of this body. Through this role, we determine, with the President, which individuals will be interpreting the Constitution for future generations and therefore shaping the quality of justice in our Nation for years to come—perhaps years after many of us are through serving in public office.

Being a new Member adds that much more to this responsibility for me, since Judge Ginsburg's confirmation will be my first opportunity to take part in this process. However, since Judge Ginsburg is renowned for her legal writing skills and her ability to craft short and concise legal opinions, I will uphold her tradition of brevity and keep my remarks brief.

The nomination of Judge Ginsburg is proof that President Clinton's victory last fall meant that we will have the opportunity to see nominations to the Court of this high caliber, representing the diversity of the American people, and a firm commitment to our constitutional values. The unanimous vote of the Judiciary Committee and the positive reactions to her nomination, from a broad range of the political spectrum, indicates that President Clinton has done an excellent job in his initial choice for the Supreme Court.

I followed Judge Ginsburg's testimony before the Judiciary Committee with extreme interest, realizing that she would most likely become the newest member of a Court that would decide on the issues of today and tomorrow—decisions about reproduction and privacy rights, separation between church and State, freedom of speech, and the emergence of new technologies and the necessary balance between their use by law enforcement and the protection of individual freedoms.

I was very encouraged to hear her views on discrimination—whether it be along the lines of race, gender, or sexual orientation. Judge Ginsburg summed up our Nation's credence best when she stated:

I think rank discrimination against anyone, is against the tradition of the United States and is to be deplored. Rank discrimination is not part of our Nation's culture. Tolerance is.

These views did not come as a shock to anyone who knew her or of her. Not only does Judge Ginsburg possess superior academic credentials and distinguished Federal bench experience, but she also has a practitioner's experience of being an advocate and a steady driving force in the quest for making sure that women of all walks of life are guaranteed the same protection and treatment under the eyes of the law.

Through her work at the Women's Rights Project of the American Civil Liberties Union, Judge Ginsburg was able to extend the 14th amendment's equal protection clause to women by achieving a higher standard of scrutiny in gender bias cases through five victories in six Supreme Court cases.

Through the hearing process, the Senate and the American people were allowed to observe an individual with a great understanding of the Constitution and the role of the Court in protecting our individual liberties. Senators BIDEN and HATCH should be commended for all of their work on a job well done. Chairman BIDEN and his staff should be further commended for instituting a new confirmation process that will hopefully help explore all aspects of a nomination in an orderly and thorough fashion.

In her confirmation hearing before the Senate Judiciary Committee, Judge Ginsburg was able to show us that she is a woman of deep intellectual character, who possesses not only an immense and remarkable working knowledge of the law, but a strong commitment to the Constitution as well.

But perhaps what impressed me the most about Judge Ginsburg's testimony, was her continuing interest in and dedication to the individuals and lives that made up the precedent setting cases which she argued before the Supreme Court. When questioned about these cases, it was clear that Frontiero versus Richardson, Weinberger versus Wiesenfeld, and Struck versus Secretary of Defense, were not only landmark decisions in the struggle for the extension of the constitutional guarantee of equal protection of the law to women, but were foremost to her, cases involving and affecting individuals who were caught up in the legal process and facing inequitable treatment under the law, individuals such as Sharon Frontiero, Stephen Wiesenfeld and his son, and Captain Struck.

Judge Ginsburg's commitment to these individuals and their plights is to be admired and hopefully, Mr. President, shared and followed by others in the legal profession.

I conclude that without hesitation, I support President Clinton's nomination of Judge Ruth Bader Ginsburg to be an Associate Justice of the Supreme Court of the United States.

Mr. LAUTENBERG. Mr. President, I am pleased to support the nomination of Ruth Bader Ginsburg to become Associate Justice of the U.S. Supreme Court. She will bring to the Nation's highest court the integrity, commitment, judicial temperament, and caring that is critically important in this position.

Judge Ginsburg's life and career have exemplified the very best values of public service. The story of the obstacles Judge Ginsburg has overcome to reach the position she will soon hold at the pinnacle of the legal profession is well known. What is so startling is how many women identify with her struggles. Someone who has made the journey she has made is a person who will bring to the Court an appreciation of the plight of others who are struggling.

As a teacher, advocate, and jurist, Judge Ginsburg has demonstrated both the passion of her views and the restraint necessary to effectively exercise the awesome powers conferred on a judge. Her advocacy for equal opportunity for women and men has advanced the state of the law in a manner

that breaks down barriers erected to support outdated stereotypes. In her 13 years on the U.S. Court of Appeals, Judge Ginsburg has demonstrated that she can make the transition from advocate to judge. Her opinions have demonstrated thoughtfulness and skilled legal reasoning. She has received the very highest rating from the American Bar Association.

I would be remiss in not pointing out that Judge Ginsburg's first faculty position was at Rutgers University Law School where she served on the school's faculty from 1963 to 1972.

As a Senator, I take most seriously my responsibilities to give the President my advice and, if warranted, my consent, on his nominations to the Supreme Court. As with few other appointments, the Supreme Court seat is a position that requires a judgment on how someone will serve in the long term on issues that we cannot always see clearly from our positions today.

In my view, one of the best ways to evaluate how a nominee will do in the long term is to look at how he or she has accorded themselves over the length of their public career. On that criterion, Judge Ginsburg instills in me the greatest confidence. I commend President Clinton on her selection and urge my colleagues to join me in voting in favor of her appointment.

Mr. DURENBERGER. Mr. President, I rise today in support of the nomination of Judge Ruth Bader Ginsburg to be Associate Justice of the U.S. Supreme Court.

DISTINGUISHED BACKGROUND

Judge Ginsburg has had a remarkable career, not only as a lawyer, judge, and teacher, but also—as she pointed out during her confirmation hearings 2 weeks ago—as a proud and devoted wife, mother, and grandmother.

Judge Ginsburg has demonstrated during her 13 years on the U.S. Court of Appeals for the District of Columbia Circuit that she is, as my friend and colleague from Ohio, Senator METZENBAUM, has said: "a judge's judge."

Her judicial record demonstrates that she understands and respects the proper role of the judiciary in our tripartite system of Government. As Judge Ginsburg said during her confirmation hearings before the Senate Judiciary Committee: "Judges must be mindful of what their place is in society." She went on to emphasize that a judge is not an advocate, and reminded the committee that, "a judge is not a politician."

I should also point out that Judge Ginsburg received the highest possible rating from the American Bar Association.

In addition to her long and important career on the Federal bench, Judge Ginsburg has distinguished herself as an advocate on behalf of women's rights, arguing—and winning—landmark cases during the 1970's that were instrumental in extending the constitutional guarantee of equal protection of the law to women.

Judge Ginsburg is a woman of impeccable character, intelligence, and temperament. Moreover, she is a first generation American who has risen on the strength of her own determination and ability to one of the highest offices in America. If confirmed, she will be only the second woman in the history of our country to serve on the Supreme Court.

PRESIDENT CLINTON'S SELECTION OF JUDGE GINSBURG

When Justice Byron White announced that he was retiring after 31 years on the High Court, I did not expect that President Clinton and I would agree on the perfect Associate Judge candidate to succeed him. This is the first time a Democratic President has had the opportunity to make an appointment to the Supreme Court in over a quarter of a century.

The President of the United States is entitled to some deference in his choice of a Supreme Court Justice. I truly believe that Ruth Bader Ginsburg is the best choice we can expect to see from this President. Let me note in this regard, Mr. President, that I am not in absolute philosophical sympathy with this nominee—but I want the Senate to continue in its tradition of being open to nominees who are distinguished and highly qualified. My friends on the other side of the aisle have often voted for conservative nominees to the Supreme Court—resisting the temptation to ideologize this very important decision. I want to encourage this kind of openmindedness and bipartisanship.

JUDGE GINSBURG'S JUDICIAL CAREER SHOULD LAY TO REST ANY FEARS OF JUDICIAL ACTIVISM

Judge Ginsburg's long career on the court of appeals here shows a clear demarcation between Ruth Bader Ginsburg the advocate, and Judge Ruth Bader Ginsburg the jurist committed to rule of law. I have studied Judge Ginsburg's complete record, and I am convinced that, despite her earlier career as an advocate on behalf of the American Civil Liberties Union and some of her academic writings, Judge Ginsburg has not used her position as a Federal judge to advance any personal agenda.

In fact, she has been the model of judicial moderation and restraint. As a rule, she has limited her decisions to the confines of prior precedent, even where those decisions may conflict with her personal, more liberal views. As she explained to the Judiciary Committee, "No judge is appointed to apply his or her personal values. Instead:

Judges must be mindful of what their place is in this system and must always remember that we live in a democracy that can be destroyed if judges take it upon themselves to rule as platonic guardians.

The New York Times noted that:

According to a computerized study of the appeals court's 1987 voting patterns published in Legal Times, Judge Ginsburg voted more consistently with her Republican-appointed colleagues than with her fellow Democratic-appointed colleagues. For example, in 1987 cases that produced division on the court, she voted with Judge Bork 85 percent of the time and with Judge Patricia M. Wald 38 percent of the time. [New York Times, 6/27/93, at 20]

According to another study of the D.C. Circuit, in 1983–84 year, Judge Ginsburg voted with Judge Bork 100% of the time, and with then-Judge Scalia 95% of the time. [Edwards, Public Misperceptions Concerning The "Politics" Of Judging, 56 Colo. L. Rev. 619, 644 (1985)]

CONCLUSION

Having said this, there is—of course—no way to predict with certainty what a nominee will do, or how a nominee will vote, once she becomes a member of the Supreme Court. The best we can do is to judge a nominee's character, intelligence, professional background, academic record, judicial experience, and temperament. On all these scores, Judge Ginsburg has acquitted herself well.

So while I do not agree with Judge Ginsburg's personal view that a right to abortion can be based on the equal protection clause, Judge Ginsburg's record on the Federal bench should, in my view, disabuse concerned conservatives of any notion whatsoever that she would allow her personal views to affect her duties and decisions as a judge.

Judge Ginsburg has never allowed her experience as an advocate or her academic speculations to manifest themselves as judicial activism. In fact, her distinguished judicial record demonstrates that she is a restrained, moderate jurist who subjugates her personal views to the rule of law.

As I said earlier, I would never expect to agree with 100 percent of the views of any Supreme Court nominee. That is especially true when that nominee is chosen by a President from the Democratic Party. After studying Judge Ginsburg's record, however, I am satisfied that she is one of the best choices for the High Court that this President could make.

Therefore, I intend to cast my vote in support of Judge Ginsburg, and I urge my colleagues to do the same.

I yield the floor.

Mr. DECONCINI. Mr. President, first of all, I would like to commend the chairman of the Judiciary Committee, Senator BIDEN, for his leadership in this nomination process. As he has done consistently in the past—he conducted the hearings in a fair manner with respect to both parties, the nominee, and the witnesses.

Just 7 weeks ago, when President Clinton announced his intentions to nominate Judge Ginsburg, I commended him for his excellent choice. His announcement drew widespread and bipartisan support. And when

Judge Ginsburg spoke at the Rose Garden, we were given a glimpse of this gifted and special individual.

Today, at the end of the confirmation process, that initial assessment has withstood great scrutiny—reinforcing my belief that Ruth Bader Ginsburg will serve as a distinguished Justice on the Supreme Court.

This nominee's career accomplishments are well known. Indeed, it has been some time since we have seen a Supreme Court nominee with such unquestionable professional achievements.

Judge Ginsburg began impacting Supreme Court opinions over 20 years ago. Over that time, she has produced a considerable body of writings and speeches. She has been a teacher and an advocate and has served for more than a decade on the District of Columbia circuit. She rightfully received the ABA's highest rating for judicial nominees.

Most of us on the committee have participated in several prior Supreme Court nomination hearings. It is a pleasure for this Senator to witness some comity in the confirmation process. This comity is a tribute to the nominee—a nominee who has defied the label of both liberal and conservative.

Throughout the hearings, I personally believed that the nominee was forthcoming in her responses regarding issues that she was at liberty to discuss. During her 3 full days of testimony, Judge Ginsburg was questioned on a wide range of subjects regarding her opinions as a Federal judge, her briefs argued before the Supreme Court, her numerous law review articles, and her views on well-settled constitutional law.

At times, Judge Ginsburg declined to answer questions concerning controversial areas of the law. Pundits may question some of her decisions to refrain from answering. But this Senator was left satisfied with her responses. It was not that long ago when he had a nominee who even refused to discuss his views of Marbury versus Madison before this committee.

Predicting how a nominee will perform on the court is a speculative process. We have no assurances how any nominee or sitting Supreme Court Justice will vote. Throughout their careers, Justices face constitutional issues never contemplated at the time of their nomination.

Consequently, the ultimate question we as Senators must ask ourselves is whether we feel secure about entrusting a nominee with the enormous responsibility of interpreting our Constitution. It has been some years since I have been as confident in entrusting that responsibility as I am with Ruth Bader Ginsburg.

President Clinton presented us with a well-qualified nominee. The committee thoroughly examined and questioned her on the great constitutional issues of our day. And Judge Ginsburg has demonstrated that she is a jurist with a thorough understanding of the Constitution and the role of the Court in protecting our individual rights.

For these reasons, I will vote to support Judge Ginsburg's nomination to the Supreme Court.

Mr. HATFIELD. Mr. President, I would like to take a few minutes today to outline the reasons why I will vote in favor of the confirmation of Judge Ruth Bader Ginsburg to the U.S. Supreme Court.

It is with great pleasure that I join in what has been almost unanimous senatorial support for Judge Ginsburg. This support has come after a thorough investigation and a civilized process that has brought honor to this institution, and is indicative of the quality of this nominee. Her nomination has been marked by a genuinely nonpartisan discussion demonstrating the triumph of capability over ideology, of personality over politics.

As Judge Ginsburg herself noted before the Judiciary Committee, the Framers of the Constitution originally considered giving the Senate sole power to appointment and confirmation, so this is a matter we take quite seriously. But, the President with his appointment power, has made an excellent choice in selecting Judge Ginsburg as the nominee to fill the void left by the retirement of the great Justice Byron White.

As the 107th person, and only the second woman who will be appointed to the Supreme Court, Judge Ginsburg will bring unique qualifications and perspective to the Court. In my 26 years in the Senate, I have had the opportunity to review many appointments, the first of these being the late Justice Thurgood Marshall in August of 1967. Since that time, the Court has strived to understand the problems facing a diverse Nation as they have arisen in the constitutional context.

But, there is no substitute for experience. And Judge Ginsburg's experiences are very telling. She has personally faced discrimination, and has fought for civil rights, especially for women. As a leader and a scholar, she knows, perhaps better than anyone in this Nation, that we must continue to be vigilant in our insistence that women and men be treated equally under the law.

Her academic qualifications are beyond question, excelling from humble beginnings to the top levels of the legal educational community. She was a teacher for many years. And, as a former educator, I can attest to the fact that to teach is to learn. Beyond academic research and writing, to be questioned in class by a fresh set of minds every day can only broaden one's perspective.

In addition to her impressive résumé and personal background, Judge Ginsburg has demonstrated a cautious and wise judicial demeanor supportive of an independent and restrained judiciary. She has the desire to intensely scrutinize the facts and law surrounding a case under consideration. She has the thirst for a reasoned and logical analysis toward a conclusion, and the heightened awareness not only of the power of the judiciary, but of its limitations. Her intellectual sharpness is complemented by a certain strength and independence of thought. These are extremely valuable characteristics which will serve her well should she be confirmed to the Court.

She has a strong respect for the notion of stare decisis, as illustrated by her record as a Federal appeals judge. She has demonstrated respect for the legislative branch and for legislative history. Several times during her confirmation hearings she emphasized the need for broad participation in the democratic process, and for judges to disdain infusion of their personal moral predilections thus preempting this process. As Aristotle wrote in another age, "If liberty and equality, as is thought by some, are chiefly to be found in democracy, they will be best attained when all persons alike share in the government to the utmost."

Obviously, I do not agree with Judge Ginsburg's views on every issue that may come before the Court. Although she questioned the scope and reasoning of the Roe versus Wade decision, she might argue for abortion rights on other bases which I would question. In addition, I would have liked to see her offer more clarification on issues surrounding the death penalty, in particular the availability of courts to hear new evidence showing that an innocent inmate may be put to death. There is a record from some of her decisions in the area of religious freedom demonstrating a strong respect for this right. Her understanding of that important right may have been shaped in part by her own family's experience with religious and ethnic persecution in Europe.

Regardless of whether I agree or disagree with her thoughts on particular issues, I have never viewed it as the role of the Senate to oppose nominees because they do not hold views identical to our own. A great variety of issues, including some that we can not foresee today, will come before the Court during the time that Judge Ginsburg may serve. As Chief Justice Rehnquist wrote in his book entitled "The Supreme Court,"

> We cannot know for certain the sort of issues with which the Court will grapple in the third century of its existence. But there is no reason to doubt that it will continue as a vital and uniquely American institutional participant in the everlasting search of civilized society for the proper balance between liberty and authority, between the state and the individual.

Judge Ginsburg has demonstrated a unique ability and strong desire to

strike these balances. She has an understanding of the role and of the limitations of the judiciary. But more importantly, she possesses the modesty of realization that there is often no immediate balance that can be struck, that the great questions facing our Nation transform and develop over years of struggle.

Finally, the most important point in favor of Judge Ruth Bader Ginsburg's nomination to the Supreme Court is her personal strength of character and sense of purpose. When asked before the Judiciary Committee how she would want the American people to think of her, she responded, "As someone who cares about people and does the best she can with the talent she has to make a contribution to a better world." These are not merely words to Judge Ginsburg, she has already dedicated much of her life to this strongly felt notion of public service. I have no doubt that she will serve on the Supreme Court with the same integrity and view toward the public good that she has exhibited throughout her life thus far.

The PRESIDING OFFICER. The question is on the confirmation of the nomination of Ruth Bader Ginsburg, of New York, to be an Associate Justice of the Supreme Court of the United States.

The yeas and nays have been ordered. Senators are reminded to vote from their seats.

The clerk will now call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Michigan [Mr. RIEGLE] is necessarily absent.

I further announce that, if present and voting, the Senator from Michigan [Mr. RIEGLE] would vote "yea."

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

The result was announced—yeas 96, nays 3, as follows:

[Rollcall Vote No. 232 Ex.]

YEAS—96

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

NAYS—3

Helms	Nickles	Smith

NOT VOTING—1

Riegle

So the nomination was confirmed.

The PRESIDING OFFICER. As previously ordered, the motion to reconsider is laid upon the table and the President will be immediately notified of the Senate's action confirming Judge Ginsburg's nomination.

Under the previous order, the clerk will report the next nomination.

The Senator from Maine.

Mr. MITCHELL. Mr. President, may I have the attention of Senators, please?

The PRESIDING OFFICER. The Senate will be in order.

Mr. MITCHELL. Under the previous order, the next two votes will be 10 minutes each, a total of 10 minutes each. I urge Senators to remain in the Chamber through the first vote and then not leave until after they vote on the second vote. And Senators are responsible for making certain that the clerk has actually recorded their vote.

I encourage all Senators to remain in the Chamber and to make certain the clerk has actually recorded your vote. I thank my colleagues.

DEPARTMENT OF EDUCATION

NOMINATION OF THOMAS W. PAYZANT, OF CALIFORNIA, TO BE ASSISTANT SECRETARY FOR ELEMENTARY AND SECONDARY EDUCATION.

The bill clerk read the nomination of Thomas W. Payzant, of California, to be Assistant Secretary for Elementary and Secondary Education.

Mr. SIMPSON. Mr. President, I rise today on behalf of the nomination of Dr. Thomas Payzant as Assistant Secretary of Education for Elementary and Secondary Education. I believe that Dr. Payzant has the ability and the will to implement policies that will enable our public schools to rise to the challenge of our national education goals.

It is important for the Federal Government to have an Assistant Secretary of Education for Elementary and Secondary Schools who is adept at building consensus among a variety of groups interested in education and who has hands on experience at the local and State level, as that is where the heart of school innovation occurs.

During his tenure as superintendent of schools in San Diego, Dr. Payzant did not shy away from controversial issues, but instead attempted to address the concerns of his critics head on by attempting to find compromises when possible.

Once again during his nomination hearings, Dr. Payzant showed his willingness to answer the queries of critics and appeared to be amendable to working with those in the minority on a variety of education issues that will face the Congress in the coming year, specifically the reauthorization of the Elementary and Secondary Education Act, which is due for an overhaul during the 103d Congress.

I know that some of my Republican colleagues remain opposed to Dr. Payzant's nomination due to his decision to ban the Boy Scouts from participating in the schools during normal school hours because of their antihomosexual policies. As I understand it, this decision was based on school board policy that was voted on by members of the elected board of education. After this action was taken, Dr. Payzant assured the Boy Scouts that they could continue to use school facilities after school hours. The students of the San Diego unified district are still free to participate in the Boy Scout Program during their free time. While I do not agree with such a policy, I recognize the fact that this matter is primarily a local issue and that Dr. Payzant was implementing a policy determined by the locally elected officials. Dr. Payzant had no choice but to fulfill that policy. His actions should in no way be interpreted to be anti-Boy Scout. In fact, Dr. Payzant was a Boy Scout as a youngster and his sons are Boy Scouts, as well.

As we face the beginning of the 21st century, we must remain committed to improving the quality of public education. Our children must be able to grow and mature into a work force that is competitive with the rest of the world. We can only accomplish these goals by increasing the participation of parents, by encouraging innovation, by improving standards, and by making educators accountable for the quality of instruction.

I believe that Dr. Payzant has the capability to accomplish such a task. I will vote for his nomination, and I look forward to working with him on education issues that affect all our children.

Mr. CRAIG. Mr. President, before casting my vote on the nomination of Dr. Thomas Payzant for Assistant Secretary for Elementary and Secondary Education, I would like to take a moment to outline some of my concerns about this nominee.

Dr. Payzant has a number of fine qualities, and he has received a number of prestigious honors such as the Harold W. McGraw, Jr., Award. I do not question his abilities, and accomplishments in the area of education. However, I am concerned about his continued use of his position as superintendent of the San Diego School District to further his own social agenda.

In his position as the San Diego schools superintendent, Dr. Payzant

supported changing the school's anti-discrimination code to include sexual orientation. He then used this policy to bar Boy Scouts from holding activities during the school day when attendance is compulsory. The program sponsored by the Boy Scouts during the school day was the Learning for Life Program. While the Boy Scouts are excluded from activities during the school day, they are still able to sponsor activities after school because they are protected by the State of California's Civic Center Act, which specifically includes Boy Scout troops as one of a number of organizations with access to school district facilities.

Another action that has contributed to my decision to oppose the nominee is his push for the establishment of school-based clinics that would dispense contraceptives. The school board originally rejected Dr. Payzant's proposal. The rejection was due to the contraceptives issue. A pilot program that does not distribute contraceptives was finally established. However, the schools do provide information on community and Government organizations that provide reproductive services. This kind of program cuts out the role of the parent, which I strongly oppose.

The position of Assistant Secretary for Elementary and Secondary Education is a very distinguished and important position—one that affects our children. I cannot support a nominee that will use this position as a bully pulpit to promote his own social views. I have been contacted by a number of my constituents with similar concerns who are opposed to this nominee and the power he will have over the education of their children. I share that concern and will be opposing the nominee.

Mr. HATFIELD. Mr. President, I am pleased to support the nomination of Dr. Thomas W. Payzant to the position of Assistant Secretary for the Office of Elementary and Secondary Education. Although Dr. Payzant has held positions of educational leadership throughout the country, I am especially pleased to report that he earned high marks for his record of service in my home State of Oregon while serving as superintendent of the Eugene School District from 1973–78. Dr. Margaret Nichols, current superintendent of the Eugene district wrote the following about Dr. Payzant: "Tom's entire life has been and continues to be devoted to service to young people; he is a powerful advocate and a true friend of children * * * Tom Payzant is a superb educational leader and a fine human being."

Dr. Payzant's longevity in his most recent position as San Diego city schools superintendent is quite impressive. Leading the Nation's eight largest urban school district for 10½ years through an era of budget cuts, rapid enrollment growth, and major demographic strains is an accomplishment. His longevity is particularly impressive considering the average tenure for CEO's in the Nation's 45 largest districts is only 2 years.

Based on the feedback I have received from educational leaders in Oregon, and his record of service in other areas of the country, I am pleased to support Dr. Thomas Payzant for the position of Assistant Secretary for Elementary and Secondary Education.

The PRESIDING OFFICER. The question is on the confirmation of the nomination. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Missouri [Mr. RIEGLE] is necessarily absent.

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

The result was announced, yeas 72, nays 27, as follows:

[Rollcall Vote No. 233 Ex.]

YEAS—72

Akaka	Feingold	Metzenbaum
Baucus	Feinstein	Mikulski
Bennett	Ford	Mitchell
Biden	Glenn	Moseley-Braun
Bingaman	Graham	Moynihan
Boren	Harkin	Murray
Boxer	Hatfield	Nunn
Bradley	Heflin	Packwood
Breaux	Hollings	Pell
Bryan	Hutchison	Pryor
Bumpers	Inouye	Reid
Campbell	Jeffords	Robb
Chafee	Johnston	Rockefeller
Cohen	Kassebaum	Roth
Conrad	Kennedy	Sarbanes
D'Amato	Kerrey	Sasser
Danforth	Kerry	Shelby
Daschle	Kohl	Simon
DeConcini	Lautenberg	Simpson
Dodd	Leahy	Specter
Domenici	Levin	Stevens
Dorgan	Lieberman	Thurmond
Durenberger	Lugar	Wellstone
Exon	Mathews	Wofford

NAYS—27

Bond	Faircloth	Mack
Brown	Gorton	McCain
Burns	Gramm	McConnell
Byrd	Grassley	Murkowski
Coats	Gregg	Nickles
Cochran	Hatch	Pressler
Coverdell	Helms	Smith
Craig	Kempthorne	Wallop
Dole	Lott	Warner

NOT VOTING—1

Riegle

So the nomination was confirmed.

The PRESIDING OFFICER. As previously ordered, the motion to reconsider is laid upon the table, and the President will be immediately notified of the Senate's action.

NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

NOMINATION OF SHELTON HACKNEY, OF PENNSYLVANIA, TO BE CHAIRPERSON OF THE NATIONAL ENDOWMENT FOR THE HUMANITIES

The PRESIDING OFFICER. Under the previous order, the clerk will report the next nomination.

The legislative clerk read the nomination of Sheldon Hackney, of Pennsylvania, to be Chairperson of the National Endowment for the Humanities.

The Senate resumed consideration of the nomination.

Mr. LEAHY. Mr. President, I rise to support the confirmation of Sheldon Hackney to be the next Chairman of the National Endowment for the Humanities. The NEH has an important and difficult mission to fulfill. It is responsible for supporting and sustaining the highest level of scholarly inquiry and to share the riches of thought in the humanities with the public. Over the years, NEH has helped interpret great works in American thought to our citizens, and has developed our traditions more deeply through its grants and programs. Through the State humanities councils, NEH reaches people through libraries, public forums, media presentations, and exhibits, and literally has taught thousands of Americans to read, bringing them into the mainstream of the democracy and economy.

Dr. Hackney's well-publicized nomination recently was voted out of Senator KENNEDY'S Labor and Human Resources Committee by a unanimous 17–0 vote. Senators across the political spectrum gave him a fair hearing, listened to his positions on academic freedom and free speech. They listened to a distinguished southern historian, president of the University of Pennsylvania for 12 years, and found a man who can lead the NEH to fulfill its mission, and bring the humanities—"areas of study that bring us the deeds and thoughts of other times"—into everyday life.

Dr. Hackney's nomination should not be politicized any further. He needs our bipartisan support to lead the National Endowment for the Humanities in a difficult time. He should be confirmed.

Mr. SIMPSON. Mr. President, I rise in support of the nomination of Sheldon Hackney to become Director of the National Endowment for the Humanities. I have met personally with Sheldon Hackney and I engaged him in aggressive discussion concerning his commitment to freedom of speech. I would not be supporting his nomination if I felt that he was in any way temperamentally inclined to espouse politically correctness at the cost of free expression.

Sheldon Hackney has not had a trouble-free tenure as the president of the

University of Pennsylvania. Mr. Hackney has admitted to errors in judgment during his professional life. In January at the University of Pennsylvania an Israeli-born student yelled, "shut up, you water buffalo" to five African-American women who were shouting outside his dormitory. The women charged him with racial harassment under the university's free speech code. The student denied that his epithet was racial, but merely a translation of a Yiddish term for an annoying person.

Sheldon Hackney declined to intervene in the campus judicial process established for complaints of harassment, saying, "not only does the university put the free exchange of ideas at the core of its being, but it also strives to ensure that no member of the community is prevented from full participation in those debates by intimidating and abusive racial slurs that are intended to wound, rather than enlighten."

I would submit that even wholly offensive speech must ultimately be protected. In fact, there is no need to protect speech that is not offensive to someone, for then no one would attempt to eradicate it. The situation could have been handled with greater care and sensitivity and Sheldon Hackney clearly acknowledges that.

Also at the University of Pennsylvania this year, a group of black students destroyed 14,000 copies of the campus newspaper, claiming that the paper was an example of institutional racism. Sheldon Hackney's response was that "two important university values, diversity and open expression, appear to be in conflict. Freedom of expression must take precedence over diversity."

I would underscore that sentiment by saying that freedom of speech is the ultimate guarantor of diversity, for only if all ideas are permitted free circulation can diverse peoples, cultures, and ideas coexist peaceably. Mr. Hackney recognized the abuse of first amendment rights in this instance. He also admits his own serious errors of judgment.

Academicians have stressed over the past few years that they could not hope to maintain order on university campuses without the institution of speech codes. These so called speech codes are simply restrictions on free expression. Mr. Hackney admitted freely that political correctness does exist. That is an important acknowledgment. He also believes that in order for diverse cultures to live side-by-side a vigorous debate of ideas must not—ever—be restricted.

Mr. Hackney is a capable, thoughtful, scholarly man. He has a fine sense of his worth and a gentle sense of humor. As the Director of the National Endowment of the Humanities, his ability to protect and promote first amendment rights and correctly identify the serious impediments to these rights will be tested time and time again. I feel that Mr. Hackney will rise to the challenge. I am willing to present him with that challenge. I support his nomination because I do not believe that any of his admitted errors in judgment indicate some basic failure by him to share in the eternal values of free speech and expression which we hold so dear.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Sheldon Hackney, of Pennsylvania, to be Chairperson of the National Endowment for the Humanities? On this question, the yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Michigan [Mr. RIEGLE], is necessarily absent.

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

The result was announced—yeas 76, nays 23, as follows:

[Rollcall Vote No. 234 Ex.]

YEAS—76

Akaka	Feingold	Mikulski
Baucus	Feinstein	Mitchell
Bennett	Ford	Moseley-Braun
Biden	Glenn	Moynihan
Bingaman	Graham	Murkowski
Boren	Gregg	Murray
Boxer	Harkin	Nunn
Bradley	Hatch	Packwood
Breaux	Hatfield	Pell
Bryan	Heflin	Pryor
Bumpers	Hollings	Reid
Byrd	Hutchison	Robb
Campbell	Inouye	Rockefeller
Chafee	Jeffords	Roth
Coats	Johnston	Sarbanes
Cochran	Kassebaum	Sasser
Cohen	Kennedy	Shelby
Conrad	Kerrey	Simon
Danforth	Kerry	Simpson
Daschle	Kohl	Specter
DeConcini	Lautenberg	Stevens
Dodd	Leahy	Thurmond
Dole	Levin	Wellstone
Dorgan	Lugar	Wofford
Durenberger	Mathews	
Exon	Metzenbaum	

NAYS—23

Bond	Gorton	McCain
Brown	Gramm	McConnell
Burns	Grassley	Nickles
Coverdell	Helms	Pressler
Craig	Kempthorne	Smith
D'Amato	Lieberman	Wallop
Domenici	Lott	Warner
Faircloth	Mack	

NOT VOTING—1

Riegle

So the nomination was confirmed.

The PRESIDING OFFICER. As previously ordered, the motion to reconsider is laid upon the table, and the President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to the legislative session.

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1994

The PRESIDING OFFICER. The Senate will now resume consideration of H.R. 2403, the Treasury, Postal appropriations bill, which the clerk will report.

The bill clerk read as follows:

A bill (H.R. 2403) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1994, and for other purposes.

The Senate resumed consideration of the bill.

The PRESIDING OFFICER. Under the previous order, the Senator from New Jersey [Mr. LAUTENBERG], is authorized to offer an amendment. There will be 1 hour for debate on the amendment, equally divided and controlled in the usual form.

The Chair recognizes the Senator from New Jersey, Senator LAUTENBERG.

AMENDMENT NO. 747

(Purpose: To require the Administrator of the Environmental Protection Agency to promulgate guidelines for instituting a nonsmoking policy in buildings owned or leased by Federal agencies)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Jersey [Mr. LAUTENBERG], for himself and Mr. HARKIN, proposes an amendment numbered 747.

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

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

The amendment is as follows:

At the appropriate place, add the following new title:

TITLE III—NONSMOKING POLICY

SEC. 801. SHORT TITLE.

This title may be cited as the "Preventing Our Federal Building Workers and Visitors From Exposure to Deadly Smoke (PROFEDS) Act of 1993".

SEC. 802. FINDINGS.

Congress finds that—

(1) environmental tobacco smoke comes from secondhand smoke exhaled by smokers and sidestream smoke emitted from the burning of cigarettes, cigars, and pipes;

(2) since citizens of the United States spend up to 90 percent of a day indoors, there is a significant potential for exposure to environmental tobacco smoke from indoor air;

(3) exposure to environmental tobacco smoke occurs in schools, public buildings, and other indoor facilities;

(4) recent scientific studies have concluded that exposure to environmental tobacco smoke is a cause of lung cancer in healthy nonsmokers and is responsible for acute and chronic respiratory problems and other health impacts in sensitive populations (including children);

(5) the health risks posed by environmental tobacco smoke exceed the risks posed by

many environmental pollutants regulated by the Environmental Protection Agency; and

(6) according to information released by the Environmental Protection Agency, environmental tobacco smoke results in a loss to the economy of over $3,000,000,000 per year.

SEC. 803. DEFINITIONS.

As used in this title:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) EXECUTIVE AGENCY.—The term "Executive agency" has the meaning provided in section 105 of title 5, United States Code.

(3) FEDERAL AGENCY.—The term "Federal agency" includes any Executive agency, the Executive Office of the President, any military department, any court of the United States, the Administrative Office of the United States Courts, the Library of Congress, the Botanic Garden, the Government Printing Office, the Congressional Budget Office, the United States Postal Service, the Postal Rate Commission, the Office of the Architect of the Capitol, the Office of Technology Assessment, and any other agency of the executive, legislative, and judicial branches.

(4) FEDERAL BUILDING.—The term "Federal building" means any building or other structure owned or leased for use by a Federal agency, except that the term shall not include any area of a building that is used primarily as living quarters.

(5) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

SEC. 804. NONSMOKING POLICY FOR FEDERAL BUILDINGS.

(a) IN GENERAL.—

(1) ISSUANCE OF GUIDELINES.—Not later than 180 days after the date of enactment of this Act, the Administrator shall issue guidelines for instituting and enforcing a nonsmoking policy at each Federal agency.

(2) CONTENTS OF GUIDELINES.—A nonsmoking policy that meets the requirements of the guidelines shall, at a minimum, prohibit smoking in each indoor portion of a Federal building that is not ventilated separately (as defined by the Administrator) from other portions of the facility.

(b) ADOPTION OF GUIDELINES.—

(1) IN GENERAL.—As soon as is practicable after the date of issuance of the guidelines referred to in subsection (a), the head of each Executive agency, and the Director of the Administrative Office of the United States Courts shall adopt a nonsmoking policy applicable to the Federal agency under the jurisdiction of the individual that meets the requirements of the guidelines referred to in subsection (a), and take such action as is necessary to ensure that the policy is carried out in the manner specified in the guidelines.

(2) LEGISLATIVE BRANCH.—As soon as is practicable after the date of issuance of the guidelines referred to in subsection (a), the following entities and individuals shall adopt a nonsmoking policy that meets the requirements of the guidelines referred to in subsection (a), and take such action as is necessary to ensure that the policy is carried out in the manner specified in the guidelines:

(A) With respect to the House of Representatives (including any office space or buildings of the House of Representatives), the House Office Building Commission.

(B) With respect to the Senate (including any office space or buildings of the Senate), the Committee on Rules and Administration of the Senate.

(C) With respect to any other area occupied or used by a Federal agency of the legislative branch, the Architect of the Capitol.

(3) CERTIFICATION FOR EXECUTIVE AGENCIES.—The Administrator of General Services, in consultation with the Administrator, shall review each nonsmoking policy adopted by the head of an Executive agency and shall certify those policies that meet the requirements of the guidelines referred to in subsection (a). In carrying out the certification, the Administrator of General Services shall use a procedure and apply criteria that the Administrator shall establish. Except as provided in subsection (c), if a policy does not meet the requirements of the guidelines, the Administrator of General Services shall—

(A) in a written communication, advise the head of the Executive agency concerning modifications of the policy to meet the requirements; and

(B) publish the communication in the Federal Register.

(c) WAIVERS.—

(1) EXECUTIVE AGENCIES.—The head of an Executive agency may publicly petition the Administrator of General Services for a waiver from instituting or enforcing a nonsmoking policy (or policy requirement) under the guidelines issued pursuant to subsection (a). The Administrator of General Services may waive the requirement if, after consultation with the Administrator, the Administrator of General Services determines that—

(A) unusual extenuating circumstances prevent the head of the Federal agency from enforcing the policy (or a requirement under the policy) (including a case in which the Federal agency shares space in an indoor facility with a non-Federal entity and cannot obtain an agreement with the other entity to abide by the nonsmoking policy requirement) and the head of the Executive agency will establish and make a good-faith effort to enforce an alternative nonsmoking policy (or alternative requirement under the policy) that will protect individuals from exposure to environmental tobacco smoke to the maximum extent possible; or

(B) the head of the Executive agency will enforce an alternative nonsmoking policy (or alternative requirement under the policy) that will protect individuals from exposure to environmental tobacco smoke to the same degree as the requirement under the guidelines issued pursuant to subsection (a).

(2) AGENCIES OF THE JUDICIAL BRANCH.—After consultation with the Administrator, and after providing public notice and reasonable opportunity for public review and comment, the Director of the Administrative Office of the United States Courts may, on the basis of the criteria for a waiver referred to in paragraph (1), make such modifications to the nonsmoking policy required to be carried out pursuant to subsection (b) as the Director determines to be necessary. The Director may not make any modification that violates the criteria for a waiver under paragraph (1).

(3) AGENCIES OF THE LEGISLATIVE BRANCH.—After consultation with the Administrator, and after providing public notice and reasonable opportunity for public review and comment, the appropriate entity or individual referred to in subparagraphs (A) through (C) of subsection (b)(2) may, on the basis of the criteria for a waiver referred to in paragraph (1), make such modifications to the nonsmoking policy required to be carried out pursuant to subsection (b) as the entity or individual determines to be necessary. The entity or individual may not make any modification that violates the criteria for a waiver under paragraph (1).

(d) COLLECTIVE BARGAINING AGREEMENTS.—

(1) IN GENERAL.—In a Federal agency in which a labor organization has been accorded recognition as a bargaining unit pursuant to chapter 71 of title 5, United States Code, the Federal agency shall engage in collective bargaining pursuant to section 7114 of title 5, United States Code, to ensure the implementation of the requirements of this section that affect work areas predominately occupied by the employees represented by the labor organization by the date of the adoption, pursuant to this section, of a nonsmoking policy applicable to the Federal agency.

(2) EXEMPTION.—

(A) IN GENERAL.—If, on the date of enactment of this Act—

(i) a bargaining unit referred to in paragraph (1) has in effect a collective bargaining agreement with respect to which a Federal agency is a party; and

(ii) the collective bargaining agreement referred to in clause (i) includes provisions relating to smoking privileges that are in violation of the requirements of this section,

the head of the Federal agency may exempt work areas predominately occupied by the employees subject to the collective bargaining agreement from the nonsmoking policy that the Federal agency is required to be carried out under subsection (b).

(B) TERMINATION OF EXEMPTION.—

(i) IN GENERAL.—An exemption referred to in subparagraph (A) shall terminate on the earlier of—

(I) the first expiration date (after the date of enactment of this Act) of the collective bargaining agreement containing the provisions relating to smoking privileges; or

(II) the date that is 1 year after the date of issuance of the guidelines.

(ii) IMPLEMENTATION OF NONSMOKING POLICY AFTER TERMINATION DATE.— By the applicable date specified in clause (i)(II), the head of each Federal agency shall be required to enforce a nonsmoking policy that meets the requirements of the guidelines issued under subsection (a) in each work area under the jurisdiction of the head of the Federal agency, notwithstanding any collective bargaining agreement that contains provisions that are less restrictive than the nonsmoking policy.

SEC. 805. TECHNICAL ASSISTANCE AND OUTREACH ACTIVITIES.

(a) TECHNICAL ASSISTANCE.—The Administrator and the Secretary shall provide technical assistance to the heads of Federal agencies and other persons who request technical assistance. The technical assistance shall include information—

(1) on smoking cessation programs for employees; and

(2) to assist in compliance with the requirements of this title.

(b) OUTREACH ACTIVITIES.—The Administrator, in consultation with the Secretary, shall establish an outreach program to inform the public concerning the dangers of environmental tobacco smoke. As part of the outreach program, the Administrator and the Secretary shall make available to the general public brochures and other educational materials. In establishing the programs under this paragraph, the Administrator and the Secretary shall cooperate to maximize the sharing of information and resources.

SEC. 806. REPORT BY THE ADMINISTRATOR.

Not later than 2 years after the date of enactment of this Act, the Administrator shall submit a report to Congress that includes—

(1) information concerning the degree of compliance with this title; and

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(2) an assessment of the legal status of smoking in public places.

SEC. 807. PREEMPTION.

Nothing in this title is intended to preempt any provision of law of a State or political subdivision of a State that is more restrictive than a provision of this title.

SEC. 808. EXEMPTION.

No provision in this title shall be construed to affect or otherwise impair the authority of the Secretary of Veterans Affairs, under section 526 of the Veterans Health Care Act of 1992 (38 U.S.C. 1715 note).

Mr. FORD. If the Senator will yield, has this amendment been modified from the original one?

Mr. LAUTENBERG. Yes.

Mr. FORD. Did the Senator take out the proposal we had for a study of veterans hospitals, and so forth?

Mr. LAUTENBERG. My amendment does not alter the existing law regarding smoking in veterans hospitals.

Mr. FORD. It does not touch the veterans?

Mr. LAUTENBERG. No.

Mr. FORD. I thank the Senator.

Mr. LAUTENBERG. Mr. President, most people know that there is a killer lurking around us which causes 3,000 lung cancer deaths per year. The killer is called environmental tobacco smoke, or secondhand smoke. The EPA has classified it as a group A carcinogen like arsenic, benzene, and asbestos. Despite this classification, secondhand smoke still permeates many of our Federal buildings. That is why I rise today to introduce an amendment to make all Federal buildings smoke free.

This amendment is based on PROFEDS, a bill I introduced earlier this year which has 18 cosponsors.

Simply put, the bill would require that all Federal departments and agencies adopt a smoke-free policy for all buildings in which they have ownership or a lease. This policy could either consist of a prohibition against smoking in each building or designated smoking areas which are separately ventilated to the outside, according to EPA standards. This would include the White House offices and the Congress, but would not cover Federal buildings which serve primarily as living quarters.

This amendment also includes a provision that would allow unions to adopt this requirement through collective bargaining.

Mr. President, an EPA report released on January 7, 1993, undeniably confirms what public health officials have reported for several years: Smoking kills those who smoke and also many of those who breathe secondhand smoke.

The evidence is also clear that secondhand smoke takes an enormous toll on the health of Americans, particularly our children. According to the EPA report, 3,000 lung cancer deaths per year among nonsmokers result from exposure to secondhand smoke.

We see here on the chart that the Clean Air Act regulated 189 substances which collectively cause 1,500 deaths per year, about half those of secondhand smoke. It tells you what the danger of secondhand smoke truly is.

Mr. President, regrettably we have done little to fight an indoor air pollutant that causes at least twice as many deaths each year.

Secondhand smoke also causes more than 200,000 lower respiratory tract infections in young children annually, including diseases like bronchitis and pneumonia, resulting in 7,500 to 15,000 hospitalizations.

Secondhand smoke exacerbates asthmatic symptoms in children and is associated with 8,000 to 26,000 new asthma cases in children each year.

This EPA report was twice reviewed by an EPA Science Advisory Board and was approved unanimously for final release by the scientists on this panel.

In a separate study, the American Heart Association concluded that exposure to secondhand smoke increases the risk of lung cancer, heart disease, and emphysema. It reported that approximately 50 percent of all children exposed to secondhand smoke.

Now that that evidence is in, it is time for the Congress to take action and protect Americans from this deadly substance.

This amendment is but one step to protect Americans from unwanted exposure to deadly secondhand smoke. It expands the nonsmoking policy that is already in place at the U.S. Department of Health and Human Services, the Environmental Protection Agency, the U.S. Postal Service, and the Veterans' Administration, to all buildings owned or leased by agencies of the executive, legislative and judicial branches of the Federal Government.

This amendment would simply make our policy regarding secondhand smoke in Federal buildings consistent throughout. Why should a citizen be able to go into a smoke-free post office and be protected from a group A carcinogen but then have to go through an IRS audit with a fellow citizen blowing smoke in his or her face?

This amendment would also force the Federal Government to practice what it preaches. On July 21, 1993, the EPA issued a brochure making recommendations on how employers should deal with secondhand smoke. In the private workplace, EPA recommends—and I quote from the pamphlet:

> Prohibiting smoking indoors or limiting smoking to rooms that have been specially designed to prevent smoke from other areas of the building are two options that will effectively protect the nonsmoker.

That is exactly what my amendment would do for Federal buildings. It is unconscionable for the Federal Government to recommend that the private sector adopt a smoke-free policy that it is unwilling to apply to itself.

Mr. President, the Government should apply to itself the same standards as it recommends to the private sector. The Department of Health and Human Services initially banned smoking in all of its buildings because our top health officials understand the danger of environmental tobacco smoke. We have banned smoking on all domestic airplane flights. The same protection should be afforded to people who work and visit Federal buildings.

Mr. President, the Supreme Court ruled earlier this year that even prisoners have the right to be protected from secondhand smoke. In Helling versus McKinney, the Court ruled that exposure to secondhand smoke could be considered cruel and unusual punishment and forced a lower court to rehear this case. If prisoners have the right to be protected from the carcinogen, so do people who work in and visit our Federal buildings.

As a Department of Health and Human Services report notes:

> Twenty-five years ago, smoking in the workplace in public places was considered a virtual birthright. Today, acceptance of smoking in public places has largely disappeared, replaced by an increasing recognition of the right to breathe air free from the harmful effects of tobacco smoke.

We have come a long way. But we still have a long way to go.

We should expand the smoke-free policies that already exist at the Department of Health and Human Services, the Environmental Protection Agency, the U.S. Postal Service, and the Veterans' Administration to all agencies of the Federal Government. Charlotte, NC, in the heart of tobacco country, has a smoke-free policy in its public buildings and lots of people make their living there as a result of the tobacco industry.

We ought to take this step now to save lives and prevent illness. We should act now to prevent lawsuits against the Federal Government by people who have suffered from breathing this deadly carcinogen.

Mr. President, I want to inform Senators, particularly those interested in veterans' issues, that my amendment would not alter in any way the law that Congress passed last year with respect to smoking in VA hospitals.

I ask unanimous consent that a letter confirming this understanding from Senator ROCKEFELLER, chairman of the Veterans' Affairs Committee, be printed in the RECORD.

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

U.S. SENATE,
COMMITTEE ON VETERANS' AFFAIRS,
Washington, DC, August 3, 1993.

Hon. FRANK LAUTENBERG,
U.S. Senate, Washington, DC.

DEAR FRANK: I have reviewed your amendment to H.R. 2403, the Treasury, Postal Service, and General Government Appropriations bill for fiscal year 1994 and appreciate your cooperation in meeting my concerns that the amendment not override section 526 of Public Law 102-585, relating to the use of tobacco

products in Department of Veterans Affairs' facilities. With that assurance, I have no objection to the consideration of your amendment.

Thank you for your assistance in this important matter.

Best,

JOHN D. ROCKEFELLER IV
Chairman.

Mr. LAUTENBERG. Mr. President, in consultation with our distinguished friend and colleague from Kentucky, Senator FORD, in the interest of time, I agreed not to ask for a rollcall vote on this amendment. However, it is my strong belief that if we had a vote in the Senate, it would win overwhelmingly. But a decision is a decision, and I will rely on the outcome of a voice vote.

But I hope that my foregoing rollcall vote will not serve as a pretext for this amendment to be dropped in conference. I want to say here for the record that if it is dropped in conference, I am going to be back here in the U.S. Senate to offer this amendment to another bill, and at that time, of course, I reserve the right to ask for a rollcall vote.

This amendment has been endorsed by the American Heart Association, the American Lung Association, the American Cancer Society, the Association Respiratory Care, the Association of Maternal and Child Health Programs, the Asthma and Allergy Foundation of America, and the National Coalition for Cancer Research.

Mr. President, I ask unanimous consent to have the following items included in the RECORD at the conclusion of my remarks:

One is a summary of the EPA report to which I referred; an EPA brochure urging all private workplaces to be smoke free to protect people from this deadly carcinogen.

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

[From the Environmental Protection Agency, July 1993]

PROTECTING YOUR HEALTH

WHAT IS SECONDHAND SMOKE?

Secondhand smoke is a mixture of the smoke given off by the burning end of a cigarette, pipe, or cigar, and the smoke exhaled from the lungs of smokers.

This mixture contains more than 4,000 substances, more than 40 of which are known to cause cancer in humans or animals and many of which are strong irritants.

Secondhand smoke is also called environmental tobacco smoke (ETS); exposure to secondhand smoke is called involuntary smoking, or passive smoking.

SECONDHAND SMOKE CAN CAUSE LUNG CANCER IN NONSMOKERS

Secondhand smoke has been classified by the U.S. Environmental Protection Agency (EPA) as a known cause of lung cancer in humans (Group A carcinogen).

Passive smoking is estimated by EPA to cause approximately 3,000 lung cancer deaths in nonsmokers each year.

SECONDHAND SMOKE IS A SERIOUS HEALTH RISK TO CHILDREN

The developing lungs of young children are also affected by exposure to secondhand smoke.

Infants and young children whose parents smoke are among the most seriously affected by exposure to secondhand smoke, being at increased risk of lower respiratory tract infections such as pneumonia and bronchitis. EPA estimates that passive smoking is responsible for between 150,000 and 300,000 lower respiratory tract infections in infants and children under 18 months of age annually, resulting in between 7,500 and 15,000 hospitalizations each year.

Children exposed to secondhand smoke are also more likely to have reduced lung function and symptoms of respiratory irritation like cough, excess phlegm, and wheeze.

Passive smoking can lead to a buildup of fluid in the middle ear, the most common cause of hospitalization of children for an operation.

Asthmatic children are especially at risk. EPA estimates that exposure to secondhand smoke increases the number of episodes and severity of symptoms in hundreds of thousands of asthmatic children. EPA estimates that between 200,000 and 1,000,000 asthmatic children have their condition made worse by exposure to secondhand smoke. Passive smoking may also cause thousands of nonasthmatic children to develop the condition each year.

OTHER HEALTH IMPLICATIONS

Exposure to secondhand smoke causes irritation of the eye, nose, and throat.

Passive smoking can also irritate the lungs, leading to coughing, excess phlegm, chest discomfort, and reduced lung function.

Secondhand smoke may affect the cardiovascular system, and some studies have linked exposure to secondhand smoke with the onset of chest pain.

FOR MORE INFORMATION

U.S. Environmental Protection Agency, Indoor Air Quality Information Clearinghouse (IAQ INFO), P.O. Box 37133, Washington, DC 20013-7133, 1-800-438-4318.

Office on Smoking and Health/Centers for Disease Control and Prevention, Mail Stop K-50, 4770 Buford Highway, N.E., Atlanta, GA 30341-3724, 404-488-5705.

National Cancer Institute, Building 31, Room 10A24, 9000 Rockville Pike, Bethesda, MD 20892, 1-800-4-CANCER.

National Heart, Lung, and Blood Institute, Information Center, P.O. Box 30105, Bethesda, MD 20824-0105, 301-951-3260.

National Institute for Occupational Safety and Health, 4676 Columbia Parkway, Cincinnati, OH 45226-1998, 1-800-35-NIOSH

American Lung Association, 1740 Broadway, New York, NY 10019, 212-315-8700.

Or contact your local American Lung Association.

IN THE HOME

Don't smoke in your house or permit others to do so.

If a family member insists on smoking indoors, increase ventilation in the area where smoking takes place. Open windows or use exhaust fans.

Do not smoke if children are present, particularly infants and toddlers. They are particularly susceptible to the effects of passive smoking.

Don't allow baby-sitters or others who work in your home to smoke in the house or near your children.

WHERE CHILDREN SPEND TIME

EPA recommends that every organization dealing with children have a smoking policy that effectively protects children from exposure to environmental tobacco smoke.

Find out about the smoking policies of the day care providers, pre-schools, schools, and other care-givers for your children.

Help other parents understand the serious health risks to children from secondhand smoke. Work with parent/teacher associations, your school board and school administrators, community leaders, and other concerned citizens to make your child's environment smoke free.

IN THE WORKPLACE

EPA recommends that every company have a smoking policy that effectively protects nonsmokers from involuntary exposure to tobacco smoke. Many businesses and organizations already have smoking policies in place but these policies vary in their effectiveness.

If your company does not have a smoking policy that effectively controls secondhand smoke, work with appropriate management and labor organizations to establish one.

Simply separating smokers and nonsmokers within the same area, such as a cafeteria, may reduce exposure, but nonsmoking will still be exposed to recirculated smoke or smoke drifting into nonsmoking areas.

Prohibiting smoking indoors or limiting smoking to rooms that have been specially designed to prevent smoke from escaping to other areas of the building are the two options that will effectively protect nonsmokers. The costs associated with establishing properly designed smoking rooms vary from building to building, and are likely to be greater than simply eliminating smoking entirely.

If smoking is permitted indoors, it should be in a room that meets several conditions:

Air from the smoking room should be directly exhausted to the outside by an exhaust fan. Air from the smoking room should not be recirculated to other parts of the building. More air should be exhausted from the room than is supplied to it to make sure ETS doesn't drift to surrounding space.

The ventilation system should provide the smoking room with 60 cubic feet per minute (CFM) of supply air per smoker. This air is often supplied by air transferred from other parts of the building, such as corridors.

Nonsmokers should not have to use the smoking room for any purpose. It should be located in a non-work area where no one, as part of his or her work responsibilities, is required to enter.

Employer-supported smoking cessation programs are an important part of any smoking policy. Approximately 25 percent of American adults still smoke. Many smokers would like to quit, but cigarette smoking is physically and psychologically addictive, and quitting is not easy. While working in a smoke-free building may encourage some smokers to quit, a goal of any smoking policy should be to actively support smokers who want to kick the habit.

If there are designated outdoor smoking area, smoking should not be permitted right outside the doors (or near building ventilation system air intakes) where nonsmokers may have to pass through smoke from smokers congregated near doorways. Some employers have set up outdoor areas equipped with shelters and ashtrays to accommodate smokers.

IN RESTAURANTS AND BARS

Know the law concerning smoking in your community. Some communities have banned smoking in places such as restaurants entirely. Others require separate smoking

areas in restaurants, although most rely on simply separating smokers and nonsmokers within the same space, which may reduce but not eliminate involuntary exposure to ETS.

If smoking is permitted, placement of smoking areas should be determined with some knowledge of the ventilation characteristics of the space to minimize nonsmoker exposure. For example, nonsmoking areas should be near air supply ducts while smoking areas should be near return registers or exhausts.

Ask to be seated in nonsmoking areas as far from smokers as possible.

If your community does not have a smoking control ordinance, urge that one be enacted. If your local ordinances are not sufficiently protective, urge your local government officials to take action.

Few restrictions have been imposed in bars where drinking and smoking seem to go together. In the absence of state or local laws restricting smoking in bars, encourage the proprietor to consider his or her nonsmoking clientele, and frequent places that do so.

Does your state or community have laws addressing smoking in public spaces? Many states have laws prohibiting smoking in public facilities such as schools, hospitals, airports, bus terminals, and other public buildings. Know the law. Take advantage of laws designed to protect you. Federal laws now prohibit smoking on all airline flights of six hours or less within the U.S. and on all interstate bus travel.

A SPECIAL MESSAGE FOR SMOKERS

This is a difficult time to be a smoker. As the public becomes more aware that smoking is not only a hazard to you but also to others, nonsmokers are becoming more outspoken, and smokers are finding themselves a beleaguered group.

If you choose to smoke, here are some things you can do to help protect the people close to you:

Don't smoke around children. Their lungs are very susceptible to smoke. If you are expecting a child, quit smoking.

Take an active role in the development of your company's smoking policy. Encourage the offering of smoking cessation programs for those who want them.

Keep your home smoke free. Nonsmokers can get lung cancer from exposure to your smoke. Because smoke lingers in the air, people may be exposed even if they are not present while you smoke. If you must smoke inside, limit smoking to a room where you can open windows for cross-ventilation. Be sure the room in which you smoke has a working smoke detector to lessen the risk of fire.

Test your home for radon. Radon contamination in combination with smoking is a much greater health risk than either one individually.

Don't smoke in an automobile with the windows closed if passengers are present. The high concentration of smoke in a small, closed compartment substantially increases the exposure of other passengers.

More than two million people quit smoking every year, most of them on their own, without the aid of a program or medication. If you want to quit smoking, assistance is available. Smoking cessation programs can help. Your employer may offer programs, or ask your doctor for advice.

RESPIRATORY HEALTH EFFECTS OF PASSIVE SMOKING—FACT SHEET

SUMMARY

The U.S. Environmental Protection Agency (EPA) has published a major assessment of the respiratory health risks of passive smoking (Respiratory Health Effects of Passive Smoking: Lung Cancer and Other Disorders; EPA/600/6-90/006F). The report concludes that exposure to environmental tobacco smoke (ETS)—commonly known as secondhand smoke—is responsible for approximately 3,000 lung cancer deaths each year in nonsmoking adults and impairs the respiratory health of hundreds of thousands of children.

BACKGROUND

EPA studies of human exposure to air pollutants indicate that indoor levels of many pollutants often are significantly higher than outdoor levels. These levels of indoor air pollutants are of particular concern because it is estimated that most people spend approximately 90 percent of their time indoors.

In recent years, comparative risk studies performed by EPA and its Science Advisory Board have consistently ranked indoor air pollution among the top five environmental risks to public health. EPA, in close cooperation with other federal agencies and the private sector, has begun a concerted effort to better understand indoor air pollution and to reduce peoples' exposure to air pollutants in offices, homes, schools and other indoor environments where people live, work and play.

Tobacco smoking has long been recognized as a major cause of death and disease, responsible for an estimated 434,000 deaths per year in the United States. Tobacco use is known to cause lung cancer in humans, and is a major risk factor for heart disease.

In recent years, there has been concern that non-smokers may also be at risk for some of these health effects as a result of their exposure ("passive smoking") to the smoke exhaled by smokers and smoke given off by the burning end of cigarettes.

As part of its effort to address all types of indoor air pollution, in 1988, EPA's Indoor Air Division requested that EPA's Office of Research and Development (ORD) undertake an assessment of the respiratory health effects of passive smoking. The report was prepared by ORD's Office of Health and Environmental Assessment.

The document has been prepared under the authority of Title IV of Superfund (The Radon Gas and Indoor Air Quality Research Act of 1986), which directs EPA to conduct research and disseminate information on all aspects of indoor air quality.

PUBLIC AND SCIENTIFIC REVIEWS

A draft of this assessment was released for public review in June 1990. In December 1990, EPA's Science Advisory Board, a committee of independent scientists, conducted a review of the draft report and submitted its comments to the EPA Administrator in April 1991. In its Quality/Total Human Exposure Committee concurred with the primary findings of the report, but made a number of recommendations for strengthening it.

Incorporating these recommendations, the Agency again transmitted a new draft to the SAB in May of 1992 for a second review. Following a July 1992 meeting, the SAB panel endorsed the major conclusions of the report, including its unanimous endorsement of the classification of environmental tobacco smoke (ETS) as a Group A (known human) carcinogen.

EPA also received and reviewed more than 100 comments from the public, and integrated appropriate revisions into the final risk assessment.

MAJOR CONCLUSIONS

Based on the weight of the available scientific evidence, EPA has concluded that the widespread exposure to environmental tobacco smoke in the U.S. presents a serious and substantial public health risk.

In adults

ETS is a human lung carcinogen, responsible for approximately 3,000 lung cancer deaths annually in U.S. nonsmokers. ETS has been classified as a Group A carcinogen under EPA's carcinogen assessment guidelines. This classification is reserved for those compounds or mixtures which have been shown to cause cancer in humans, based on studies in human populations.

In children

ETS exposure increases the risk of lower respiratory tract infections such as bronchitis and pneumonia. EPA estimates that between 150,000 and 300,000 of these cases annually in infants and young children up to 18 months of age are attributable to exposure to ETS. Of these, between 7,500 and 15,000 will result in hospitalization.

ETS exposure increases the prevalence of fluid in the middle ear, a sign of chronic middle ear disease.

ETS exposure in children irritates the upper respiratory tract and is associated with a small but significant reduction in lung function.

ETS exposure increases the frequency of episodes and severity of symptoms in asthmatic children. The report estimates that 200,000 to 1,000,000 asthmatic children have their condition worsened by exposure to environmental tobacco smoke.

ETS exposure is a risk factor for new cases of asthma in children who have not previously displayed symptoms.

SCOPE OF THE REPORT

In 1986, the National Research Council (NRC) and the U.S. Surgeon General independently assessed the health effects of exposure to ETS. Both of these reports concluded that ETS can cause lung cancer in adult non-smokers and that children of parents who smoke have increased frequency of respiratory symptoms and lower respiratory tract infections. The EPA scientific assessment builds on these reports and is based on a thorough review of all of the studies in the available literature.

Since 1986, the number of studies which examine these issues in human populations has more than doubled, resulting in a larger database with which to conduct a comprehensive assessment of the potential effects which passive smoking may have on the respiratory health of adults as well as children.

Because only a very small number of studies on the possible association between exposure to secondhand smoke and heart disease and other cancers existed in the scientific literature at the time this assessment was first undertaken, EPA has not conducted an assessment of the possible association of heart disease and passive smoking. EPA is considering whether such an assessment should be undertaken in the future, but has no plans to do so at this time.

SCIENTIFIC APPROACH

EPA reached its conclusions concerning the potential for ETS to act as a human carcinogen based on an analysis of all of the available data, including more than 30 epidemiologic (human) studies looking specifically at passive smoking as well as information on active or direct smoking. In addition, EPA considered animal data, biological measurements of human uptake of tobacco smoke components and other available data. The conclusions were based on what is commonly known as the total "weight-of-evidence" rather than on any one study or type of study.

The finding that ETS should be classified as a Group A carcinogen is based on the conclusive evidence of the dose-related lung carcinogenicity of mainstream smoke in active smokers and the similarities of mainstream and sidestream smoke given off by the burning end of the cigarette. The finding is bolstered by the statistically significant exposure-related increase in lung cancer in nonsmoking spouses of smokers which is found in an analysis of more than 30 epidemiology studies that examined the association between secondhand smoke and lung cancer.

The weight-of-evidence analysis for the noncancer respiratory effects in children is based primarily on a review of more than 100 studies, including 50 recent epidemiology studies of children whose parents smoke.

BEYOND THE RISK ASSESSMENT

Although EPA does not have any regulatory authority for controlling ETS, the Agency expects this report to be of value to other health professionals and policymakers in taking appropriate steps to minimize peoples' exposure to tobacco smoke in indoor environments.

In cooperation with other government agencies, EPA will carry out an education and outreach program over the next two years to inform the public and policy makers on what to do to reduce the health risks of ETS as well as other indoor air pollutants.

FOR FURTHER INFORMATION

A limited number of copies of the complete report can be obtained free of charge from:

Center for Environmental Research Information (CERI), U.S. EPA, 26 W. Martin Luther King Drive, Cincinnati, OH 45268, Telephone: 513-569-7562, Fax: 513-569-7566.

Ordering Number: EPA-600-6-90-006F.

U.S. Environmental Protection Agency, Indoor Air Quality Information Clearinghouse (IAQ INFO), P.O. Box 37133, Washington, DC 20013-7133, Telephone: 1-800-438-4318, Fax: 301-588-3408.

A number of government agencies can provide additional information addressing the health risks of environmental tobacco smoke. These include:

Office of Smoking and Health/Centers for Disease Control, Center for Chronic Disease Prevention and Health Promotion, Mail Stop K-50, 4770 Buford Highway, Atlanta, GA 30341.

National Cancer Institute, Building 31, Room 10A24, Bethesda, MD 20892, 1-800-4-CANCER.

The National Heart, Lung, and Blood Institute, Information Center, 4733 Bethesda Avenue, Suite 530, Bethesda, MD 20814.

National Institute for Occupational Safety and Health, 4676 Columbia Parkway, Cincinnati, Ohio 45226-1998, 1-800-35-NIOSH.

Mr. LAUTENBERG. I thank the Chair, and I yield the floor at this moment.

How much time do we have remaining?

The PRESIDING OFFICER. The Senator from New Jersey has 18 minutes remaining; the Senator from Missouri has 30 minutes.

The Chair recognizes the Senator from Missouri.

Mr. BOND. Mr. President, I yield control of the time in opposition to this amendment to my good friend and colleague, the Senator from Kentucky, and I join with him in opposition to this amendment.

The PRESIDING OFFICER. The Chair recognizes the Senator from Kentucky [Mr. FORD].

Mr. FORD. Mr. President, I thank my friend from Missouri, the ranking member on the Appropriations Committee.

Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER (Ms. MOSELEY-BRAUN). The Senator from Kentucky is recognized for 10 minutes.

Mr. FORD. Madam President, when you get on the floor and defend tobacco in any way, they sic the pitbulls after you. I have been dodging them now for some time. But it seems like they keep coming and keep coming and keep coming, and I think the Senators who are proposing these amendments or supporting these amendments would do the same things I am doing had they been elected from Kentucky.

So, let us just kind of push that aside and look at what we are doing. We stopped smoking on airplanes, but we tried at that time to say that the quality of air in the airplane was not good, but, boy, you could beat on tobacco. Boy, you could beat on tobacco and get it all done.

But what do we find now? The Centers for Disease Control say the air in the airplane failed. What about the air circulating in the airplane? We think the air quality inside buildings and inside of airplanes is important. But yet you pick on tobacco and think you have cured the whole thing. But you have not.

So now let me just draw for my colleagues what this amendment will do. Tobacco, yes, and on 115 others, nothing is being done. So what do we do? We jump on tobacco.

Madam President, I am not going to stand in this Chamber and state that the quality of the indoor air in the workplace is not a concern. It certainly is. It is, and it should be addressed. And I join with others who want to address the quality of indoor air in the workplace.

But this amendment, in my opinion—people say he is from a tobacco State so he is just defending tobacco. Let me try to be as straightforward as I can. This amendment takes the wrong approach and may be an obstacle to a thorough review of the total issue.

Quality of air inside. This amendment has several defects.

First, it is legislation on an appropriations bill—legislation on an appropriations bill. In the hearings before the Joint Committee on the Organization of Congress, this practice of legislation on an appropriations bill has been one of the main concerns expressed by other Members. The proper place to address this matter is in the appropriate authorizing committees.

Second, indoor air quality should not—I underscore "should not"—and cannot be addressed on a product-by-product basis.

Let me repeat the sentence. Indoor air quality should not and cannot be addressed on a product-by-product basis.

As chairman of the Senate Committee on Rules and Administration, I get more complaints—more complaints—about paint and varnish fumes, fumes from rugs than any other air quality issue.

Poor ventilation is a concern as well as other elements and products that affect indoor air quality. Remember that now—indoor air quality. We need to address this issue and not the product. It would be nearly impossible—nearly impossible—to address indoor air quality on a product-by-product basis.

Madam President, our objective should be to achieve healthy air quality and should not be based on an antiproduct basis, in this case, tobacco.

Third, this amendment assigns regulatory authority—check on this now. We all are trying to reduce Government, trying to coordinate Government. But this amendment assigns regulatory authority over smoking in public buildings to the EPA.

Now what happens? We create under this amendment a whole new bureaucracy.

Madam President, OSHA was established to protect the health and safety of employees. If the quality of indoor air is to be regulated, a lot of us believe that OSHA is the proper agency to whom this responsibility should be assigned. But, no, we are creating a new bureaucracy under this amendment.

Assigning regulation of smoking to EPA will fragment regulatory authority and increase the burden on employers.

Now, we do not care. We have heard a lot about business people here in the last couple of weeks—small business—how are they going to get along? But we come right along and impose an increased burden on employers.

The effect of this amendment will be to assign the regulation of products on an agency-by-agency basis. There will be a number of agencies that will be involved.

Let us think about that for a minute. Surely, the Department of Health and Human Services will want to regulate the emissions on some products. This will only lead to a bureaucratic nightmare for employers.

One day—just think about it. You are the employer now. You own this little business. One day, the OSHA inspector will arrive. The next day the EPA inspector will arrive. And the next day, HHS, and on, and on, and on. And we create another bureaucracy and more harassment of our employers with this amendment.

An owner or manager of a business will be spending all of his or her time with Federal inspectors, rather than in production and trying to make money and run that business. It will place them in an unreasonable position. The

burden on the entrepreneur will even be more unbearable.

Madam President, while this amendment only addresses buildings owned and leased by the Federal Government, including the legislative branch, we should be concerned that the next step will be to regulate indoor air quality in privately owned buildings accessible to the public. And, as I have stated, it will place an unreasonable burden on owners and managers of their business.

Madam President, this amendment would expand the current no-smoking policy in operation at the Department of Health and Human Services and the EPA to all other Federal agencies, including the Congress and the White House.

We already have a plan; already have a program. But now we are going to start another bureaucracy on a product-by-product basis.

Let me repeat that: A no-smoking policy is in operation at the Department of Health and Human Services, EPA. And all Federal agencies, including the Congress and the White House, right now, any Federal agency can ban smoking in their buildings. Any agency can ban smoking in their buildings and they can adopt a similar policy like those at HHS or EPA. There is nothing to stop it now. Nothing in current law prohibits any agency from doing that.

I believe that every agency should have the discretion to make that determination. I want to make that determination in my office. I think every Senator wants to make this determination in his or her offices. But, no, we are going to be told again what to do.

Madam President, as I have indicated, this amendment would apply the same ban in Federal buildings to all buildings of the legislative branch. In principle, I am not opposed to applying these laws to the Senate. What concerns me with this amendment is that it would, by law, institute policies in the offices of the Senate without regard to the Senate's rulemaking authority.

Madam President, as Chairman of the Rules Committee, it is my responsibility to protect the institutional rights of the Senate. And if we are going to apply these laws to the Senate, we must do so pursuant to the Senate's rulemaking authority.

I yield myself another 5 minutes, Madam President.

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

Mr. FORD. And with the full recognition of the right of the Senate to change its rules in the same manner and to the same extent as in the case of any other rule of the Senate, we are going to break this. We seem like we have no interest in the institution anymore, so we just pass a bill and go right on and change the rules of the Senate.

Madam President, right now any Member or any office of the Senate can establish a no-smoking policy. And they have. I believe that every Senator should continue to have the right to establish the policies of his or her office. But what we are saying here is no.

Finally, Madam President, let me say this should not be an issue of smokers' rights versus nonsmokers' rights. It is inevitable that, as we address the quality of indoor air, the smoking of tobacco products will be severely restricted. I understand that. Everybody else does. But we pick out one product and we say to that one product: You are out. But the rest of them create many problems, 1,500 deaths per year, and we let it go.

I hope, as guidelines and regulations are issued, that the drafters of these documents will take into account the rights of smokers, as well. Those who choose to smoke, pay their taxes, serve our country.

In World War II, I looked forward to four cigarettes in my C rations. Now, we say to that fellow who was in World War II, wounded, in a VA hospital—we gave him cigarettes as a government, and some of the generals were proud of the fact they were able to fly cigarettes over and give them to their troops. Now we say to them, "Uh-uh, fella, you have to go outside and stand in your hospital gown and smoke a cigarette, while it is raining or you are freezing to death."

It would be wrong to deny them total smoking privileges. At the very least, they should be provided some access to a smoking area.

Madam President, let me reiterate some of the reasons why I oppose this amendment. It is not because of smoking, not because of the use of tobacco. This amendment does not simply ban smoking. It bans smoking in any portion of a Federal building that is not ventilated—get this now—not ventilated separately.

Madam President, ventilated separately is a costly process. It is different from providing an outside exhaust.

Has there been any consideration of this cost? I do not think so. You do not hear anything about it. Has CBO given an estimate as to what it will cost to separately ventilate the Federal buildings? No, we have not asked for that.

For example, Madam President, take a look at the size of the Pentagon. How much would it cost to provide separate ventilation systems in that complex? And then we will go product by product.

Will a ventilation system work for smoking and not work for something else? I do not know. I do not hear this from the proponents.

Or look at the Capitol complex. Has anyone given any consideration to the tremendous costs that would be incurred to separately ventilate the Capitol? Do you ventilate for smoke, do you ventilate for fumes from paint, from rugs, from something else? And we are talking about here separate ventilation just for tobacco.

We know that, at this time, OSHA is already considering regulations relating to indoor air quality. We do not know what those regulations are going to require. One can only imagine the confusion that will arise when OSHA says that we have to separately ventilate for other environmental problems. And then can you imagine what will happen?

We will have EPA telling us what to do for tobacco smoke, OSHA telling us what to do about other indoor environments, HHS will be there, and that poor employer down there is really going to be—I understand I am talking too long here, but I ask unanimous consent to speak for 5 more minutes. I am just getting warmed up, Madam President.

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

Mr. FORD. Let us not forget this does not apply to the private sector. We are talking about applying this law to Federal buildings, including the Senate. This is going to affect each and every Member of this Chamber. And the administrative confusion that this will cause for Members will be enormous.

One day we will have an EPA inspector in our office—your office, Madam President—telling us our separate ventilation system for tobacco is inefficient. Then the next day the OSHA inspector is going to arrive and tell us we do not have sufficient ventilation for fumes coming from the new carpeting, or the paint, or the varnish. Next thing you know we will have HHS coming in and telling us we cannot eat lunch at our desk. Think about that, the onions probably smell too much.

As we know, if this amendment is successful in banning tobacco products in public buildings, the next step is to ban tobacco in private buildings with public access. Madam President, I can just hear my constituents in Kentucky who own businesses. The cost, both in terms of overhead and work productivity, is going to be astronomical.

We need to address the concept of having a policy for indoor air quality. That policy includes environmental tobacco smoke. It should include it. But we should not be addressing this problem of indoor air quality product by product. Madam President, we need to address the larger issue. We tried on the banning of smoking in airlines but, no, the emotional issue was never there. Now we can say, "We told you so. We told you so." I was pleased to see where Bob Crandall, of American Airlines, carried an editorial in his magazine this month about the quality of air in airplanes. It needs some help. It needs some changes without the Government finding it out. They want to do it in advance, but they need regulations. We tried back then to have air

quality instead of just banning smoking.

It needs to be done by one agency of the Federal Government. We have already set it out. We have done it. We have said it should be OSHA that would set the indoor air quality. But, no, we want to set up a new bureaucracy, we want to spend more money. We say, cut the budget, but here we are expanding the budget. This amendment takes a piecemeal approach and only addresses one segment of a larger problem. I have accepted the fact that smoking, and the smoke, will be part of the overall picture. But we single it out, going product by product. I do not mind being treated fairly. But I have heard the Chair make some statements about that. There is unfairness around here sometimes. That is what we do.

So I am willing to accept what OSHA will do as it relates to the overall program. But the emotions here, they drive at you. As I said, when you come down on this floor and defend tobacco, it is like siccing pit bulls on you. But I want it, and I look forward to the fight because I believe I am right. I am willing to be included. But do not exclude me from the rest of it and say, "You are the only problem." Let us get after it under OSHA, to which we have already assigned the indoor clean air program.

I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. I thank the Chair and ask how much time, if I may, remains on both sides, please?

The PRESIDING OFFICER. There remains 17 minutes 45 seconds for the proponents, 10 minutes 54 seconds for the opponents.

Mr. LAUTENBERG. My friend, the majority whip, is a man with deep convictions. He does concern himself about the well-being of his community, and he supports things that he believes are right. We have a differing view on this. I think the evidence is irrefutable that tobacco smoke is different than smelly onions. Onions, I think, to paraphrase an expression that has been used—"guns don't kill, people kill"—onions smell, but onions don't kill. I never heard of anybody going to the hospital with cancer from onions.

That may be, but what we do know very clearly is that it costs this country a small fortune each and every year. If you want to talk about saving money or reducing the budget deficits, if we could get rid of smoking throughout the land, it is estimated we would save over $60 billion a year. I remind everyone who is listening the budget deficit is around $300 billion. We are trying to carve off $500 billion of deficit growth over the next 5 years. Here is one shot, and it will take a few years to put it into place, but you could save $60 billion-plus a year. More important, you might even save 400,000 lives of people who die from lung cancer as a result of the use of cigarettes.

But the cigarette industry is tough. They stick, to use the expression, "to their guns." The fact is that here we have clear evidence, produced by EPA and supported by a science advisory panel. That science advisory panel brings together quite an illustrious group of folks who say this analysis is correct. EPA issues a report that I think everyone who smokes ought to read, because many people will take a chance on personally smoking but will never expose a pregnant woman, a wife, a daughter—certainly not their children—to secondhand smoke, or to smoke, if they know anything about it.

EPA says in this brochure, "Don't smoke in the home. Don't smoke in your house or permit others to do so. Don't smoke if children are present, particularly infants and toddlers. They are particularly susceptible to the effects of passive smoking."

They go on to alert different groups in different situations about the dangers of smoking. They even address a message, a special message for smokers. They say, "If you choose to smoke, here are some things you can do to help protect the people close to you." They could have used the words "people you love." They talk about making sure that "you don't smoke around children." Again they repeat the admonition, "Their lungs are very susceptible to smoke." And, "If you are expecting a child, quit smoking."

So we are having a debate here over process, over the threat of bureaucracy developing. This amendment does not expand bureaucracy. The amendment requires that these agencies adopt smoke-free policies and administer them. Frankly, I think it is time to say to those who work or visit Federal buildings, "You are going to get at least the same quality of protection that you might if your employer has a nonsmoking policy," because a lot of people do not want to work in companies where they are exposed to smoking by others. One can make one's own decision. But the fact is, if the person next to me decides to smoke, then I am victimized by their bad habit. I think we ought to change that, and I think we particularly ought to change it by setting an example in Federal facilities.

I agree with the Senator from Kentucky. Indoor air, to use the expression, in many places "stinks," and we ought to change it. But that does not mean we do not take the first step and improve the air quality with something that we can take care of very promptly. It does not need a lot of work. You say, "You cannot smoke here unless you go to area A." And that area A or B or whatever it is has to have its own ventilating system. It cannot bring that smoke back into the building; it has to push it outside in the air.

So here is the first step in improving indoor air. I want to do it in airplanes, since I was the author of no smoking in airplanes. And I tell the distinguished Senator now presiding over the Senate that it is my view that one does not have to conduct a scientific investigation to find out how popular no smoking in airplanes is.

As a matter of fact, I believe that when that policy was initiated, we began the campaign against smoking that is enveloping this country, because once people saw how pleasant it was to sit in an airplane without being drowned out by other people's smoke, it made life different. I am constantly thanked by crew members, both in the cockpit and in the cabin, for improving their health. They say, "Senator LAUTENBERG, you did more to help us than lots of things that we have on our job, the other rules and regulations."

Mrs. BOXER. Will the Senator yield to me on that point?

Mr. LAUTENBERG. I will be happy to yield.

Mrs. BOXER. I just want to say to the Senator from New Jersey that I have never had a chance to publicly thank him for his leadership, along with Congressman DURBIN on the House side, in acting to ban smoking in airplanes. As someone who has been on airplanes, I think about twice a week in a normal week cross country, the difference to me personally, to the way I feel, to the way I act after I get off the plane, has added to my productivity.

I just want to take this opportunity to thank the Senator. I understand the point of the Senator from Kentucky, and I respect him greatly for the fight he is waging, as he should wage it. But it is just an opportunity, since the subject was raised about airplanes, for someone who commutes across the country to have the opportunity to publicly thank the Senator for his visionary leadership on this and to encourage him to continue in trying to clean up the air because I think in the long run, it is going to make us a much healthier society.

Mr. FORD. Madam President, could I get in on this on my time?

Mr. LAUTENBERG. On your time, certainly.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Madam President, I might say to the Senator from California that we tried at that time to make indoor air, all of it, quality air. Now your State of California is raising the question that at least four cases of TB are associated with an airplane that had faulty filtering system. So what I am begging here is that we do the package rather than the simple amount.

The quality of air in your airplane, you may not see it, but today—and that is the imagery part of it—but today your State is investigating, by

the California Department of Health Services, to ascertain whether four cases of tuberculosis involving a flight attendant and three international passengers might be linked to air quality aboard airplanes.

The only thing I am saying here is, if you are going to do it, let us do it right. I know I am going to be included if tobacco is being included. But I am sitting on that same airplane inhaling germs for tuberculosis, and I have been trying to get quality air. I appreciate the situation you are in but I hope you will appreciate mine also.

Mr. LAUTENBERG. I yield time to the Senator from California.

Mrs. BOXER. I thank the Senator. I will only be 30 seconds, to say to the Senator from Kentucky that I do understand the situation he is in. I will join hands with him in doing more. I sit on the Environment and Public Works Committee, as does Senator LAUTENBERG. As a matter of fact, he is my chairman on one of the subcommittees. We will work together on that in the future. I yield back to the Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. I thank the Senator for those comments. The Senator from California knows full well how different life is when one makes a trip, as she often does, across country and does not have to breathe secondhand smoke.

The Senator from Kentucky is absolutely right. The poor quality air that we experience now in the recirculation of air in aircraft is a subject that many of us are looking at. I, for one, am going to be aggressive in trying to clear this problem up.

But smoke is pervasive. It permeates the air. As a matter of fact, in a study that was done as we considered banning smoking on airplanes, it was affirmed that crew members who themselves did not smoke found traces of tobacco and nicotine in their body fluids days after they had left an airplane and they never smoked themselves.

Madam President, we have exercised this subject. I hope that we will adopt this amendment. I think it is an appropriate vehicle to do so. I also urge the managers of the bill, who will be the conferees, assuming passage of this now, that we will want to hold this in conference and not relinquish it because I will come back again and again.

I think it is disgraceful that people who work for EPA or other departments of Government—Health and Human Services—can work in a smoke-free environment and employees in other departments cannot because the action has not been taken. So we want to make it uniform throughout.

I will tell you this, Madam President, and my friend from Kentucky knows it only too well, whatever we can do to improve the health and well-being of our citizens, I am for it, even if it means picking up a weapon and exposing some of our young people to war. He and I both served in the same war. We do not always admit it so readily because it was such a long time ago. But the Senator from Kentucky will have use of his own time for comments.

The fact is we do what we can to protect our citizens. This is one way to do it and to continue to focus on the dangers of smoking and focus on the possibility of saving huge sums of money, the possibility of having people enjoy a day's work, get there, be productive, feel good about themselves. There is not anyone I know who, after having a bout with a disease from smoking, whether it is surgery on the throat or the lungs, and so forth, would not say, "I wish I had never done it; it felt good when I was doing it, but I don't want to see my kids do it and I don't want to be in places with other people doing it."

With that I yield back the time. I ask the Senator from Kentucky whether he, too, is ready to conclude? We can have a voice vote on this.

Mr. FORD. Since the Senator from New Jersey has taken his second time, I would like to have a few minutes. As I understand, he has yielded back his time. As soon as I have finished, I will yield back mine.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Madam President, I understand the emotion. Everybody uses the emotion here—the Browns' and the Smiths' problems and the Fords', whatever—in order to make a point.

The point is that we are banning smoking in all buildings because unless you go to a room that has been ventilated, you cannot smoke. The problem is that the Government, in my opinion, is not going to spend the money to put in proper ventilation; therefore, we are banning smoking.

You eliminate my right as a Senator to have regulations or rules in my own personal office. Something about that, to me, is just not right. We tried previously to say we ought to do the right job, instead of taking it product by product. Back when we banned smoking on airplanes, if we thought the consequences of sharing stale air in airplanes may be more serious than a mere matter of discomfort—headaches, sniffles and nausea —the Federal Centers for Disease Control is currently coordinating an investigation, including one by the California Department of Health Services, to ascertain whether four cases of tuberculosis involving a flight attendant—we have heard a lot here today about protecting flight attendants. We tried then to protect flight attendants under quality air in that airplane. No, it was smoking, the emotion.

So, therefore, we do one thing and let the other go. So all I am trying to do is not proliferate the responsibility here. Keep it in OSHA and include tobacco. That is fine. I expect it and want it.

But we are saying no, because it is emotional and we are going to lose lives, and passive smoke, and that sort of thing. That is well and good. I understand all of this.

I have not said anything new today that I have not already heard. There are some things that could be said that I have heard that have not been said. But we are going down a path now where we are going to say, yes, we are going to take care of smoking. That is a scalp on our belt. But we are not going to worry about the rest of the indoor smoke. You are going to sit there and think everything is all right, but you wonder when you go home at night why you have a headache, why you are nauseated, why you might have gotten some other disease floating around in the air. And we ought to take care of it.

No, we are splitting it off to EPA and taking it away from OSHA. Then we are going product by product, making it as expensive as we can so we can get another scalp on our belt.

I understand that very well, even though I am accused of, well, he has to do it because he represents Kentucky.

I do not have to do it, but I do it because I believe I am right. But let us do it right and include tobacco. Let us have a ventilation system that is described by OSHA, the agency to which we gave the responsibility, and do it inclusive.

That is not going to happen, and we are going to see other amendments—here comes another amendment right after this one. Maybe they will not let us sell cigarettes in vending machines. We want to charge taxes on military posts. We want to do lots of them because we have them down and are going to kick them.

But I say to you, we stopped smoking on airplanes and we did not take care of the quality of air, and here we are getting ready to stop smoking in Federal buildings and we are taking it away from OSHA, the agency to which we assigned clean air.

There are a lot of folks around here interested in OSHA, not in this Chamber right now, that they do a good job and not proliferate the quality of air.

So, Madam President, I thank my colleagues for their indulgence, and I thank my colleague from New Jersey for his congeniality. Always he is so kind, in joking with me. We get along so well that it makes it uncomfortable to be against him, but in this particular case I have to be. He asked me for a voice vote, and I am perfectly willing to let him have that.

Madam President, I now yield back the remainder of my time.

Mr. MCCONNELL. Madam President, I want to express my strong opposition to the Lautenberg amendment, which

would ban smoking in all Federal workplaces. Although there is some political sentiment to support such a measure, there clearly is insufficient science or logic to justify this extreme action.

Sound public policy decisions rely on gathering and analyzing all the evidence before the appropriate course of action is determined. However, in this case, due to the excitement being generated over one EPA report of questionable reliability, we are considering bypassing the bulk of available evidence to arrive at a predetermined conclusion.

We have a responsibility to avoid this type of policymaking. However, in the case of public smoking, the political bandwagon is already rolling and is gathering momentum. Sadly, those on the bandwagon are ignoring the majority of scientific evidence, the rights of smokers, the realities of indoor air quality, and existing policies involving workplace exposures to airborne pollutants. Although this may be politically convenient to follow this course, we could be wrongly imposing yet another burden on Federal workers.

That this amendment reflects overreaction to the EPA reports can be seen clearly when tobacco smoke is considered from the perspective of the many substances we encounter in daily life. Office workers are routinely exposed to a variety of so-called carcinogens in the workplace, from sources a varied as spray cleaners and tap water. And yet there is no call—from Congress, from EPA, from OSHA or from the public—to eliminate every trace of these products from the workplace. The reason is simple: at the low levels to which we typically are exposed, these so-called carcinogens are not thought to pose a risk to health.

The Occupational Safety and Health Administration [OSHA], which has responsibility over workplace safety, has studied concentrations of carcinogens to determine reasonable exposure limits—or levels below which there is no harm. Under these guidelines, it is acceptable to be exposed to a variety of substances which EPA considers to be carcinogenic, such as chromium, asbestos or benzene, as long as the amounts are not excessive.

For instance, according to OSHA, 5 million fibers of airborne asbestos in an average office building is perfectly acceptable. Therefore, the notion that even one molecule of tobacco smoke in the air is cause for panic is absurd and absolutely inconsistent with existing workplace policies and regulatory practices.

I am concerned that the proponents of this amendment justify the proposal based on EPA's ETS assessment study. Just last week, subcommittees of both the House Agriculture Committee and the House Energy and Commerce Committee held hearings to further probe the scientific validity of the EPA report. An overriding concern of many of the members and witnesses present at the hearings was that science was manipulated to fit a predetermined policy objective.

Madam President, nothing concerns me more than the idea that our Government would manipulate information for political objectives. This amendment before us today would codify a policy based on unsound evidence and faulty logic, and I urge my colleagues not to approve it.

Mr. HELMS. Here we go again, Madam President. The Senate is again considering an amendment to treat smokers as second-class citizens. The amendment offered by the Senator from New Jersey is more than just a misguided effort to solve a problem that doesn't exist, it is another example of a cheap shot at tobacco farmers in 22 States.

In 1987, the General Services Administration established regulations for the management of smoking in all GSA-controlled facilities, regulations which already prohibit smoking in general office space, and allow designation of smoking areas only when strict conditions can be met to accommodate nonsmoking employees.

In fact, Madam President, many Federal agencies have gone beyond even these strict regulations and have banned smoking altogether or implemented even more restrictive policies. This system, which has been in place for the past 6 years and which already places burdens on Federal employees who choose to smoke, has resulted in no conflicts of which I am aware. There is simply no reason for the Federal Government to further stick its nose into this matter by replacing the current policy with such a drastic regulation.

Madam President, the current GSA system is the most logical available to manage the different preferences of workers because each agency retains the flexibility to set a smoking policy that best fits its staff. There is obviously a difference between a Federal agency that employs 5,000 workers and an office with 10 employees. There is no justification for mandating the same policy for both.

It should be noted that smoking bans do nothing to resolve the larger problem of poor air quality in so many Federal facilities. Everyone knows good and well that smokers are not responsible for so-called sick building syndrome. The Senator from New Jersey could better spend his time and effort finding ways to increase ventilation in these offices instead of repeatedly pointing his finger and blaming a few smokers. Of course, that might not get his name in the paper.

Madam President, Congress should do its best to provide healthy and safe facilities for our Federal workers. However, Congress should address the real causes of poor air quality rather than kicking the smokers and tobacco farmers of this country in the seat of the pants.

Madam President, the amendment offered by the Senator from New Jersey calls for more unneeded bureaucracy. I hope my colleagues will reject this amendment.

Mr. HARKIN. Madam President, I rise today in strong support of the amendment that has been offered by my colleague from New Jersey, Senator LAUTENBERG. This amendment, which I am pleased to cosponsor, seeks to protect Federal workers and visitors to Federal buildings from deadly secondhand tobacco smoke.

The evidence about the dangers of secondhand smoke is clear. This past January the EPA released a landmark report on the dangers of secondhand cigarette smoke. Each year 3,000 Americans die from lung cancer caused by breathing secondhand cigarette smoke at home, work or elsewhere.

In addition to lung cancer deaths cited by the EPA, there is growing evidence that thousands more die of heart disease that is attributable to secondhand smoke. A study published in the Journal of the American Medical Association estimates that 30,000 to 40,000 Americans die each year from heart disease that is linked to secondhand smoke.

The EPA report also makes clear that secondhand smoke is related to thousands of cases of diseases such as bronchitis and pneumonia. It causes more than 200,000 lower respiratory infections and up to 26,000 new cases of asthma every year among children alone.

There are some people who find fault with the EPA report—they claim that the methodology was faulty and that the results are not valid. Madam President, the people who say this are the same people that still maintain that there is not a clear link between smoking and disease. The fact is that secondhand smoke causes death and disease. We have known this for a number of years and the EPA report just put an official government stamp of approval on this fact.

Cigarette smoke is a carcinogen, the same as asbestos, benzene and radon. We try to protect Americans from these carcinogens—it is time we take steps to protect them from secondhand cigarette smoke.

In 1990, Congress passed the Clean Air Act which regulates 189 hazardous air pollutants that are estimated to cause 1,500 deaths per year. It seems to me that if Congress thought it was important to protect Americans from these 189 hazardous air pollutants we should act to protect Americans from one that kills 3,000 people a year.

Madam President, this amendment is not radical—it simply expands the nonsmoking policy that is already in place

at the Department of Health and Human Services, the Environmental Protection Agency and the floor of this U.S. Senate. It expands this policy to all buildings owned or leased by agencies of the executive, legislative, and judicial branches of the Federal Government. It would not cover Federal buildings that serve primarily as living quarters or VA hospitals.

Unfortunately, this amendment does not protect all workers from secondhand smoke but it is an important first step. It will protect Federal workers and visitors to Federal buildings. And, it will send an important message. It will encourage all companies to protect nonsmokers from exposure to tobacco smoke. Many companies already have such policies but far too many workers remain unprotected.

Some people will argue that this amendment infringes of people's right to smoke where ever they wish. This is the standard argument and smoking in the workplace and other places used to be considered a God-given right. Today, however, this is clearly not the view of most Americans. There is now a recognition of the rights of nonsmokers to breathe clean air.

Madam President, this amendment is not meant to punish those who smoke. In fact, I believe that it will assist smokers because as more and more companies adopt nonsmoking policies access to smoking cessation programs will expand.

The intent of this legislation is to protect nonsmokers and to prevent the thousands of deaths that occur because of secondhand smoke.

Madam President, in a few months we will be taking up health care reform legislation. I do not think we can talk about health care reform without talking about combating preventable disease.

Smoking is the single largest preventable cause of death and disease in America. As former Surgeon General C. Everett Koop said, "Smoking is associated with more death and illness than drugs, alcohol, automobile accidents and AIDS combined."

We must do everything we can to reduce the carnage caused by smoking and secondhand smoke.

Madam President, I commend my colleague from New Jersey for his leadership on this issue and for offering this amendment today. I urge my colleagues to support this amendment.

Madam President, I yield the floor.

Mr. HEFLIN. Madam President, I must object to the Senator's amendment to ban smoking in all Federal buildings. There seem to be legitimate concerns about both the methodology of the Environmental Protection Agency's study of environmental tobacco smoke and the standards of reliability to which the study is held. I cannot condone implementing public policy until further study is conducted.

However, disregarding concerns over the EPA study, I am equally troubled by the notion that we are proposing sweeping smoking prohibitions in the name of clean indoor air, while giving absolutely no consideration to any of the major factors that influence workplace air quality. These factors include problems with fungi, dusts, low relative humidity, bacteria, fibrous glass, exhaust fumes, and various volatile organic compounds—all of which I understand are more prevalent in office buildings than tobacco smoke.

Some buildings have more smokers than others, but all buildings have carpets, paint, office machinery, fabric, and all types of other furnishings that emit gasses and therefore contribute to air quality problems. Even EPA's own Washington headquarters has experienced sick building syndrome, not as a result of smoking, but due to poor ventilation and off-gassing by carpets and other building materials.

Smoking is very much a political issue, and I understand that there are a variety of reasons that many people would like to see smoking banned from Federal buildings. But how can we, in good faith, claim to be acting in the best interest of the health of office workers if we fail to address the larger issues related to poor ventilation and the accumulation of various indoor pollutants?

When implementing public policy, we have a responsibility to consider the rights and interests of all those affected, regardless of whether or not we approve of their actions. I urge my colleagues to explore ways to accommodate, not ostracize, the nearly one-third of our work force that chooses to smoke.

Mr. CHAFEE. Madam President, the amendment being offered by Senator LAUTENBERG has a simple purpose: it requires Federal agencies, as well as agencies of the judicial and legislative branches, to adopt a nonsmoking policy based on guidelines issued by the Environmental Protection Agency.

Such a policy will help to protect Government workers from the debilitating and potentially fatal effects of secondhand tobacco smoke. It will also put the Government in the position of setting the right example by taking the lead to protect the health and safety of its employees.

Why is it so important for Government agencies to take measures to eliminate tobacco smoke from their buildings? The answer is that recent reports from both the Environmental Protection Agency and the American Heart Association have provided unequivocal evidence that secondhand tobacco smoke is harmful to our health. These reports label tobacco smoke "a known carcinogen," which poses an unacceptably high risk of respiratory and heart disease.

The EPA report, which adds to similar warnings already sounded by the National Research Council and the Surgeon General, also links secondhand tobacco smoke to pneumonia, bronchitis, and reduced lung function and labels it a known cause of middle ear-infections.

Anyone who still argues that secondhand tobacco smoke does not pose a serious health risk simply does not want to be confused by the facts. This amendment is a modest but laudable step toward providing a healthy workplace for our Government employees.

Madam President, despite my strong support for the substance of the amendment of the Senator from New Jersey, I must register a note of concern. The process of legislating on an appropriations bill is one that troubles me. The proper place to address a substantive issue of policy is in the authorizing committee. Both the Senator from New Jersey and I sit on the Committee on Environment and Public Works—the committee with jurisdiction over the two issues covered by this amendment: indoor air pollution and the management of public buildings.

So while I support the substance of the Senator from New Jersey's amendment, I cannot support this attempt to circumvent the authorizing committee. It is my firm intention to assure that in the future, all matters which fall within the jusridiction of the Committee on Environment and Public Works are considered by that committee, and are not dealt with on appropriations bills.

The PRESIDING OFFICER. All time is yielded back.

The question is on agreeing to the amendment.

The amendment (No. 747) was agreed to.

Mr. LAUTENBERG. Madam President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. BREAUX). Without objection, it is so ordered.

Without objection, the pending Committee amendments will be set aside.

AMENDMENT NO. 748

(Purpose: To limit access by minors to cigarettes through prohibiting the sale of tobacco products in vending machines in Federal buildings and property accessible by minors)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN] proposes an amendment numbered 748.

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

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

The amendment is as follows:

At the appropriate place in the bill, add the following new sections:

SEC. 1. FINDINGS.

The Congress finds that—

(1) cigarette smoking and the use of smokeless tobacco products continue to represent major health hazards to the Nation, causing approximately 434,000 deaths each year;

(2) cigarette smoking continues to be the single most preventable cause of death and disability in the United States;

(3) tobacco products contain hazardous additives, gases, and other chemical constituents dangerous to health;

(4) the use of tobacco products costs the United States more than $60,000,000,000 in lost productivity and health care costs;

(5) tobacco products contain nicotine, a poisonous, addictive drug;

(6) despite the known adverse health effects associated with tobacco, it remains one of the least regulated consumer products and is readily available to children and adolescents throughout the United States;

(7) 90 percent of adult smokers start smoking in adolescence or childhood and continue to smoke throughout their adult lives;

(8) each day, more than 3,000 children and adolescents start smoking and collectively consume nearly one billion packs of cigarettes per year;

(9) reliable studies indicate that tobacco is a gateway to other, increasingly more harmful drugs, and that tobacco use continues after use of other drugs begins; and

(10) the Congress of the United States has a major policy setting role in ensuring that the use of tobacco products among minors is discouraged to the maximum extent possible.

SEC. 2. DEFINITIONS.

As used in this section—

(1) the term "Federal agency" means—

(A) an Executive agency as defined in section 105 of title 5, United States Code; and

(B) each entity specified in paragraphs (B) through (H) of section 5721(1) of title 5, United States Code;

(2) the term "Federal building" means—

(A) any building or other structure owned in whole or in part by the United States or any Federal agency, including any such structure occupied by a Federal agency under a lease agreement, except that the term shall not include any area of portion of a building not leased by the Federal Government; and

(B) includes the real property on which such building is located;

(3) the term "minor" means an individual under the age of 18 years; and

(4) the term "tobacco product" means cigarettes, cigars, little cigars, pipe tobacco, smokeless tobacco, snuff, and chewing tobacco.

SEC. 3. TOBACCO PRODUCTS VENDING MACHINE AND FREE SAMPLE BAN IN FEDERAL BUILDINGS.

(a) IN GENERAL—No later than 45 days after the date of the enactment of this Act, the Administrator of General Services and the head of each Federal agency shall promulgate regulations that prohibit the sale of tobacco products in vending machines located in or around any Federal building under the jurisdiction of the Administrator or such agency head.

(b) EXCEPTION.—The Administrator of General Services or the head of an agency, as appropriate, may designate areas not subject to the provisions of subsection (a), if such area also prohibits the presence of minors.

(c) JURISDICTION OF FEDERAL BUILDINGS AND ADMINISTRATION.—The provisions of this section shall be carried out—

(1) by the Administrator of General Services for any Federal building which is maintained, leased, or has title of ownership vested in the General Services Administration; or

(2) by the head of a Federal agency for any Federal building which is maintained, leased, or has title of ownership vested in such agency.

SEC. 5. COMPLIANCE REPORT.

No later than 90 days after the date of enactment of this Act, the Administrator of General Services and each head of an agency shall prepare and submit, to the appropriate committees of Congress, a report that shall contain—

(1) verification that the Administrator or such head of an agency is in compliance with this Act; and

(2) a detailed list of the location of all tobacco product vending machines located in Federal buildings under the administration of the Administrator or such head of an agency.

SEC. 6. APPLICATION TO THE UNITED STATES CAPITOL AND GROUNDS.

(a) IN GENERAL.—No later than 45 days after the date of the enactment of this Act, the Senate Committee on Rules and Administration and the House of Representatives Committee on House Administration, after consultation with the Architect of the Capitol, shall promulgate regulations under the House and Senate rulemaking authority that—

prohibit the sale of tobacco products in vending machines in the Capital Buildings.

(b) EXCEPTION.—Such committees may designate areas where such prohibition shall not apply, if such area also prohibits the presence of minors.

(c) DEFINITION.—For the purpose of this section the term "Capitol Buildings" shall have the same meaning as such term is defined under section 16(a)(1) of the Act entitled "An Act to define the area of the United States Capitol Grounds, to regulate the use thereof, and for other purposes", approved July 31, 1946 (40 U.S.C. 193m(1)).

SEC. 7. RULE OF CONSTRUCTION.

Nothing in this Act shall be construed as restricting the authority of the Administrator of General Services or the head of an agency to limit tobacco product use in or around any Federal building, except as provided under section 4(a).

Mr. BINGAMAN. Mr. President, this is a straightforward amendment which I do not believe will require a rollcall vote. It is an amendment that I introduced earlier in the year as S. 673. This is a much more modest proposal than the one we just dealt with offered by the Senator from New Jersey.

This amendment is aimed at the problem of minors purchasing cigarettes and tobacco products from vending machines. We have in all of our States today prohibitions against minors purchasing tobacco products. The unfortunate fact, however, is that, with vending machines everywhere, it is virtually impossible to enforce any of those State laws.

The Federal Government has a history, in the prior administration and in this administration, of urging States, localities, and Indian tribes to discourage the sale of cigarettes to minors through the banning of vending machines on property within their control. This is because of the very serious problem, cited in the amendment as part of the congressional findings, that some 3,000 young people—minors—begin smoking every day. Collectively, they consume nearly 1 billion packs of cigarettes per year, and we know that the problem of cigarette and nicotine addiction begins when people are young.

Mr. President, this amendment restricts the availability of cigarettes in a very modest way.

The amendment I have offered does not prohibit sales of cigarettes to minors. It does not even propose to prohibit sales of cigarettes to minors in Federal buildings. Those are issues that are dealt with by State law. What my amendment does say, is that within Federal buildings we will not locate cigarette vending machines in areas where minors have access.

As I say, I believe this is a very modest proposal. It makes excellent sense if we are serious about trying to restrict sales of cigarettes to minors, and I do believe we need to be serious about that. It is an opportunity for the Federal Government to lead by example.

My hope is that if this amendment is adopted, we can see cigarette vending machines removed from Federal buildings and from buildings that the Federal Government leases. Then, perhaps States will follow the lead of the Federal Government in reducing the availability of cigarettes through vending machines as well.

As I say, this is a very modest proposal as compared to the one just debated and voted on in the Senate. I think it is one that is worthy of being adopted, and I urge my colleagues to vote for the amendment.

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

Mr. DECONCINI. Mr. President, we have reviewed the amendment of the Senator from New Mexico. Let me compliment him for bringing to the attention something that would have "slipped through the cracks," as they say, as to what we have done on smoking in the Federal buildings, not to address the problems of vending machines. This is something which I thank the Senator for bringing to our attention. We are prepared to accept the amendment.

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

Mr. BOND. Mr. President, there is no objection on this side and we are willing to accept the amendment by voice vote.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment of the Senator from New Mexico.

The amendment (No. 748) was agreed to.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Arizona.

PRIVILEGE OF THE FLOOR

Mr. DECONCINI. Mr. President, I ask unanimous consent that Karen Levenberg of my staff be granted floor privileges during consideration, including votes, of H.R. 2403, the Treasury, Postal Service and General Government appropriations bill.

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

Mr. SASSER. Mr. President, the Senate Budget Committee has examined H.R. 2403, the Treasury, postal, and independent agencies appropriations bill and has found that the bill meets its 602(b) budget authority allocation and falls under its 602(b) outlay allocation by less than $500,000.

I compliment the distinguished manager of the bill, Senator DECONCINI, and the distinguished ranking member of the Treasury, Postal, and Independent Agencies Subcommittee, Senator BOND, on all of their hard work.

Mr. President, I have a table prepared by the Budget Committee which shows the official scoring of the Treasury, postal, and independent agencies appropriations bill and I ask unanimous consent that it be printed in the RECORD.

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

SENATE BUDGET COMMITTEE'S SCORING OF H.R. 2403

FISCAL YEAR 1994 TREASURY-POSTAL SERVICE APPROPRIATIONS

[In millions of dollars]

Bill summary	Budget authority	Outlays
Discretionary total:		
New spending in bill	11,579	8,960
Outlays from prior years appropriations	.....	2,729
Permanent/advance appropriations	0	0
Supplemental	0	11
Subtotal, discretionary spending	11,579	11,700
Mandatory total	11,494	11,493
Bill total	23,073	23,193
Senate 602(b) allocation	23,073	23,193
Difference	0	0
Discretionary totals above (+) or below (−):		
President's request	330	99
House-passed bill	311	173
Senate-reported bill	.....	.....
Senate-passed bill	.....	.....

RECESS UNTIL 2:15 P.M.

Mr. DECONCINI. Mr. President, on behalf of the majority leader, I ask unanimous consent that the Senate stand in recess until the hour of 2:15 p.m.

There being no objection, the Senate, at 12:10 p.m., recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. CONRAD).

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. BURNS. Mr. President, I inquire of the Parliamentarian what the order of business is.

The PRESIDING OFFICER. The pending business is the first remaining committee amendment.

Mr. BURNS. Mr. President, I ask unanimous consent that I might proceed as if in morning business for no more than 3 minutes.

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

THE BUDGET RECONCILIATION AGREEMENT

Mr. BURNS. Mr. President, as we get bits and pieces of the reconciliation bill, I want to remind my colleagues who live in the West that the gas tax is still a part of that reconciliation. And it is not really 4.3 cents. It is more than that when you start adding up the different parts of that act.

Any time a gas tax is passed, it hurts disproportionately my State of Montana. We just have a lot of dirt between light bulbs in that part of the world. We travel more and we have to make a living.

And, of course, with our recreation, we are dependent upon tourism. As the Chair understands, in western North Dakota, his State, too, plays an important part in the West, as far as travel and tourism is concerned.

So I would ask my colleagues, whenever they start considering these kinds of taxes, the impact that it has on a State as big as Montana or, yes, that of North Dakota, because we are only 800,000 people, but we are 148,000 square miles. We have to use our cars and pickups to go to and from work and in those activities that make us a living. So the gas tax, whether we like to admit it or not, really hits us doubly hard.

As I said, Montanans suffer an unfair and disproportionate burden every time the Government raises the gas tax. Because there is a lot of space between light bulbs in Montana people depend on their cars and pickups for all their transportation needs. With our situation the gas tax is an unavoidable tax that hits low- and middle-income people the hardest.

This tax will hurt poor people the most. In fact, the Tax Foundation released a report showing that people who earn less than $10,000 a year must spend 3.21 percent of their incomes on gas taxes while those who earn more than $100,000 a year spend less than one-half of 1 percent, 0.42 percent, of their incomes on gas taxes.

I feel this is unfair and we should not add additional burdens on low- and middle-income Americans. I intend to vote against this bill and I will fight to defeat this unfair tax.

THE CREDIT CRUNCH RELIEF ACT

Mr. BURNS. Mr. President, I have cosponsored the Credit Crunch Relief Act of this year. I am pleased the President presented a plan to reduce the credit crunch, and I fully support it. Steps need to be taken to make credit more available to business.

That is why I have added my name to the list of cosponsors for the Credit Crunch Relief Act. This Dole-D'Amato proposal seeks to expand upon the administration's proposal to increase the availability of business loans.

This proposal would expand Presidential authority to suspend any law or regulation if the President feels that is unnecessary, less effective in achieving its purpose than other available alternatives, imposes costs that are higher than the benefits, or has a negative impact on the availability of credit.

The bill also provides an exemption of loan document review for banks and thrifts with a CAMEL or MACRO rating of 1 or 2—these are the most financially sound banks. Of course, there is a limit on the size of the loan and a limit on the amount of the bank's total capital that can be lent.

Another provision of the bill deals with the Community Reinvestment Act, or CRA. Under this legislation, if a bank received a satisfactory or outstanding rating in its most recent CRA evaluation, the bank would be considered in compliance with the act. This presumption would be challenged if there is strong evidence that the bank is not following the law.

I also strongly support the provision that would prohibit new banking regulations from taking effect until the appropriate agency analyzes the impact on small banks, consumers, and small business borrowers. Too often, banks are forced to comply with regulations that have a high cost.

I do not know about the situation in any of my colleagues' States, but Montana has a lot of small banks. These banks have only a few employees, yet they have to keep up with all the regulations that the largest banks do.

Keeping in compliance takes away from customer service and forces banks to pass along the costs in the form of higher fees.

We need to keep in mind the impact of the laws we pass here in Congress. An evaluation of the cost to banks and their customers is needed today.

Finally, I want to mention that the bill would delay the effective date of section 132 of the Federal Deposit Insurance Corporation Improvement Act [FDICIA] until January 1, 1996. Section 132 forces banks to follow nationwide standards on internal practices, credit underwriting, and loan documentation, whether or not they are appropriate for that individual bank.

I know we do not want a repeat of the S&L failures, but hamstringing healthy banks is not the solution. I urge my colleagues to support the consideration and passage of this measure.

If I am hearing anything from my small business people it is that, yes, the banks have money, but they are reluctant to loan it. And, yet, we are expected in this Congress to set forth policies to allow small business to get started and to expand because we know that is where job expansion is going to come from. It is not from the big companies, the IBM's or the Westinghouses or the General Motors. They are cutting back. They are scaling back, just because they have to, because of reduction in force and because this is a competitive world.

The great jobs increase is going to come from small business. Small business relies on seed money and investment money. Right now, they cannot get started.

I will have more to say on this later on. This is a Dole-D'Amato proposal that seeks to expand upon the administration's proposal to increase the availability of business loans.

Mr. President, I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS ACT OF 1994

The Senate continued with the consideration of the bill.

AMENDMENT NO. 749 TO THE COMMITTEE AMENDMENT ON PAGE 31, LINE 20

(Purpose: To allow employees with health plans under the Federal Employees Health Benefit program to purchase special riders that cover abortions)

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

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. NICKLES] proposes an amendment numbered 749 to the committee amendment on page 31, line 20.

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

Ms. MIKULSKI. I object. I would like the amendment read.

The PRESIDING OFFICER. The clerk will continue to read the amendment.

The legislative clerk continued with the reading as follows:

At the end of the committee amendment on, page 32, line 2, add the following new sections:

SEC. . No funds appropriated by this Act shall be available to pay for an abortion, or the administrative expenses in connection with any health plan under the Federal employees health benefit program which provides benefits or coverage for abortions, but this prohibition shall not apply to administrative expenses related to such plans that offer individual employees special riders that cover only abortions, if all expenditures for abortions are paid solely out of the special premiums paid by those employees who elect such special riders.

SEC. . The provisions of section do not prohibit expenditures of funds under this Act for administrative expenses or abortions in cases where such procedure is necessary to save the life of the mother or that the pregnancy is the result of an act of rape or incest.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, as the clerk just read the amendment, let me clarify exactly what it does and what it does not do for the information of my colleagues.

First, let me just say this is a very important amendment, maybe one of the most important amendments that we will be considering on the floor this year.

It is an amendment that affects not only Federal employees, but I believe has broader implications for this entire country. It is really whether or not we are going to have abortion as a fringe benefit. Do we want to call abortion a fringe benefit? Do we want to have it included in all health care plans as a normal standard procedure to be paid for, and in this case, by taxpayers' dollars?

In this case we are talking about Federal employees. We are talking about possibly 9 million employees. Since 1983 we have had a prohibition. We have totally prohibited having abortion being covered by Federal employee health benefit plans unless the abortion was necessary to save the life of the mother.

Many people would like to eliminate that prohibition. That prohibition has been in every single appropriations bill since 1983. I believe it saved some lives. So again we are talking about a serious issue. We are also talking about the issue of whether or not abortion should be categorized as a fringe benefit. I do not think so. Many people, all across the country, are opposed to abortion but they are doubly opposed to having the Federal Government pay for it or to subsidize abortion or to have to use their tax dollars to help pay for abortion.

I think in our amendment we have eliminated that. We say, basically—I will repeat it:

No funds appropriated by this act—

Talking about Federal funds—

shall be available to pay for an abortion, or the administrative expenses in connection with any health plan under the Federal employees health benefit program which provides benefits or coverage for abortions, but this prohibition shall not apply to administrative expenses related to such plans that offer individual employees special riders that cover only abortions, if all expenditures for abortions are paid solely out of the special premiums paid by those employees who elect such special riders.

So what this will do is allow people, if they want to purchase abortion as a health coverage benefit, to do so; but they have to pay for it themselves. You would not have it provided and paid for by the Federal Government.

I ask unanimous consent to waive the first two committee amendments.

The PRESIDING OFFICER. Is there objection?

Mr. DECONCINI. Mr. President, reserving the right to object, what is the purpose for that? Will the Senator be so kind to explain the purpose, to waive the amendment?

Mr. NICKLES. Mr. President, I will be happy to inform my colleague, we have submitted this amendment as an amendment to the third committee amendment. So we would bypass—we are not objecting to the first committee amendment or second committee amendment. I do not know if someone else is going to try to amend those or not. It is not my intention to, so I would bypass those two amendments so we can go to this amendment.

The PRESIDING OFFICER. Without objection, the first two committee amendments are laid aside.

The Senator from Oklahoma.

Mr. NICKLES. Mr. President, the issue here is whether or not Federal tax dollars should be used to fund elective abortions when many taxpayers view abortion as morally reprehensible and do not want their tax dollars going to fund an activity that goes against their conscience. Whether they choose to call themselves pro-choice or pro-life, American people today overwhelmingly reject public financing of elective abortion.

A CBS/New York Times poll, conducted in March 1993, about health care reform issues asked adults what should be included in a basic Government-subsidized health care plan. Only 23 percent thought abortion should be covered; 72 percent said abortion should

not be included as a benefit in a Government-sponsored health plan. That is what our amendment addresses. We do not think abortion should be a benefit provided in all Government health care plans. We think if it needs to be provided, if people want that coverage, they can purchase that coverage and pay for it themselves, not to be subsidized by the Federal Government, not to be subsidized by other Federal employees.

A Wirthlin poll, conducted in May 1992, found that 55 percent of Americans oppose using tax dollars to pay for abortions for women who cannot afford to pay for them. I would speculate the number would be even higher if the question reflected the issue we are considering here, which is Government-subsidized abortions for women who can afford to pay for them.

The current policy is a reasonable one and one that has the support of the majority of American people. My amendment is offered as a compromise which would relax the current policy. This amendment provides for exceptions where the life of the mother would be endangered were the baby carried to term, and for women who are victims of rape or incest. Most important, this proposal also permits individuals the free exercise of their choice in regard to abortion services. However, it does not require that the individual choice be subsidized by funds taken from taxpayers who object to an unfettered exercise of the choice to abort unborn children.

No matter what private arrangements individuals wish to make regarding abortion and insurance, an overwhelming majority of Americans do not wish to see abortion services included among the federally guaranteed package of health care benefits. Despite its articulation of a constitutional right to privacy regarding abortion, the Supreme Court ruled in 1990 that abortion funding restrictions are constitutionally permissible. Repeated public surveys have indicated the public draws a clear distinction between supporting the private choice of abortion and requiring citizens through their tax dollars or federally mandated health premiums to pay for such service.

Proabortion groups assert that 50 to 80 percent of private group plans cover elective abortions, so they say, it would be unfair to deny such coverage to Federal employees. But there is no scientifically rigorous study of insurers to substantiate these numbers.

The Alan Guttmacher Institute, founded by Planned Parenthood of America, concedes that information about insurance coverage for abortion is either "sparse, lacking, or not contemporary." [Health Care Reform, Jeannie I. Rosoff, AGI 1993.]

The White House Task Force on Health Reform, in a limited survey of 100 health plans, itself found that only 50 percent of private plans cover abortion without restriction; another 25 percent are silent, but some cover it, and the remaining plans either do not address it or do not cover it at all.

However, this compromise amendment would allow every Federal employee who wants an elective abortion to have health benefits that cover an abortion. This amendment would permit any of the 325 Federal health plans to provide a special rider that covers abortions, if all expenditures for abortions are paid solely out of the special premiums paid by those employees who elect such special riders.

Thus, this language provides for those Federal employees who desire to, to have health coverage for abortions without coercing those taxpayers and Federal employees who oppose paying for abortions.

It is striking that some of those who most vigorously insist that abortion is a strictly private matter, also demand that all citizens subsidize abortion on demand. Some of these abortion advocates seem to be primarily interested in getting society to embrace the ideological position that abortion is just another form of routine reproductive health care. However, Americans overwhelmingly reject this view. In a November 1992 Wirthlin poll, 84 percent of Americans said that abortion should not be allowed as a method of birth control.

I hope my colleagues will join me in supporting this amendment. It does not necessarily reflect all of my sentiments on this issue, but it does reflect some semblance of American opinion. I urge my colleagues to vote in favor of this critical proposal.

I have several other additional comments, but I will yield the floor at this time.

Mr. DECONCINI. Mr. President, I rise in support of the amendment by Senator NICKLES to assure that taxpayer funds are not used to pay for abortions, except where the mother's life would be endangered if the fetus was carried to term, or in the cases of rape or incest.

Mr. President, this issue is not new to this bill. In fact, Federal funding of abortions except to save the life of the mother has been prohibited in this bill in each of the last 10 fiscal years. The amendment was first offered on the floor of the House of Representatives in 1980 by Congressman Ashbrook of Ohio and modeled after the Hyde amendment offered to the Labor, Health and Human Services appropriations bill in 1976 by Representative HENRY HYDE of Illinois.

Mr. President, this matter was discussed and voted upon in both the subcommittee and the full committee. Senator BOND offered a similar amendment in subcommittee and his amendment was approved by a one-vote margin. In the full committee, Senator MIKULSKI offered a motion to strike the Bond language and her amendment to strike prevailed by a one-vote margin.

The language of the Nickles amendment looks somewhat different than the traditional Hyde language, but it is not a substantive revision. The Nickles amendment does add rape and incest exceptions to the traditional Hyde amendment. Current law allows a civil service worker to purchase non-federally subsidized insurance coverage for elective abortion services and that current interpretations of Federal law do not prohibit the expenditure of Federal funds for administrative costs associated with the purchase of the separate insurance rider or handling of claims against those policies. In effect, the Nickles amendment does not alter current law.

Mr. President, the Nickles amendment is the same policy that I have supported my entire career in the Senate and the same policy that has been adopted by the House and the Senate for each of the past 10 years.

Mr. President, while this matter has been adopted in each of the last 10 years, there has not been a Hyde amendment vote in the Senate on this bill since 1983.

Last week, the Senate voted on an amendment that criticized this subcommittee for going forward on matters which had not yet been considered by the Environment and Public Works Committee.

Mr. President, I am not criticizing those Senators who bring these matters to the floor on appropriations bill. I am merely pointing out that this amendment is another example where the Appropriations Committee has been called upon to respond to matters which are more properly resolved elsewhere.

Mr. President, let there be no misunderstanding here. I support what my good friend from Oklahoma is doing. My friend knows that I have consistently opposed Federal funding of abortion on personal moral grounds. It makes no difference whether we are talking about Medicaid funding for abortion or Federal funding of abortions for military personnel and their dependents in military hospitals. I consistently oppose Federal funding of abortions except where the life of the mother is at stake.

Therefore, I urge that the Senate maintain its 10-year policy which allows for private purchase of health insurance coverage for elective abortion services and adopt the Nickles amendment.

Mr. President, I thank the Senator from Oklahoma for the opportunity to speak on his amendment and yield back the floor.

Mr. GORTON. Mr. President, I support the amendment by the Senator from Oklahoma that represents a balanced compromise on the issue of Federal financing of abortions for Federal

employees. If accepted, his amendment would allow Federal employees to obtain insurance coverage for abortion services by purchasing an additional rider provision. It would also restore the prohibition of taxpayer financed coverage of abortions in Federal employee health benefit plans except in cases of rape, incest, or endangerment of the life of the mother.

This policy has my support because it represents balance and respects the diversity of deeply held views of American taxpayers on the difficult issue of abortion. I support a woman's right to choose an abortion, but I believe that it is unreasonable to ask Federal taxpayers who disagree to finance, contribute, or in any way subsidize the procedure. For these same reasons, I oppose Federal funding of abortions through Medicaid except for cases of rape, incest, or endangerment of the life of the mother.

Some have attempted to draw a distinction between taxpayer money that pays for health insurance for low income women and taxpayer money which contributes more than half of the health insurance for Federal employees. Such a distinction to me is invalid and troublesome. Both involve Federal taxpayer money which contribute to or subsidize the cost of the procedure. While advocates on opposite sides will disagree, the American taxpayer considers that a distinction without a difference. Taxpayers who are morally opposed to abortion should not have to finance abortion procedures whether they are for lower income women on Medicaid or female Federal employees.

Others have suggested that this amendment is an indication of whether abortion should be included in a Federal health benefit package under the potential Clinton health care plan. Opponents of this amendment, including the administration, cannot have it both ways: either this issue is about Federal taxpayer subsidies of abortion or it is not. Considering the fact that the administration has not formally announced its intentions on the issue of health care reform, assertions that this amendment will determine the administration's position on this issue is speculative and contradictory. It would be unfortunate and irresponsible if advocates on either side used this vote to try to undermine meaningful health care reform which this country needs.

The Nickles amendment allows Federal employees to buy insurance that covers the abortion procedure. However, no Federal funds or general premium funds would be used. This represents the mainstream of American thinking on this contentious issue and therefore has my support.

Mr. COATS. Mr. President, I rise today to support the amendment offered by my colleague from Oklahoma, Mr. NICKLES.

The Nickles amendment addresses a very important question—will the Federal Government use taxpayer funds to pay for the provision of elective abortion in the Federal Employees Health Benefits Program [FEHBP].

The Federal Employees Health Benefits Program provides voluntary health insurance coverage for approximately 9 million Federal Government employees, retired people, and their dependents. In 1993, approximately 72 percent of Federal employees and annuitants were enrolled in FEHBP. The remaining 28 percent were either ineligible or had waived Federal insurance coverage.

For the last 10 years, the Treasury-Postal Service appropriations bill has contained language prohibiting the use of Federal funds to pay for or provide coverage for abortions, except where the life of the mother would be endangered if the fetus were carried to term. The bill before us today has eliminated this modest restriction, and instead, would mandate Federal employee participation in plans which offered not only abortions to save the life of the mother, but abortion on demand.

This legislation is the first of several anticipated attempts from the administration to reverse a congressional legislative history that reasonably restricts taxpayer funding of abortion on demand. The issue of abortion is deeply divisive in America, but we have come to a rough consensus on one issue—American should not be forced to pay taxes that are used to violate their strongest beliefs about the value of innocent life.

This is a view supported by a large majority of Americans, even Americans who support abortion rights. In March of this year, a CBS-New York Times poll found 72 percent of Americans opposed the inclusion of abortion in a national health plan.

In 1980 3 years before the Smith-Ashbrook amendment was added restricting abortion coverage in Federal health insurance, over 17,000 elective abortions were performed in one year alone, at an estimated cost to the Federal Government of $9 million.

Some may argue that this is a matter of rights—that Federal employees are entitled to have their elective abortions covered. But that is simply not accurate. First, not every elective procedure is covered and paid for through Federal employees insurance. For example:

Sterilization is generally covered in Federal plans, but reversal of sterilization is not.

Routine cosmetic surgery is not generally covered.

Contraceptive devices are not covered.

Services or charges related to artificial insemination, in vitro fertilization, or embryo transfer are not covered.

Certain routine immunizations such as the new Hepatitis B vaccine are not covered.

Hearing aids are not covered.

Chiropractic services are not covered.

Prosthetic devices, such as artificial limbs are not covered.

Sex change operations are not covered.

And until now, abortions, for reasons other than the life of the mother were not covered.

Second, abortion is not the same as other medical procedures. In upholding the Hyde amendment the Supreme Court said:

> Abortion is inherently different from other medical procedures, because no other procedure involves the purposeful termination of a potential life. (*Harris* v. *McRae*, 448 U.S. at 325, June 30, 1980.)

Some may argue that Federal employees are being punished—that those employed in the private sector are routinely covered for abortion in their private health insurance plans. That is also not true. Earlier this year, the Alan Guttmacher Institute—research arm of the Planned Parenthood Federation of America—circulated a paper to Members of Congress that argued that reproductive health services, including abortion, should be explicitly mandated in a Federal healthcare plan precisely because many insurers regard such services as elective and do not cover them. The AGI paper also acknowledged that there is almost no hard data on how many insurance plans cover abortion.

> Information on coverage for sterilization or abortion is either sparse, lacking, or not contemporary. (Health Care reform, AGI, 1993.)

If Senators support the Hyde amendment, which prohibits payments of abortions for Medicaid eligible women, then it would be glaringly inconsistent for Congress to fund abortions for its own employees and other Federal employees who are not indigent.

The President has adopted an agenda of abortion on demand and abortion at public expense. In the process, he shows a moral inconsistency that should not be permitted into the law. People who believe that abortion on demand violates their most cherished ideals should not be forced to pay for them.

In 1986, as Governor of Arkansas, Bill Clinton said:

> I am opposed to abortion and to government funding of abortions because so many people believe abortion is wrong.

I believe that the President's decision then should be his position now. It is a wise conclusion to an emotional and difficult issue.

When the Government pays for abortions, its policy moves from permission to promotion. That is precisely the effect of this legislation if the Nickles amendment is not adopted—the subsidization and promotion of abortion. It would signal a dangerous and deplorable precedent. I urge adoption of the Nickles amendment.

Mr. BOND. Mr. President, I urge my colleagues' support for the Nickles amendment. I would like to start by providing a little bit of history for those who have not followed the debate closely. This year, for the first time since fiscal year 1982, the House did not include language prohibiting abortion coverage as a part of their version of the Treasury-Postal bill. During Senate subcommittee markup, I offered an amendment to restore the prohibition, which passed 3–2. My amendment was subsequently defeated by a 1-vote margin, 15–14, in full committee.

The bill now before the Senate would permit elective abortion coverage through Federal employee health benefits plans. I do not believe the American taxpayer should be forced to subsidize abortions, as the current bill provides, and am therefore supporting the Nickles amendment.

I urge other Senators to support the Nickles compromise amendment, which is different than the current policy and which I believe is a good compromise. This amendment strikes a balance between the desire of some to ensure that Federal employees have access to abortion services through their health care plans, and those who, like me, do not believe that American taxpayers should be forced to subsidize the abortion procedure.

The amendment we are now considering would permit Federal employee health benefits plans to include abortion as a benefit. However, participants in the plan who wanted the abortion coverage would have to elect such coverage, and pay for it through a separate rider to the policy. Therefore only the pool of participants who elected the abortion coverage would pay for those abortions. American taxpayers, and Government employees who believe abortion is morally wrong, would not.

If the Senate does not adopt this amendment, we face a situation where Federal employees would for the first time since 1983, have their abortions subsidized by taxpayers, and by each other.

The Nickles amendment goes even farther than current policy in the so-called hard case. This amendment provides for exceptions where the life of the mother would be endangered were the baby carried to term, and for women who are the victims of rape or incest. In other words, women whose lives were in danger or who were pregnant as the result of rape or incest, would have their abortions paid for under the employee health benefits plans even if they did not elect the special abortion coverage.

Opponents have asserted that the current prohibition "gives the Federal Government the go-ahead to intrude in the most private decisions a woman can make." Well, that simply is not true. The current policy does not affect a woman's right to obtain an elective abortion at all. The issue is not choice, but who pays? And we are doing nothing today which in any way affects the legal right of women to obtain abortion services. We are simply saying that the Government will not subsidize the abortion choice. The Nickles amendment provides access to the abortion procedure under Federal employee health benefits plans if the special coverage is purchased by the employee. Elective abortions are then paid for only by those who elect that special coverage.

At this time I would like to point out that, in addition to elective abortions, there are other elective medical procedures which neither Government health care plans nor private plans will subsidize. Elective plastic surgery, for example, is rarely covered by any medical insurance plan.

Opponents have also asserted that the current prohibition "gives the Federal Government the authority to deny almost one-half of the Federal work force access to health care services that they would have if they worked in the private sector." That is not true, either. Employees of private firms do not necessarily have elective abortions covered by their health plans. In fact, even the Alan Guttmacher Institute, the research arm of the Planned Parenthood Federation of America, and the Employee Benefits Research Institute have stated that definitive statistics on this issue simply do not exist.

Many private health plans do not offer elective abortion as a benefit. We have a statute in Missouri which is similar to what we are trying to do here on a national scale. Missouri requires health insurance carriers who cover elective abortion to do so through an optional rider requiring an additional premium. In other words, employees of private firms in Missouri who do not wish to share the risk and subsidize elective abortions for other women through their premiums are not forced to do so.

I believe the Nickles amendment has the strong support of the public as well. Whether they choose to call themselves pro-choice or pro-life, the American people overwhelmingly reject public financing of abortion. A CBS/New York Times poll conducted in April 1993 about health care reform issues asked adults what should be included in a basic, Government-subsidized health care plan. Only 23 percent thought abortion should be covered; 72 percent said abortion should not be included as a benefit in a Government-sponsored health plan.

Mr. President, there are many strongly held views on both sides of the abortion debate. The amendment we are proposing here does not affect a woman's legal right to obtain an abortion. It simply says that American taxpayers will not have to subsidize elective abortions. Yet it does provide women who are employees of the Federal Government or dependents of those employees access to the procedure through the purchase of a special rider. I would like to point out to other Senators that the outcome of the vote on this amendment is extremely important, as this issue is directly related to the health care reform debate.

A great internal argument now raging in the various health care task forces is whether or not to include abortion services as part of a basic health benefits package. That is precisely the same debate taking place here, except that the outcome of this debate affects only Federal employees rather than the entire Nation.

I believe the amendment before us strikes exactly the right balance we need, not only on this issue, but on health care reform generally. We should not have taxpayers subsidizing abortions. This amendment provides for abortion coverage for women who want it, but it is paid for only by those who elect the additional coverage.

I hope my colleagues will support the Nickles amendment.

Mr. HATFIELD. Mr. President, today we are considering an issue the Senate has not voted on since 1982. For the first time in 10 years, the Treasury, Postal Service appropriations bill does not include the language, commonly known as the Ashbrook amendment, which since 1983 has restricted the use of Federal funds to pay for abortion under the Federal Employee Health Benefits Program. The amendment we are considering today would retain this ban.

During full committee markup of this bill, I supported efforts to keep the Ashbrook amendment. When the time comes to vote again today on this issue, I intend to vote as I did in committee.

I feel this vote is consistent with my views on abortion, and wanted to discuss the fact that, 10 years ago, I voted differently. The vote I made in 1982 was not an easy one for me to make at the time. And, long before my vote today, I reevaluated my position on this issue. I cannot support a program that allows for the payment of abortions through the use of Federal funds. This is consistent with my long-held belief that Federal funds should not be used to pay for abortion except in cases where the life of the mother is endangered.

This leads me to another difficult issue. For a number of years Federal funding for abortion ha been restricted except in cases where the life of the mother is at risk. The amendment before us expands that restriction to include exemptions in the cases of rape and incest. I have opposed this expansion in the past because I felt that a life conceived through rape or incest was no less deserving of protection because of the circumstances under

which it was conceived. I have not changed my views.

Sadly, the changing politics of abortion have led pro-life supporters to bow to political realities by including an allowance for abortion for rape or incest victims, and thus staving off an all-out release of Federal tax dollars to pay for abortions. Mr. President, as one who is strongly guided by conscience, I am not comfortable voting for an amendment which allows Federal funding for any abortion unless the life of the mother is endangered. However, voting for some restrictions on taxpayer funded abortions is better than no restrictions at all. Given the vote count in the U.S. Senate, the only way pro-life advocates can hope to win is by allowing this exemption.

It is my understanding that the amendment proposed today by Senator NICKLES represents a compromise. It will continue the ban on Federal funding for abortions except in the cases of rape and incest and where the life of the mother is endangered, but it will allow Federal employees to obtain insurance coverage for all elective abortions by purchasing an additional rider to their insurance policy. Thus, those who wish this coverage may purchase it with their own funds. This is a sound compromise which protects those who do not want their tax dollars going to fund abortion and preserves the ability of those who wish this coverage to purchase it. Therefore, I urge my colleagues to support the Nickles amendment.

Ms. MIKULSKI. Mr. President, the amendment that is before us violates rule 16 of the Standing Orders of the Senate, which provides a point of order against amendments which propose legislation on general appropriations. I have some comments I wish to make, and at the conclusion of those comments I intend to raise a point of order.

As you well know, Mr. President, according to Riddick's Senate Procedure, no amendment which proposes general legislation shall be received to any general appropriations bill. The amendment offered by the Senator from Oklahoma [Mr. NICKLES] would, I believe, violate rule 16, and a precedent established in the Senate according to that rule.

This amendment goes far beyond a simple limitation on the expenditure of funds. As my colleagues know, that type of amendment would be in order. This amendment, however, places limits not just on funds but on what types of abortions would be covered under the Federal Employees Health Benefit Plan, and which women would be covered, and also creating a whole new category called what I have nicknamed "the abortion gap coverage."

It breaks new policy ground. The Senator from Oklahoma has said it breaks new policy ground. Therefore, I believe it does violate rule 16.

The U.S. Congress has two separate committees, the authorizing committee and the Appropriations Committee—on which Senator NICKLES and I serve. The authorizing committee is that committee within the U.S. Congress that sets the policy framework under which the legislative statute would be implemented. It is the role of the Appropriations Committee not to get into making new policy, but our role has historically been to be the quiet guardians of the purse. And we have very clear definitions of what that should be.

The Nickles amendment would require the executive branch to interpret and implement new policy that would allow coverage of abortions for women who work for the Federal Government if an abortion was necessary to save the life of the woman or if the pregnancy itself resulted from rape or incest. That would be new policy ground.

It would also require the Federal Government to implement a new policy to establish and administer a separate rider for abortion coverage for women who would want such coverage, and for plans that wish to offer such coverage, essentially creating an abortions gap rider. That might seem like a simple solution to the problem of abortion coverage, but it is not. This policy discriminates against one type of medical condition, pregnancy, and requires that Federal employees purchase a separate insurance policy for abortion coverage. The Federal Government has no such policy in place with regard to any other medical condition. That would require action by the executive branch on an appropriations bill, in direct violation of rule 16.

Although the antiabortion opponents of limited abortion coverage under Federal health benefits plans, in cases where the life of the woman is in danger, have been using the appropriations process in place since 1983, this does not in any way legitimize legislating on appropriations, especially on an important topic like this.

I believe it is time no longer to have a back-door way of legislating that dictates how people can spend the money that they have earned.

That is why there have been others who have defended my position. In 1982, the distinguished Senator from Oregon, Senator HATFIELD, who himself is opposed to abortion and whose position I respect as a matter of conscience, as I do all other Senators, said in 1982 when the Senate first considered a similar amendment, and he was chairman of the Appropriations Committee:

> We're not dealing with the simple issue of abortion or antiabortion. It's more complex than that. It is a matter of compensation, of intruding into people's lives.

Senator HATFIELD wisely opposed putting abortion restrictions on Federal employee health benefits plans because, and I quote:

> I don't want the Federal Government to begin to stick its head under the tent and stipulate how individuals can spend their own employee compensation as long as it does not violate the law.

Further quoting, Senator HATFIELD said:

> However, the amendment before us would do that. It would have Government intrude into the private lives of people. It would tell Federal employees you cannot use your own employee compensation to have an abortion.

It is also one more attempt to go around the authorizing committees. Only this time abortion opponents want to change the policy and add exceptions to allow abortions for pregnancies that are a result of rape or incest. Such exceptions would require interpretation by the executive branch in determining when to reimburse for abortion services, quite different from the limitation that had been in place since 1983.

I believe that it is not the business of this committee to set this policy. Setting policy for abortion coverage under the Federal employee health plans belongs exclusively to the authorizing committee, and this committee should adhere to the policy set in those committees.

Mr. President, I believe that the authorizing committee for Federal employee health benefits have historically opposed legislation limiting access to abortion coverage under the Federal employees health plan. The authorizing statute, section 89 of title V of the United States Code governing Government organization and employees allows for abortion coverage to be offered in health insurance plans which contract with the Federal Government.

So, therefore, we have, Mr. President, I really do need you to listen to this. This is an important precedent we are debating.

I am going to repeat this. The authorizing committees have historically opposed legislating limited access to abortion coverage under the Federal employees health plan. The authorizing statute is section 89 of title V of the United States Code governing Government organization and employees. It does allow for abortion coverage to be offered in health insurance plans which contract with the Federal Government.

The authorizing committees of both the House and the Senate have agreed that abortion services should be treated in the same way as other benefits under the Federal health benefits plan. Health insurance plans which contract with the Federal Government are free to decide the benefits package and include coverage for certain benefits for Federal workers in exactly the same way they do for workers and companies in the private sector through collective bargaining agreements.

Congress should not single out a single benefit that is a legal medical procedure available to women in the private sector for exclusion. This is not

the time or the place for this debate. It is not the time or the place for this amendment. The Appropriations Committees themselves, in both the House and the Senate, have rejected adding similar abortion restrictions in their bills this year. I believe that is how it should be.

The Appropriations Committees are to be commended. Women working for the Federal Government should not be subject to legislation through the back door. If the Senate is going to limit abortion coverage, which I would argue vigorously that it should not, it should do so after much deliberation in the responsible authorizing committees. There have been no hearings that have been held on this new policy. It does break new ground.

This is a matter far too important and far too contentious to be added as a last-minute effort to deny women access to their legal and constitutionally protected rights.

I can say to my colleagues that this does violate the Senate rules to legislate on appropriations bills. To my colleagues who share a different opinion on abortion, I say, let us not trample on the Senate rules and save that debate for the authorizing committees. Everyone who is affected by this legislation deserves to know the Senate considered the matter in a deliberate, thoughtful manner in a committee with the expertise and knowledge to make its recommendations. I do believe that this breaks new ground and neither the Appropriations Committee nor this or any other appropriations bills are the proper vehicle for a discussion on abortion.

Therefore, Mr. President——

Mr. NICKLES. Will the Senator yield?

Ms. MIKULSKI. I raise a point of order against the amendment that has been offered, and I ask for the Chair to rule this amendment out of order because it is legislating on appropriations and violating rule XVI.

Mr. NICKLES. Mr. President, I raise a question of germaneness and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question of germaneness having been raised, the Chair puts the question to the Chamber on the question of whether or not the amendment is germane.

The question is not debatable. The clerk will call the roll.

Mr. SIMPSON. I announce that the Senator from New Hampshire [Mr. GREGG] is necessarily absent.

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

The result was announced—yeas 48, nays 51, as follows:

[Rollcall Vote No. 235 Leg.]

YEAS—48

Bennett	Dorgan	Lott
Biden	Durenberger	Lugar
Bond	Exon	Mack
Breaux	Faircloth	McCain
Brown	Ford	McConnell
Burns	Gorton	Murkowski
Coats	Gramm	Nickles
Cochran	Grassley	Nunn
Conrad	Hatch	Pressler
Coverdell	Hatfield	Reid
Craig	Heflin	Roth
D'Amato	Helms	Smith
Danforth	Hutchison	Thurmond
DeConcini	Johnston	Wallop
Dole	Kassebaum	Warner
Domenici	Kempthorne	Wofford

NAYS—51

Akaka	Graham	Moseley-Braun
Baucus	Harkin	Moynihan
Bingaman	Hollings	Murray
Boren	Inouye	Packwood
Boxer	Jeffords	Pell
Bradley	Kennedy	Pryor
Bryan	Kerrey	Riegle
Bumpers	Kerry	Robb
Byrd	Kohl	Rockefeller
Campbell	Lautenberg	Sarbanes
Chafee	Leahy	Sasser
Cohen	Levin	Shelby
Daschle	Lieberman	Simon
Dodd	Mathews	Simpson
Feingold	Metzenbaum	Specter
Feinstein	Mikulski	Stevens
Glenn	Mitchell	Wellstone

NOT VOTING—1

Gregg

The PRESIDING OFFICER. The amendment is not germane.

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

Mr. BOND. I move to lay that on the table.

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll. The assistant legislative clerk proceeded to call the roll.

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

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

Mr. NICKLES. Mr. President, in regard to the last vote, the vote was very close. It was 48 in favor, 51 in opposition, with 1 Senator absent. I believe he would have voted in our favor. That would be 49. If I had two more votes I would orchestrate another vote. I do not have that or I cannot find it right now.

I would like to repeat and reiterate—this is a very important vote. To my chagrin, many people may be hiding under the guise of a procedural motion, a motion of germaneness saying it was not germane or it is legislation on an appropriations bill. But I would like to inform my colleagues—I wanted to do it in debate, and I was not able to be recognized for that purpose—but we have had restrictions in this Treasury-Postal bill for the last 10 years saying that we were not going to have abortion as a fringe benefit; it would not be offered. It was not offered. We have had a restriction for 10 years, and I might say that that restriction saved the lives of a lot of unborn children.

My colleagues say now we have changed that policy and maybe they are excited because they would like to have abortion be a fringe benefit for Federal employees.

I say it is a bigger issue than that, because I can see the debate right now on national policy if this is going to apply to Federal employees. If we are going to have abortion as a standard option or coverage for Federal employees, then maybe it will apply to all Americans.

Now many people are trying to take health policy and are saying we want the Federal Government to subsidize the destruction of unborn lives as standard policy. I happen to reject that. I hope my colleagues do.

Again, if I could find two votes, I would have another vote. I will not be talking about this for a long time. But I just hope my colleagues realize that this was not just a vote of very little consequence. It was a very serious vote, and many people may or may not have been hiding behind a procedural motion. I think it is a serious question.

I told my friend and colleague from Maryland I wanted an up-or-down vote because I felt it was important that people know where we stand. I will tell my colleagues, too, when we get to the Labor-HHS bill we are talking about something that may be of greater magnitude and it will require even greater discussion.

I will tell my colleagues, as well, when we get into the national health debate and when many people want to have abortion as a fringe benefit or abortion as a standard option of coverage for the so-called national health care plan, that they are going to be in for a very significant discussion. Because we are talking about not just a political issue, we are talking about an issue that deals with life. We are talking about an issue that deals with the lives of unborn children.

We are talking about an issue that right now, under today's policy, we have a million and a half abortions. And I would guess that if we are going to make this a fringe benefit for Federal employees, there will be a lot more and they will be paid for with taxpayers' dollars or subsidized by taxpayers' dollars. Taxpayers, through Federal subsidies, pay for 60 percent of the health benefits of Federal employees.

And if we make abortion part of the national health care plan, as many people would like to do, then maybe we will see the number of abortions go from 1.5 million per year, to maybe 2 million, maybe 2.5 million, maybe 3 million a year because, if we are going to develop it as part of the national infrastructure, we are going to make it more acceptable, we are going to make

it more prevalent, we are going to make it more available throughout the country.

Again, I would like to tell my colleagues that this is a serious vote today. I hope they will weigh the consequences of their vote.

Again, it is regrettable for this Senator that it had to be construed as a procedural vote when it is much more serious because, unfortunately, we are talking about the lives of innocent, unborn children.

I yield the floor.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

AMENDMENT NO. 750

(Purpose: To require the Commissioner of the Internal Revenue Service to report to the Congress on the implementation of policies and procedures to ensure that Internal Revnue Service employees honor the right to the confidentiality of taxpayer information)

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

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Rhode Island [Mr. CHAFEE] proposes an amendment numbered 750.

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

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

The amendment is as follows:

At the appropriate place in the bill insert the following:

SEC. . The Internal Revenue Service shall institute policies and procedures which will safeguard the confidentiality of taxpayer information. The Service shall report to the Committees on Appropriations of the House and Senate, the House Committee on Ways and Means, and the Senate Committee on Finance, no later than December 31, 1993, the steps the Service has taken to minimize unauthorized access to taxpayer data.

Mr. CHAFEE. Mr. President, what this amendment stems from is an article in this morning's Washington Post that several hundred employees of the Internal Revenue Service have been investigated or disciplined for, among other things, browsing through tax records of friends, relatives, neighbors, and celebrities.

What is discouraging about this report is the apparent magnitude of the problem. As many as 370 employees are reportedly under suspicion of misusing the computerized data retrieval system. It seems that the Internal Revenue Service does not have adequate procedures and policies to ensure that IRS employees protect the confidentiality of taxpayers' information.

Mr. President, I think we all agree that voluntary compliance with our tax laws is absolutely the basic principle that helps our Government collect its tax revenue. Absent the voluntary compliance, this system would be total chaos. And one of the factors that encourages compliance, Mr. President, is the assurance that taxpayer information will be kept confidential. The report in this morning's newspaper certainly undermines that belief. The taxpayers of this country are currently paying a substantial sum of money—some say $23 billion, which seems high, but that is the figure that I have—to modernize the tax agency's computer system.

One goal out of all of that modernization of the computer system is to make it possible for IRS employees to have better access to taxpayer data in an effort to improve efficiency and customer service.

However, this access should not permit IRS personnel to call up sensitive taxpayer information on celebrities and the like to impress their friends at cocktail parties.

So what my amendment does, Mr. President, is require the Commissioner to report back to Congress on the policies and procedures it currently has in place, as well those it plans to implement as a result of the problems found in the Southeast region, to safeguard the confidentiality of taxpayer information.

So, in effect, it is a report, Mr. President, but I think it is a very important report. The exact language is:

The Service shall report to the Committees on Appropriations of the House and Senate, the House Committee on Ways and Means, and the Senate Committee on Finance, no later than December 31, 1993, the steps the Service is taking to minimize unauthorized access to taxpayer data.

It is my understanding that this is an acceptable amendment by the floor managers.

The PRESIDING OFFICER. Is there further debate?

Mr. BOND. Mr. President, on this side of the aisle, I commend the Senator from Rhode Island for, I think, a very good amendment. The study will get us on the road to finding out how widespread this practice is.

I shared his concern when I read the story today in the newspapers. I commend him for bringing it to the attention of this body. I hope we can accept it.

Mr. DECONCINI addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. DECONCINI. Mr. President, I also commend the Senator from Rhode Island. This is a good amendment.

The Commissioner of the Internal Revenue Service, Ms. Richardson, is very concerned about this. We have talked to her office about it. She obviously is new in the job, but she has a great deal of experience.

She indicates such activities by employees will not be tolerated. I wish she were here so she could tell us that, but she has expressed that to us. She is committed to continue the installation of the kinds of controls that will minimize the risk of such events occurring.

In addition, the IRS already has taken and will continue to take strong action when individuals have been found to abuse their offices.

So, although over 50 percent of the reported 369 cases did not ultimately involve any misconduct, so the internal investigations show, the IRS has taken action on all the remaining cases.

I do not have but would be glad to supply the Senator from Rhode Island—and I would like to know myself—just what action was taken. These remaining cases, for the most part, involved unauthorized access to reading information. And that, I think, is clearly part of what the Senator from Rhode Island is after in his amendment.

So I think it is a good amendment. I thank the Senator from Rhode Island for bringing it to the attention of the committee and the Senate.

We are prepared to accept the amendment.

The PRESIDING OFFICER. If there is no further debate, without objection, the amendment is agreed to.

The amendment (No. 750) was agreed to.

Mr. CHAFEE. Mr. President, I thank the floor managers very much for accepting this amendment. I am not big for reports. Indeed, I have constantly urged those who have come before our committees to let us know if they are filing reports that some Senator, months or years ago, required through statute that they file a report by such and such a date.

But I do think, in this particular instance, this is a one-time report and I think it is very, very important, based on the information that has come to light.

So I thank the distinguished Senator from Arizona and the distinguished Senator from Missouri, who are floor managing this legislation.

I ask unanimous consent, Mr. President, that a copy of the article that appeared in this morning's Washington Post be printed in the RECORD.

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

PROBE FINDS IRS WORKERS WERE "BROWSING" IN FILES—COMPUTER SECURITY REVIEW POINTS TO FRAUD

(By Stephen Barr)

Almost 370 employees of the Internal Revenue Service have been investigated or disciplined for using government computers to create fraudulent tax refunds or browse through tax records of friends, relatives, neighbors and celebrities, according to an IRS report.

The internal report, which was prepared in the fall and released yesterday by Sen. John Glenn (D-Ohio), focused on the IRS's Southeast Region, headquartered in Atlanta. But

it said "integrity reviews" conducted by the IRS in its North Atlantic and Western regions also found that "employees are browsing taxpayer accounts for no clear business purpose."

Glenn, chairman of the Senate Government Affairs Committee, said at least one employee had "altered some 200 accounts and got kickbacks" from bogus refund checks that were issued.

The incidents, an IRS spokeswoman said, are "a serious concern to this agency." She said IRS had determined that a "nationwide fix" was needed to improve computer security and the efforts were underway to quickly address the problem.

IRS workers are regularly reminded to protect the confidentiality of tax returns, and safeguards to ensure taxpayer privacy are written into law and Treasury Department directives. Specialists in tax law said yesterday they were surprised that so many workers had been accused of abusing their positions.

The disclosure of a computer security breakdown comes at a sensitive time for the agency. IRS has undertaken a decade-long project to redesign and upgrade its automated systems. The project, called Tax Systems Modernization, is expected to cost about $23 billion through the year 2008 and has been described as the largest civilian computer modernization in history.

One goal of the modernization is to give every IRS employee who needs it the capability for on-line computer access to taxpayer information as a way of improving customer service and agency efficiency.

But as Donald Alexander, who served as IRS commissioner from 1973 to 1977, pointed out, "The idea of having one-stop service—I can take care of your entire account—is incompatible with the idea that you have complete privacy and that no one is going to know about you and your tax returns."

The IRS probe into the Southeast Region investigated 369 employees suspected of misusing the agency's Integrated Data Retrieval System (IDRS). The employees were described as rank-and-file workers who handle IRS mail and answer the telephone when taxpayers call.

About 56,000 of IRS's 115,000 employees have access to IDRS, which is used to locate and adjust taxpayer accounts. IDRS provides agency workers with taxpayer data such as name, address, Social Security number, dependents claimed, adjusted gross income, taxable income and tax liability.

IDRS contains only 10 to 15 percent of the data available in IRS's "master file" maintained at the Martinsburg (W.Va.) Computing Center, but it can instruct the master file computer to send out bills, stop notices or issue refunds.

The IRS inquiry referred 80 employees for criminal investigation, with six of the employees facing potential prosecution by U.S. attorneys for allegedly preparing fraudulent returns and taking kickbacks from bogus refund checks.

Of the 369 cases, 345 were referred to management for review, and 154 were disciplined. Of the 154, three were forced to resign, three were fired and the rest were either reprimanded, suspended or underwent counseling.

IRS officials, citing privacy laws, declined to identify the celebrities whose accounts may have been called up by workers for "non-work" purposes.

Glenn learned of the IRS investigation last month, after the General Accounting Office had reviewed IRS's most recent financial statements. GAO reported that "IRS did not adequately control access authority given to computer support personnel or adequately monitor employee access to taxpayer data."

The IRS probe has been underway for three years, and the investigators issued their "Review of Controls Over IDRS Security" last October. The report does not provide examples of how IRS employees manipulated the system for fraudulent or other purposes. It notes, for example, that 48 employees accessed their own or spouse's account during the 12 months ending November 1991, but does not say why.

Tax specialists said they could not recall similar incidents at the IRS. In 1985, investigators found unprocessed returns and refunds in wastebaskets and trash barrels at a Philadelphia IRS office.

"I'm really surprised that such a large number of employees have been mentioned in any type of impropriety like that. At most, I think it would have been an isolated case, a rogue employee," said Walter Goldberg of the accounting firm Price Waterhouse.

Thomas Ochsenschlager of Grant Thornton, another accounting firm, said: "I find the number surprising. . . . For the most part, I've always assumed that internally it was relatively hard to get at that information."

Lawrence B. Gibbs, who served as IRS commissioner from 1986 to 1989, said IRS is working with "Ice Age computers" that "you can do only so much with. The new system will get IRS the capability to catch this kind of thing."

But he added, "This is going to be a real black eye for IRS. . . . It is something, frankly, the agency worries about."

IRS investigators made a number of suggestions about how to monitor employees with access to computer codes. The IRS spokeswoman said yesterday that a pilot project will begin in Atlanta this fall to test whether abuse can be stopped "on the front end rather than after it has occurred for a period of time."

Glenn suggested yesterday that IRS needs to press its investigation beyond the Southeast Region, which covers Arkansas, Tennessee, Alabama, Georgia, Mississippi, Florida, the Carolinas and Louisiana.

"We're very uncertain as to how much of this may be going on throughout the system," he said. "We don't know what the status is in other areas."

He noted that 6,300 out of 21,000 Southeast IRS employees have access to the IDRS system in the Southeast, and that employees may use up to 56 different computer commands or codes to enter taxpayer accounts.

Glenn has scheduled a hearing Wednesday to hear how the new IRS commissioner, Margaret Richardson, plans to address the agency's computer problems. Richardson was unavailable for comment yesterday.

Glenn and his committee have worked to improve financial management in the government through inspectors general and chief financial officers. Yesterday, Glenn said he might ask the Treasury Department inspector general to monitor IRS as it sets up new security systems for its computers.

He indicated that at some point, Philip Lader, the Office of Management and Budget deputy director for management, may have to get involved, because a number of financial management problems seem to be cropping up in the government.

The IRS, Glenn said, has "a big and immediate job to get on this and correct this, or there will be a lack of general confidence in the system, and that would be tragic."

AMENDMENT NO. 751

Mr. DECONCINI. Mr. President, I send an amendment to the desk on behalf of myself and Senator BOND and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. DECONCINI], for himself and Mr. BOND, proposes an amendment numbered 751.

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

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

The amendment is as follows:

On page 8, line 16, after the word, "Program:", insert the following: ": *Provided further*, That no funds made available by this or any other Act may be used to plan or implement any reorganization of the Bureau of Alcohol, Tobacco and Firearms or transfer of the Bureau's functions, missions, or activities to other agencies or Departments in the fiscal year ending on September 30, 1994;

Mr. DECONCINI. Mr. President, this amendment prohibits the use of funds for certain studies and planning by the Department of Treasury. I believe it has been cleared by both sides.

I ask that it be agreed to.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, we strongly support the amendment on this side and urge its adoption.

The PRESIDING OFFICER. If there is no further debate, without objection, the amendment is agreed to.

The amendment (No. 751) was agreed to.

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

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

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

The Senator from Missouri.

AMENDMENT NO. 752

Mr. BOND. Mr. President, I thank my distinguished colleague from Indiana. He has a matter of importance to speak to. But prior to doing that, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Missouri [Mr. BOND], for Mr. COVERDELL, proposes an amendment numbered 752.

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

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

The amendment is as follows:

SECTION 1. Title VII of H.R. 2403 is amended by inserting at the end the following new section:

SEC. 7 . REDUCED RATES FOR VOTER REGISTRATION MAIL.

Section 3629 of title 39, United States Code, as enacted by section 8(h) of Public Law No. 103-31, the National Voter Registration Act of 1993, is amended by striking "the rate for any class of mail that is available to a qualified nonprofit organization under section 3626" and inserting in lieu thereof "a rate which is one-half the applicable rate for First-Class Mail, as provided in the relevant classification and rate schedules,".

Mr. BOND. Mr. President, this deals with the National Voter Registration Act and the postage rates that were paid under it. State and county officials have advised that because there is no special rate for nonprofit first-class mail, third class must be used.

This amendment would allow first-class mail in any quantity to be sent at half the otherwise applicable first-class rate for postage. This will not affect the funding mechanism included in the act but it will reimburse the Postal Service for the difference between the reduced and the regular rates, in effect, extending to the voter registration mail the same mechanism used to reimburse the Postal Service for free rates on overseas absentees' voting materials.

Had we not done so, there was a concern that these ballots and election information would have been mailed third class with consequent delays. I hope we will be able to accept this amendment.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. DECONCINI. The amendment is a clarifying amendment that makes it very clear what the cost is going to be and not be, in which case the majority is prepared to accept the amendment offered by the Senator from Missouri.

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

The amendment (No. 752) was agreed to.

Mr. DECONCINI. I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Mr. President, I deeply regret I was unable to get to the floor in time to support the amendment offered by the Senator from Oklahoma. It was my understanding we would have a considerable time this afternoon for debate on that issue. Certainly, the Senator from Maryland was perfectly within her rights in raising the point of order. The Senate did vote its will on that. I am not going to seek to overturn that.

However, I did want to take just a few moments to indicate to the Senate I hope we will soon have an opportunity to debate this issue and to debate it at some length. It is a paramount issue. It is an issue that goes to the very question of life itself. As such, I think it is one that needs to be debated seriously and thoughtfully by the Members of this body.

We should not easily dismiss the issue simply through a point of order. We should take the occasion, I think, for a thorough discussion on the whole question. In poll after poll, the American people have indicated that regardless of what their position is on the question of abortion, they do not feel—a substantial majority do not feel it is appropriate that Federal dollars be used to provide for abortions, particularly abortion on demand. The Nickles amendment seeks to restrict the use of Federal dollars for provision of abortion services to Federal employees under the Federal health insurance plan. It restricts it to be used only in instances where the life of the mother is at issue or in cases of rape or incest.

For years the Senate has supported that provision; in fact, a much more restrictive provision, limited only to life of the mother. So this is a decided change in policy that has been voted on today.

Unfortunately, we were really not able to debate the issue. I am not even sure all Members knew exactly what the vote was, because it caught many of us by surprise. In any event, many indicated they thought it was just a procedural motion, as it was, that they were voting on. And I am not really sure we got to the heart of the issue itself. The heart of the issue is whether or not we want to support the use of taxpayers' dollars to pay for abortion on demand without restriction. Members need to understand this provision allows abortion essentially without any restriction whatsoever.

Many have expressed to me they believe there are appropriate exceptions. Many have said they think clearly to save the life of the mother, and in cases of rape or incest, that exceptions could be granted and the funds used to pay for abortions for those who either were covered under a health plan or for those who could not afford the procedure. But they felt an unrestricted allowance for abortion use was inappropriate and there ought to be some limitations on that.

So I regret we were not able to debate that issue at length. I trust we will have that opportunity in the future. It is a controversial issue. It is an issue that deeply divides us. It is an issue which people hold very strong opinions on, on both sides. But we are elected to this body to deal with those issues and deal with them up front, deal with them in a thorough, thoughtful process, and I hope we will have the opportunity to do that in the near future.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I rise in the most cordial way to clarify what the procedural vote was, and assure my colleagues on the other side of the aisle that I do take the public policy that had been raised quite seriously.

My colleagues should know that on Friday, when the Senator from Oklahoma asked for a time agreement, I very cordially was willing to work with him on a time agreement if I knew what the amendment was. His amendment had not been done, and therefore he was unable to share it with me. Therefore that terminated that conversation. We had not heard from the Senator from Oklahoma yesterday.

Today, because we are members of the Appropriations Committee and in the past have dealt with each other in an atmosphere of great civility and comity, I had my staff call to see if there was an area of agreement. The Senator from Oklahoma wanted to preserve—did not want a time agreement, if it was not a straight up-or-down vote. At least that was my understanding from my staff.

I wanted to preserve the procedural rights because I do feel very strongly about rule XVI. So, once the debate began, I followed what I thought was the normal procedure. There had been no agreement about offering the point of order at the end of substantial debate.

So if there was confusion, then I am sorry about it. But I want the Chair and my colleagues to know I was quite willing to work out an arrangement as long as I was able to preserve my procedural options.

To my colleagues who say this is a serious matter, I would say "you bet." That was exactly why, to have such a substantial public policy enacted, I believe did require not only considerable debate but considerable hearings on this topic.

The amendment of the Senator from Oklahoma did break new ground, substantial new ground, in terms of Federal employee health insurance benefits and the consequences on other issues that will be pending before this Senate. I would in no way dispute the seriousness of that, and I will presume my colleagues will not dispute we were breaking new ground. Therefore, as responsible people, we do need to have adequate hearings, robust debate, and arrive at a conclusion that we hope is in the best interests of this Nation.

There will be other opportunities to do that, but I want my colleagues to

know we were not trying to use strong-arm tactics, and that this is a time of great reflection and debate. And knowing my colleagues who stand over there—we have debated this—I have found, in discussing this matter with the two colleagues who are standing, they are robust debaters but Senators who always pursued debate in an atmosphere of civility and focused on the merits. I look forward to that type of continued debate.

Mr. COATS. If the Senator from Maryland will just yield for a comment?

Ms. MIKULSKI. I yield.

Mr. COATS. Mr. President, I again want to reiterate, I certainly believe the Senator from Maryland was well within her rights in offering the procedural motion and I appreciate her sentiments relative to the need to discuss and debate thoroughly this issue.

My only question is, my understanding is that the policy before us is what is breaking new ground. The settled opinion of the Senate for a decade was that Federal funds would not be used to provide abortion services for Federal employees under their health insurance plans except for the life of the mother exception. Therefore the inclusion of this in the committee bill that is before us does break new ground.

I believe that was the basis on which the Senator from Oklahoma offered his amendment.

Ms. MIKULSKI. That would then take us into the debate once again. I acknowledge what the Senator has said. We would have a disagreement on that.

Mr. COATS. If there is consensus here, I think it is that this is an issue which ought to be pursued and debated because it is an important one and one which the Senate ought to thoroughly discuss. I appreciate the Senator's offer to do that on the Senate floor and in committee. I hope we can do that soon.

Mr. SMITH addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH. Mr. President, I also say to my colleague and friend from Maryland, I do not quarrel with the procedure that was used. I was just occupied with other things and was not aware that this debate was going to suddenly terminate, which is well within the rights of the Senators to do, and, therefore, missed the opportunity to debate the Nickles amendment.

Mr. President, I might also say to my colleague and all of my colleagues that I will not be trying to offer an amendment at the end of these remarks, but I will briefly speak in support of the amendment that my colleague and friend, the Senator from Oklahoma, had offered wishing that it had been adopted. Since that did not happen, that does not mean that the debate should end or that sometime in the future, hopefully in the near future, we will not have the opportunity to revisit it again.

The Nickles amendment placed before the Senate the issue of whether abortion on demand will be covered as a routine health benefit from the Federal Employees Health Benefits Program. That program provides health care coverage for approximately 9 million Federal employees and their dependents as well. So 60 percent of the premiums for those plans are paid for by the taxpayers, by the Federal Government.

Since 1984, the Congress has prohibited Federal Employee Health Benefits Program plans from paying for abortions. So the new ground is the change in that policy. That is the new ground. But in June of this year, the House passed H.R. 2403, the Treasury, Postal appropriations bill, without this longstanding restriction on abortion funding. So that is when the new ground was broken. The Senate Appropriations Committee recently voted 15–14 against including such a restriction on abortion funding in this bill. That is how close it is. That is how evenly divided we are, not only in the Congress but perhaps out in America as well.

So, in the rejection of the Nickles amendment, for the first time since 1984, the American taxpayers are going to be forced to finance abortion on demand for Federal employees. I think the impetus from that will be, as Senator NICKLES, I believe, has already stated, that we will now perhaps see a movement to do this in other health plans as well. As I noted, the ban on abortion coverage under the Federal Employees Health Benefits Program has been in effect since 1984. According to the Office of Personnel Management, in the calendar year 1980, the last year for which authoritative figures are available, 17,000 elective abortions have been paid for through the Federal Employees Health Benefits Program—17,000. The estimated cost for those abortions was $9 million.

So, by rejecting the Nickles amendment, the American taxpayers certainly can be forced to expect that they are going to finance, through the Federal Employees Health Benefits Program, at least 17,000 abortions for Federal employees at an annual cost of $9 million and, most likely, a lot more than that in terms of number of abortions and in terms of costs, largely due to 13 years of inflation.

This is not a collective bargaining issue. Former OPM General Counsel Joseph Morris has stated:

> There is no connection whatsoever between the Federal sector labor relations program on the one hand and the Federal Employees Health Benefits Program * * * on the other.

"It is plain," Mr. Morris has written, "that collective bargaining over health benefits is not permitted in the Federal sector."

So let us call it like it is. The question that was before the Senate, which was recently defeated on a procedural basis, was whether the Federal Government is now going to pay for abortion on demand for its employees. That is the issue. Sixty percent of the premiums for the Federal Employee Health Benefits Program are paid for by the Federal Government under that amendment. Had the Nickles amendment been adopted, these premiums would be used to pay for abortion on demand for Federal employees. That is where we are.

It would be particularly inappropriate, in my opinion, for the Congress to allow Federal Employees Health Benefits Program plans to cover abortion, especially because the overwhelming majority of abortions have nothing to do with the physical—and I emphasize physical—health of the women who have them.

In hearings before the Senate Judiciary Committee in 1981, Dr. Irvin Cushner, who served as the Carter administration's Deputy Assistant Secretary for Population Affairs, testified about the reasons why women have abortions. Dr. Cushner estimated that only 2 percent of abortions are done for physical health reasons and that 98 percent are performed for lifestyle reasons. These are not my words, they are the words of the Carter administration appointee.

Dr. Cushner testified:

> The data with which I am familiar would indicate that something on the order of 2 percent of all abortions in this country are done for some clinically identifiable entity—physical health problem, amniocentesis, and identified genetic disease. The overwhelming majority of abortions in this country are performed on women who, for various reasons, do not wish to be pregnant. Their reasons are a mixture of social, economic, educational, or whatever.

Mr. President, the overwhelming majority of the American people—like it or not—do not want their taxes spent to finance abortion on demand for Federal employees. There are a lot of polls out there. Many have been quoted on the floor in the past and many more will be quoted in the future. I might as well add myself to the list of quoting polls.

In March of this year, a CBS-New York Times poll found that 72 percent of Americans oppose the inclusion of abortion in a national health plan, 23 percent in favor.

There is no reason why a greater number of Americans would favor coverage for employees of the Federal Government, with the taxpayers footing 60 percent of the bill. As I indicated, unless the Nickles amendment at some point in the future is adopted, H.R. 2403 would allow Federal tax dollars to pay for abortions on demand for Federal employees as a routine method of birth control. That is the result.

According to a November 1992 Wirthlin poll, 84 percent of Americans are opposed to abortion as a method of

birth control. Only 13 percent favor a radical position on the abortion question. It follows then that the American people do not want to pay for abortions on demand for Federal employees or anyone else, as a method of birth control, with their tax dollars.

Finally, Mr. President, an ABC News-Washington Post poll taken in July 1992 indicates that 69 percent of Americans oppose the Federal funding of abortion, as the survey question posed the issue, "for any woman who wants it and cannot afford to pay." Only 27 percent of Americans want the Government to pay for abortion on demand for poor persons.

Mr. President, regardless of where we stand on this very contentious issue of abortion, whether it is a moral or legal matter—and there are many arguments on that one—it is beyond dispute, according to the polls, that millions of Americans believe that the unborn child is a human being from the moment of conception and that abortion is the wrongful taking of a human life. Forcing millions of those prolife Americans to pay for abortion on demand for Federal employees with their tax dollars would be in gross violation of their freedom of conscience. It would be glaringly inconsistent for those who support the Hyde amendment, which prohibits payments for abortions for Medicaid-eligible women, to vote in favor of Federal funding for abortions for Federal employees. In other words, Senators who support the Hyde amendment should have supported the Nickles amendment.

The Supreme Court has upheld the constitutionality of the Hyde amendment. The Court found that the Government can distinguish between abortion and "other medical procedures." In upholding the Hyde amendment in 1980, the Court commented that "abortion is inherently different from other medical procedures because no other procedure involves the purposeful termination of a potential life."

In closing, I want to commend my friend, Senator DON NICKLES, for his courage in offering this amendment. Not many Members in the Senate are willing to take the floor these days and defend the rights of the unborn child and to take on the issue of abortion. It is not a lot of fun. You get beat up for it. But as I have said on this floor many times, I am proud to do it.

The unborn child does not have anything to say. Sometimes the born child does not have anything to say, as we found out with Jessica DeBoer recently. Children, especially unborn children, need somebody to stand up for them, and if I am going to be judged for anything around here, if they want to write someday that Senator BOB SMITH stood up here and defended the rights of the unborn child, that is fine with me.

If there is anything wrong with that, then maybe there is something wrong with this country.

I commend again Senator NICKLES. He is a man of great principle and great courage. I admire him greatly. I wish that his amendment had passed.

I thank the Chair.

I yield the floor, Mr. President.

Mr. DECONCINI addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. DECONCINI. Mr. President, I thank the Senator from New Hampshire for his remarks and only echo them, also having voted with the Senator from Oklahoma. I agree that I think it should be considered, and we will, I suspect, have many times to discuss this over the next 2 or 3 months.

AMENDMENT NO. 753

Mr. President, I send an amendment to the desk on behalf of myself and the two Senators from California, Mrs. FEINSTEIN and Mrs. BOXER, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Arizona [Mr. DECONCINI], for himself, Mrs. FEINSTEIN, and Mrs. BOXER, proposes an amendment numbered 753.

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

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

The amendment is as follows:

On page 36, line 21, strike "$199,000,000" and insert in lieu thereof, "$180,000,000".

On page 37 of the bill, line 6, strike "$84,000,000" and insert in lieu thereof, "$103,000,000".

Mr. DECONCINI. Mr. President, this amendment increases by $19 million the amount made available to the construction of the U.S. courthouse in Santa Ana, CA. I am persuaded by the Senators from California, particularly Senator FEINSTEIN, that this project is very urgent. Despite the fact that the construction contract will not be awarded until early 1995, I have taken an identical amount of funds from the courthouse construction project in Phoenix, AZ, to accommodate the critical needs in Santa Ana.

Mr. President, I have also been assured by the GSA that failure to fund this at the full construction cost in this 1994 appropriations bill will not slow down the construction procedures for the Santa Ana courthouse.

I think the Senator from California [Mrs. FEINSTEIN] deserves a lot of credit for being sure that the justice system is well equipped to handle its heavy caseload, and we will do all we can to see that that is accomplished. I commend the Senator for that, and assure her I will do everything I can.

Mrs. FEINSTEIN. Mr. President, I would like to say a few words today to reiterate my position on the urgent need for the construction of a Federal courthouse in Santa Ana, CA. The bill before us contains $84 million to begin construction of this courthouse, exactly one-half of the amount requested in the President's fiscal year 1994 budget. I strongly support the amount in the President's budget, $168 million, which is $17 million more than provided in the House version of this bill. I will work to ensure that the additional $84 million is provided for fiscal year 1995. I look forward to working with Senator DECONCINI and Senator BOND, whom I know understand the importance of this courthouse to my State, to make sure the courthouse is fully funded.

Let me briefly explain why this courthouse is so necessary. The projected population increase for the central district, where this courthouse would be located, is astronomical. All seven counties in the district, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara, and Ventura, will see large increases in population in the next 10 to 20 years. From 1990 to 2005, the populations of San Bernardino and Riverside are themselves projected to nearly double.

The statistics with regard to projected caseload increases are similar. By the year 2017, the civil caseload of the central district is expected to reach 20,000 cases annually. In that same period, criminal cases will increase 2,000 annually. Finally, the bankruptcy cases filed in the central district are expected to reach 100,000 annually within the next 25 years. The current facilities are inadequate, and the need for this courthouse is clear.

Again, I will work with Senator DECONCINI and Senator BOND and their staffs early in the year to ensure that the remaining funds are available in fiscal year 1995.

Mr. BOND. Mr. President, there is no objection on this side.

The PRESIDING OFFICER. If there is no further debate, without objection, the amendment is agreed to.

The amendment (No. 753) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. DECONCINI. Mr. President, I am going to send an amendment to the desk in just a moment and ask for its immediate consideration. I want the Senator from Missouri to have the amendment.

Mr. President, this amendment instructs the Administrator of General Services to meet the toner cartridge procurement needs by giving preference to cartridges remanufactured in the United States.

The remanufacturing industry in the United States is growing and has relied

heavily on the ingenuity of small businesses. There are 6 million small businesses in the United States making up 38 percent of the economy. Of these 6 million, 4,000 are toner cartridge remanufacturers.

I feel strongly about these small businesses and the jobs they create in the United States. I adamantly oppose sending this business overseas, which is where it would go if there is not a preference. I adamantly oppose this kind of activity. We should buy America first, as we do in many other areas.

Unfortunately, most of the original equipment manufacturers send their reclaimed cartridges overseas to have them disassembled. In fact, I know of one company that sends as many as 200,000 cartridges per month back to China to be disassembled, cleaned, and recycled, not remanufactured. How many U.S. jobs does that represent?

AMENDMENT NO. 754

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

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Arizona [Mr. DECONCINI] proposes an amendment numbered 754.

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

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

The amendment is as follows:

At the end of the Committee amendment on page 31 lines 1–13, insert the following:

Notwithstanding any provision of this or any Act, Section 6962j of 42 U.S.C. is amended as follows—

(1) by striking paragraphs (a) through (e) and inserting in lieu thereof:

"(a) Notwithstanding any other provision of law, a Federal agency in conducting a procurement for toner cartridges for use in laser printers, photocopiers, facsimile machines, or micrographic printers shall give preference to recycled toner cartridges unless the contracting or purchasing officer determines in writing that—

"(1) adequate market research establishes that recycled cartridges for the type of equipment used by the agency do not exist,

"(2) the price or life cycle cost offered for the recycled cartridge is higher than the original equipment manufacturer's new cartridge, or

"(3) recycled cartridges are not available in quantities needed within the timeframes required.

"(b) Nothing in this section shall prohibit the purchase of one newly manufactured cartridge (or a number equal to those normally supplied at the time of initial purchase) as a part of an initial printer or copier acquisition.

"(c) For the purpose of this section, 'recycled cartridge' means a laser printer, photocopier, facsimile machine, or micrographic toner cartridge which has been remanufactured in the United States."

Mr. DECONCINI. Mr. President, let me give you an example.

Canon, Inc., of Tokyo, Japan, which makes 85 percent of the new cartridges sold in the United States, recycles 95 percent of the cartridge weight in their plant in Dalian, China. I think this is admirable, but I wonder how many United States jobs are lost to that plant in China.

GSA supports the purchase of remanufactured toner cartridges over the current reclaimed program of the original equipment manufacturers. GSA tells me that the original equipment manufacturers do not utilize the products to the same extent of remanufacturers, and therefore it is not as economically nor environmentally sound for the Government to purchase such a product.

Now, let me give you an example. According to GSA, initial cost of remanufactured toner cartridges are half what the new toner cartridge would cost. For example, a Hewlett-Packard LaserJet new toner cartridge costs $89.08. So you can buy two remanufactured cartridges which perform the same job to every new cartridge that you might buy. The remanufactured version of this cartridge costs only $40.99.

In addition, these small businesses offer a credit ranging from $2 to $10 toward the Government's next purchase for every used cartridge they return to the remanufacturer. So with the credit you could buy almost three remanufactured cartridges for every one new nonremanufactured cartridge.

GSA states that in its comparisons of quality and the yield, remanufactured cartridges may even surpass those of new cartridges.

GSA does not promote one product over the other and seeks to have both available for anybody.

To date, GSA has experienced no problems with the quantity, quality, or cost of remanufactured cartridges. I am not making this claim. The GSA is doing it and has a procurement expert who will tell us for anybody who asks such a question.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, we have just had an opportunity to look over the wording of this amendment. There are a number of Senators on this side who wanted to look at it. We also want to assure ourselves of what the impact of giving a preference would be. And it will be my purpose in a few moments to suggest the absence of a quorum to allow us to check on this side as to the impact of it, to see whether this does meet the needs.

I commend the chairman of the committee because there was some concern over the previous language. If this is an acceptable compromise to all parties, it will enable us to facilitate action on this measure.

Certainly, from my own point of view, I would like to see some remanufacturing going, but I do not want to see all recycled products excluded.

So I commend the chairman for what appears to be a very significant step forward. We do want to have an opportunity for those who have been directly involved in this issue to review it and see if it meets their standards.

Mr. DECONCINI. I wonder if the Senator will yield.

Mr. BOND. I will be happy to yield.

Mr. DECONCINI. It is all right to have a quorum call but I wonder if we might also—I think this may be the last issue before us. Senator COCHRAN of Mississippi and Senator STEVENS of Alaska wanted to come over and discuss revenue foregone. I wonder if we could ask that side of the aisle to ask them to come over and do that while Senators are reviewing this amendment.

Mr. BOND. Mr. President, I will ask our Cloakroom to do that because I know both Senator STEVENS and Senator COCHRAN have been very active in this issue. They have discussed with us several of their views. I know there are concerns about the impact of the revenue foregone upon the treatment of libraries and certain other institutions. We will do our best in the next few minutes to ascertain whether they do in fact want to proceed on this bill.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

WISE CHOICE FOR AMBASSADOR TO URUGUAY

Mr. PELL. Mr. President, I rise today to commend the Clinton administration for its sensible choice in nominating Thomas Dodd to be Ambassador to the Oriental Republic of Uruguay. Professor Dodd has spent more than three decades studying, teaching and writing on the history of Latin America, and will bring great expert knowledge and experience to the post. He has traveled throughout the region, including Uruguay where he was a Fulbright scholar, and speaks fluent Spanish. Professor Dodd shares his interest and knowledge of Latin America with his brother Chris, who has been a leader on U.S. policy toward Latin America in the Senate and is chairman of the Latin American Subcommittee of the Senate Foreign Relations Committee.

Mr. President, I would like to extend my congratulations to Professor Dodd and his family for his nomination and confirmation by this body last week, and to the Clinton administration for making this outstanding ambassadorial appointment.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. ROBB). Without objection, it is so ordered.

The Senator from Mississippi is recognized.

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1994

Mr. COCHRAN. Mr. President, it had been my intention to offer an amendment to change the requirement for payment of fourth class rates of postage for commercial mailers who mail books and other materials to schools, libraries, and universities.

I raised this issue in the Appropriations Committee because librarians and others in my State of Mississippi had heard that libraries might soon be required to pay full commercial rates for mailings of books and other materials they receive from publishers. I was asked by some to try to change that proposal.

During the discussion of this issue in the Appropriations Committee, the managers of the bill indicated that they would appreciate a deferral of any amendment to the floor so we could discuss it at that time.

I again raise the issue in the hope that we might get some assurance from the managers of the bill that before we enact the Treasury, Postal Service appropriations bill this year, there will be a change made in the library rate as it applies to materials that are ordered by libraries, schools, colleges and universities. The purpose is to ensure that they do not pay a higher cost for these materials because of a change in the postal rate that is designed to address an abuse of this library rate.

It is my understanding that, in practice, some publishers will mail books out to professors and others at schools and universities in order to receive favorable reviews or comments about the books or to promote these materials. They get a preferential library rate when they mail these materials gratuitously to these individuals.

If that is an abuse—and it may be—of the original purpose of the library rate, then that abuse can be addressed, without requiring libraries, schools, and universities to pay the higher rate for those materials that they order. Otherwise, individual libraries and schools—many of which lack resources and operate under tight budgets—must pay for these materials.

I hope the managers will consider making that change.

I ask unanimous consent, Mr. President, that the text of a letter that I received from Mrs. Sarah Pannell, of the Union County Library, in New Albany, MS, be printed in the RECORD at this point.

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

UNION COUNTY LIBRARY,
New Albany, MS, June 4, 1993.

Senator THAD COCHRAN,
Russel Senate Building,
Washington, DC.

DEAR SENATOR COCHRAN: It is my understanding that libraries may soon be asked to pay full commercial rates for their mailings in addition to bearing passed-on costs of increased postage rates by publishers. This sharp increase in library postage costs will hurt Mississippi libraries not only by stretching scarce library resources but also by wreaking havoc on existing budgets.

Therefore, I propose (i) that you target more sharply the elimination of the Fourth Class/Library Rate to control for publications "purchased for delivery to schools and libraries," thereby, returning control of the size of this postal program to interests other than commercial interests without unnecessarily adding to the purchasing costs of all libraries and schools; and, (2) if an elimination is necessary, that you use a phased-down approach as a means of remaining consistent with the gradual approach being taken throughout the balance of the reform package.

Since you serve on both the Senate Government Operations Committee and the Appropriations Committee, and have always been a supporter of libraries and library mailing rates, I feel that you are in a key position to help craft and win a solution to this problem.

Thank you for your continued support.

Sincerely,

(Mrs.) SARAH PANNELL,
Director.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Alaska [Mr. STEVENS].

Mr. STEVENS. Mr. President, I think Senator COCHRAN has raised a very interesting issue. I do not want to talk at length on it. If the managers wish to respond to his request first, I would be happy to delay my comments.

I do agree with Senator COCHRAN, concerning the problem of books that are mailed at the specific request of these institutions, that we should not change the availability of the current rates to encourage the use of those facilities of the Postal Service for libraries and universities and colleges.

But let me defer my comments and yield to my colleague from Missouri, if he or the Senator from Arizona wishes to comment first.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Missouri [Mr. BOND].

Mr. BOND. Mr. President, I thank my good friend, the Senator from Alaska.

As we will recall, at the full committee markup on this measure, Senator COCHRAN did express concerns regarding the unfair treatment of libraries and certain other institutions under the revenue forgone reform package of the bill.

He has outlined those very clearly for us today. The amendment he would have offered would have restored the so-called library rate for materials sent to schools, libraries, universities, and colleges in response to specific requests or order.

At the full committee meeting, it was agreed this matter would be discussed further and the issue addressed on the floor.

I want to be clear that I do share Senator COCHRAN's concerns with regard to the library rate. I hope we will be able to agree in conference that the revenue forgone reform package was not intended to impose any additional and unfair cost burdens on libraries, schools, universities, and colleges for the books and materials that they may order and receive through the mail.

I appreciate the opportunity to present my position.

Mr. DECONCINI addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Arizona [Mr. DECONCINI].

Mr. DECONCINI. Mr. President, I thank the Senator from Mississippi and the Senator from Alaska for discussing this, because it is a troubling matter.

Just so the Senate and the body will understand why are we here doing this, the actual loss to the post office, as I understand, without the Clay language that is in the bill now—which, by the way, was in the reconciliation act and I think has been dropped—would be in excess of $500 million.

We would either have to appropriate that money or ask the post office to take that and absorb that hit.

So what this Senator did, and the Senator from Missouri agreed, is we took Representative CLAY's language that we had put in the reconciliation bill—and at least 50 Members here voted for it—that had a savings. And we have it in here.

Now, it did not address the issue or satisfy the Senator from Mississippi, and I am very aware of that.

I talked to the Senator from Alaska at some length about some other things that he would like to see altered; classifications and what have you.

I can assure the Senator that in conference, if we go with the Clay language, we will consider this, and I will do my level best —and we are only talking about $500, I believe, and I cannot believe in a $20 billion-plus bill that we cannot do that. But I am hesitant to open this up now, particularly since the Senator from Alaska has graciously agreed also to take up his considerations at conference.

But I will do my level best, with the Senator from Missouri, to attempt to find an accommodation here. And I will be glad to work with the Senator from Mississippi and, of course, the Senator from Alaska.

Mr. COCHRAN. Mr. President, I thank the managers of the bill for their assurances and appreciate their willingness to work this matter out to make sure that we do not unfairly penalize these schools, colleges, and libraries through these rate charges.

I thank them for their cooperation.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska [Mr. STEVENS].

Mr. STEVENS. Mr. President, I want to commend the managers of the bill, Senator DECONCINI and Senator BOND, for their approach to this subject.

As I said, I appreciate the remarks of Senator COCHRAN, because I think he has raised a very good point. I want to do everything I can, if I am permitted to be part of this conference, to work on this subject with the managers, and to achieve the goal that has been announced by Senator COCHRAN.

REVENUE FORGONE SUBSIDY

Mr. STEVENS. I want to just take a few minutes here today, though, to talk about the basic problem.

The revenue forgone subsidy, which is the only taxpayer provided funding for the U.S. Postal Service, was designed to assist a great many worthwhile organizations—the libraries and the universities in the book rate, churches and church groups, the blind, various charitable organizations, and other educational groups.

We have had a situation now develop that the eligible mailers for the revenue forgone subsidy has increased from 12,500 in 1952 to over 400,000 in 1992. This eligibility has evolved to a level where advocacy groups on both sides of any national issue utilize subsidized rates and nonprofit publications to send out commercial advertisements and other mail at below-cost rates.

This is a situation where both the ratepayer for the Postal Service and the taxpayer paying taxes are subsidizing these efforts by people who take advantage of the rate that we put into effect to assist very worthwhile objectives of the Congress and, I think, of the Postal Service through its history.

The costs for subsidized mail of this category has gone up from $4.1 million in 1952 to $421.3 million in 1992. That is just for the third-class nonprofit subsidized mail.

Mail volume increased from 819 million pieces in 1952 to 12 billion pieces in 1992.

If you want to know what is pushing the cost of the Postal Service, this is it. This is pushing us, now, into another increase in the postal rate generally. Because it is just very hard to totally—to separate the costs of mail like this from the total cost of the Postal Service.

The appropriations that Congress has provided for the Postal Service have declined in recent years, but we have had a very difficult time dealing with the revenue forgone subsidy.

Let me state, and I think the Senators from Arizona and Missouri would agree with me, the Clay compromise that is included in this bill is a good first step. The gentleman from the House has made some very worthwhile suggestions. I applaud him. I applaud the House colleagues who took this first step in dealing with this problem. We have to find a way to meet the objectives of the Postmaster General to redefine eligibility for this subsidy. These reduced rates, whether they are paid for by the taxpayer or the ratepayer, when they are used by lobbying groups to solicit support, when they are used by people who are selling everything from watches to grandfather clocks, to people who are asked to join their alumni association, it is just absolutely wrong.

I do not care what issue you name, in this country there is a nonprofit group that will use the Postal Service's facilities to express their point of view on the issue at the cost of the ratepayers, the Postal Service, and the taxpayers of this Nation.

Subsidized rates should not be used for these purposes. We must recognize the fact that they have to be used in some areas for dissemination of educational materials and for bona fide membership news to organizations such as those for the blind and those for veterans organizations. But even some of those organizations have been taken advantage of by these offers that come from people who seek to send out material that otherwise would have to be mailed at full cost. They insert them into legitimate messages and solicitations of the nonprofit groups. And they end up by paying a lot lower cost than anyone in the country for advertising.

This comes down to being an advertising fight, really. Many advertisers are sending this stuff out. We all get them. Pick up your mail when you go home. You find inserted into letters from every group you can think of these advertisements for everything from tourist travel to the sale of objects made throughout the country. We get little things: Just mail in this coupon; you can order it. And oh, by the way, a very small portion of it will go to your alumni group or this association or that nonprofit organization.

We have to find a way to get back to design a method for Congress to lay out for the Postal Service those organizations that Congress will commit it will provide the funds that the taxpayers ought to provide to subsidize the specific type of mailing.

There are worthwhile organizations, I think, that the American public would willingly support either as ratepayers or taxpayers.

Again, I mentioned the organizations such as those supporting the blind, or those supporting the disabled. Certainly we ought to find some way to induce people to take the effort to raise more funds, to the extent they raise funds, and help those people who are disadvantaged. They do, in fact, assist the taxpayers of this country by taking on burdens that otherwise would come to the Federal Government.

Those organizations, I think, that are called nonprofit, that are really not nonprofit, ought to be excluded. I have discussed with the Senator from Arizona some suggestions I have been working out with the Postal Service. It would be to accept the Clay provision as the basic starting point. Let the Clay compromise go forward for a period of years, 3 or 4 years, and during that period set up a process whereby we would authorize the Postal Service to determine the eligibility of specific categories of organizations to use the revenue forgone subsidy and to have anyone who would obtain a permit from the Postal Service to fulfill that eligibility agree that extraneous advertising would not be mailed in any message that was sent to their members, would not be mailed in solicitations for membership to join organizations that support the deaf or blind or veterans groups or whatever it might be, and to agree the flats—the magazines that are mailed out by these organizations—that not more than 80 percent of the cost of those publications would be paid by advertising within them.

Then I think we would get some parity, here, between those people who are legitimately mailing out advertising or advertising in other media, and those who are using this subsidized communication device to unfairly compete in the general advertising area.

I think we can build on the House language. I believe the book publishers, in particular, who were mentioned by Senator COCHRAN, should be able to fill orders from the schools and the libraries using the library rate, fourth-class rate. I do not believe we ought to question the legitimacy of groups to continue to do their good works. We ought to define eligibility to use revenue forgone to assist them in doing good works. But to limit them in that, not having them be seduced by people who want to insert advertising in these mailings of organizations carrying out legitimate nonprofit activities.

Whether we go further than that and go into the question of the eligibility of these people who are involved in the lobbying area, in the area of the discussions of the great political-social issues of the country—abortion, gun control, you name it, homosexuals in the military, you name it—there are groups out there on both sides mailing, using those rates. It is one thing to say all right, that is a legitimate purpose; it is a 501(c)(3) organization; they have been legitimately organized to do that. But having them go further than that, then, and put in this advertising, I think goes too far. That is what is pressing it up.

The reason we have these 400,000 mailers and these 12 billion pieces of mail is that some advertisers have found a slick way to beat the existing postal rate system. And they mail at much less cost than anyone else in this country when they insert into nonprofit mail just enough to take it right up to the limit of the number of ounces that that rate can be used for the category mail they are using.

I believe we can, if we make up our mind, fine tune this in conference. I do not think we ought to get into an argument with the House about it at all.

Again, I applaud Congressman CLAY for what he has done. He has taken a step that very few people would have taken and he has a compromise that will save some money over a period of time.

The money that is saved, however, does not go far enough to deter those people who are taking advantage of the system because I do not think it covers the insertion of extraneous advertising to the extent it should, and I do not think it really deals with the question of eligibility and giving some group within the postal system the right to determine the eligibility for such mailing.

Let me hasten to recite, I believe I have heard from almost every group in my State that uses this system today, from the Girl Scouts, from the art groups, from the music groups, from the various nonprofit groups, and the garden club even. We are not talking about denying the right for people to have a special rate. And the rate, I think, can be designed so it is almost compensatory, provided the service is understood.

I congratulate also the Postmaster General and his staff. They are seeking a way to make certain the taxpayers of this Nation are not called upon to subsidize those advocacy groups that utilize these subsidized rates and use commercial advertisements to pay beyond that. Some of them even make money off mailing at subsidized rates. I think that is wrong, and we should give the Postmaster General the right to set up a system whereby periodically the people who use this subsidized rate must come forward and disclose what they mailed, how many people they mailed to, and what type of service it was that they provided to those they had solicited moneys from.

It is, I think, a way we could bring about a reversal of this trend to have an ever-increasing amount of people using this third-class nonprofit subsidized mail rate.

I look forward to working with the Senator from Arizona and the Senator from Missouri in conference. I urge anyone who is interested to come forward and help us work this out.

We cannot continue that rate. We do not have the money in the budget to continually increase revenue forgone in the subsidy provided by the taxpayers. The ratepayers, those who pay the full rates, are legitimately asking, "Why should we continue to subsidize this type of effort merely because of the looseness of the current authorization for the use this class of mail?"

Mr. President, I look forward to working with those who are interested in it. I have had a long and continued interest in the Postal Service since I have served in the Senate. As a matter of fact, I will toot my horn and say I think I have served on the committee that deals with the Postal Service now longer than any other Member of the Senate. I want to continue to have the interest in maintaining that system and have it be really fiscally sound, because the Postal Service means more to my State than to any State in the Union.

Thank you very much, Mr. President. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 754, AS MODIFIED

Mr. DECONCINI. Mr. President, I send a modification of the pending amendment to the desk. This modification would eliminate the last paragraph of the amendment and change one word and add 3 words in the fourth sentence in paragraph (1), subsection (a). I ask that the amendment be so modified.

The PRESIDING OFFICER. The Senator has that right. The amendment is so modified.

The amendment, as modified, is as follows:

At the end of the committee amendment on page 31, lines 7–13, insert the following:

Notwithstanding any provision of this or any Act,

Section 6962j of 42 U.S.C. is amended as follows—

(1) by striking paragraphs (a) through (e) and inserting in lieu thereof:

"(a) Notwithstanding any other provision of law, a Federal agency in conducting a procurement for toner cartridges for use in laser printers, photocopiers, facsimile machines, or micrographic printers is authorized to give preference to recycled toner cartridges unless the contracting or purchasing officer determines in writing that—

"(1) adequate market research establishes that recycled cartridges for the type of equipment used by the agency do not exist,

"(2) the price or life cycle cost offered for the recycled cartridge is higher than the original equipment manufacturer's new cartridge, or

"(3) recycled cartridges are not available in quantities needed within the timeframes required.

"(b) Nothing in this section shall prohibit the purchase of one newly manufactured cartridge (or a number equal to those normally supplied at the time of initial purchase) as a part of an initial printer or copier acquisition.

Mr. DECONCINI. Mr. President, I think this satisfies the Senator from Idaho, the Senator from Kentucky, and I think the Senator from Missouri. We are prepared to accept the amendment, I believe.

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

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The chair recognizes the Senator from Idaho, [Mr. CRAIG].

Mr. CRAIG. Mr. President, I thank my colleague from Arizona for working with us on what really is a very important issue, and I say that because of the legislation that changed the law last year to significantly change the market and the market forces.

Mr. President, what we are talking about is something that probably a lot of Senators have not given a great deal of thought to, and that is toner cartridges for copy machines.

I think all of us are concerned about, if we can in the law, without totally disturbing market forces, encouraging recycling in a way that continues to improve our environment. And I believe last year the Senator from Arizona worked in that direction, but clearly the market forces were changed.

A very important industry in my State and an industry that has facilities in a lot of States across this country was significantly damaged by this action. It has been our effort to work with the Senator to change this approach.

As a result of that, the definition of remanufacture has now been changed to talk about recycling, and to suggest to our Government that it is authorized to purchase recycled toner cartridges when reasonable, I think, is the right approach. We ought to encourage that kind of thing. But clearly I do not believe it is our intent to totally skew the marketplace. What we are talking about is a very large market that affects a good many States across the Nation. And a good many Senators have an interest in this kind of issue.

So I am extremely pleased that it is our intent now to recognize recycling but only where it can be adequately proven by a process laid out in the legislation as it relates to finding out about the recycled cartridges, if that kind of equipment exists, and about the price of the life cycle. All of those kinds of things would be part of the process. It would not have to be a dominant part of the process. It becomes very important, I think, to all of us in the law.

In short, again, I thank my colleague from Arizona for working with us. But what I think is most important is that we do allow market forces to work. It is not the intent of law, nor should it be, to totally skew or redirect the marketplace. When that marketplace is

being adequately served, when a large portion of the product itself is already being recycled in the market, and when industries are doing the positive thing by encouraging recycling, paying for the byproduct—in this case an empty toner cartridge to be returned to the company to be recycled so it does not become a polluting factor in landfills—then we have served and done the right thing.

I believe that is what we are attempting to accomplish by this amendment.

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky, [Mr. MCCONNELL] is recognized.

Mr. MCCONNELL. I want to join my good friends, the Senator from Idaho and the Senator from Arizona, in working with us to solve a problem created by last year's legislation.

Mr. President, there are companies in New York, California, New Jersey, and Idaho, as well as my State of Kentucky, which will have a chance to compete in an open market.

We have, as a result of the modification of the amendment of the Senator from Arizona, a way to serve both the interests of recycling and the environment and the business activities of our constituents. Companies which maintain recycling programs as well as companies which remanufacture are on an even playing field.

I want to thank again the Senator from Idaho for his leadership on this and the Senator from Arizona for his understanding of the needs of our constituents.

I believe the amendment as modified is now in the best interest of the country.

Mr. President, with that, I yield the floor.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri [Mr. BOND] is recognized.

Mr. BOND. Mr. President, obviously a great deal of negotiation and concern has been going on.

I want to thank the chairman of the subcommittee and my colleagues from Idaho and Kentucky for achieving what I think is a desirable result.

We continue to recognize in this language that it is desirable to utilize recycled cartridges wherever possible. But as already pointed out, it makes it clear that the GSA is not ironclad bound to purchase just the recycled cartridges. They have to be competitive in the marketplace. I would assume that they would purchase some recycled, some remanufactured, some new, depending upon the price. This means we have encouraged the environmental benefits, the reutilization of materials that have gone into the original cartridges. Yet we do not preclude from the market new cartridges, which have to be utilized at some stage in the process because remanufacture, for example, can only go on so long before some major structural changes have to be made.

Also, as a result of the effective negotiations that have gone on, I think we have achieved the desirable result that will promote an environmentally sound practice as well as ensuring that marketplace forces assure that the Government, and thus the taxpayers of America, get the best deals on the cartridges which produce far too much paper that we have to look at every day. At least we are doing so in an environmentally sound and economically efficient method.

I urge my colleagues to support it.

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

Mr. CRAIG. Mr. President, would the chairman yield for a question?

Mr. DECONCINI. Yes.

Mr. CRAIG. I thank my colleague for yielding. In working with the amendment, is it his belief that this amendment does not preclude either a remanufacturer or a recycler from the market? Is that the intent now?

Mr. DECONCINI. That is what I think is said. I want to make it very clear that the word "preference" is still there. It says "is authorized to give preference to the recycled toner cartridges."

That is what I am interested in. The definition of a toner cartridge to me is very clear. It does not mean one that is taken out and put back together. It means remanufactured. That is what we have been debating. I am not going to argue that. That would be left to the GSA or whoever puts out the bids for toner cartridges.

Mr. CRAIG. While the Senator from Arizona still remains firm, of course, in that desire, is it the Senator's belief that this amendment would not preclude in the market, after this process were worked by GSA, a recycled——

Mr. DECONCINI. I do not know the answer to the question. Only GSA could answer that question. I do not know what GSA would say with this definition that I have in there. I felt I knew what GSA would say or felt. I did not have a commitment from them, nor do I have a commitment now.

But it is not my intention to pull the wool over the Senator's eyes or confuse him. My interest is to be sure there is a clear preference for recycling toner cartridges because of the cost stages and because of the remanufacture, and I consider recycled cartridges are made more in the United States than overseas.

Mr. CRAIG. I thank the Senator for responding.

Mr. DECONCINI. Mr. President, we are ready to accept the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Arizona.

The amendment (No. 754), as modified, was agreed to.

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

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

The motion to lay on the table was agreed to.

RESIDENTIAL NATIVE AMERICAN TREATMENT CENTERS

Mr. SIMPSON. Mr. President, it was my intention today to offer an amendment to the Treasury-Postal Service appropriations bill which would have earmarked certain existing funds in the special asset forfeiture section of this bill in order to provide grants to primary residential native American treatment centers and programs which have been authorized under the Indian Health Care Improvement Act.

The Thunder Child Treatment Center is owned and operated by a Wyoming-based, nonprofit organization, the Intertribal Addictions Recovery Organization, Inc. It is comprised of representatives from the 10 American tribes residing in Montana and Wyoming. The center provides critically needed residential substance abuse treatment to native Americans in Wyoming and Montana.

A capital campaign development program has been in effect since 1989 to raise funds to build this 50-bed facility. To date, over $2 million has been raised in private contributions and pledges to construct this new facility. Last year, Thunder Child was authorized to receive $2 million in Federal matching funds under the Indian Health Service Amendments of 1992. Unfortunately, only $1 million was appropriated last year. That was accomplished by a special purpose grant within the jurisdiction of the VA–HUD Appropriations Subcommittee. The center has a critical need for an additional $1 million to complete construction of this new treatment facility. It was my desire to utilize money from the special forfeiture fund, derived from the forfeited proceeds of convicted drug traffickers and apply some of that money to the completion of this vitally important facility.

I have discussed this matter with my friend, the ranking member of the subcommittee, Senator BOND, and the chairman of the subcommittee, Senator DECONCINI. I have been advised that it has never been the subcommittee's policy to earmark specific grants within the special forfeiture fund. And I would ask my friend, the chairman of the subcommittee, Senator DECONCINI, if my understanding is correct.

Mr. DECONCINI. That is correct. I appreciate the Senator's efforts on this and, as a matter of policy, I am sympathetic to what Senator SIMPSON, Senator WALLOP, Senator BURNS, and Senator BAUCUS are trying to accomplish

for the native Americans who would benefit from this facility, and I would like to help. Under the jurisdiction of the Office of National Drug Control Policy are certain funds which can be used for discretionary purposes. I would be pleased to write a letter to Dr. Lee Brown urging that $1 million of these discretionary funds be applied to the completion of the Thunder Child Treatment Center. Is the Senator from Wyoming amenable to that option?

Mr. SIMPSON. Yes, I would very much appreciate the Senator's forwarding such a letter. However, I would want it to be clearly understood that such a letter is only one of several options I may wish to pursue to achieve this goal. Another option is to pursue the type of grant that the center received last year in the VA–HUD appropriations bill. Would the Senator also be supportive of that option as well?

Mr. DECONCINI. That would be acceptable.

Mr. SIMPSON. I thank the Chair and thank Senator DECONCINI and Senator BOND for their cooperation. I look forward to providing any additional information the Senator from Arizona may require in the preparation of his letter of request to the drug czar.

Mr. BYRD. Mr. President, I wish to commend the chairman of the Treasury, Postal Service and General Government Subcommittee, Mr. DECONCINI, and the ranking member, Mr. BOND, for their excellent effort in managing this appropriation bill. It is not an easy task at a time when we have so little money to fund so many important needs. The expertise of both Members helps facilitate passage and ensure a balanced bill.

In addition, both Members should be proud of their accomplishment in shepherding this bill through the Senate before the August recess. This will help to ensure prompt action in conference with the House and a final bill for the President to sign before the end of the fiscal year.

Mr. DECONCINI. Mr. President, I ask for the yeas and nays on the bill.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. DECONCINI. Mr. President, I am advised that the Senator from Kansas was here talking about the possible amendment, a sense of the Senate. I am advised she is not going to do that.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. DECONCINI. Mr. President, I ask unanimous consent that the committee amendments now before the Senate be approved en bloc.

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

Mr. DECONCINI. Mr. President, I move to reconsider the vote by which the committee amendments were agreed to.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Are there further amendments?

The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

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

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

The result was announced—yeas 73, nays 27, as follows:

[Rollcall Vote No. 236 Leg.]

YEAS—73

Akaka	Ford	Mitchell
Biden	Glenn	Moseley-Braun
Bingaman	Gorton	Moynihan
Bond	Graham	Murkowski
Boren	Harkin	Murray
Boxer	Hatfield	Nunn
Bradley	Hollings	Packwood
Breaux	Hutchison	Pell
Bryan	Inouye	Pryor
Bumpers	Jeffords	Reid
Burns	Johnston	Riegle
Byrd	Kassebaum	Robb
Campbell	Kennedy	Rockefeller
Chafee	Kerrey	Sarbanes
Cohen	Kerry	Sasser
Conrad	Kohl	Shelby
D'Amato	Lautenberg	Simon
Danforth	Leahy	Simpson
Daschle	Levin	Specter
DeConcini	Lieberman	Stevens
Dodd	Lugar	Warner
Dorgan	Mathews	Wellstone
Exon	McConnell	Wofford
Feingold	Metzenbaum	
Feinstein	Mikulski	

NAYS—27

Baucus	Durenberger	Lott
Bennett	Faircloth	Mack
Brown	Gramm	McCain
Coats	Grassley	Nickles
Cochran	Gregg	Pressler
Coverdell	Hatch	Roth
Craig	Heflin	Smith
Dole	Helms	Thurmond
Domenici	Kempthorne	Wallop

So the bill (H.R. 2403), as amended, was passed.

Mr. DECONCINI. Mr. President, I move to reconsider the vote by which the bill was passed.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DECONCINI. Mr. President, may we have order, please?

The PRESIDING OFFICER. The Senate will be in order.

The Senator from Arizona.

Mr. DECONCINI. Mr. President, I ask unanimous consent that the Senate insist on its amendments to H.R. 2403, request a conference with the House on the disagreeing votes of the two Houses, and that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer appointed Mr. DECONCINI, Ms. MIKULSKI, Mr. KERREY, Mr. BYRD, Mr. BOND, Mr. D'AMATO, and Mr. HATFIELD conferees on the part of the Senate.

Mr. DECONCINI. Mr. President, I want to thank the ranking member, Senator BOND and Chuck Parkinson for their tremendous help in passing this; and Patty Lynch, Cybele Cobb, Doug Ferry, and others on my staff who worked to pass this. We will take it to conference and do the best we can.

I thank the Senator sincerely.

Mr. BOND. Mr. President, this is my first year on this subcommittee. I appreciate very much the chairman's good will and willingness to help us work through it.

I congratulate him on having done an excellent job of bringing all of these various and sundry things together, some of which even had to do with appropriations.

I would like to express a particular thanks to Patty Lynch and to the entire staff on the majority side.

Again, a very special thanks to Chuck Parkinson, who has been the staff on our side who has come back to work with us; and to Chuck's lovely wife who delayed presenting him with twins so we could accomplish some work on this bill before he had to leave us.

I thank the Chair.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MITCHELL. Mr. President, I commend the Senator from Arizona and the Senator from Missouri on their skill, patience, and perseverance in managing this important bill. I thank them for what they did. It spread over several days and took a lot of sticking to it, but it finally got done. I thank them very much for it.

The PRESIDING OFFICER. The majority leader will withhold until we can get order.

The Senate will be in order.

The majority leader is recognized.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, I had previously announced my intention to ask the Senate to next proceed to the emergency supplemental appropriations bill for relief for flooding in the Midwest.

Mr. President, this is a very important measure. Every American is aware of the devastating adverse effects of

the flooding in the Midwest, and we all know it is still going on.

The House has acted promptly on an emergency bill. I think it is imperative that the Senate act promptly on this measure, as well.

I hope very much that our colleagues will cooperate and permit us to bring this bill up and then cooperate in bringing it to a swift conclusion.

I note the presence of the assistant Republican leader here on the floor. Before I actually put the request, I invite any question or comment that he may wish to make on the matter.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. SIMPSON. Mr. President, I thank our leader.

I have nothing to add. I agree with the urgency and the sense of immediacy, and I concur.

Could the majority leader, perhaps, give us some indication of how he perceives we might deal with that this day in regards to time?

Mr. MITCHELL. Mr. President, I hope that we could start on the measure promptly—I notice that the managers are present—and make some good progress on the bill.

Ideally, I would like to see the bill passed this evening. That may not be possible, because I know there are a number of amendments that Senators wish to offer.

But if we are to complete action on this bill and then go through a conference and have final action before the August recess —and I think it is imperative that that occur—it seems to me we have to finish this bill not later than sometime during the day tomorrow. What I think we need tonight is a good start, perhaps disposing of a couple of amendments and perhaps identifying a list that would give us a time certain for completing action tomorrow.

Otherwise, I fear what would happen is, if we finished action here in the Senate much later than that, there would not be time for the conference to be completed before the end of the week. And I do not think any Member of the Senate wants that to occur.

So my hope is that we can make enough progress, then establish a definite list of amendments and a time certain for completing action tomorrow, and then go out.

I hope that will not take too long this evening, in view of the urgency of the matter and the broad support this has among Members of the Senate.

Mr. SIMPSON. Mr. President, we too agree it should move as expeditiously as possible and we will assure our cooperation on that.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR RELIEF FROM THE MAJOR, WIDESPREAD FLOODING IN THE MIDWEST ACT OF 1993

Mr. MITCHELL. Mr. President, I now ask unanimous consent that the Senate proceed to H.R. 2667, an act making emergency supplemental appropriations for relief from the major, widespread flooding in the Midwest for the fiscal year ending September 30, 1993, and for other purposes.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A bill (H.R. 2667) making emergency supplemental appropriations for the major, widespread flooding in the Midwest for the fiscal year ending September 30, 1993, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets, and the parts of the bill intended to be inserted are shown in italic.)

H.R. 2667

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to provide emergency supplemental appropriations for relief from the major, widespread flooding in the Midwest for the fiscal year ending September 30, 1993, and for other purposes, namely:

CHAPTER I

DEPARTMENT OF AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

EXTENSION SERVICE

For an additional amount for emergency expenses resulting from the Midwest floods and other natural disasters of 1993, $3,500,000, to remain available through June 30, 1994: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

COMMODITY CREDIT CORPORATION

COMMODITY CREDIT CORPORATION FUND

For an additional amount for the "Commodity Credit Corporation Fund" to cover 1993 crop losses resulting from excessive rainfall, hail, and floods associated with the Midwest floods of 1993, other 1993 natural disasters occurring prior to August 1, 1993, and natural disasters as declared by the President occurring in calendar year 1993, **[**$850,000,000**]** *$1,050,000,000*, and in addition $300,000,000, which shall be available only to the extent an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress, the total to remain available until June 30, 1994: *Provided*, That from funds previously made available in Public Law 102–368 by Presidential declaration, $100,000,000 to remain available until **[**March 31**]** *June 30*, 1994, shall be for 1993 crop losses only: *Provided further*, That if prior to April 1, 1994, the President determines that extraordinary circumstances exist that warrant further assistance, the Secretary of Agriculture shall use such funds of the Commodity Credit Corporation as are necessary to make payments in an amount equal to 50.04 percent of each eligible claim as determined under title XXII of Public Law 101–624 and to make payments for catastrophic losses where the deficiency in production of the crop exceeds 75 percent: *Provided further*, That all additional amounts made available herein are subject to the terms and conditions in Public Law 101–624: *Provided further*, That no payments to producers under this Act shall be at a rate greater than 50.04 percent of each eligible claim, except that for the deficiency in production of the crop in excess of 75 percent, the rate of payment shall be 90 percent: *Provided further*, That Congress hereby designates the entire amount provided herein as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That notwithstanding any provision of Public Law 103–50, funds provided by such Act shall not be expended for 1993 crop losses resulting from 1993 natural disasters, and claims for assistance from funds provided by that Act by producers with 1990, 1991, and 1992 crop losses shall be paid only to the extent such claims are filed by September 17, 1993.

SOIL CONSERVATION SERVICE

WATERSHED AND FLOOD PREVENTION OPERATIONS

For an additional amount to repair damages to the waterways and watersheds resulting from the Midwest floods and other natural disasters of 1993, **[**$25,000,000**]** *$60,000,000*, to remain available until **[**June**]** *September* 30, 1994 to carry out the Emergency Watershed Protection Program of the Soil Conservation Service, *of which $25,000,000, shall be available only to the extent an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to Congress: Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended*: Provided further, That if the Secretary determines that the cost of land and levee restoration exceeds the fair market value of an affected cropland, the Secretary may use sufficient amounts from funds provided under this head to accept bids from willing sellers to enroll such cropland inundated by the Midwest floods of 1993 in any of the affected States in the Wetlands Reserve Program as authorized by subchapter C of Chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3837).*

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

SALARIES AND EXPENSES

For an additional amount for salaries and expenses of the Agricultural Stabilization and Conservation Service, $12,000,000, to remain available until June 30, 1994, to meet the needs arising from the Midwest floods and other natural disasters: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of

the Balanced Budget and Emergency Deficit Control Act of 1985.

EMERGENCY CONSERVATION PROGRAM

For an additional amount for emergency expenses resulting from the Midwest floods and other natural disasters of 1993, [$20,000,000] *$30,000,000*, to remain available until June 30, 1994: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

FARMERS HOME ADMINISTRATION

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

For an additional amount to assist in the recovery from the Midwest floods and other natural disasters of 1993 for the cost of direct section 504 housing repair loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, $5,985,000 to remain available through June 30, 1994: Provided, That these funds are available to subsidize additional gross obligations for the principal amount of direct loans not to exceed $15,000,000: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

For an additional amount to assist in the recovery from the Midwest floods and other natural disasters of 1993 for the cost of direct loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, $21,788,000 to remain available until June 30, 1994, of which $20,504,000 shall be for emergency insured loans and $1,284,000 shall be for water development, use, and conservation loans: Provided, That these funds are available to subsidize additional gross obligation for the principal amount of direct loans not to exceed $87,000,000, of which $80,000,000 shall be for emergency insured loans: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RURAL DEVELOPMENT INSURANCE FUND PROGRAM ACCOUNT

For an additional amount for the cost of guaranteed industrial development loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, to assist in the recovery from the Midwest floods and other natural disasters of 1993, $5,410,000 to remain available until June 30, 1994, of which $2,705,000 shall be available only to the extent an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to Congress: Provided, That these funds are available to subsidize additional gross obligations for the principal amount of guaranteed loans not to exceed $100,000,000: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

VERY LOW-INCOME HOUSING REPAIR GRANTS

For an additional amount to make housing repairs needed as a result of the Midwest floods and other natural disasters of 1993, $15,000,000, to remain available until June 30, 1994: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

EMERGENCY COMMUNITY WATER ASSISTANCE GRANTS

For an additional amount for emergency community water assistance grants to assist in the recovery from the Midwest floods and other natural disasters of 1993, $50,000,000 to remain available until June 30, 1994, of which $30,000,000 shall be available only to the extent an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to Congress: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

CHAPTER II

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES

DEPARTMENT OF COMMERCE

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For an additional amount for emergency expenses resulting from the Midwest floods of 1993 and other disasters, $100,000,000, to remain available until [expended] *September 30, 1995*, for disaster assistance grants pursuant to the Public Works and Economic Development Act of 1965, as amended: *Provided*, [That the entire amount shall be available only to the extent an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress: *Provided further*,] That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount for emergency expenses resulting from the Midwest floods of 1993 and other disasters, $1,000,000, to remain available until [expended] *September 30, 1995*: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

RELATED [AGENCIES] *AGENCY*

[LEGAL SERVICES CORPORATION

[PAYMENT TO THE LEGAL SERVICES CORPORATION

[For an additional amount for "Payment to the Legal Services Corporation" for emergency assistance to Legal Services Corporation basic field programs in areas affected by the Midwest floods of 1993 and other disasters, $300,000, to remain available until expended: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, contingent upon the President designating the entire amount as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.]

SMALL BUSINESS ADMINISTRATION

DISASTER LOANS PROGRAM ACCOUNT

For an additional amount for "Disaster Loans Program Account" for the cost of direct loans for the Midwest floods and other disasters, $60,000,000, to remain available until [expended] *September 30, 1995*; and in addition, for associated administrative expenses to carry out the disaster loan program, an additional $10,000,000, to remain available until expended, which may be transferred to and merged with the appropriations for "Salaries and expenses": *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER III

ENERGY AND WATER DEVELOPMENT

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for "Flood Control and Coastal Emergencies", [$100,000,000] *$120,000,000*, for the Midwest floods and other disasters, and in addition [$20,000,000] *$60,000,000*, which shall be available only to the extent an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress, to remain available until [expended] *September 30, 1997*: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, GENERAL

For an additional amount for "Operation and Maintenance, General", [$30,000,000] *$55,000,000*, to remain available until [expended] *September 30, 1997*: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER IV

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

For an additional amount for disaster relief for the Midwest flood for activities authorized by part B of title III of the Job Training Partnership Act, $43,500,000, to be available for obligation for the period July 1, 1993 through June 30, 1994[, which shall be available only to the extent an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress]: *Provided*, That the entire amount is designated by Congress as an emergency requirement, pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

[ASSISTANT SECRETARY FOR HEALTH

[PUBLIC HEALTH EMERGENCY FUND

[For an additional amount for disaster relief for the Midwest floods of 1993, $54,000,000,

to remain available until expended, which shall be available only to the extent an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.]

OFFICE OF THE SECRETARY

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

For an additional amount for Public Health and Social Services Emergency Fund for the Midwest floods of 1993, $75,000,000, to remain available until September 30, 1994, which shall be available only to the extent an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DEPARTMENT OF EDUCATION

IMPACT AID

For carrying out disaster assistance activities related to the Midwest floods of 1993, authorized under section 7(a) of Public Law 81–874, $70,000,000, to remain available until September 30, 1994, which shall be available only to the extent an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

STUDENT FINANCIAL ASSISTANCE

For an additional amount for "Student Financial Assistance" for payment of awards for award year 1993–1994 made under title IV, part A, subpart 1 of the Higher Education Act of 1965, $30,000,000: Provided, That notwithstanding sections 442(e) and 462(j) of such Act, the Secretary of Education may reallocate, for use in award year 1993–1994 only, any excess funds returned to the Secretary of Education under the Federal Work-Study or Federal Perkins Loan programs from award year 1992–1993 to assist individuals who suffered financial harm as a result of the Midwest floods of 1993: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER V

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

UNITED STATES COAST GUARD

OPERATING EXPENSES

For an additional amount for emergency expenses resulting from the Midwest floods of 1993, $10,000,000, to remain available until [March 31, 1994, which shall be available only to the extent an official budget request for a specific dollar amount, that includes designation of the entire request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress] *March 31, 1994: Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

FEDERAL HIGHWAY ADMINISTRATION

FEDERAL-AID HIGHWAYS

(HIGHWAY TRUST FUND)

For an additional amount for emergency expenses resulting from the Midwest floods of 1993 and other disasters, as authorized by 23 U.S.C. 125, [$75,000,000] *$100,000,000*, and in addition [$50,000,000] *$75,000,000*, which shall be available only to the extent an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress, all to be derived from the Highway Trust Fund and to remain available until September 30, 1996: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

FEDERAL RAILROAD ADMINISTRATION

LOCAL RAIL FREIGHT ASSISTANCE

For additional expenses pursuant to section 5 of the Department of Transportation Act (49 U.S.C. app. 1654), to repair and rebuild rail lines of other than class I railroads as defined by the Interstate Commerce Commission or railroads owned or controlled by a class I railroad, having carried 5 million gross ton miles or less per mile during the prior year, and damaged as a result of the Midwest floods of 1993, [$11,000,000, and in addition, notwithstanding any other provision of law, $10,000,000 to repair and rebuild rail lines of any railroad subject to the discretion of the Secretary of Transportation on a case by case basis] *$16,000,000: Provided*, That for the purposes of administering this emergency relief, the Secretary of Transportation shall have authority to make funds available notwithstanding subsections (a), (b)(1) and (3), (c), (e)–(h) and (o) of 49 U.S.C. app. 1654 as the Secretary deems appropriate and shall consider the extent to which the State has available unexpended local rail freight assistance funds or available repaid loan funds: *Provided further*, That, notwithstanding 49 U.S.C. app. 1654(f), the Secretary may prescribe the form and time for applications for assistance made available herein: *Provided further*, That *$6,000,000 of* these funds shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That all funds made available under this head are to remain available until [expended] *September 30, 1994*.

CHAPTER VI

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

HOME INVESTMENT PARTNERSHIPS PROGRAM

[For an additional amount for the "HOME investment partnerships program", as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act, for use only in areas affected by flooding in the Midwest, $100,000,000, to remain available until September 30, 1994: *Provided*, That in administering these funds, the Secretary may waive any provision of any statute or regulation that the Secretary administers, except for provisions requiring nondiscrimination, in connection with the obligation by the Secretary or any use by the recipient of these funds upon finding that such waiver is required to facilitate the obligation and use of such funds and would not be in conflict with the overall purpose of the statute or regulation: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.]

For an additional amount for the HOME investment partnerships program, as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act, as amended (Public Law 101–625), for use only in areas affected by the Midwest floods of 1993, $50,000,000, to remain available until September 30, 1994: Provided, That in administering these funds, the Secretary may waive any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or any use by the recipient of these funds, except for requirements relating to fair housing and nondiscrimination, the environment, and labor standards, upon finding that such waiver is required to facilitate the obligation and use of such funds, and would not be inconsistent with the overall purpose of the statute or regulation: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT GRANTS

[For an additional amount for "Community development grants", as authorized under title I of the Housing and Community Development Act of 1974, for authorized community development activities only in areas affected by flooding in the Midwest, $53,000,000, to remain available until September 30, 1994: *Provided*, That in administering these funds, the Secretary may waive entirely, or in any part, any requirement set forth in title I of such Act, except for requirements relating to fair housing and nondiscrimination, the environment, and labor standards, if the Secretary finds that such waiver will further the purposes for which these funds are appropriated: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That all of the funds provided under this head in this Act shall be used only to repair, replace, or restore facilities damaged or to continue services interrupted by flooding

that are essential to public health or safety as defined by the Secretary.]

For an additional amount for "Community development grants," as authorized under title I of the Housing and Community Development Act of 1974, only in areas affected by the Midwest floods of 1993, $200,000,000, to remain available until September 30, 1994, of which $25,000,000 is for those community development planning activities related to recovery efforts and for immediate recovery needs not reimbursable by the Federal Emergency Management Agency (FEMA): Provided, That in administering these funds, the Secretary may waive any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or any use by the recipient of these funds, except for requirements relating to fair housing and nondiscrimination, the environment, and labor standards, upon a finding that such waiver is required to facilitate the obligation and use of such funds, and would not be inconsistent with the overall purpose of the statute or regulation: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

INDEPENDENT AGENCIES

ENVIRONMENTAL PROTECTION AGENCY

ABATEMENT, CONTROL, AND COMPLIANCE

For an additional amount for "Abatement, Control, and Compliance" for the Midwest floods of 1993, $24,250,000, to remain available until September 30, 1994: Provided, That the Administrator may make these funds available notwithstanding any applicable formula allocating funds to States for programs authorized: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(d)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

PROGRAM AND RESEARCH OPERATIONS

For an additional amount for "Program and Research Operations," for the Midwest floods of 1993, $1,000,000, to remain available until September 30, 1994: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(d)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

LEAKING UNDERGROUND STORAGE TANK TRUST FUND

For an additional amount for "Leaking Underground Storage Tank Trust Fund" to make cooperative agreements under section 9003(h)(7) of the Solid Waste Disposal Act, as amended, for the Midwest floods of 1993, $8,000,000, to remain available until September 30, 1994: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(d)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OIL SPILL RESPONSE

For an additional amount for "Oil Spill Response," for the Midwest floods of 1993, $700,000, to remain available until September 30, 1994: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(d)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

For an additional amount for "Disaster relief", [$815,000,000] *$1,735,000,000, and in addition, $265,000,000, which shall be available only to the extent an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress,* to remain available until [expended] *September 30, 1995,* for the Midwest floods and other disasters: *Provided,* That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, *and title I, chapter II, of Public Law 102-229.*

COMMISSION ON NATIONAL AND COMMUNITY SERVICE

PROGRAMS AND ACTIVITIES

For use in carrying out Federal disaster relief programs, activities, and initiatives under subtitles C, E, F, and G of the National and Community Service Act of 1990 (Public Law 101-610), as the Board determines necessary to carry out programs related to the floods in the Midwest, $2,000,000, to remain available until September 30, 1994: *Provided,* That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER VII

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES

DEPARTMENT OF THE INTERIOR

UNITED STATES FISH AND WILDLIFE SERVICE

CONSTRUCTION AND ANADROMOUS FISH

For an additional amount for "Construction and Anadromous Fish", [$26,354,000] *$30,000,000,* for the Midwest floods, to remain available until [expended] *September 30, 1995: Provided,* That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

NATIONAL PARK SERVICE

HISTORIC PRESERVATION FUND

For an additional amount for "Historic Preservation Fund", $5,000,000, for the Midwest floods of 1993, to be derived from the Historic Preservation Fund, established by Section 108 of the Historic Preservation Act of 1966 (80 Stat. 915), as amended (16 U.S.C. 470), to remain available until September 30, 1994: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CONSTRUCTION

For an additional amount for "Construction", [$850,000] *$900,000,* for the Midwest floods, to remain available until [expended] *September 30, 1994: Provided,* That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS AND RESEARCH

For an additional amount for "Surveys, investigations and research", [$851,000] *$1,439,000,* for the Midwest floods, to remain available until [expended] *June 30, 1994: Provided,* That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

For an additional amount for "Operation of Indian Programs", $3,878,000, to remain available until September 30, 1995 for the Midwest floods: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER VIII

GENERAL PROVISIONS

SEC. 801. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

[YOUTH FAIR CHANCE PROGRAM

[SEC. 802. Section 494(b) of the Job Training Partnership Act (29 U.S.C. 1782c(b)) is amended—

[(1) in paragraph (3) to read as follows:

["(3) provide that funds received under this part will be used—

["(A) for services to youth and young adults ages 14 through 30 at the time of enrollment, including case management, life skills management, and crisis intervention services; and

["(B) to provide stipends to youth and young adults ages 17 to 30 at the time of enrollment for participant support in paid work experience and classroom programs (if such programs are combined with other education and training activities);";

[(2) by redesignating paragraphs (4) through (9) as paragraphs (5) through (10); and

[(3) by inserting after paragraph (3) the following new paragraph:

["(4) contain assurances that—

["(A) in providing services under paragraph (3), the participating community will maintain a ratio of approximately 1 case worker for every 25 participants;

["(B) employment provided under such paragraph to any youth or young adult will be approximately 20 hours per week; and

["(C) the amount of a stipend provided under such paragraph to any youth or young adult will be approximately $100 per week and will reflect the cost of living in the participating community;".]

This Act may be cited as the "Emergency Supplemental Appropriations for Relief From the Major, Widespread Flooding in the Midwest Act of 1993".

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, H.R. 2667, the emergency supplemental for the Midwest floods and other disasters, as recommended by the Committee on Appropriations represents the best current estimate of the level of Federal assistance necessary for the nine States ravaged by the Midwest floods of 1993. The amount recommended represents the administration's current request—no more and no less—precisely what the administration has requested.

These estimates may grow with time, but these are the best that can be obtained at this time. While the water is still rising, we cannot foresee all the damage which eventually will be wrought by the floods. However, the bill contains substantial contingency appropriations in the event that the direct emergency appropriations prove

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inadequate. It is imperative that we take final action on this measure prior to the scheduled August recess so that the aid may continue to flow to the people in those affected areas that we are committed to helping. The scars on the land and on buildings will be repaired and disappear with rebuilding and time. The scars on individuals and families are harder to erase, but we can let them know that they are not alone in this struggle by our action here today.

The bill that the committee is recommending totals $4,706,350,000 in budget authority and $502 million in loan authority, including $3,797,645,000 requested by the President and recommended by the committee as direct emergency appropriations, and $908,705,000 in appropriations designated as contingencies. These amounts are the same as the President's request. These amounts are $1,628,290,000 above the House allowance for emergency appropriations and $310,205,000 above the House in contingency appropriations for a total of $1,938,495,000 above the House allowance. The House bill fully funded the President's supplemental request as submitted at that time, but since passage of the House bill the administration has revised its request.

Some experts estimate that one-half of the estimated $12 billion devastation caused by the floods of 1993 may be to agriculture. This bill includes $1,050,000,000 in direct assistance, and $300 million in contingency appropriations, under the Commodity Credit Corporation for lost crops due to the Midwest floods and drought in the southeastern States. For the Federal Emergency Management Administration, the President requested and the committee has included, $873 million in direct appropriations, and $265 million in contingency appropriations, for the repair and rebuilding of public facilities, and temporary housing in the flood area.

Also included is $235 million, $60 million of which is in contingency appropriations, to repair damage to flood control works in the upper Mississippi River basin. The U.S. Army Corps of Engineers is expected to play an active role in cleanup of debris and repair of levees and other flood control systems. Emergency relief funds under the Federal Highway Administration in the amount of $100 million, with an additional $75 million in contingency funds, will permit the Secretary of Transportation to provide immediate assistance to States whose highways and bridges have been damaged during the flooding. Finally, $34 million is provided for Environmental Protection Agency programs and $75 million for the Department of Human Services for public health emergency activities as a result of the floods. This bill includes language which permits the availability of requested funds for a reasonable amount of time until the work contemplated, or the assistance provided, can be completed.

Mr. President, these amounts are indicative of the level of support that the Congress and the administration are willing to give when natural disasters occur anywhere in the United States. Whether it is a hurricane that batters the coastline, a tornado that cuts a narrow path through a community, or a major flood that devastates the heart of the agricultural Midwest, our citizens typically respond with private donations of food and clothing, and encourage the use of public funds to help those most in need. I hope that Senators will not attempt to use the plight of these people to begin a debate on how future disasters should be paid for. I will resist any amendments that seek to identify ways to pay for this and future disasters. No committee has considered or analyzed any of these suggestions and it would send the message to people inundated by this flood, that they are somehow different, or less deserving, from those who have been struck by all of the other disasters of recent years.

I supported the provision allowing for emergency appropriations at the budget summit in 1990. The provision was opposed and criticized at the time by some who claimed that it would become a gigantic loophole for billions of dollars of spending.

I believe that there is a legitimate need for a way to address national disasters in a manner that does not penalize other unrelated Federal spending. But I also know that there is the possibility for abuse of the emergency designation spending provision, and I do not want to discredit the provision by proving its critics right and turning disasters into spending opportunities for anyone.

Therefore, as chairman, I have opposed all amendments which would increase the cost of this legislation beyond what the administration has requested.

It seems to me the administration is the best position to know what to recommend to the Congress and it can certainly revise its evaluations from time to time as the matter becomes clearer.

I believe that there are meritorious uses of the emergency designation provision in the law, but I am not in favor of exploiting the provision. I also hope that Senators will resist the temptation to add substantial unrequested emergency funds or to change the current formulas for the distribution of these funds. While we do not want to send the message that the victims of the floods are less deserving, we also do not want to send the message to earlier disaster victims that their losses were not as important as those of the current victims.

Because of the Senate schedule and the desire to get additional aid to those who need it as quickly as possible, either of these types of amendments would only serve to delay the enactment of this bill. I want to move as expeditiously as possible with the help we now know is desperately needed. In September, we will take final action on the regular fiscal year 1994 appropriation bills for FEMA, the Corps of Engineers, and the Department of Transportation. There will be time to consider additional sums, if needed, in those bills as well as for the administration to consider regarding pertinent formulas related to this current and to past disasters. I hope we can move without delay to enact this measure.

People are in trouble. Homes have been lost. Livelihoods and lives have been in jeopardy. If ever the Senate needed to act quickly, it is now. Let us move quickly to pass the administration's emergency request.

Before I yield the floor, let me thank my distinguished colleague on the other side of the aisle, the ranking member of the committee, former chairman of the Appropriations Committee, Mr. HATFIELD, for his characteristic cooperation and support. And I shall yield the floor shortly so that he can seek the floor.

But before I do so, I ask unanimous consent that the committee amendments be considered and agreed to en bloc, with the exception of the one on page 2, lines 6 through 13, and on page 2, line 22; and that they be considered as original text for purpose of further amendment; and that no point of order be considered to have been waived.

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

The committee amendments were agreed to en bloc, with the exception of the committee amendments on page 2, lines 6 through 13, and page 2, line 22.

Mr. BYRD. I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon [Mr. HATFIELD] is recognized.

Mr. HATFIELD. Mr. President, I will not give a long opening statement because the chairman of the committee, the Senator from West Virginia [Mr. BYRD] has very eloquently stated the content and the objectives of this bill.

I associate myself with the comments he has made in the matter of handling this bill quickly. I want to address that point a little bit later because I think people are not often aware of the detail of procedure.

The bill we recommend to the Senate today is an initial response to the terrible devastation in several Midwest States caused by weeks of heavy rainfall and floods of almost Biblical proportions. We are recommending the entire amount the President has requested to date, $4.7 billion in budget authority and $502 million in loan authority. All the amounts provided are declared by Congress as emergencies under the provisions of the 1990 Budget

Enforcement Act. Within the total, $908 million is not available for obligation until such time as the President also declares the amounts provided to be more emergency requirements and submits a formal budget request to that effect. We are recommending minor changes in language in the President's request to limit the amount of time that funds provided can remain available for obligation.

Mr. President, let us understand the timeframe we are working in. We had a debate in the committee on a matter that will probably be raised on the floor, not only to increase dollars, but to change legislative language. In my view, there is no question the House will demand a conference, and if the House demands a conference, with the reconciliation resolution very close upon us, let me observe that we could lose this bill before the August recess and have nothing out there for those people who are suffering in the Midwest.

Let us take that perspective, at least, as a cautionary perspective because no one who is adding amendments wants that to happen and, yet, let us face reality so nobody can say, "Oh, I didn't realize that that would happen."

We have to understand that the House Appropriations Committee and the House function under different rules than the Senate of the United States and, therefore, we are going to be subjected to the House rules of procedure about legislating on appropriations. And do not forget, we have had arguments on both sides as to whether we should pay for this as we go, or other such things. We do not want this bill lost.

I want to make it so amply clear that I am in strong support of this. I flew out to that region. I viewed it firsthand. And whatever the Members of the Congress who are from that region tell us I will believe, because I saw enough of the tragedy to understand—I only saw a very small part of it. But I think when you understand that the President, first of all, was estimating a $2.2 billion need as a first step, with others to perhaps follow, if necessary, and we are now at $4.7 billion, this is very significant money. And let us understand that it takes time to even crank out that money through FEMA and through the other categories and accounts in this bill: The Corps of Engineers, the Coast Guard, et cetera.

Let us not equate numbers of dollars with the kind of help that people need. They are but the means to an end. So everybody can say, "Oh, we can be more helpful by doubling it, and we can be doubly helpful." That is not a practicality. We have to understand that there are ways to move this money out.

I suppose I can speak to that effect because I presided over, as Governor of my State, two major disasters: A flood disaster that hit the whole State and a wind disaster.

Mr. President, as all of us wanted to be immediately helpful in the short-term things we could do—restoring water, restoring utilities of various kinds—there were certain terms of time necessary to crank out by offering public bids, public notices for repair, restoration. The dollars were there, but it took an orderly procedure to flow those dollars out into the areas of need.

So do not think that if we appropriate the money today, that it is all going immediately into the hands of those in need. FEMA, $2 billion, yes. But there will be others, such as through the Coast Guard accounts and the Corps of Engineers account, that are governed by law on how they can give notice for contract, offer bids, invite bids, and then to make those decisions.

So I am very hopeful that we will not unintentionally lose this bill between now and the time we leave here at the end of this week.

Do not forget, Mr. President, we are now engaged in conferences with the House Appropriations Committee on other appropriations measures. It is not as if we are sitting back waiting for an assignment. Agriculture, legislative, and others are moving into those, and now Treasury, Post Office that we have just passed.

So, please, understand the procedure and the process and what the risk is of getting this bill stalled before we recess in August. I, for one, am willing to stand by and make the decisions and take the necessary time to extend and not consider the recess. But nevertheless, that recess is upon us.

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

Mr. HATFIELD. Yes.

Mr. BYRD. Mr. President, I talked with the chairman of the Appropriations Committee of the other body today, and I told him that we were recommending to the Senate precisely the amount that the administration had requested to date. The chairman indicated that it would be his intention and hope, if at all possible, that if we could keep the bill clean, it would not go to conference because he would be in favor of accepting the amount of money appropriated by the Senate.

Let me emphasize that the amount of money in the bill is the amount of appropriations requested by the President, including the contingency moneys that the President has requested to date. When the House passed the bill, it appropriated the funds requested by the President as of that date. The bill that is before the Senate includes the total request of the President as of this moment. And the President is in the best position, with all of his administration and machinery, the agencies—the Corps of Engineers, FEMA, so on—to best determine the proper estimates. He will have an opportunity to do that again after the Senate returns from the recess and, as I indicated before, there will be regular bills coming on.

So I hope that Senators will not succeed in adding funds to the bill, which may force us to go to a conference. I recognize the right of any Senator to offer amendments, but I hope that the Senate will not approve additional funds for this bill.

There will be opportunities later, at which time we will have a better estimate from the administration and which can be justified by the administration's agencies in the appropriate way.

I thank the Senator.

Mr. HATFIELD. Will the chairman yield?

Mr. BYRD. The Senator has the floor.

Mr. HATFIELD. The chairman, I am sure, would also add legislative language, as well as a significant increase in dollars. The legislative language could be even more difficult to resolve in a conference with the House, as well as significant additions of dollars.

Would the chairman not agree——

Mr. BYRD. Precisely.

Mr. HATFIELD. That doubles our problem?

Mr. BYRD. No question about it. I fully agree.

Mr. HATFIELD. Mr. President, I will not tarry on this subject longer, except to indicate that we are anxious to move this.

I wish to close by saying, in my opinion, the flooding in the Midwest is exactly the situation we had in mind in excluding funding for emergency situations from the discretionary spending caps of the Budget Enforcement Act. This is truly an emergency. And for those who would say let us then pay for this as we go, I say this is another matter. That does not belong here. This is an emergency, and that is precisely what we wrote in the law.

I think we should move quickly and resist the troublesome amendments and enact the supplemental to supply relief to the beleaguered people of the Midwestern States.

Mr. HARKIN. Mr. President, might I just ask parliamentarily, what is pending now before the Senate?

The PRESIDING OFFICER. The first excepted committee amendment to H.R. 2667.

Mr. HARKIN. So there is a committee amendment pending?

The PRESIDING OFFICER. The Senator is correct.

Mr. HARKIN. I thank the Chair for that information.

Mr. President, I asked that because I will be offering an amendment to the bill, and I just wanted to make sure it was drafted in the proper form, whether or not there was a committee amendment pending at this time.

Mr. President, both the distinguished chairman of the Appropriations Committee and the ranking member have spelled out, I think, in quite stark terms that this is an emergency. If there was ever a dire emergency supplemental needed, this is it.

I do not think, Mr. President, words can describe what really has happened in my part of the country. Others will be speaking about their States. I will speak only about Iowa, because that is what I have seen and that is where I have been. That is where I have spent a lot of my time in the last 3 or 4 weeks.

The magnitude of this flood is just awesome. I once spoke of this flood as being almost in biblical proportions. For 50 out of 55 days we had rain in Iowa. It just did not seem to ever let up. We had levees and dikes built to protect us from 100-year floods. In fact, we even had levees that were built 4 and 5 feet higher than what would normally be a 100-year flood, and they were even inundated. Some people are speaking of this in terms of a 1,000-year flood or maybe even greater than that.

No one can really prepare for that. We can take all the precautions needed, but mother nature simply overwhelmed whatever precautions were taken. And so this is a disaster unlike any that I have ever seen in Iowa, and in fact those that are even older than I am say there has never been a disaster like this in my State.

I think perhaps one of the graphic ways to look at it is by some pictures, but pictures tell part of the story. I have a few here from Iowa of the flood. Here is Des Moines, the capital city of Iowa, 250,000 people—hundreds and hundreds of businesses wiped out, homes, drinking water supply. I am sure everyone read about that and saw it on television, where the whole city went without drinking water for almost 3 weeks—2½ weeks.

Just imagine yourself living there and all the buildings you would see downtown. People tried to go to work, but they could not flush the toilets. Des Moines almost became the port-a-potty capital. We could not flush toilets. People could not take showers. We had no drinking water.

I might again thank those entities all over the country that sent fresh water into Iowa in many ingenious ways. Anheuser-Busch even canned it in six-packs and sent it in. We had all different kinds of ways of sending fresh water in and, thank God, it really helped. It saved a lot of people. But Des Moines got hit very hard.

Here is a typical view of a farm in central Iowa completely under water, all the outbuildings, the home; all the livestock huddled up on a small hill that did not quite get covered.

Here is a view of a smaller town in Iowa. You see here is the elevator completely inundated—no business activity, homes flooded, basements flooded, streets wiped out.

(Mrs. BOXER assumed the chair.)

Mr. HARKIN. But I think more than anything else, Madam President, this picture right here tells the story. This is a satellite picture we got from NOAA that was taken on July 14. What it depicts in a colored pattern here is the amount of moisture that is on the ground. It goes from green to dark blue.

In other words, those areas with the green are moisture but those are the lightest moisture. The orange is heavier moisture, red is heavier moisture, and when you get to the real dark, that is the most moisture of all. And as you can see, the darkest areas, of course, are the Great Lakes, because that is solid water—Lake Michigan here, Lake Superior, and all the Great Lakes totally dark blue because that is where all the moisture is.

Take a look at my State of Iowa. There is an area in northern Iowa and southern Minnesota that is as dark as any Great Lake. In fact, it is as big as Lake Erie. It is as if, Madam President, we had Lake Erie right in the heart of Iowa. That picture tells it better than anything else. What happened to all of that water and moisture is it headed south, and now my dear friend from Missouri is getting the brunt of it.

But that water came down from Minnesota, from the Dakotas, right on through Iowa, and that is why you can look at my State, the whole State, and see why it was declared a disaster area.

But imagine if you had another Lake Erie right there. That is what it was like. We have never seen anything like it before, and we certainly hope we will never see anything like it again. And so that is why this emergency disaster bill is so necessary.

I do want to compliment the administration for agreeing to continually monitor and to upgrade their statistics on the disaster. This bill started out at, if I am not mistaken, somewhere in the neighborhood of about $2 billion. As they continually updated and monitored it, it is now up to $4.7 billion, I think, in this bill right now.

But that, Madam President, again does not tell the whole story. That is why I have an amendment I will be sending to the desk at the completion of my remarks, an amendment that is needed, desperately, by this whole area up here because we have literally been wiped out of our economy, and our economy is agriculture.

Oh, yes, we have other businesses. We have a good insurance industry in Des Moines, of which I am proud. We have a lot of small manufacturing. We have Amana. Everyone has heard of Amana refrigerators. Maytag, we have that, too. We have a Rockwell facility, a few others like that. But the basis of our economy is agriculture, the crops and the livestock producers in the State of Iowa, and that has been wiped away.

Madam President, the amendment that I have is straightforward. First, it would ensure that farmers receive the full level of the disaster compensation authorized in the 1990 farm bill.

Second, it would ensure that this supplemental disaster bill covers all 1993 crop disaster losses. This amendment simply deals with the question of whether this bill will adequately respond to the horrendous crop losses that farmers in our Nation are experiencing this year.

The need for disaster assistance is obvious. We have shown that. We know that the figures probably will continue to rise. In Iowa, one recent estimate shows that somewhere in the neighborhood of 2½ million fewer acres of corn and soybeans will be harvested this year and even those crops that are surviving somewhat are not going to make it.

Corn that normally would be tasseling out now at 6, 7 feet high in many areas is 2 feet out of the ground, and we just do not think it will make it by the time the frost hits. That is going to be another story. But any figures we can throw out cannot convey the human side of the story and the individual losses that many families are facing.

The Des Moines Register on Sunday depicted the impact of the disaster in rural communities across the State. I wish that every Senator could read the stories of the human suffering and the tragedies.

Donald Blanchard's farm is in southeast Iowa. He has 8 to 12 feet of river water covering fields that last year produced 200 bushels of corn per acre.

Cheryl Sanders of southwest Iowa managed to save her house but pointed out her farm where 195 out of 199 acres are under water.

Throughout the northwestern part of our State, yields are reduced by over 50 percent. In many cases, what it means is that the farmers will have little or no income from crop sales this year. Tens of thousands of farm families are in danger—and I mean in immediate danger—of being forced off their farms and out of business because of these losses. When farmers do not have the income, they cannot pay their bills or make purchases that support the entire rural economy in Iowa and other Midwest States.

Madam President, the amendment I am offering in no way would compensate these farmers for 100 percent of the loss. No disaster bill has ever done that, and we are not anticipating, nor would we ever try, to do that here. All we are asking in this amendment is that we go to the fully authorized level that we put in the 1990 farm bill. That is all we are asking. We are just asking the Congress to live up to what we said in 1990—that is part of the law today. We are not trying to create new law. We are not trying to change the existing law. What we are trying to change

with this amendment is an administrative fiat handed down first by the Bush administration, and continued by the present administration.

Basically, under the 1990 farm bill formulas, farmers who purchased crop insurance receive a disaster payment assistance at the rate of 65 percent of their losses for any losses over 35 percent.

So think about this. We will try to get it as clearly as possible. I know that other Senators will repeat this and try to make it clear. A farmer who had crop insurance first has to eat the first 35 percent of the loss. Anything over 35 percent under the 1990 farm bill—this is the law—is compensated at the rate of 65 percent, not of their income, not of the price of the crop, but of the established program yield in the farm bill. That is much less than what the prices are that farmers receive.

Let me explain it this way: For example, the program yield has been locked in since 1985. In Iowa, the program yield on which disaster payments are based are 117 bushels per acre for corn. But last year, we in Iowa averaged 145 bushels per acre of corn. So the 65 percent of the disaster payments we are talking about is based upon that 1985 figure. That is in the law.

What happened was that, in 1991, the administration did not want to request sufficient amounts of money to cover some disasters that happened in 1991. They were small, but to those people that it hit, they meant something. And the same with Hurricane Andrew.

So what they did is ask for a certain amount of money, and rather than ask for the right amount of money to fulfill the mandates of the law, they just asked how many people do we have out there with disasters? Here is how much money we requested. We will divide it and find out how much money everyone gets. What it came out to be is 50.04 percent of what the law allowed. So a farmer who had a disaster got 50.04 percent, not of 100 percent, but of the 65 percent of the losses over 35 percent which they already had to suffer.

Mr. DASCHLE. Would the Senator yield?

Mr. HARKIN. Yes; I am delighted to yield to my colleague.

Mr. DASCHLE. I want to commend the distinguished Senator from Iowa for his amendment and for this explanation. If there is any need for an appreciation of what it is that drives us to the point where we are this afternoon, it is exactly what the Senator from Iowa is saying. What the Senator from Iowa is saying is that anyone who thinks that this disaster bill offers dollar-for-dollar coverage could not be more wrong. The fact is that the assistance amounts to about 20 cents on the dollar, if I understand the Senator correctly, 20 cents on the dollar.

If we did not have that 50 percent factor, as you are saying, it might be about 40 cents on the dollar. So this is probably as low a level of disaster assistance as has been provided ever, at least in recent years.

So I really commend the Senator for making that point. That is really the essence of it. We are giving farmers one-fifth of the disaster protection that they really need.

Mr. HARKIN. I thank the Senator for that explanation. The Senator is absolutely right. Really, what we are looking at here, if we leave in that 50.04 percent that is in this bill, this is not the law of the land. This was put in by OMB. That means that the average farmer out there will get about 20 cents if lucky enough to get a deficiency along with it—but about 20 cents. What we are saying is, at least bring it up to 40 cents. We are not asking for 100 percent at all.

I want to thank the Senator for that.

Mr. CONRAD. Would the Senator yield further?

Mr. HARKIN. Madam President, I want to indicate this amendment is offered on behalf of myself and Senator BOND from Missouri. The cosponsors so far are Senator DASCHLE, Senator PRESSLER, Senator CONRAD, Senator MOSELEY-BRAUN, Senator WELLSTONE, Senator DORGAN, and Senator SIMON.

I thank the Senator from South Dakota for his help and his cosponsorship.

I yield to the Senator from North Dakota.

Mr. CONRAD. I think the Senator from Iowa has done a superb job of outlining the case. I think the most important thing I would like to explore with him is this whole question of the 50 percent, because we found an enormous amount of misunderstanding in the hearing before the Senate Agriculture Committee.

I would ask the Senator from Iowa, when we talk about a 50-percent factor, we are not talking about 50 percent of the farmers' losses. We are talking about taking the disaster relief legislation that existed in 1988 and 1989, when we suffered massive drought losses in the country. We had a bill then. We had a law that said this is how much relief a farmer can expect. And that law has been cut in half in terms of the amount of relief it provides. Is that not the case?

Mr. HARKIN. Exactly. The Senator is exactly right.

Mr. CONRAD. So, in effect, we are saying if you suffered a disaster in 1988 and 1989, we took care of you at one level. But if you are unfortunate enough to be included in this disaster in 1993—which is the 100-year flood—tough luck. You are going to get one-half as much help as we gave in 1988 and 1989. Is that not the case?

Mr. HARKIN. Exactly right. The Senator is exactly right.

Mr. CONRAD. When we inquired—the Senator from Iowa was there, the Senator from South Dakota was there—what does this mean in terms of a farmer having a loss, and we asked the people representing the Secretary of Agriculture, how much will they get of their ordinary income? If people have suffered a total disaster, a total loss, as the case with many of our farmers, what percentage of their normal income can they expect to have covered?

And the answer we got was 20 cents on the dollar; is that not correct?

Mr. HARKIN. The Senator, again, is right; 20 cents on the dollar is exactly right.

Mr. CONRAD. So when we talk about 50 percent, it is 50 percent of the aid that we gave in 1988 and 1989, and the bottom line is that a farmer is going to get 20 percent of his normal income. On top of the natural disaster people have had, they are going to have an economic disaster, even with this assistance package.

Again, I think it is critically important that our colleagues understand that this package gives farmers one-half of what they got in the 1988, 1989 disaster, and will mean they get 20 cents on the dollar of the loss they have suffered.

Ms. MOSELEY-BRAUN. Will the Senator yield?

Mr. HARKIN. I might add one. Actually, the 20 cents is not the dollar of their normal income; it is the dollar they would get based upon what we call the program yield that I explained was set in the law by 1985, which is much less than what they would normally get if they were to take their crop to market.

Mr. CONRAD. Further, interestingly enough, in this year, the 20 cents on the dollar is what they get in a normal year. The Senator is correct. Even that is overstated because the program yields have not been adjusted for 10 years. Even worse than that, in my State we were headed for the biggest crop in the history of our State. So what people are really going to get in comparison to what they would have received without this disaster, is a fraction of even the 20 cents on the dollar.

Ms. MOSELEY-BRAUN. Will the Senator yield for a question?

Mr. HARKIN. Yes.

Ms. MOSELEY-BRAUN. First I join in complimenting the Senator from Iowa on his very cogent explanation of a complicated formula matter. He explained it in a way that most people, who may not understand how the disaster relief works, can understand.

But I have a question going to the amendment. There was a good deal of discussion on the floor regarding process issues, so I want to ask a question about the process of this amendment. If I understand the Senator correctly, the law, as written, establishes one formula. The law that was passed by the elected Representatives of the Congress establishes one formula. Bureaucratic

decisionmaking, decisions made by somebody who was never elected, whom we will never see, the nameless, faceless person in office somewhere, decided that the level was going to be something else—50 percent, in fact. So by administrative fiat, someone that is not accountable to the people of the United States decided that a farmer would get only half of what the elected Representatives said they should get?

Mr. HARKIN. The Senator is right.

Ms. MOSELEY-BRAUN. And so the Senator's amendment, of which I am very proud to be a cosponsor, essentially says we are just going to go back to the law, and we are going to go back to the way that the elected Representatives of the people of this country decided disaster insurance should be handled.

Well, it seems to me that with regard to the process issues that have been raised—the concerns raised about this bill going into conference committee—it seems to me, that in this day, we ought to be able to get agreement, without untoward delay, over the concept or the proposition that the decisions and the law gets made by the people who are elected of the people in this country, and not otherwise. That with regard to this 500-year disaster, at a minimum, the people who are suffering in this tragedy can expect that their disaster assistance from this Congress will be made by the people they sent to this Congress, and not by somebody in a back office somewhere that they do not know, and will never see, and do not know anything about.

If I am correct, this amendment, then, is essentially a recodification, restatement, if you will, of the law as passed by this Legislature, and I rise in support of the amendment.

Mr. HARKIN. The Senator is absolutely right. We are not making new law or changing existing law. We simply want to go to what the existing law really says. What we are trying to change, as the Senator said, is the administrative fiat, or decision, by OMB.

I see my friend, the Senator from Missouri, with whom I have worked very closely on this legislation, and on all of the flood disasters, and whose State is suffering a great deal. I flew over Missouri Sunday and looked at it. It is just mind boggling. Our hearts go out to all of the people in Missouri.

I yield to the Senator.

The PRESIDING OFFICER. The Senator from Iowa yielded for a question to other Senators. The Senator's time is all right. He has no time limitation.

Mr. HARKIN. If the Senator does not have a question, I will finish my remarks and then yield.

The PRESIDING OFFICER. Does the Senator from Missouri have a question?

Mr. BOND. No.

Mr. HARKIN. The Senator from Minnesota has a question, so I will yield to him briefly.

Mr. WELLSTONE. Just one question, so we can go to the Senator from Missouri. We have been going over the formula, but for the sake of our colleagues, Republicans and Democrats alike who are watching the proceedings, above and beyond the whole question of fairness, what kind of compensation people received several years ago as opposed to what they would receive now—above and beyond the question of the technical part of the formula, would the Senator agree that the reason so many of us are out on the floor, and the reason we bring this amendment to the floor, and the reason we feel so strongly about this—and we are going to do everything we can to urge our colleagues to support us—is that this discussion we are having about this formula, this amendment, has everything in the world to do with whether or not farmers in our States are going to be able to get back on their feet.

This is really a life-or-death question. It is important not to be melodramatic on the floor and not to exaggerate. But we do no damage to the truth and do not exaggerate, especially for some of the beginning and younger farmers. If we do not get this formula corrected so there will be enough compensation for that loss, farmers are simply not going to be able to make it. Our colleagues need to know that. That is what is at stake here. Am I correct in that, if that was a question?

Mr. HARKIN. The Senator is right. All you have to do is look at this map to see that, and talk to anybody who has been out in these areas.

Literally, farmers are at wit's end right now. If I may close my remarks, perhaps I would close on the note that the Senator just brought up.

There is a great anxiety among the people of my State, and I am sure in Illinois and Minnesota, and I know in Missouri and the other surrounding States that have been so hard hit, including Kansas—a great anxiety about what the future is going to hold. Farmers do not know. A lot of our small towns and communities out there that rely upon the income of those farmers around there, the harvest they bring in in the fall, that keep our small stores open, our implement dealers, our grocery stores, our elevators, that maybe help pay the wages of the people that have the nursing home for our elderly, that help keep the local rural hospital going, all comes down to this: There is a great anxiety that that grocery store will not be there, or they will not be able to have the funds necessary to keep the nursing home going.

That is really what it boils down to. That is why this amendment is so important. It is important, yes, to make sure these people do stay in business, that they are able to continue on next year. But it is important to adopt it now, to send a strong signal that we have not forgotten them, that we are not going to just say, well, sorry, you are going to get half, you are going to get half of a half is basically what you are getting, half of a half.

What we are saying to them is you are going to get what the law authorizes.

Madam President, all I can say is this amendment carries much more importance than I can even begin to describe, to the people in my State and, I know, to the people in these surrounding States.

This amendment, if adopted by the Senate, without any doubt will be accepted by the House and without any doubt will be signed by the President.

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

Mr. HARKIN. I am delighted to yield to the chairman.

Mr. BYRD. I sympathize with the Senator and all of those who represent the areas that have been so devastated and stricken.

Has the Senator talked to the administration about changing this language?

Mr. HARKIN. Yes, this Senator has.

Mr. BYRD. What was the administration's reaction?

Mr. HARKIN. This Senator spoke personally with the President of the United States last night about this. He expressed his interest and his sympathy. I must admit at this point in time I received no assurances one way or the other. I have been told—and I can only say this, I cannot speak firsthand about this, but I have been told—that the administration's position now is that they have no position on this, that they neither support it——

Mr. BYRD. What?

Mr. HARKIN. That they have no position; they neither support it nor oppose it. They will let the will of the body govern. That is what I have been told. I am sorry I cannot affirm that personally. As soon as I finish my remarks and yield the floor, I will attempt to ascertain that.

Mr. BYRD. Does the Senator realize that the language that is in this bill to which he objected, is the language which was requested by the administration and the language that was put in the bill by the House?

Mr. HARKIN. This Senator is fully cognizant of the fact that this language was requested by the administration. But I believe it was requested by the administration at a time when the full effects of this disaster were unknown.

I believe through the force of inertia—and again I say to my distinguished chairman, in my talking with the President last night obviously he has a lot of things on his mind—they have had, as the chairman knows, a tortuous path getting the reconciliation bill done. That is high on the agenda, as it should be, because it has

to do with the future of the entire country. He has paid attention to the flood, but these types of things tend to get put in the bill at the beginning and they sort of roll along.

I daresay, when I spoke at length with him last night and laid out for him what it meant, he was most appreciative that I brought it to his attention.

Again, I cannot say that he said absolutely that we should do it. As I said, I have not been able to ascertain that. I know he has been working on reconciliation and working on the speech he is giving to the Nation tonight. So I understand that.

I am hopeful that I will have some indication from the administration. Like I said, what I have heard secondhand is that they have taken no position and that they will let the will of the body work and that they would accept whatever this body decided to do.

Mr. BYRD. Madam President, will the Senator yield for another question?

Mr. HARKIN. I am delighted to yield.

Mr. BYRD. Madam President, if the language from the bill is lifted in this instance, does the Senator feel that those persons who suffered losses a year ago in the wake of Andrew would expect the same treatment? I believe that this legislation which is in the bill applied to them as well. And they received the 50 percent. Am I correct?

Mr. HARKIN. The Senator is correct.

Mr. BYRD. If the language were to be lifted out of this bill, does the Senator feel that in the spirit of fairness those people who lost when they were afflicted by Andrew would expect, and rightly so, to be compensated accordingly and, if so, what would the cost be? Does the Senator have an estimate?

Mr. HARKIN. The Senator raises a good point. We have thought about this. Let me just respond in two ways, and neither this Senator nor the distinguished chairman, nor anyone in the Senate, can go back and right every wrong. There are some things that we cannot go back and right. They were done, and we have to move on.

There were farmers in my State who suffered disasters in 1991 and in 1992 who got the 50 percent. But that is just what happened. That is what the administration did. I was one of those who tried to get it reversed, but we were unsuccessful.

We cannot go back. How far back do we go? Do we go back—there have been a lot of disasters—to the eighties and beyond? At some point we have to say, wait a minute, we are not going to continue this policy. We are going to use the law as it was written and drafted and signed by the President in 1990, and that is what this Senator is attempting to do.

I understand, however, that the distinguished Senator from Mississippi has an amendment. I have not read it. I have only spoken with him about it. I understand that it would give the administration the discretion to reverse that policy for specific cases for disasters that happened in the previous 2 years.

This Senator believes that the administration should have that discretion, and if that is the thrust of this amendment that the distinguished Senator from Mississippi has, I am all for it. I think this administration should have the discretion to reverse that policy for those previous disasters.

But if I might just finish on this note: I do not believe that this body can go back, as I said, and right every wrong, but I believe the administration ought to have that discretion.

Mr. BYRD. Madam President, can the Senator give to the Senate an estimate of the additional funding that would be required to compensate those who were injured by the disasters of last year in the event this language were to be lifted?

Mr. HARKIN. I would respond this way. We have a CBO estimate of the cost of this amendment which would apply to the disasters this year.

And I might also add, Madam President, this bill does not just apply to the floods. We are having a tremendous drought in the southeastern part of the United States, and it applies to them also.

The CBO estimate on this was $900 million. In terms of the discretion, the administration may have to go back. There is no estimate on that because we do not know how they would exercise that discretion, whether it would be broad or narrow, whether they would take certain specific cases that may be egregious and try to fix those. There is no way that we could have an amount on it.

I am glad that the Senator raised the issue of the cost of this amendment. As I said, CBO costed it out at about $900 million.

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

Mr. HARKIN. Let me just finish this point.

Madam President, I want to make it clear that because of the tremendous loss in crops this year, the Department of Agriculture has told me that the deficiency payments that they normally pay out to farmers will not be as great because the prices will be higher for those lucky farmers who happen to have a crop. Because the price will be higher, there will not be deficiency payments paid out. The Department of Agriculture is looking at saving between $1 and $2 billion—$1 and $2 billion on deficiency payments.

So, if we just want to look at agriculture as an entity in itself, Madam President, we are not asking for any more money for this. We are simply saying the money that you are saving because of this disaster—this disaster is going to save taxpayers money, so they will not have to put it out in deficiency payments. All we are asking is, let us take some of that to help the farmers who have so tragically suffered.

Mr. DORGAN. Madam President, I wonder if the Senator will yield on the point of the question the Senator from West Virginia asked?

Mr. BYRD. If the Senator will allow me, then I will sit down.

I am trying to ascertain what the additional cost will be. I am advised that to lift this language, as the Senator's amendment would do, would cost $1 billion for the Midwest alone and an additional $2.4 billion to compensate those who were struck by the disaster of last year. So we are talking about adding something like $3½ billion by this amendment, if my figures are correct.

Mr. HARKIN. If the chairman will look, I think the figures are that this is $1 billion. I said $900 million. We will round it off at $1 billion.

Mr. BYRD. On the Midwest?

Mr. HARKIN. That, added to $2.4 billion, will bring it up to $3.4 total, I believe.

Mr. BYRD. No.

Mr. HARKIN. There is no way that that could ever be possible.

I do not know where that $2.4 billion figure comes from. There is absolutely no way that those losses could ever, ever get anywhere near what we are looking at in the Midwest.

So this Senator would have to take a close look at where the $2.4 billion figure came from.

I would yield for further clarification from the Senator from North Dakota.

Mr. DORGAN. I will be very brief.

On this point, the Senator from West Virginia asked the question about what does the White House support; what has the President requested?

A demonstration of the answer the Senator from Iowa gave was the fact that when the House of Representatives passed this bill out of the Appropriations Committee, it sent with it—I do not have it with me—but they sent a committee report with it and it talked about the flooding in eight States. It did not name North Dakota, because this is a disaster in progress.

Since that time, since the House Appropriations Committee issued its bill with its report, North Dakota has flooded. Crop loss alone in our State is $600 million and rising. Total damage will probably come close to $1 billion.

The point is, what did the President request? He requested an amount of money based on the knowledge he had of what flooding existed at that point. But this is not a hurricane that has gone in and destroyed a lot of property and moved out to sea. This is a disaster in progress that is not yet complete, and the damage grows daily.

As I said, evidence of that is the report from the Appropriations Committee that accompanies the legislation

we are now going to consider in conference does not even include North Dakota, and yet North Dakota is clearly damaged by flooding.

That is why I think we have a situation in which the position of the White House surely will have changed as opposed to 2 or 3 weeks ago, when it began considering what it must do legislatively in requesting a supplemental appropriations bill.

I simply wanted to make that point. I think the Senator from Iowa is making the point, but it is even more clear by the fact that the original appropriations report did not even list all the States that are damaged by flooding.

I appreciate very much the Senator yielding.

Mr. HARKIN. I thank the Senator for that further clarification.

Does the chairman have further questions?

Mr. BYRD. Madam President, I thank the distinguished Senator.

The figures which I have quoted are the figures given to me by OMB. Senators will note that the Senate Appropriations Committee has increased the bill by almost $2 billion—$1.9 billion—since it came over from the House.

All I am seeking to do is to provide moneys for those who are suffering, and I have to depend upon the administration for its estimates.

Now, the administration wants this language in the bill. That is my understanding. I hope that the Senators would talk with the administration and seek to prevail upon it to change its policy. Let us not change the policy on the floor and, by so doing, increase the amount of money in the bill at this point. That can be done later. It does not have to be done tonight or this week.

Because if we are going to change this language, I think we have to contemplate going back and compensating those people from last year. They are going to feel that it is unfair, that they are not being treated fairly in comparison with those who have suffered from disasters this year.

Now if we go back and compensate them, it seems to me that we should attempt to prevail upon the administration to change its policy and change its formula and later, when we come back from the recess, we can act accordingly. That is all I am asking.

Mr. HARKIN. Madam President, I wish to respond to the chairman.

That is what this Senate ought to be about, is ensuring that, if the majority of the Senators agree that a certain law that we passed and that was signed by the President should be adhered to, it seems to me that is our constitutional responsibility. That is what we ought to be doing.

If an administration—any administration—makes a policy with which we disagree, this is the place where we ought to decide whether or not we want to adhere to that policy.

I am not here as a rubber stamp for any administration, whether it is this one or any one before it or that comes after it. I am here to exercise my own independent judgment, along with my fellow Senators, as to what ought to be the application of the law or what the laws, in fact, ought to be.

But we made the decision what the law ought to be. We voted for it. It was signed by the President.

Now, in terms of going back and helping people in these previous disasters, my heart goes out to them. The record will show clearly that this Senator did not agree with the previous administration's implementation of the 50-percent cut. But we did not have the votes, so we had to go along with it.

I do not know that this administration, or any administration that may come in the future, can go back and undo or make whole what a previous administration visited upon our population, or certain segments of our population. We cannot do that.

Yes, I feel sorry for those who got their disaster payments cut by 50 percent. They never should have had that happen to them.

Again, as I said, I think the Senator from Mississippi has an amendment that will give the administration the discretion, if they want to, to go back. And the Secretary of Agriculture can use his discretion and go back and fix it up.

But I do not think in any way it is going to run to $2.4 billion. It cannot. It cannot be as big. There were not that many farmers that were hurt under those disasters as was the case in this one.

CBO is telling us my amendment is going to cost $900 million; the chairman said $1 billion. It is around that figure someplace.

Mr. CONRAD. Will the Senator yield?

Mr. HARKIN. I want to yield the floor shortly.

Mr. CONRAD. Will the Senator yield for a question?

Mr. HARKIN. Yes.

Mr. CONRAD. I think the most important point—and I ask the Senator from Iowa if he would agree—the most important point is that Andrew and Iniki and Hugo were not primarily agricultural disasters. In this natural disaster, agriculture is having most of the damage. In Andrew, Iniki, and Hugo, I think most of that was residential-commercial damage, not agriculture damage.

If we want to look at precedent, in terms of an agricultural disaster, we should go back to the disasters of 1988 and 1989. And if we want to talk about equivalent treatment and fair treatment, we will see that in 1988 and 1989, in the drought disasters, we are providing in this legislation one-half of what we provided in 1988 and 1989.

So if we want to go back and talk about equivalent treatment in an agricultural disaster, when we are talking about the agricultural relief provisions of this bill, we should take out the 50-percent cut because it did not apply in 1988 and 1989, which was the most recent major agricultural disaster.

Would that not be the case?

Mr. HARKIN. I am sorry; the Senator was temporarily distracted.

Mr. CONRAD. Well, the question is simply this: If the question is fair comparison, if the question is looking back at how we treated others in equivalent situations, we would look back to the last major agricultural disaster, which was the drought years of 1988 and 1989.

Mr. HARKIN. Exactly.

Mr. CONRAD. And this bill is providing one-half the relief that legislation provided.

Mr. HARKIN. Exactly.

Mr. CONRAD. So if the question here is precedent, if the question here is equivalent treatment, if the question here is what we have done in the past, it would seem to me we would look back to the past major agricultural disaster which was in 1988 and 1989. This legislation cuts the relief we provided there in half. It says to the people now: You deserve half the help that we gave in 1988 and 1989. Is that not the point?

Mr. HARKIN. I think the Senator is absolutely correct. Let me just thank him, again, for his help and for all of his great support for the agricultural sector of America, not just his own State.

My friend from Missouri has been very patient. He has been on his feet waiting. I appreciate it very much. I just close, Madam President, by saying this.

There is a great anxiety in all of this disaster area. I will speak only about my own State. With the adoption of this amendment, you will hear a collective sigh of relief, a sort of understanding among many of these small towns and many of these farm families that they are not going to be cut off at the knees; that we are, indeed, going to meet our responsibilities; that we will use the full force of the law that we passed in 1990. We Iowans need to have our spirits picked up. We need to know the people of this country are not going to leave us behind.

Again, my heart goes out to those farmers who suffered disasters in 1990, 1991, and 1992. But we cannot go back and correct every wrong, and we cannot be bound by past error. I hope we could incorporate the amendment the Senator from Mississippi was thinking of offering, which basically gives the administration the discretion to go back and take care of those egregious cases. It would be one that could be supported. They should be given that discretion. But we need to respond to this emergency and we need to respond to this disaster and that is what this amendment does.

To do less would, I think, be to cave in to a bad policy, a bad policy that was established in 1991 and 1992. It was bad policy then. It is bad policy today. I do not think this Senate ought to continue that bad policy.

So, Madam President, I will, at the appropriate time, send my amendment to the desk. I know a lot of other people want to speak.

Again, I thank the distinguished Senator from Missouri for his help and his consultation and all the work we have done together on this, in forming a strong bipartisan relationship, not only on this amendment but on a lot of other things, dealing with this flood.

I know he has been waiting to speak, and I yield the floor at this time.

The PRESIDING OFFICER (Mrs. MURRAY). The Senator from Missouri.

Mr. BOND. Madam President, I express my sincere thanks to the Senator from Iowa and the other Senators on that side who have addressed the very, very important issues we face here.

I also would like to ask that Senator DURENBERGER be noted as a cosponsor of this amendment.

I would like to make a few comments generally before we talk about the specifics of this amendment, because this is a disaster like none I have ever seen.

Like the distinguished ranking member of the Appropriations Committee, I had the opportunity to serve as Governor during times of natural disaster. We saw tornadoes, we saw floods, but we have never seen anything like this. Several comments have been made that this is a 100-year flood.

In my State of Missouri, in 1973 I had just taken office as Governor and we had a 100-year flood. Let me tell you, the flood of 1993 is like nothing we ever saw in 1973. This is truly a 500-year flood. The ramifications of it are not just larger in scale, they are different in content of the damage that they have caused. That is why we make a very, very special plea.

There have been some suggestions by our leaders that we not have troublesome amendments. I do not believe that these amendments will be troublesome. I ask, along with my colleague from Iowa, that our colleagues hear us out because when the administration sent this measure up they said we recognize it is going to be changed. When they first sent it to the House it was, I understood, with the recognition that as further information became available they would recommend that the Senate make changes.

The Senate Appropriations Committee has made changes. The House Appropriations Committee and the full House made changes in the formula, and they came up with a provision. Rather than having 50.04, that nebulous figure that was a wild whack at a disaster bill when they just did not have enough money—which has no basis in policy and its basis in precedent is a very weak one—the House changed that particular formula to make it 90 percent of any losses over 75 percent.

I tried to figure that out on a basis of the normal 65 percent of 65 percent. The best I can tell that gives you an additional 4 cents on the dollar. But I am not going to go through the mathematics because that is not important. What is important is that the House was working to get away from the very artificial and arbitrary 50.04 percent.

Mr. SIMON. Will the Senator yield?

Mr. BOND. Let me point out as we talk generally about the nature of this flood, let me call to the attention of my colleagues that unlike other disasters, unlike a tornado, unlike a hurricane, the flood is a very long and slow and torturous process. But it is even more damaging.

I have talked with families who have been flooded out. With tears in their eyes, mothers have told me they had to move their children and divide them up among other relatives and families. A young couple who had just finished redecorating their home had lost everything. A businessman sadly pointed out the top of his place of business. He said he thought the floods might come, so he moved all his records up to the second floor because even in a 100-year flood it would only come up 3 or 4 feet on the first floor. This was not a 100-year flood. All his records were on the second floor and the flood waters were up to the roof of the second floor.

Mr. SIMON. Will my colleague yield for two quick questions?

Mr. BOND. I will be happy to yield for two questions.

Mr. SIMON. I am pleased to be a cosponsor of this amendment.

When my colleague talks about the extent of the flood, is it not true this is the greatest natural disaster in the Midwest in this century?

Mr. BOND. Madam President, it certainly is, to my way of thinking. I would tell my colleague from Illinois, Sunday I visited the St. Louis disaster area and talked with the officials of the fire department and the police department there. Fire Chief Svetanics told me his people had been on duty day and night for 25 days. They were dead tired but they were not giving up. And he said this is clearly the greatest disaster that he had ever seen or heard of, at least in this century. This is a disaster far greater than anything else we have seen.

Unfortunately, I just received word that, while we kept thinking the crest had hit St. Louis, a new crest is predicted on August 6. This has already become the largest natural disaster that I know of in this century and, unfortunately, it is not getting better. It may get worse.

Mr. SIMON. My second question is, this amendment, if it is adopted, gives the administration greater flexibility in terms of assisting people who are hit by this massive disaster; is that correct?

Mr. BOND. Madam President, as the discussion has gone on, this does not necessarily give greater flexibility. One of the problems is the administration has recommended that we cut in half the agricultural disaster assistance authorized by this body in the 1990 farm bill when we said to cut through all the calculations, if you are insured, if you have crop insurance and you have a program crop, you get 42 cents on the dollar. The Office of Management and Budget wanted to use their discretion to cut that in half.

When we go back and find out why it was cut in half, back in 1990 there was 1 billion dollars' worth of disaster assistance, and it turned out there was about 2 billion dollars' worth of damage. We passed it and OMB came up with a way to get that to fit that $1 billion over two billion dollars' worth of damage and came up with 50.04 percent.

What I hope we will say in this, because of the magnitude of this disaster, is that we are not going to nickel and dime the farmers; we are going to give them the full 42 cents, or whatever the formula would work out, for that disaster.

This is not a disaster which is only a minor agricultural disaster. As I understand, during Hurricane Andrew, there were no crops lost, there were agriculture disasters and a wide range of other disasters, but nothing that has had the impact, to my knowledge, on an important sector like agriculture as the floods of 1993 have had. We estimate over 33 percent of the crops in Missouri have been wiped out.

Let me add one thing further. It is not just wiping out the crop for this year. Because of the record flow, the record volume of the water in the rivers, not just the Mississippi, but the Missouri, the Grand, the Chariton, the Thompson, the 102, the Blackwater, rivers and creeks all over the northern and central part of the State, the damage that has been wreaked upon the farmland is damage that is not going to be cured in one season. We will later be coming forward with an amendment to provide additional assistance to the Soil Conservation Service to clean up the debris.

In these fields, there are trees, there are containers, there are barrels, there are carcasses of dead animals. There is sand that has silted over and made the land impossible to farm without significant reworking.

But beyond that, the power of the floodwaters has drilled holes in the ground. We have seen levee breeches as deep as 90 feet. Some of the channels that have come through the railroad beds may be 70-feet deep. This is a railroad bridge at Glasgow, MO. This was taken on July 14.

I happen to feel very close to this because on July 7, I walked along this

railroad track. I was there with people from the railroad, and farmers nearby. We walked along the track. Six days later, a friend of mine was doing the same thing. At that time, the levee gave way under him and sucked him under the railroad tracks. Fortunately, he was saved. But this whole area we thought had withstood the flood. Now, instead of a railroad embankment going this way, it is a river channel going this way. The farmers in the field above and below there find——

Mr. BYRD. Madam President, may we have order in the Senate? May we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order.

Mr. BYRD. The Senate is not yet in order.

The PRESIDING OFFICER. The Senate will be in order. Will Senators please take your conversations off the Senate floor?

Mr. BYRD. I thank the Chair.

Mr. BOND. I thank the Chair. I thank our distinguished chairman for the assistance.

Madam President, my point is that the level of damage is greater than the level of damage in a drought, for example. When we had a drought a couple of years ago, we had assistance for all kinds of crops. When you run down the list of crops on which we had disaster relief, we had cucumbers, rice, milo, wheat, tomatoes, even blueberries, and we had the disaster assistance cut in half. But there is a difference. When you have a drought, you can harvest some blueberries or, more commonly in Missouri, some corn and some soybeans.

This year, these floods took the whole crop. They took the whole crop. They did not leave some of the crops on which there were higher prices to recoup what was lost. The real disaster wipeout for many of these farmers is total. That is one of the reasons why this amendment, proposed by my colleague, Senator HARKIN, is so important.

The level of disaster in Missouri, I have already mentioned. Some 930,000 acres of soybeans have been flooded out; 300,000 could not be planted out of 4.2 million acres. That is a third of our crop.

We have seen disasters strike different crops throughout the State. We know that many of these farmers who think they have a crop in now may well, because they planted it late, not be able to harvest that crop prior to the first frost. That is why another portion of this amendment is so important; to say that we will waive for this year, for this disaster, the August 1 deadline, because many farmers will not know what their losses are because of these historic rains, the historic flooding and the historic destruction of crops, how great a loss they will have in areas not in the bottom lands until the harvest comes in. That is another reason why I think this amendment is so important.

Madam President, the soybean producers in my State are the ones most directly hit. They are not able to collect deficiency payments. They cannot sign up for the 092 program. Their only assistance will come from this disaster aid bill. I believe that when we have a 500-year flood, it is a disaster of a magnitude which warrants us going back to the original statutorilly authorized disaster payments.

I will say that I, too, am concerned that there were disaster payments in prior years which were at 50.04 percent. To the extent that I could have, I would have voted to increase those. But they are disasters of a different magnitude and, yes, they are disasters that afflicted people in my State.

I, for one, am not going to go back and ask that we authorize funding for them. I would be willing to accept, and I hope we can have an amendment or a modification, which may be proposed by the Senator from Mississippi, to permit the Secretary of Agriculture to look backward in terms of equity to see what must be done.

But I am saying that this 500-year flood is a totally different order of magnitude. The Soil Conservation Service says because of the scouring, the holes in the ground that channels through it, many of these farmers not only will be foreclosed this year, but they will not be able to plant next year. Quite a few of them will not be able to plant a year after. So for many of these farmers, they are looking at 1996 before they can get crops on what has traditionally been some of our most productive and fertile land.

Some of the farmers have to look backward. I talked to one farmer in Tarkio, MO, in far northwest Missouri, on Saturday. Not only did he lose this year's crop, but he had under CC loan contracts storage on his farm, as contemplated under the farm program, 53,000 bushels of wax seed corn. The water got in, exploded his silos and ruined all of his last year's crop that he had held in storage, as well as flooding out the crop that he had planted for this year. He may be one who is knocked out from planting next year and the year after as well.

Madam President, there are many, many other things we could say about this disaster.

I know many of my colleagues want to speak. I offer only very briefly this quick pictorial review.

This is off of the Missouri River. We have seen on television the flooding along the Mississippi. This is a power plant with the related public facilities damaged there.

This is a lumberyard in north Kansas City, MO. Unfortunately, I can tell you that I do not have a picture of it, but when I flew over Chesterfield, MO, and looked at the airport in Chesterfield and the industrial park, it looked exactly like this. All you could see was the tops of buildings. You could not see the businesses. You could not see the airport that had been flooded out there.

We have had flooding in our metropolitan areas along the Southwest Boulevard in Kansas City—four deaths; a tragic flood is part of these rains. Here is what it looks like when a levee breaks and the water flows across and destroys not only the farmland but destroys the levees. And we will be speaking about the need to restore levees so that we can restore the most productive farmland that we have.

And finally, along the railroad bank, farm buildings that are flooded out. This is a sight all too common along our rivers throughout central and north Missouri where our most productive farmers and some of the most productive agriculture in the Nation occurs.

Madam President, I urge my colleagues to support the amendment before us. We will be happy to meet off the floor to explain it. If anybody wants to know how we come up with 42 cents on the dollar or 21 cents, rather than taking the Senate's time, we will be happy to work through that. I ask only that we have the full consideration of our colleagues. We make an urgent plea to you because this is an unheralded disaster, one we have not seen before, and we need the full support of this body to help our citizens who are afflicted in this disaster.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Ms. MOSELEY-BRAUN. I thank the Chair.

A few weeks ago, I stood before this body to share with my colleagues the impact of the flooding I witnessed in Illinois and along the Mississippi River. I am distressed to say that today the situation has not improved. In fact, the flood persists in Illinois and with every day of new rain, destruction grows larger.

I am pleased that the Senate is considering this $4.7 billion emergency supplemental package for the flood victims in the Midwest, an increase of $1.9 billion over the House-passed version.

As the estimated costs of the damage continue to grow, this still may not be enough, but it is a good first step. And I would add, I think the amendment offered by Senator HARKIN and others makes it an even better bill for reasons that I will describe later.

We need to get this bill passed quickly in order to deliver the much needed flood assistance to the ravaged areas of Illinois and the Midwest.

This is, as has been said before, the worst flooding the Midwest has ever seen. Perhaps it is the worst flooding

this entire country has ever seen. I daresay, Madam President, this impact is of biblical proportions. It has been labeled by officials to be the "500-year flood," one so extraordinary that it can only be expected to happen once in five centuries.

For the last 8 months, the Midwest has experienced record levels of rainfall—almost 200 percent more than normal for this region. From St. Paul, MN, to St. Louis, MO, the water from streams and hundreds of small tributaries has poured into the Mississippi. The result for people, farms, and businesses along the river valleys has been devastating.

To illustrate, Madam President, the impact on one area—I have brought a satellite photograph of an area—of Quincy, IL.

The photograph on the left was taken in May 1989. The photograph on the right was taken last week, July 25.

Now, as you can easily see, this pencil-thin image here on the May 27, 1989 photograph, this dark area here, is the Mississippi River. It is in dark blue. You can see it here in the middle of all the red and green. The different colors represent different heat levels. But the blue is the Mississippi River.

Look on the other side to July 25, 1993. This amount of the blue is the Mississippi River and, indeed, we even had a levee break in the Quincy area, so you can easily see the pencil-thin image of the Mississippi has swelled, taking over areas that were once thriving communities.

That gives you a satellite view, Madam President, of the extent of the devastation that the river has caused.

For the residents in my State of Illinois, with the largest amount of shoreline bordering on the Mississippi River, it has been a long haul. Unlike other disasters, a flood of this magnitude has no timeframe. Many communities have been put on a prolonged waiting list for what is supposed to be the worst. One county official in southern Illinois summed up the waiting game this way: He said, "We've been told there's been a crest coming for 2 weeks." And so the waiting game continues.

Thousands of people, Madam President, have endured a great deal of stress. Their lives have literally been put on hold.

Yesterday, I received a letter from levee commission chairmen in Alexander, Jackson, and Union Counties. These counties, which are south of St. Louis, are now experiencing the worst. I would like to share with my colleagues an excerpt from their plea for help. I quote:

> The Mississippi River continues to be disastrous to southern Illinois. River crests are continually being revised upwards. It is critical that we all continue to work together to save lives and property. Workers are stressed and weary. We are literally fighting for our lives.

Madam President, in the past 6 weeks, thousands have volunteered filling millions of sandbags to try to help save towns along the river. This tragedy has brought my State and the entire Midwest together—indeed, I would daresay the entire country. Neighbors are housing neighbors and communities are assisting nearby communities. I have been told that volunteers of all ages have traveled from hundreds and even thousands of miles away to help those who have lost almost everything.

In the struggle to keep back the water, there have been success stories, but, unfortunately, there have also been failures and some tragedies. In Illinois alone, three deaths have occurred. Close to 70,000 residents in the Alton, IL, area are expected to be without drinking or running water for the next 2 weeks. More than a dozen counties have already been declared Federal disaster areas. Dozens of levees have ruptured or broken and several others are currently in very precarious stages.

Tens of thousands of residents have been forced from their homes by the flooding. An estimated 1 million acres of farmland is flooded. Cleanup and restoration for farm equipment and structures are estimated to cost in the hundreds of millions of dollars. Close to one-half of $1 billion in crop losses alone are expected. Barge traffic has ground to a halt. Bridges have collapsed or been compromised. And almost all commercial use of the Mississippi as well as the other rivers in the region has come to a halt, with many freight shipments by railroads being canceled or rerouted causing severe delays in reaching manufacturing sites.

Madam President, just as those along the Mississippi, as well as northern Illinois and other parts of the Midwest, have come together, I must say that I am encouraged by how the Members of this body have come together in a bipartisan effort to hear the call of those who suffer from this disaster.

Almost every agency of Government has been involved in putting together the emergency package. People are working to make Government more responsive. Deadlines have been extended. Waivers have been granted.

Last week, when Governors from the Midwest came to Washington with pleas for more assistance, this Congress heard them. As the flood-ravaged communities continue to cope with the floodwaters and begin to recover from this disaster, once the floodwaters have receded, we will need to continue to provide the needed assistance.

I suspect this will not be the last time we come to the Senate floor to discuss this need for relief.

This bill alone cannot be the complete answer to the many problems of the flood victims in Illinois and in the rest of the country.

But as I said at the onset, it is a good first step. I urge quick action on this emergency assistance package for the Presidents signature.

At this point, Madam President, I would like to speak specifically to something that Senator HARKIN said when he was on the floor discussing his amendment and talking about whether or not we go back to the previous formula in the law that provides for emergency assistance, or if we defer to the bureaucrats' judgment and what is called the 50-percent rule that we have been discussing.

Senator HARKIN called it bad policy. I certainly agree with him. I am reminded once again—and I probably said this on this floor before—but I am reminded of some wisdom my mother gave me when she told me that if a dog bites you once, shame on him; if he bites you twice, shame on you.

The fact is, Madam President, that the bureaucrats under the Bush administration undid the law several years ago. This Congress, this Senate, actually put up with what the past administration did in 1989, when Hurricane Andrew and the other hurricanes occurred. We put up with what the bureaucrats had done.

The question now, the question put by the Harkin amendment, is are we going to put up with it in 1993, or is it our job as legislators to direct policy for this country? Is it our job to direct policy, or are we constrained to wait on the bureaucrats to change their minds about their previous decision to undo the law?

It seems to me that the importance of the Harkin amendment is that it says once again that it is the Congress' job to make policy; it is the Congress' job to underscore the rule of law; and it is our job to speak to the needs of the people who sent us here; that it is not incumbent on us to wait. We are not constrained to wait on an administration or the bureaucrats that work as part of that administration to change their minds, to make another kind of decision that we were sent here to make.

I say to you, Madam President, that, if anything, with all the tragedy that we are looking at, this amendment can be a positive outcome from this devastating tragedy, to see to it that the farm communities, farmers who we rely on in so many instances in the good times, will not be forced to suffer from a decision that really nobody would have noticed if it were not for this 500-year flood.

With that, Madam President, I urge adoption of the amendment; I urge passage of this legislation. I feel confident that we can get it through conference in time to be responsive to the needs of the farmers.

I urge the entire body to recognize that this is an issue that is not just an Illinois issue; it is not just a Missouri issue; it is not just an Iowa issue. This is a national issue. This is something

for the entire country. This calls on all of us to rise to our statutory and elected responsibilities as the elected representatives of the people to come together as Americans to address and try to help people who are suffering from this terrible, terrible tragedy. That is our job to do, Madam President.

I urge the Members of this body to weigh in to do that. Thank you.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Madam President, I thank the Chair.

Madam President, will the Chair please advise me when I have used 5 minutes? It should not take more than 5 minutes. I have no charts. I have no pictures. I just hope I can place in summation the good presentations that have been made here by my colleagues.

I wish to be added as a cosponsor to the amendment offered by Senator HARKIN, if I am not already a cosponsor.

Madam President, I hope I am not too repetitious.

Let me tell you that pictures and charts cannot tell the true story of the disaster that has hit the midsection of our country.

In my view, the 500-year flood plain has been violated many, many times. We certainly have not had any flood like this in 500 years. I hope we never have another one again.

Maybe it is best to try to put this in the picture of how devastating this has been. If you could picture a cornfield under 20 feet of water; that is 20 feet over the top of the tassels of the corn before the river goes down.

I have lived on the Missouri River all of my life. I have never seen the Missouri like it is now. The States of North Dakota, South Dakota, Nebraska, Iowa, Kansas, Missouri, and on downstream on the Mississippi have been absolutely devastated, and certainly St. Louis is reaching its peak right now, with widespread devastation.

What we are asking for, to put the perspective of the amendment of the Senator from Iowa in proper focus, is whether we are going to offer the agricultural sector only 20 cents on the dollar, or up to 40 cents on the dollar. That is how minuscule this is.

Yes, those of us in the agricultural belt have recognized that we should do something about improving crop insurance so it could be used in the future to help alleviate this. And we should make some changes there. But when I want to put this in perspective, I think about the citizens of Des Moines, IA, who had to go for over 2 weeks piling up sandbags while they had no running water. They are 120 miles from the Missouri and probably 150 miles from the Mississippi.

So it is just not the Missouri and the Mississippi. It is the Platte and all of the tributaries that have caused great, great difficulty.

I think—and I want to emphasize what my friend from Missouri, Senator BOND said—we have no way of knowing what the total cost of this disaster is going to be for agriculture. We are still trying to assess what the total cost would be for bridges and improvements and roads in the cities affected not by the flood, but by the storms that swept across Nebraska and other places associated with this very unusual weather pattern.

Madam President, just let me say that a major concern that this Senator has today is what about the disease that could break out with this massive flood as it recedes? I am confident that we are going to have to be moving in there with medical facilities to help straighten that out if it should raise its head.

The devastation is best described, I think, by a cornfield under 20 feet of water. Or if you want to say how bad this flood is, it is the worst flood ever for the Union Pacific Railroad, and they have been around a considerable period of time. I am not asking for assistance here for the Union Pacific Railroad. But to give the dimension of this, under the Union Pacific system, if you laid all the tracks end to end that have been knocked out by this flood, it would stretch from Omaha, NB, to somewhere in the middle part of Florida.

It is a true disaster of which pictures and charts and human suffering cannot begin to tell the story. Television has done a good job and the print media has done a good job. But yet they have not brought home the terrible situation that confronts us out there in the Middle West.

I say that the State of Nebraska has been hit hard, but not as hard as our neighbors in Iowa and Missouri downstream.

I simply say in conclusion, Madam President, let us restrict the time we are going to talk. Let us appeal to the Members of the U.S. Senate to act in an expeditious fashion. Certainly, this modest amendment offered by the Senator from Iowa to allow compensation for the farmers of not 20 cents on the dollar, but about 40 cents on the dollar, is a reasonable one. I hope we can get overwhelming support for it.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Madam President, farmers in my State look at what is happening this year and they say: Not again, because in 3 of the last 6 years we have suffered natural disasters. Madam President, in 1988 and 1989, we suffered from the 50-year drought, the worst drought in 50 years. It absolutely devastated my State. Hundreds and hundreds of millions of dollars of agricultural losses.

Madam President, as 1993 started, it appeared that we were going to have the greatest crop in our entire history. That is what farmers in my State thought as 1993 began. Madam President, just a few weeks ago, the skies opened up, and the rains began to fall, and it did not stop. In one 6-hour period, 10 inches of rain fell in the State of North Dakota, a State that rarely receives over 22 or 23 inches of rain a year—10 inches in 6 hours. And now we have the 100-year flood. First the 50-year drought and now the 100-year flood. It is almost unimaginable what has happened in my State.

I thought I would bring just a series of the headlines that have run in the North Dakota press over the last 2 weeks. Perhaps the best single headline from my hometown newspaper, the Bismark Tribune, simply said it all: "All Wet." "Everything is Soaked." "Another Round of Rain Soaks the Valley." "Some North Dakota Crops Flop." "Southeast Farmers Facing Catastrophic Losses." "Regions Flood, Woes Continue." "Weekend Rains Cause Sizable Crop Damage." "Flood Takes Toll on Area Roads."

Madam President, headline after headline tells the story. Finally the Jamestown Sun summed it up by saying: "Water, Water, Water."

Those early dreams of what 1993 was going to bring have been dashed by a natural disaster of stunning proportion.

Right now, they are telling us that the agricultural losses in North Dakota are $600 million. The head of the State ASCS tells me that number may triple if we get an early frost in North Dakota, because we have a short growing season, and there simply have not been enough heat units to mature the crops growing across the State of North Dakota.

So we are faced with an enormous natural disaster. That natural disaster converts into an economic disaster, an economic disaster that threatens the livelihood of tens of thousands of people in my State.

This is not an academic matter, Madam President. This is not a matter of numbers—so many inches of rain, so many dollars of crop loss. This is a matter of human tragedy; this is a matter of hopes dashed, of dreams killed. This is a matter of people looking at their family's future and seeing nothing but hurt.

Madam President, this is a hurt not just in North Dakota, but across the heartland of this country: North Dakota, South Dakota, Nebraska, Kansas, Minnesota, Iowa, Missouri, Illinois, Wisconsin, State after State where people's lives have been devastated.

There is nothing quite like a flood. When you have a hurricane, it comes, the disaster is over, and you can begin

cleaning up. With a flood, it just stays and stays and stays.

I can remember so well seeing a woman in Valley City, ND, who came up to me when I visited there, and she was crying. She said, "I don't know how much more of this I can take, because every day I hope I am going to get the sewage out of my basement, and every day we have another downpour and another backup, and every day we hear that the dam that protects this city may be overrun."

I can remember when we suffered the first rains in North Dakota and I called a number of mayors across the State. I called the mayor of Fargo, and he was in his own basement pumping out the sewage. Then I called the mayor of Valley City, ND. He had been up 24 hours sandbagging. I called the Mayor of Bismark, ND, and he told me the night before, he left the disaster center, he went out to find his car floating away. He pushed it over to dry ground and drove away.

Story after story was told me of the experiences people were having, just incredible experiences and, again, in a State that rarely receives more than 20 inches of rainfall a year, to get 10 inches in 6 hours creates a stunning disaster.

Madam President, we cannot let this turn into a permanent economic disaster, because that is what is about to happen all across the heartland of America—a natural disaster turning into a permanent economic disaster. I talked about the 50-year drought we suffered just 4 years ago. And now the 100-year flood. So I think it is fair to look at what we did for people when we suffered the 50-year drought? How does it compare to what we are doing now with the 100-year flood?

Madam President, here is the comparison. Here is the difference between what we are doing now and what we did then. Madam President, this shows what happens to a typical North Dakota farmer. The average size farm is 1,200 acres. Here is what we did in 1988 on this chart. They were out-of-pocket $183—by the way, that does not count all of their personal expenses, or their land expense, or their machinery expense; those are all additional things.

Look at what we are about to do in 1993. Instead of being down $183, this farmer is going to be out $17,252. Again, I emphasize that does not count their personal expenses, such as food, clothing, shelter; and that does not count machinery or their land expense. Those are all additional costs. But just in terms of a comparison, what we did in 1988 versus now in 1993, they are over $17,000 worse off, based on what we did and what they are proposing we do in 1993. How can that be fair? It is not fair to say to the farmer that suffers a loss in 1993: You are $17,000 worse off than if you would have suffered this same disaster in 1988 or 1989.

Madam President, it is not fair. It is not right. And that is why the amendment of the Senator from Iowa and the amendment of the Senator from Missouri are so important, because we are going to visit an economic disaster on top of a natural disaster if we fail to act here. We have that opportunity.

By the way, we are not talking about a budget buster. The fact is that we are asking for a total of about $2.2 billion of agricultural aid. But do you know what? There are agricultural savings that will just about cover the whole bill, because what happens in a natural disaster is that supply is limited, price goes up and, as a result, the deficiency payments that Government pays are reduced. They are anticipating now that the savings to the Federal Government as a result of this disaster will be about $2 billion—$2 billion—and that is about the amount of relief that we are seeking here tonight.

Madam President, what is fair is fair. What is right is right. What has been done in the past in the last major agricultural disaster is what ought to guide our actions tonight.

Madam President, I urge my colleagues to think of the human tragedy, the economic disaster that faces the heartland of this country. We need help, and we need it now.

I thank the President and yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Madam President, before I start, I want to compliment the Senator from North Dakota for a very important point that he just made about money that will be saved as prices rise, and to reaffirm what he said and to expand it just to remind Members of this body that the disaster of 1988 raised prices enough to save more than twice the amount of money than what we ended up paying out in disaster payments.

So I think that there is money from past years, as well as what might be available for this year, and that we ought to consider that. This is not only revenue neutral, but when you try to accomplish those things, we never do spend enough for disaster from what has been saved from rising crop prices.

Before I start to comment, Madam President, I want to say that there is a friend of mine on this side of the aisle and a person who has been a leader in agriculture a long time before most of us were in this body, and that is Senator DOLE. He supports this amendment but is not able to be here debating right now. He will come later and speak in support of this amendment, he has told me. He is not here right now because he has to be prepared to make a response to the President's address this evening. But I want to make very clear that he supports this effort and will speak in favor of it.

Also what might surprise you from this side of the aisle, as a Republican, I want to say that I should, as I am sure most everybody in this body intends to and maybe have not, compliment the President of the United States, Mr. Clinton, for his response to this disaster, not only his personal attention to it, but I think the legislative and administrative responses that he has given. And just as importantly, what Secretary Espy has done has been helpful, not only his personal attention, but also what responses he has give through administrative discretion that he has under law.

I think their response has been timely. I think that it has shown a great deal of understanding of what the problem is. And, I think the administration has expressed proper sympathy. As a farmer myself I appreciate that, but more importantly, as has been said so many times here, there is nothing we are going to do in this body that is going to make anybody economically whole.

It was never intended that we guarantee profits or make people economically whole. But from one standpoint, we can, through actions we take here or that the President can take or the Secretary of Agriculture can take, at least show sensitivity and understanding of what that problem is. I think the President of the United States and Secretary Espy, as it relates specifically to agriculture, have done that.

I suppose there is more that I would want them to do, and I think that they probably will do more. I think that as a whole, from what we know right now, it has been very responsive.

I suppose we can all give pictures and maps, and Senator HARKIN has shown us something similar to this. But I think before I go into what I was going to say this evening, I want to put a map up here that again demonstrates, only in a different way, the massive amount of rain that has fallen in the Mississippi Valley and particularly in my State of Iowa, and how green the whole center of the country is, particularly within Iowa and Missouri, within that region.

But what this map does, in addition to showing the massive amount of moisture, historically large amount of moisture that has fallen in this region—and you can see that that is the very darkest green, the severest amount of moisture—you also have sections of the country that show extreme drought. You will find in North Carolina, South Carolina, and Georgia, as well as you have seen on television here in Washington and even parts of Maryland and Virginia, where there has been a shortage of moisture. It is kind of ironic that you can have this historically high amount of rain in the Midwest and still, at the same time, have regions of the country where there is an extreme drought.

I want to remind my friends of that, because there are areas all over the

country that are going to be hurt negatively by this. If they are hurt and do not benefit from this legislation, there will be legislation down the road in years in the future where Congress will respond within its concept of self-insurance where we cannot anticipate at the beginning of a fiscal year what is going to be needed in the way of self-insurance by our Government for natural disasters in this country to help people get back on their feet.

I say "help people get back on their feet." We never totally get people back on their feet from the standpoint of personal loss or business loss or agricultural loss, but to help them get back.

So within that policy of self-insurance, we have responded to hurricanes in South Carolina, Florida, and Hawaii. We have responded to earthquakes in San Francisco, we are going to be responding to this flood in the Midwest, and will be responding to other disasters in the future.

When it comes to this issue—and I am very happy to be a cosponsor of Senator HARKIN's amendment to correct the problem of the formula that puts an artificial cap of 50 percent on the working of the authorized formula in the farm bill of 1990, I hope you will remember this: When it comes to the various programs that respond to disaster, and there are FEMA, HUD, and the Corps of Engineers, and you can go on and list a lot of different programs that are authorized to fund disasters, those disasters are funded at the authorized level. There is no artificial cap put on the authorized level by the Appropriations Committee or any other administrative response except the agricultural programs.

Why should agriculture be singled out to have some sort of cap other than the authorized level of expenditure put on it? I think that is a very important point that each Senator ought to consider as they respond yes or no to Senator HARKIN's amendment.

Each of us here has compelling statistics about the acres unplanted, the crops suffering from rain, and the crops that are washed away. Out of 13 million acres of corn, 2.1 million acres were not planted or were drowned out or were flooded out.

On fields that were planted, yields will probably be reduced by 25 percent even if we do not get an early frost. And a lot of this corn, because it is later if it is harvested, will be of poor quality, which reduces its value and even makes it difficult to store. As of last Monday only 24 percent of the corn crop was rated good or excellent in my State. The remaining 76 percent was rated from very poor, to a classification of fair.

All of us know that the true extent of the damage will not be known until the fall harvest. The Iowa Corn Growers Association has estimated that the current damage, based on reduced yields alone, will be $1.2 billion for my State. This does not take into account money lost because of the low quality of the corn. It is possible—and I emphasize the word "possible"—that if we get enough warm weather, and even if we have a late frost, the aggregate damage throughout the corn belt might be minimal. That is a rare chance now, as late as our season is, and as cold as it is, and the crops maturing at least at this point 1 month behind what would be normal.

I personally do not think that we are going to be able to get by in my State without having a lot of damage from frost. I hope not, but it seems to me that, in my traveling in Iowa 15 out of the last 30 days, I have been able to see almost uniformly throughout our State crops way behind. The prospects of an early frost are what really concern most corn growers now.

Most of the time, that killing frost is an innocuous event, the first sign of winter's approach. But this year, it is going to be watched by every farmer in the Midwest, because the damage that can be done from that would be as catastrophic as what was done by the floods. Simply put, the frost is an event that is going to kill our maturing crops prematurely and hurt us in a way that probably this flood has already hurt 20 percent of our crops.

I think, Madam President, that my colleagues have expressed pretty much the concern for agriculture as a whole. I only hope, in closing, that we can each talk about specific crops, specific States, dollars' worth of damage, prospective damage down the road, all these things we can talk about, but the bottom line is this: We are talking first about, through Senator HARKIN's amendment, eliminating—what is really unrelated to the reality of the situation—the arbitrary cap at 50 percent in existing law.

That should be eliminated. We should be doing that because it has already been well thought out by the Agriculture Committee what the formula should be. As I said, this is the only disaster program that is not being funded at the authorized level. We should not single out and be punitive to agriculture compared to other programs to meet financial disasters.

But the bottom line is this: We are in the business—and have been for decade after decade after decade, at least during this century—of this Congress responding to the unpredictable. Maybe we have not set enough money ahead at the beginning of a fiscal year, but I do not think there is any way you can anticipate it; at least, you cannot anticipate this sort of a disaster.

I think we should fully meet the responsibilities that have been consistently met by this body in the past. When you have a natural disaster, somebody tries, as best they can, to estimate what that cost is and we meet it. That is a policy of self-insurance, because you cannot anticipate ahead of time what that disaster might be, and we meet it.

I yield the floor.

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

AMENDMENT NO. 756

(Purpose: To provide full payments to producers for crop losses resulting from damaging weather or relation condition in 1993)

Mr. HARKIN. Madam President, I have an amendment I send to the desk on behalf of myself, Senator BOND, Senator DASCHLE, Senator PRESSLER, Senator CONRAD, Senator MOSELEY-BRAUN, Senator WELLSTONE, Senator DORGAN, Senator SIMON, Senator EXON, Senator DURENBERGER, Senator GRASSLEY, and Senator COCHRAN.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Iowa [Mr. HARKIN], for himself, Mr. BOND, Mr. DASCHLE, Mr. PRESSLER, Mr. CONRAD, Ms. MOSELEY-BRAUN, Mr. WELLSTONE, Mr. DORGAN, Mr. SIMON, Mr. EXON, Mr. DURENBERGER, Mr. GRASSLEY, and Mr. COCHRAN, proposes an amendment numbered 756.

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

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

The amendment is as follows:

Page 2, line 13, at the end of the sentence insert the following: "Notwithstanding any other provision of this Act, the following shall be the law with regard to the Commodity Credit Corporation.

COMMODITY CREDIT CORPORATION

COMMODITY CREDIT CORPORATION FUND

For an additional amount for the "Commodity Credit Corporation Fund" to cover 1993 crop losses resulting damaging weather or related conditions as defined in section 2251 of Public Law 101-62 in 1993, $1,050,000,000, and in addition $300,000,000, which shall be available only to the extent an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress, the total to remain available until June 30, 1994: *Provided*, That from funds previously made available in Public Law 102-368 by Presidential declaration, $100,000,000 to remain available until June 30, 1994, shall be for 1993 crop losses only: *Provided further*, That if prior to April 1, 1994, the President determines that extraordinary circumstances exist that warrant further assistance, the Secretary of Agriculture shall use such funds of the Commodity Credit Corporation as are necessary to make payments in an amount equal to 100 percent of each eligible claim as determined under title XXII of Public Law 101-624: *Provided further*, That all additional amounts made available herein are subject to the terms and conditions in Public Law 101-624: *Provided further*, That Congress hereby designates the entire amount provided herein as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget

and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That notwithstanding any provision of Public Law 103-50, funds provided by such Act shall not be expended for 1993 crop losses resulting from 1993 natural disasters, and claims for assistance from funds provided by that Act by producers with 1990, 1991, and 1992 crop losses shall be paid only to the extent such claims are filed by September 17, 1993: *Provided further*, That the Secretary may provide assistance, utilizing such funds of the Commodity Credit Corporation as necessary, for additional weather related losses to producers with 1990, 1991, and 1992 crop losses. The Secretary shall provide such assistance in a manner that treats producers of 1990, 1991, and 1992 crops who suffered crop losses and received a prorated payment under Public Law 102-368 equitably with producers receiving assistance under this Act.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Madam President, first of all, I ask unanimous consent that the following letter in support of the Harkin-Bond amendment from the American Agriculture Movement; American Corngrowers Association; Evangelical Lutheran Church in America, Lutheran Office of Governmental Affairs; Federation of Southern Cooperatives; Institute for Agriculture and Trade Policy; National Corn Growers Association; National Family Farm Coalition; National Farmers Organization; National Farmers Union; National Grange; National Rural Electric Cooperatives Association; Prairiefire Rural Action; Rural Coalition; and the United Methodist Church, General Board of Church and Society, be printed in the RECORD.

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

AUGUST 3, 1993.

Re: Disaster Assistance Legislation.

DEAR SENATOR: As the Senate considers the Emergency Supplemental Appropriations Bill, H.R. 2667, we urge your support for the Harkin-Bond amendment which will lift the current 50.04% cap on disaster payments. This cap translates into only approximately 21-cents for each dollar of crop loss. Even without the cap, producers would receive 40-cents or less of every dollar in farm income they would have received had they harvested a crop this year.

Further, the amendment changes the date for reporting disasters from August 1, 1993 in order to cover "all 1993 crop losses." This is an important component because it is impossible at this time to know the full extent of damage to land, crops and livestock which have resulted from these ongoing disasters. Including an arbitrary cut-off date for applications would be unfair to many producers.

The Harkin-Bond amendment makes the pending disaster package more meaningful for our nation's family farmers and rural residents who are suffering from the floods in the Midwest and drought in the Southeast. The huge additional reduction in farm income which will result from this disaster is already having broad effects on the entire economy.

We urge your support for the Harkin-Bond amendment to H.R. 2667.

Sincerely,

American Agriculture Movement.
American Corngrowers Association.
Evangelical Lutheran Church in America, Lutheran Office of Governmental Affairs.
Federation of Southern Cooperatives.
Institute for Agriculture and Trade Policy.
National Corn Growers Association.
National Family Farm Coalition.
National Farmers Organization.
National Farmers Union.
National Grange.
National Rural Electric Cooperatives Association.
Prairiefire Rural Action.
Rural Coalition.
United Methodist Church, General Board of Church & Society.

Mr. WELLSTONE. Madam President, first of all, let me thank—because rarely are they thanked—the Government employees, who have really done a magnificent job of being out in our communities to provide support for people in the Midwest and, for that matter, in some of the other States, as well.

Madam President, let me, on the floor of the Senate, just issue a special thank you to James Lee Witt, who has done really a magnificent job as Director of FEMA, under tremendous pressure. He has been so responsive. He has returned phone calls. He has been out there with local officials. He has been out there in our communities. I think all of us appreciate it.

Madam President, could I get order in the Chamber, please?

The PRESIDING OFFICER. The Senate will be in order.

Mr. WELLSTONE. Thank you, Madam President.

I am going to be very brief, because other Senators want to speak.

First, the numbers. The Minnesota Department of Agriculture already assesses farm damage in my State at about $1 billion. That is preliminary. Over 1 million acres remain unplanted in Minnesota, and much of what has been planted is going to be a partial or near total loss.

The State ACSC office reports that 60 percent of Minnesota's corn crop, 2 million acres, is in poor or very poor condition.

Our agriculture department believes that farm damage could reach as high as $2 billion this year.

Madam President, I make this plea to my colleagues on the floor of the Senate: Whether it be what you have seen on television in Iowa or Missouri, in the larger towns and the cities, the flooding—and it is a nightmare for people—or what has happened in the farmland, where our flooding may be more hidden, but no less real to people, we ask for your support.

I am not going to talk about the statistics. I am just going to say this: When I was in Belle Plaine, MN, on June 28, farmers came to a meeting, farmers from all over. And then when Secretary of Agriculture Espy was out in Minnesota, it was the same thing. Everywhere I went in southern and southwest Minnesota, Madam President—and I will bet the Senator from South Dakota would say the same thing—what farmers had to say, what small businesses had to say, what people in rural America, in the heartland, had to say was this: "Senator, can you go back to the Senate and make sure that you will be able to do well for us? Senator, can you make sure that we will at least have enough assistance to get back on our own two feet? We know we will never be able to make up for the loss, but it would mean so much for us.

"Those of us who still have not recovered from the mid-1980's, those of us who have had several bad years in a row, those of us who are young beginning farmers will never get back on our feet unless you do something about that formula, because it is not anywhere near 50 cents on the dollar; it is more like 20 cents on the dollar of what we lost, and we will not make it."

That is what this debate is all about. I believe our colleagues will support us.

Let me conclude this way, Madam President: If we do not pass this amendment, then those of us from the States that have been so hard hit are being asked to tell farmers and so many other people in our communities that depend upon agriculture that they are only going to receive half of the payments that they were counting on, which still did not even give them 50 cents on the dollar.

Is this how we want to respond to the worst flooding in the United States of America in this century? Is this really how we want to respond to the worst flooding in the United States of America in this century?

I know the answer is "no" to that, and I know our colleagues are going to support us on this amendment.

I yield the floor.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. DASCHLE. Madam President, let me commend the distinguished Senator from Minnesota for his powerful statement, and also the statements by the distinguished Senators from Iowa, Missouri, North Dakota, and Illinois, who have already spoken so eloquently and passionately and, in my view, convincingly about what we are facing tonight.

Others have already done so, but I think it is important that we call attention to the remarkable job done by the administration: by the Federal Emergency Management Administration, by Secretary Espy, by the President, and by the Vice President. They have responded. They responded quickly, and they certainly responded beyond that which was expected in this very difficult crisis.

I also want to thank the other original authors of this legislation, who

have spoken so ably about the need for it. This amendment has been weeks in the making. We concluded that, while there are a lot of things that we really need to do to respond to this agricultural disaster more appropriately, this amendment represents the key. This represents our coalition's view of the most important thing we need to do. If there is one thing we have to do, it is to ensure that farmers get reasonable assistance.

The significance of the disaster simply cannot be underscored enough. The magnitude of the problem is beyond comprehension. The pictures we have seen tonight illustrate in part the devastation and the degree of pain—both emotional and economic—that exist already. South Dakota may be nearing $1 billion in damage. We may be nearing $12 billion in damage nationwide. But the numbers cannot possibly reflect the human suffering, the uncertainty, the frustration, the anger, all of the emotions that go into the realization that for a lot of these people their year is over.

Most farmers in this area have experienced a 100-percent loss. That means there is no income, no income whatsoever for this entire calendar year. I do not know what those of us in this Chamber would do were we to wake up some morning and be told that for whatever reason we would have no income for the balance of the year.

That means when the bills come for fuel, for food, for rent, for repairs, these farmers are going to be faced with one of the most difficult choices—how do I pay my bills and keep my good name? How do I ensure my credit will somehow survive this debacle? How can I get through this very difficult period, this cold winter and all of the problems I know I will face given the fact that I have no income for 1993? For many, unfortunately, there is no way to recover. It may be the last in a series of financial and natural disasters that ultimately cause many of these producers to quit, to pack up, to leave. They will be gone.

They survived the problems in the 1980's. They survived the financial ups and downs, the devastating droughts and floods, but this may be the last one. I could give the names of some of those people who have come to that conclusion already. They are going to call it quits. They simply cannot take it anymore.

The devastation I have seen in South Dakota, frankly, is as vast as anything I have ever seen—land inundated with water as far as one can see. The pictures reflect that fairly well, as does the very illustrative chart the distinguished Senator from North Dakota had just a moment ago, showing the headlines. They are similar to headlines we saw in South Dakota and continue to see. What they do not tell you is that this is the best land, the most productive land that we have. Farms have been abandoned, homes have been destroyed, and with them the future of many of these family farms.

It is not only the magnitude of the disaster, it is the unfortunate timing that has led to such extensive determination. Normally most of our grain is planted by May 1. This year only one-third of the grain had been planted by that date. Two-thirds of the grain that normally is in the ground and by this time standing tall throughout the Midwest does not even exist. Unfortunately, because much of the grain was planted late and has not had the time to mature, as the distinguished Senator from Iowa just indicated, much of it may be imperiled by frost. The frost itself may take what the flood did not.

So all those good managers who have done their best in trying to cope with this very difficult period will face another serious problem at the end of the crop year, just as they did at the beginning.

We have a lot of people who have done as good a job as they possibly could in managing their farms. Many of them, in the name of good management, take out crop insurance. But this year many of those who have consistently done all they could to protect themselves, including taking out crop insurance, found it was absolutely worthless this year. Because there is a provision in the crop insurance law that says you must have the grain in the ground to be eligible for benefits. It is a catch-22. You do not get benefits if you do not have grain in the ground. But if you do not have grain in the ground because of the flood, you are not eligible for crop insurance.

The prevented planning feature of crop insurance has been a debacle this year. Many people who year after year after year have attempted to do something to protect themselves were prevented from doing so. For that reason they are completely left out. They have no ability to deal with the disaster as they normally would. If ever there was an argument for major crop insurance reform, this disaster is that argument. We have needed it for a long time. For a long time many of us have called attention to the fact that it has been inadequate. But now we can say unequivocally, we need crop insurance reform.

For the last several weeks, as have so many of my colleagues, I have had an opportunity to talk to our producers. I am sure, as Senators WELLSTONE and CONRAD and others have indicated, that is when you really learn the most. You can attend hearings, and you can read letters, and you can do all the things we do to try to prepare ourselves, but, without question, the best preparation is just to have those constant conversations we have with farmers themselves.

I have learned a great deal. First, the farmers will tell you straight out: They do not need another loan. What they need is real help. What they need is something that will get them through the balance of this year and into the next crop year. They do not need more debt.

Second, they need help now. Not next month, not this fall—they need help now. They have been troubled, as we have gone through this period of delay and of uncertainty and of difficulty in getting to this point. They have indicated time and again that they are very concerned that we get this legislation passed, that we get it onto the President's desk, and that we do as much as possible to provide the assistance as quickly as possible.

Third, the past experience they have had in dealing with disasters has made them almost as frustrated with the bureaucracy as with the disaster we face today. The paperwork, the hassle, the delay—all of these factors and others have caused a deep cynicism about the help they sometimes get from Washington and the formula we discussed early tonight.

Calculating a producer's eligibility is a pretty good illustration of what causes the frustration. Just for the record I think it is important that everyone understand, again, what that formula entails. In order for a farmer to determine his eligibility for his crop loss, there are five specific steps that have to be taken in order to get to the bottom line.

First, the Agricultural Stabilization and Conservation Service has developed a yield that they associate with all the base acres that a farmer has. That yield, by the way, is based on a 5-year-old estimate. They take that yield times the number of base acres, and that is the first calculation. That gives you the expected yield. That is step No. 1.

Step No. 2, you take that expected yield times 65 percent. Here it breaks down into two different categories. It is 65 percent if you have crop insurance. It is only 60 percent if you have no crop insurance. But you multiply it by one of those two percentages, and that gives you the disaster level.

Third step, you take the disaster level and multiply that times 65 percent of the target price and that gives you the payment. That is step 3.

Step 4, you take the payment times 50 percent, the factor that all of us have been talking about tonight, and that gives you the amount of disaster dollars—the disaster benefit that a farmer is entitled to.

You would think that would be the end of it, but there is one more calculation after that, after you figured all that out and you use the eligibility factor and you continue to chip away with each additional calculation, bringing the dollar amount down, down to about now 21 cents on the dollar. You subtract the deficiency payment from that

figure, and that gives the remaining balance that a farmer is eligible for.

That is what we are up against. That is why we are seeing the frustration. That is why we are seeing the hassle. That is why we are seeing the delay. That is why we see the cynicism of so many farmers. They have gone through that formula. They appreciate how much of a headache it is simply to figure out what they are entitled to.

I do not object to using the same standard in calculating losses as before. As Senator CONRAD pointed out, there is a very clear difference between what we authorized in benefits in 1988 and 1989 when the administration had a figure that did not include those last two calculations and what we are using today.

So I hope that we learn from our mistakes. The biggest mistake in farm formulas right now is that we have provided them with an expectation that they will get real assistance. That is the mistake that I think we have to debate tonight, with the realization that farmers need the assistance we have promised at a level that is meaningful.

That leads me to the fourth and final concern. The fourth concern is that the rhetoric is often greater than the result. When all is said and done, they often say, "More is said than done."

Again, the formula is our problem. The 21 cents from which deficiency payments are deducted is our problem. Farmers with losses in the hundreds of thousands of dollars will get a meager amount when all is said and done. When I inform farmers of that fact, they honestly do not know whether to laugh or to cry. That is why we have concluded something must be done. Something must be done that is more realistic, more meaningful, more serious, as serious as the disaster itself is serious to these farmers.

This amendment says two things: That farmers must carry the majority of the responsibility themselves. Indeed, even if this legislation passes, they are going to have to absorb over 60 percent of the pain and the financial loss that they have incurred.

The American people want to provide meaningful help, Mr. President. The people throughout South Dakota, throughout the Midwest, people, in fact, from all over the country who I have talked to have made it very clear: Look, we have to help them because in past experiences that we faced, they have been there to help us.

We are going to drop the demand of the previous administration to calculate the benefit and then cut it in half. We want to tell farmers that their benefit will still only be 40 cents on the dollar, but it will be real. It will be an accurate representation of the kind of assistance we can provide.

So, Mr. President, let me conclude by emphasizing that this crisis is real. This disaster is as significant—as grave—as anything I have seen in my years in public life. The human misery is great. Let us respond meaningfully. Let us respond by providing assistance that is real, that is simple, that is immediate, assistance that matches our rhetoric with our actions. This amendment does that, and it deserves our support.

I yield the floor.

Mr. HATFIELD addressed the Chair.

The PRESIDING OFFICER (Mr. MATHEWS). The Senator from Oregon.

Mr. HATFIELD. Mr. President, I shall not be long.

I would like to just do a little reflective thinking for a moment because I fear that we are reaching a threshold of risk that is going to be too great to achieve in the timeframe we have left in this session before the recess.

A month ago, the administration gave us an estimate of $1.2 billion. This is illustrative of the difficulty that everyone has in trying to estimate the precise figure of need. There is not a person on this floor who can do a better job, in my view, than the President of the United States. I do not think we can commend the President and the administration, on the one hand, and then come forth and, in effect, say the only way we can have a meaningful response to the misery of those people out there suffering is to adopt this amendment. That is contradictory.

The President has put all of his Cabinet people, his agency directors—FEMA, the Corps of Engineers, the National Guard—all of the ones that have a role to play in this disaster on this, $1.2 billion and with the reestimations that took place, when our committee received the bill, it was $4.7 billion. That is quite a jump. I wonder if the public out there watching or listening to this debate tonight, listening to one side as if we are sitting here saying: "Here is a crumb, here is a crumb" to help those people realize that the President of the United States and all of his Cabinet, all of his officers have said $4.7 billion at this moment.

But, Mr. President, tonight we have received another communication from the administration, from Mr. Panetta, addressed to Chairman BYRD, addressed to myself as the ranking member of the committee, addressed to Chairman NATCHER and to the ranking member, Congressman MCDADE, so that the administration is saying, in effect, we need another $123 million; please amend the bill that you have on the floor, in a sense they are saying, to what it was when you reported it out, which was our latest figure.

We reported the bill out only the day before yesterday. So, consequently, the administration is not turning its back on those people in the Midwest. They are keeping a current running account of what they are going to have to deal with this appropriately. Bear in mind, to my friends from the Midwest, this is not the last supplemental coming out of the committee. We have other supplementals coming along that will address the increased needs, if those needs are established and presented by the administration. This is not the last train out of Shanghai on the supplemental matter.

Interestingly, when this was discussed in our committee, the Senators from the Midwest, headed by Senators from Iowa and from Missouri, estimated a $1 billion amendment—an additional $1 billion to the $4.7 billion. They withheld that amendment to present it on the floor.

Since that committee meeting, this amendment now has added another $2 billion. The $1 billion amendment that was initially discussed in the committee from the Senators from Iowa and Missouri has now been presented to us in the format of $3 billion. It has grown, in effect, by $2 billion more.

I think it illustrates two things to me: It illustrates that we are dealing with a most complex, difficult issue of how to evaluate a disaster that is not over with; it is continuing. But by the same token, I am deeply concerned that it illustrates, too, that somehow we are going to solve it all on this vehicle without any recognition for further action by this Chamber and the House.

I cannot overemphasize the risk factor. The Senator from Alaska made a case in the same committee meeting about the starving people in areas of Alaska. They have not had a flood, but they have had the same impact. In fact, there are people closer to starvation in certain places of Alaska than probably anyplace in the Midwest because food is being delivered, and that is a disaster to those Eskimos and Native Alaskans up in Alaska.

When your life is threatened, that is a serious disaster. He suggested that maybe we ought to add the Alaska disaster to this bill. The chairman of the committee and I, as ranking member and chairman, indicated to our colleagues: Please do not make a Christmas tree out of this bill. It will fall. It will collapse. And we urged our colleagues to refrain from that.

But just in this short time, this bill has jumped—with this amendment and the administration's request, we have now not $4.7 billion; we now have $7.8 billion. The bill has grown that much, with these procedures that I have described, from the original amendment that was offered in the committee. It was stated then it would be about $1 billion to now what has been added by this amendment with the retroactive characteristic of the discretion of the Secretary to add 1990 and 1991 and 1992. That is estimated to be another $2 billion, if the Secretary should, of course, exercise that discretion.

Mr. HARKIN. Will the Senator yield?

Mr. HATFIELD. Now, since the Secretary is from Mississippi, and Mississippi was one of those targeted States, how many of us would really believe the Secretary would resist having to move with that discretionary authority to make those adjustments for equality?

I would be happy to yield for a question.

Mr. HARKIN. I thank the Senator for yielding for a question.

On this $2.4 billion figure that we now have thrown at us, correct me if I am wrong, but it is my understanding that if money is in a contingency fund, it is not scored unless or until the President actually spends that money. Is that correct?

Mr. HATFIELD. We are declaring the whole thing as an emergency, from a congressional point of view. That particular fund will be utilized when the President joins in declaring that part of the bill as an emergency.

Mr. HARKIN. Let me restate the question. In terms of scoring how much the bill cost—the Senator has said it has gone now from $4.7 to $7.4 billion. I believe those were the figures.

Mr. HATFIELD. If we adopted the amendment.

Mr. HARKIN. However, it is my understanding that that is not so, because it will be a contingency. Money that is in a contingency is not scored against us unless and until the President actually spends that money. The Cochran amendment, which was incorporated in my amendment, is a contingency fund. It will not be spent unless and until the President decides to declare something an emergency under that provision. So, therefore, it will not be scored against us unless and until the President actually spends money.

Mr. HATFIELD. The Senator is correct.

Mr. HARKIN. I appreciate that.

Mr. HATFIELD. What I am saying is simply we have those divisions within the $4.7 billion. We had within the proposed $1.2 billion. And when we add this, it could spend up to that level of $7.8 billion if this amendment were adopted, recognizing the structure of the bill between the commitments made and the scoring and the contingencies dependent upon the President declaring the emergency.

Mr. HARKIN. I appreciate that. It could but not necessarily. It could go that high but not necessarily.

Mr. HATFIELD. Yes.

Mr. HARKIN. I thank the Senator.

Mr. HATFIELD. One last point. I have to just get the dates down. We are not going to have this bill, if passed with this amendment, automatically accepted by the House. I think we have had pretty good signals from the House already, and the chairman of our committee, the Senator from West Virginia, has already indicated communication with the House chairman.

Now, let us assume the procedure that we would normally follow. And we can only make assumptions at this point. And that is that the House would receive this bill back, as amended, if this amendment is adopted, and the House would then ask for conferees.

By the way, we are assuming that this bill will be finished by tomorrow afternoon, which is Wednesday.

Then the House receives the bill, appoints their conferees, and demands a conference. The bill comes back over here. We have to appoint conferees to respond to the House, if we so desire, and we probably would. I am talking about a very highly likely scenario.

All right, then we are into Thursday. On Thursday, I understand the reconciliation resolution is going to be brought to the floor. And I assume that that reconciliation, once it is brought to the floor—as the majority leader has indicated, he wants to dispose of that before the recess. Now, I am not sure that anybody would disagree with me when I say that when that reconciliation hits this floor, there is going to be a very large contingency on both sides of the aisle to debate that committee report.

Now, pray tell me how 29 Members of the Senate Appropriations Committee and the numbers required from the House committee—and remember, this is a full committee conference. And that means we would have to go to the House side and engage in conference. And the Senator from Iowa, having been a Member of the House, recognizes their rules—and the Senator from North Dakota as well, having been a Member of the House.

The rules in the House are different as they relate to appropriations particularly, and we know of Chairman NATCHER's very strong, rigid viewpoint, one might even say. I think it is accurate. But I am just saying he is a man who has great commitment to tradition and to the rules as they are written about legislating on appropriations.

Now, we get into all sorts of issues of that kind, not even to enumerate the potential increased costs of this bill. And it had a difficult time on the House side, arguing that and debating the so-called level of funding.

All I am saying is that in this potential scenario, with the pressure on everybody to get out of here in the heat of August, and all the other things that we all know begin to build within the bodies as we move to that date of recess, I think there is a risk factor——

Mr. HARKIN. Will the Senator yield?

Mr. HATFIELD. Of losing the whole bill until after Labor Day.

Mr. HARKIN. If the Senator will yield on that point——

Mr. HATFIELD. Sure.

Mr. HARKIN. I think I might be able to clarify something.

This issue which is before the Senate right now on the 50.04 percent factor was not really debated nor voted upon, I do not believe, in the House. And the reason it was not was because the administration had been supporting it, or had been opposed to doing away with it.

As I responded to our distinguished chairman earlier, I had spoken with the President last evening. I just, not more than an hour ago, got off the phone with the White House liaison to the Congress, who informed me that at that point the administration's position now is that they neither opposed it nor supported it, and whatever the Senate decided to do would be acceptable to them.

Therefore, if the Senate works its will and we do adopt the amendment, I can only again reasonably believe that the House, then being faced with that, would say, well, there is a different set of circumstances. And I do not think we would face that problem.

Mr. HATFIELD. Mr. President, I would not argue with the Senator. He has that information. I accept that information as accurate, that the White House has taken a hands-off position on this. Nevertheless, I think we are both speculating on what the scenario might be.

Would the Senator not agree, though, that the scenario that I have outlined is a potential scenario as well of bogging down in a conference with the House?

And let me add one further factor. That is, the Senator and I both sat in on an appropriations agricultural conference yesterday, and we heard the chairman of the House Subcommittee on Agriculture engage in a very brief exchange and discussion about revising the so-called insurance programs in agriculture as it related to those who farmed in areas which in 7 out of the last 10 years had had floods or disasters, and that perhaps we ought to look at that and begin to restrict it.

Now, my only point is that this amendment was not discussed on the House side, but there have been discussions within the House confines that relate to this subject as we are talking about revising certain criteria and formulas.

Would the Senator from Iowa agree to this?

Mr. HARKIN. I absolutely agree with the Senator on that issue; of course they have. Let me further say that, first of all, the amendment I have offered is not legislation on appropriations. So we will have no problem there. This simply strikes a provision that is in the bill.

It is not legislation on appropriations. So we do not have that problem.

Second, regarding to the crop insurance that the chairman of the House Agriculture Appropriations Committee was talking about, the crop insurance

program has to be revised, but that is legislation, it cannot be done on an appropriations bill. It will have to be done through the legislative process.

Mr. HATFIELD. I say to the Senator that over the years I have gone to conferences, as the Senator from Iowa has, and we have gone in with the Senate version of many bills in which we did not believe they were legislation on appropriations, but the House interpreted it as legislation on appropriations.

We have had a number of incidents that I can tell you in the Interior Subcommittee, in the Energy and Water Subcommittee, especially in the Labor-HHS Subcommittee, in which the chairman, now chairman of the full committee, was the subcommittee chairman, and I believe we spent hours on Labor-HHS on things that he interpreted—and I am not saying he was wrong because I do not know the House rules that well—but they were interpreted as legislation on appropriations.

I am not so sure that is that clear cut because I have seen other things I thought were clearly not legislation on appropriations. We are still in speculation. But all I am saying is I think there is a risk factor here. I just want to point out the risk factor because I think we have to recognize that we want to get this done before the recess.

You begin to build it up, build it up, and build it up, and you create, I think, a risk factor that—I am only taking the floor at this point, not in any way to diminish my support for the legislation for helping those people. Whether it is all done this time or whether we follow it up with a series of further supplementals, I hate to see this bill bogged down.

I just want to raise a signal from one perspective, one person's perspective, that we are reaching, in my view, a threshold where that could more likely happen than if we went with the committee bill as reported by the committee for the $4.7 billion plus the administration's own estimated increase of $143 million which they have outlined in this letter.

I have no hesitancy to join the chairman of the committee, if he so desires, to offer that as an amendment at an appropriate time to begin to comply with the administration's statement of what is needed at this point.

Mr. BYRD. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, we have been discussing, both in the abstract and in the specific, the question of the natural disaster, the flood that has affected the Farm Belt so much this year and the specifics of a disaster relief program to respond to that. It seems somehow impersonal to be discussing some of the elements of this because we are talking about how the legislative process works. We are talking about abstract statistics and a piece of legislation that in itself was difficult to read and understand.

But there is loss for some people. I had a call a couple of hours ago in my office from a young man from North Dakota, in the Red River Valley, a young 25-year-old fellow that just started farming. He felt like he had realized his life's dream by being able to get some money together, get a loan from the Farmers Home Administration, and start farming.

Then, he has to not only make all the management decisions to try to do well as a farmer, but plant the right crops, buy the right kind of equipment, use the right kinds of applications of fertilizer and insecticide, and so on. You hope and pray it will grow and it will be a good growing season, that maybe you will get in there at the end of the crop season and harvest something, and maybe when you harvest it the price will be decent, and maybe you will make it.

But maybe not. Maybe along the way something will happen. Maybe after you have gotten it planted a giant flood will come. This year it came. It could have been hail, it could have been a drought. Two years ago it was a drought. But maybe you will not even get in the field to plant before a flood comes and you will not be able to plant any crop this year. That happened to plenty of farmers in North Dakota. Or, maybe you plant and it is completely destroyed by the flood.

This is a map of my State of North Dakota. When I made this map, the red was already declared a disaster area, and the yellow was still pending. They are all disasters now by Presidential declaration with the exception of four counties undergoing preliminary damage assessments.

What is interesting to me is, even though my State has suffered that kind of damage from these floods, on July 20 the House of Representatives Committee on Appropriations marked up their report for their legislation to deal with this disaster. This is the report that accompanied it to the floor of the House. This report says:

> It is a bill to respond to widespread flooding in the Upper Mississippi River basin which has been unprecedented in terms of geographical scope, record-setting heights and duration. Major flooding has occurred in eight States.

It names the eight States. Of course, it did not name North Dakota because this was a flood that was still occurring.

North Dakota is now a bona fide flood area with over $½ billion in damages. It will probably reach $1 billion in damage. Yet a July 20 report on the floor of the other body does not even mention it.

Then I hear people tonight say, well, gee, the President did not include this in his request, so that means it is not needed. Well, it is not that it is not needed. This is a disaster that is ongoing. We still have rivers that have not crested in my State. True, we have not suffered the devastation that our friends in Missouri or Iowa perhaps have, but this is a disaster for our State, and for the young man that called me a couple of hours ago, it is clearly a disaster in his life. If he has a farm without an income, if he does not get a helping hand from someone, he is going to lose it. It is just that simple.

The question is not whether we help. The question tonight is what kind of help. That is what we are debating—what kind of help.

Let me describe what these farmers face. First of all, we say to a farmer who has crop insurance, you have to suffer a 35-percent loss before you are eligible for anything. Once you have suffered the minimum 35-percent loss, then you are eligible for 65 percent of the target price on losses greater than 35 percent. Except once you compute 65 percent on the losses over 35 percent, then we will only give you half of the target price.

That is the way this goofball formula works. It does not make sense. It is arbitrary, defies all logic, and yet here it exists in this bill. Why does it exist? Because a couple of years ago USDA was forced to make a computation because it did not have enough supplemental appropriations. So they cut everybody. Do you know what they came to? A factor of 50.04, totally arbitrarily. Yet it now exists as a standard in law, which is precisely what is wrong with this kind of legislation. It is not a standard. It is not defensible. It does not relate to anything that is thoughtful. It is there because that is the way it was done before.

But then go back before the 1990 bill to the previous disaster declarations when we had a serious drought. There was not 50.04 percent factor. You absorbed your 35 percent loss, and you got a percent of the target above that. Generous? No. Not very generous, but helpful, you bet.

Then we see this 50.04 factor. So instead of covering 40 cents on the dollar, we tell this young fellow and all the other folks, young and old, who invest their life's sweat, blood, and investment in their farm, we say, sorry, there is this little arbitrary formula. We know it was not what we wanted, but it got there somehow. So you only get 20 cents on the dollar. If that is not enough, tough luck.

The amendment offered today is to withdraw that 50.04 percent. I have heard some discussion on the floor, gee, the President did not request this, and

we must defend the President's position. We must protect the President's bill. Well, the President does not need protecting from us. As the Senator from Iowa said—I have not talked to the President about this in the last day, but the Senator from Iowa has. The Senator from Iowa has talked to the President, and he has also talked to the Chief White House Liaison who said the President is not taking a position on this, and the Senate should work its will.

I very much hope that the will of the Senate will be to take a look at this carnage, this devastation caused by this flood, up and down that river, and extend a helping hand—but not by extending a helping hand that says we are just going to give you half of it, but instead a helping hand that gives those folks an opportunity to see about a 40 cent on the dollar recovery.

We are not asking that anybody be made whole. We cannot afford that. No one is saying let us put together a formula that recovers or at least provides restitution for all losses. This Government cannot afford it. This Congress will not do it, and we are not asking for it. What we are saying is that when we decide to pass this legislation through the Senate, let us do it by removing that 50 percent and say: If you have a 35-percent loss, we are going to extend the same kind of disaster relief that was extended to you during the drought; the kind of relief that helped so many family farmers across the farm belt a number of years ago.

I have heard the discussion that there is risk to do it this way and risk to do it that way. Let us take the risk of doing it right. I know, "there will be another supplemental." I heard that for 12 years as well. Let us do it right this time and make sure we extend a helping hand this time that makes a situation in the farm belt where we have family farmers that can make a go of it when the flood is done and over.

I yield the floor.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, I rise today to speak on the emergency supplemental appropriations for fiscal year 1993. The primary purpose of this bill is to assist victims of the devastating floods in the Midwestern United States. The bill also provides assistance to other parts of the country hit by natural disasters. Mr. President, while the Midwest has received extensive rainfall, which has aggravated the flooding situation, the Southeast has suffered from a shortage of rainfall. In my own State of South Carolina it is estimated that 200 million dollars' worth of crops have been destroyed. In some areas of my State, farmers have lost upward of 90 percent of their crop.

I am pleased that the administration, particularly Secretary of Agriculture Espy, has decided to tour the drought-stricken areas of my State. To help alleviate this disaster, the administration has stated a portion of the emergency relief fund will be made available to farmers in the Southeast.

This bill provides assistance to the hard-hit agricultural sector. Specifically, additional funds are made available to the Commodity Credit Corporation fund to cover 1993 crop losses resulting from natural disasters.

Mr. President, I recognize that the devastation in the Midwest due to flooding is enormous. Nevertheless, let us be mindful that other areas of the country are suffering from natural disasters. While it is appropriate that relief be forthcoming to the Midwest, it is equally appropriate that relief be provided to the drought-stricken Southeast.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. DOLE. The Senator from Wisconsin was ahead of me, so I yield to him.

Mr. FEINGOLD. Mr. President, I cannot emphasize enough how crucial this amendment is to the people of Wisconsin. We have been ravaged by this disaster during the last 2 months. And for many in my State, the disaster began last fall with excessive precipitation that continued into the spring and summer.

In the last month in Wisconsin, we have experienced rainfalls so heavy that some have been equivalent in magnitude to a storm that is so severe it can be expected only once every 1,000 years. The hardest hit communities in my State are those that lie between a diagonal strip from the southwest corner stretching up to the thumb of Wisconsin. We have received more than double the normal amount of precipitation for this time of year. Forty-four of Wisconsin's seventy-two counties have been affected.

The damage to homes, business, and public facilities serving private residences and businesses is enormous and growing daily. However, our most recent assessments have identified over 4,700 homes damaged or destroyed at a cost exceeding $34 million. Over 2,500 individuals have been displaced as a result. There has been over $31 million in direct damage to business facilities.

I am pleased that the President, FEMA, SBA, and State and local government personnel have worked together effectively to deliver emergency assistance to Wisconsin. Wisconsin was the second State in the region to receive the Presidential declaration. This was accomplished in only 2 weeks following the onslaught of the torrential rains that caused the flooding. This administration has responded rapidly, appropriately and humanely. President Clinton and his excellent staff must be commended. This was not business as usual. While I am pleased with the President's speedy response to this disaster, I must respectfully say that the package is simply inadequate for agriculture. We must pass the Harkin/Bond amendment in order to provide an adequate level of relief to farmers.

While Wisconsin has experienced losses in all sectors of the economy, our rural communities and farmers are hardest hit. Our crop losses are already in excess of $800 million and are expected to be closer to $1 billion dollars when all the data is in. Much of our corn crop either didn't get planted or was planted too late. We have lost 1.5 million acres of crops due to flooding and excessive rain. Damage to livestock and farm facilities has not even been assessed yet.

We have lost nearly 800,000 acres of alfalfa hay, due to winterkill, spring root rot, and excessive rains and flooding. Much of the alfalfa hay that did survive the weather problems of this winter and spring, rotted in the fields in June and July when farmers could not cut their hay or harvest what had been cut. Feed shortages are so bad that set-aside acres have been released in every county in Wisconsin. Conservation reserve acres have been released in roughly 20 Wisconsin counties, and over 20 counties have been declared eligible for the emergency feed program.

This situation is tragic given our dairy based economy. Essentially, the dairy herds in Wisconsin have no forage. The small amount that is available is of low quality and is too expensive. Milk production is dropping due to feed quality problems and simply due to lack of feed. Farmers are beginning to liquidate their herds and the feed situation will be tragic when this winter arrives and there still is no feed.

Due to the late planting, our corn is just now beginning to tassel which means it will not be mature for several months. If it freezes before that crop is mature we will lose a substantial amount of our winter feed. We will lose many dairy farmers in the process.

Farmers are experiencing cash flow problems and the creditors are at the door. There is a shortage of feed, there is a shortage of income. In short, Mr. President, there is a shortage of hope and a surplus of despair among dairy farmers and other producers in the Midwest and in my State of Wisconsin.

The amendment offered by my distinguished colleague from Iowa, who feels and understands the pain and suffering of this flood better than anyone, is badly needed and truly deserved by the farmers in the disaster areas. I strongly support the Harkin/Bond amendment. We are talking about compensating farmers at a level of somewhere between 15 and 20 cents on each dollar of loss. That level of payment will not be adequate to revitalize our rural communities, and it will not save the farmers who are struggling through this

disaster. All we are asking is that you double that amount. While, that still only amounts to 40 cents on the dollar, it is a world of difference to a farmer. It is the difference between survival and bankruptcy. I urge my colleagues to support this amendment.

I thank the Republican leader for allowing me this time here, and I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD. Mr. President, this is a request that has been agreed to on both sides.

I ask unanimous consent that the following be the only amendments remaining in order to H.R. 2667, that they may be offered as first-degree floor amendments or as amendments to the two remaining committee amendments; that if they are offered as first-degree amendments, they be subject to second-degree amendments that are relevant to the first-degree amendment and under the same time limitation, if applicable:

Kohl, emergency forage; Dorgan, small business; Murray, federally impacted Northwest forest; Bumpers, SBA and raise 50.04-percent payment requirement to 100 percent; Metzenbaum, relevant; Simon, 25-percent waiver on FEMA cost share requirement, sense-of-Senate; DeConcini, Bennett freeze area; Craig amendment, payment; Danforth amendment, flood prevention in St. Genevieve, MO; Danforth amendment, funding for FEMA; Durenberger amendment, crop insurance; Durenberger amendment, spending cuts; Durenberger amendment, account for future disasters; Durenberger, relevant; Helms amendment, relevant; Helms amendment, relevant; Brown amendment, payment; Specter amendment, sense of Senate, Bosnia; Dole, relevant; Dole, spending cuts; Pressler, advanced deficiency payment; Pressler, involuntary conversion; Pressler, crop insurance; Pressler, disaster task force; Pressler, tourism; Grassley, S.O.S. second supplemental; Grassley, SOS State matching funds; Bond, rail assistance; Bond, SCS levees; Bond, SCS operational; Bond, corps levees; Bond, relevant; Mack, disaster payments; Gramm, relevant; Hatfield, relevant; and Byrd, relevant.

The PRESIDING OFFICER. Do I hear objection?

The Senator from Iowa.

Mr. HARKIN. Mr. President, reserving the right to object, I had an amendment on SBA. I did not hear my name called.

Mr. BYRD. Harkin.

Mr. HARKIN. An amendment on SBA.

Mr. BYRD. Harkin on SBA.

The PRESIDING OFFICER. Do I hear objection?

Mr. HARKIN. Mr. President, I am sorry. One SBA amendment and two relevant amendments.

Mr. BYRD. Very well.

The PRESIDING OFFICER. Do I hear objection?

Without objection, it is so ordered.

The Republican leader is recognized.

Mr. DOLE. Mr. President, I thank the Chair.

Mr. President, I commend the President for his timely response to the victims of the 1993 floods. He has put together a comprehensive and far-reaching package that should address the concerns of those in need.

I hope that this body responds to the needs of victims in a bipartisan manner, and I am certain that will be the case. I think it is going to be a question not of politics, but how can we make it work.

In 1991, the Office of Management and Budget decided to prorate the disaster dollars available to farmers at 50.04 percent. This was the first time Congress capped an entitlement program. President Bush later attempted to make these farmers whole by providing additional moneys. Unfortunately, these dollars were used for quality losses and not quantity losses.

The President's 50.04 percent has become a nemesis to the American farmer in that the President's proposal again contains this language. During his travels throughout the flood region, the President made it clear that the American farmers would receive about 50 cents on the dollar in compensation. However, under this proration, the farmer will only receive 21 cents on the dollar. Today, the Senate is in a position to rectify this error. A change in this policy will provide approximately 42 cents on the dollar to the American farmer.

I understand there is a cost of approximately $900 million associated with this change, and I also understand there is going to be an amendment offered to make it retroactive, which I think certainly should be done. It is going to be permissive. It will be up to the Secretary of Agriculture.

I want to make it clear there will be some offset revenues because, as market prices go up because of the disaster, and all the crops have been destroyed, it will be a decrease in the form of deficiency payments to the farmer. USDA has indicated this savings could equal $800 million or more, which nearly pays for this increase.

I make the point this is an emergency bill, emergency legislation. Offsets are not required. We believe in this case there will be enough savings on deficiencies payments because of higher prices, because of damaged crops, fewer bushels of corn, wheat, whatever, produced.

This disaster bill is designed to take care of 1993 losses. However, unlike the droughts of past years that come and go, the Soil Conservation Service told many of us—I heard the Senator from Missouri, Mr. BOND, make this statement—that due to the flooding, some farmers may not raise a crop next year or even the year after that because of topsoil losses.

The people of the Midwest are faced with a catastrophe, and this is no time to break promises. They need help, and they need it now.

I certainly encourage my colleagues to join me in supporting the Harkin-Bond, and others, amendment. I think it is bipartisan. No politics are involved. You do not make politics out of people's misery.

I think the President, as I understand—I have not talked to the President about this, and maybe the Senator from Iowa could state the administration's position—but I do not think they are objecting to what is proposed. They may not be in a position to support it, but as I understand, there is no outright objection.

So I want to encourage my colleagues, particularly on this side of the aisle, to keep in mind that we have had other cases here of earthquakes and hurricanes—Hurricane Hugo, Hurricane Andrew, whatever, and we have always been able to come together in a nonpartisan way to make certain that we were providing just compensation. In this case, I do not think 42 cents on the dollar is asking too much. I think somebody said about 40 cents, 40 or 42 cents, in my view would permit some farmers to go back and start one more time.

I watched TV a lot, and I happened to be watching CNN last week. I think the Senator from Iowa has been there. Maybe both Iowa Senators were. I watched pictures of Hamburg, IA, and I saw this young couple in a restaurant. It was their first year on the farm. They are wiped out. I mean, everything they had is gone. I assume the farmer is maybe 25 or 28 years of age.

This has been repeated hundreds and thousands of times in places up and down the Mississippi and Missouri Rivers, up and down rivers in our State and 10 Midwestern States. I can tell you that it is very stressful for the American farmer.

We have the best food bargains in the world in America. We spend less of our disposable income on food because of the American farmers' efficiency and productivity.

So I certainly hope we can come together on this amendment and encourage our colleagues to accept the amendment, and if not, not to oppose it too strongly because I think, as has been stated by the Senator from Wisconsin, or maybe other Senators, there may be another supplemental, but once the water goes down and the TV cameras go off, there is a tendency to forget about the disaster.

I do not find many people talking about Hurricane Andrew. The first anniversary of that hurricane is going to be about in weeks. I think it is August

23, as I recall, somewhere in that area. But since the press has stopped focusing on Hurricane Andrew, we have not had many reports. But I can tell you, there is still a lot of misery in that area. There is still a lot of work going on, and still much to be done.

It seems to me that those of us who represent farm States, in this case, the 10 Midwestern farm States, and also those who represent some of the States that have now been stricken by drought there in South Carolina, North Carolina, and Georgia, we have a special responsibility to try to deal with this problem now, and not wait until it sort of is diminished in importance, or something else happens to push it in the background.

I commend my colleagues on both sides of the aisle for bipartisan support of the amendment, and I hope we have a little time in the morning to discuss the amendment before we have a final vote.

I am happy to yield to the Senator from Iowa.

Mr. HARKIN. Mr. President, I thank the distinguished Republican leader for yielding. I thank him for leadership on this issue. Last week, we pulled together a strong bipartisan group. The Republican leader is right. It is bipartisan from the beginning. The Senator from Kansas is correct when he says that human misery and suffering should not be any kind of partisan issue at all.

Partisanship is not in this amendment. It has strong support on both sides of the aisle. I just did not want to let this moment pass without publicly, and for the RECORD, thanking the distinguished Republican leader for his help, his support, and his guidance as we worked this amendment out, to get it to this point on the floor. I thank him.

Mr. DOLE. I thank my colleague, and thank him for the leadership.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. DURENBERGER. Mr. President, we have heard tonight the heart of America. It is up to the people of Minnesota and all the other Midwestern States that have been ravaged by this historic flooding. Speaking as a Senator from Minnesota, this is the worst disaster we have faced since the famous grasshopper plague back in the 19th century. The projected cost, and just a conservative projection now, is over $1 billion for the State of Minnesota alone.

I have been fighting—for a number of months already—to ensure that Federal aid gets to those communities that have been devastated by this tragedy. I am one who has fought to make both Congress and the administration aware that disaster was developing, to get urgent aid to the victims. I find it interesting that the efforts many of us put in to make our disaster aid fiscally responsible are now, in one way or the other, being misrepresented.

I will not repeat all of the agonies that my constituents have lived through, as others have shared with you. I watched with interest my colleague TIM PENNY, from the First Congressional District, whose district is under water, DAVE MINGE from the Second District, and so forth, being maligned by the leadership of the House because they suggested that the House of Representatives, which had a much lower number than we are considering today, might consider having the people of this country pay for the aid which was being sent to us in the upper Midwest.

And that caused me to think a little bit about my votes in the last couple of years on other disaster aid to other parts of the country. I was in the minority last year and the year before voting against some of the major appropriations for disaster aid to other parts of the country, because we did not take the time to decide how we were going to pay to send the money to Chicago, and who was going to pay the money to Florida and Los Angeles, and so forth.

I have always figured there might be a time when it was going to happen to me. It would be my constituents who would be in need and I would be the one who would stand up here and say, "I will do everything I can to meet your needs in the way that only a National Government can. But I will also suggest to my colleagues that we consider paying for it."

So, I thought about it, I thought about my experiences with droughts and floods and all of the other things that we all experience. And it came home to me in the last couple of days, Mr. President, that the floods that we are experiencing are terrible and they are a disaster, but I think that is a much better word to characterize them than an emergency. They are a disaster, but not an emergency. And to me there is a big difference.

I noticed in conversations with my colleagues this is very difficult to explain. If you have been out, as many of our colleagues have been, walking the railroad tracks and highways and farm fields and so forth, you know that the emergencies are being taken care of. The real emergencies are being taken care of in professional fashion by the Red Cross, by FEMA staff, by the Department of Agriculture, by State emergency assistance people. They are being taken care of by church groups that come from all over the country when there is a disaster like this to provide for the emergency needs—to feed people, to clothe people, to help the victims of flood.

These needs are being tackled by selfless, ordinary Minnesotans, for example, donating their time, their money, lifting sandbags, helping to clean up and repair the damage, whatever it may be.

For example, on June 13 of this year, a Minneapolis-St. Paul TV station called KARE 11—K-A-R-E are its call letters—formed the KARE 11 Water Brigade. Their objective was to bring bottled water to their neighbors in Iowa. Over 75,000 gallons were donated in the very first day—75,000 gallons in the first day—and hundreds of volunteers all congregated to transport the 75,000 gallons to Des Moines.

Actually, it turned out to be 250,000 gallons. That is one gallon for each resident of Des Moines—a tide of fresh water, but not a flood of red ink.

So a lot of the red ink we are seeing in our congressional debate is just that. Those of us who would like this process to be fiscally responsible are not delaying emergency aid to people. The emergency aid that is needed for short-term needs such as rebuilding the infrastructure of farms is already in the pipeline and it is being delivered to the people who need it. Farmers are applying for loans right now from the FHA; small businesses from the SBA; families getting help from a variety of sources, and local governments, are, too, through FEMA.

The Federal Emergency Management Agency has roughly $692 million in its disaster relief fund to meet these kinds of emergency needs. Of that sum, $200 million is already obligated and immediately available.

The fund will enable us to continue our present relief services and it will not be depleted in the near future.

My constituents in Minnesota and the people in eight other States under the disaster declaration will not be refused assistance because of the fiscal responsibility amendments that I intend to offer tomorrow.

It is true that much of the money, particularly from SBA, USDA, the Transportation Department and HUD will not be available for some time. And this is not because of congressional unwillingness or bureaucratic mismanagement, but because the disaster—the disaster—will not permit it.

Much of the infrastructure that we know has been damaged is still under water. How can a road be repaired if you cannot see it?

Our colleague from Missouri described earlier a railroad that he knows is 49 feet under water. How are you going to determine what it costs to put that railroad back in? We will not know absolutely how bad the crop loss will be until harvest time. And the losses in the business community will not be felt for a very long time. Assessing them is going to take us months, if not years.

For these reasons, agriculture, livestock, farm implement organizations have all made it a point to tell me that, from their point of view, it is better for Congress to move cautiously

and wisely. They believe that any attempt to address their specific needs in a hasty manner simply will not meet their needs. It will only have to be redone correctly at a later time. That, clearly, does not serve the best interests of disaster victims or the country at large.

I had a large group of concerned Minnesotan farmers and agribusiness representatives in my office just 2 days ago. They have implored me not to let Congress rush through a so-called emergency aid package that will give them 20 to 30 cents on the dollar of lost income. We improved on what the House did. They had 20 cents on the dollar. We upped it to 32 cents on the dollar. Hopefully, with the amendment of our colleagues, TOM HARKIN and KIT BOND, we will get that up higher than that. I hope we go up to 65 cents on the dollar.

Again, my point is that short-term aid that people need is already available. Long-term aid that they need to rebuild levees—to reimburse for crop losses—and to rebuild hundreds of towns all over the Midwest—that long-term aid we ought to pay for.

A natural disaster is very visible. It hurts a lot. People see it all over the country. This one they have been watching unfurl for the last 7 or 8 weeks. How are you going to pay for the sort of things that you cannot see.

I remind my colleagues that Minnesota was the very first State to experience this. We have been flooding since the beginning of May. Initially, I was told that aid might not be forthcoming from the Federal Government because the magnitude of the flooding was too small.

I began to work immediately with the President, with FEMA, and with the Department of Agriculture to secure assistance for what was originally nine counties in southwest Minnesota. As of today, the total for my State is 36 counties, and there are some more counties that might still be added to the list.

Approximately 38 percent of Minnesota's population, 33 percent of our total land, and 2.8 million acres of farmland have been affected by this flooding. The livelihood of thousands of Minnesotans has been wrecked. Clearly, this is no longer a disaster of small magnitude.

Before the flood waters had even touched other States, I was with Minnesota's farmers, business people, and families—assessing the damage and the loss firsthand. I have shared the pain of the Minnesotans who have lost their homes and other property—and I am overwhelmed at what they have not lost: their courage—their spirit—and their faith in the future.

And Minnesota does believe in the future.

My constituents desperately need a helping hand from the Federal Government. But I know that if any one of them were asked if they would accept the assistance—knowing that the financial burden would be borne by their children and grandchildren—they would be sincerely reluctant to do so. They would insist that it be paid for.

Are we going to just add the necessary $8 to $12 billion—the estimated cost of this disaster—to the deficit each and every time disaster strikes? And are we going to continue to politicize every single disaster that comes along—throwing money at it even before the water recedes, and before we have a clear idea of what the people really need?

It is OK for the Federal Government to borrow for the rebuilding that's going to benefit future generations. It's not OK to borrow just so that we can put out a press release showing how well we can respond to the political pressures of today with our children's money.

Since Congress began keeping track of emergency spending, as required by the Budget Enforcement Act [BEA] of 1990, we have added billions to the Federal debt. None of these appropriations was ever accounted for. Prior to the BEA, special emergency bills were enacted between 1980 and 1990 for large domestic disasters such as the Loma Prieta earthquake, Hurricane Hugo, and the Mount St. Helen's volcanic eruption.

In fiscal year 1992 alone, emergency appropriations were passed to cover the enormous relief costs of four natural and human disasters: Hurricane Andrew, Hurricane Iniki, Chicago floods, and the riots in Los Angeles.

Additionally, Congress acted to assist those effected by Hurricane Bob, fires on the west coast, storms in the Northeast, and agricultural disasters throughout the country, including my State of Minnesota. To cover these disasters, this Congress appropriated over $8 billion in emergency funds.

Since the enactment of the BEA, we also appropriated sums of $364 million in fiscal year 1991 and $634 million in fiscal year 1993. That's a total of $8.9 billion over 3 fiscal years for domestic emergencies alone. The figures doesn't even pale in comparison to the emergency spending for international and defense accounts.

How—in all conscience—can we go on imposing this severe penalty on our children and grandchildren? We talk about $500 billion in deficit reduction as if it's an economic cure-all, but we passed a similar amount of deficit reduction in 1990 that was eaten up by supposed emergencies.

It's absurd to ask America to make 500 billion dollars' worth of sacrifice if in the very same week we take action that practically ensures that the deficit reduction will never happen. My constituents have told me that they are sick and tired of a government that chooses long-term pain over short-term courage. We are ready to take responsibility. We are ready to make sacrifices.

It is my hope that Congress will prove itself ready—if not to lead—at the very least to be led by the responsible and proper sentiments of the American people.

I have two specific proposals that I intend to offer during consideration of this emergency supplemental appropriations bill. My first amendment would pay for the current Federal disaster relief. The loud opposition that has been expressed by some to this proposal is unusual, in light of the fact that 45 members of the Senate supported a similar proposal in 1992.

My second amendment would provide an automatic offset for future disasters. There will soon come a time when the interest on the debt alone will consume so much of the budget that we will not be able to pay for disasters. It will be too late. We only need go through this short debate once, but we have to do it now.

Charging proponents of fiscal responsibility with delaying emergency aid is completely false. We saw it in the other Chamber—where offset supporters were blamed for delaying the bill even though the entire delay was due to the House leadership.

In this context, Mr. President, I think that taking a few moments to promote wise policy in the name of fiscal integrity can only increase the effectiveness of our Federal response to a national disaster.

The Chairman, in his opening remarks, said, "Scars on the land will disappear with time. The scars on the people will not."

Future generations will already bear the scars of $4.16 trillion in accumulated debt—75 percent in the last 12 years.

Let us make sure that the compassion, understanding, and charity required to make America's heartland whole again does not become a burden on the backs of future generations. I will not accept that, and neither will the people of Minnesota.

So, Mr. President, on tomorrow, I intend at the appropriate time to offer several amendments which will achieve this objective.

I yield the floor.

Mr. GRASSLEY. Mr. President, someone once said that the natural flights of the human mind are not from pleasure to pleasure but from hope to hope.

Never is such a statement more applicable than to those mired in a disaster—where hope might be a place to sleep one day, and a helping hand another.

Mr. President, the Midwest is truly such a disaster.

I dare say that anyone who survived the great flood of 1993 and who doubted

that it could rain for 40 days and 40 nights—as it did in the case of Noah and his ark—has been transformed from a skeptic.

For some, the ordeal is over. For others, it is impending. For all, hope is elusive. The end of the tunnel is so far away that, for many, hope can fade into desperation. We cannot let that happen.

A lifetime of commitment and hard work are now memories. Homes and farms and businesses have literally been washed away. Whole towns have been wiped out. In many cases, their futures were washed away as well. Everything broken, except their spirit.

For these people, Mr. President—the people of Iowa, or Missouri, Illinois, Kansas, Minnesota, and all the States affected by the flood—for them, the U.S. Senate represents hope. To keep that spirit from breaking, they need hope.

Tonight we will vote to provide more than aid, more than money, more than material relief. You can't put a price on hope. And that's what this bill represents.

We have often seen television distort or overdramatize events. I spent 1 out of every 2 days last month traveling my State. I saw the anguish, the hurt, the grief—the disappointment. I not only saw it—I felt it. I imagine a reporter covering a war, trying to convey to readers thousands of miles away the horrors of battle. It would seem hard to do. Mere words do an injustice to what you see and experience. You discover the raw emotions that lie behind adjectives you often used to use cavalierly. You have to be there to understand.

This is the first time in my experience that television underdramatized reality. That is not a commentary on television—it is testimony to the sheer devastation of this great flood.

It is my hope, Mr. President, that those of us in this representative body—whose constituents are victims of the flood—can do sufficient justice in conveying their suffering and their needs.

Mr. President, I'd like to turn for a bit to the more parochial area of my home State of Iowa. And yet I trust that this would be the case with the people of all the affected States.

Iowans have a tradition of pulling together to overcome adversity. This disaster has brought out their best. There has been a strong spirit of cooperation. A calm demeanor. Neighbors helping other neighbors before taking care of their own problems. It is a moving experience to see this so pervasively.

We must also salute thousands of volunteers. They are the true heroes. They provided shelter, filled many a sandbag, cooked a warm meal, made a pot of coffee, lifted spirits. Theirs is the greatest gift—self-sacrifice.

I wish also to applaud the many public officials throughout my State who have worked around the clock to protect their communities and to restore basic services. The men and women of the American Red Cross, the Salvation Army, the Iowa National Guard, church and civic leaders. All of them should be commended for their outstanding and tireless work.

Mr. President, I intend to talk further about the situation in Iowa as we move ahead with this bill. I urge my colleagues to give hope to those who desperately need it.

Ms. MIKULSKI. Mr. President, I rise in strong support of this important legislation which will help the thousands of victims of the devastating floods in the Midwest.

The bill provides a total of $4.7 million, including funds for temporary housing, crop insurance, flood control activities by the Corps of Engineers, community development grants, and many other important programs.

These funds will be available to help those who have lost their homes, property, and communities begin to rebuild their lives.

Mr. President, I traveled to the Midwest with the President a few weeks ago. What I saw was devastating. Hundreds of homes submerged under water, millions of acres of cropland destroyed, community water systems contaminated. The damage is so widespread that President Clinton has declared nine States major disasters.

We have been so pleased to see FEMA respond so quickly to this disaster. FEMA has been in every State, working hand-in-hand with the National Guard troops and the Governors. We commend the new FEMA Director, James Lee Witt, for his good work.

It has been heartwarming to see the American people's goodwill shine during this calamity. Neighbors have helped neighbors, thousands of volunteers from across the country have filled sandbags, volunteer organizations like the American Red Cross have provided over a million meals to disaster victims.

Now it is time for the Congress to respond to the devastating by ensuring that needed funds are available for recovery.

Let me say, Mr. President, once the flood waters recede, we know the estimates on the damage will be revised. As chair of the Appropriations Subcommittee which funds FEMA, I'm committed to doing everything I can to ensure that the fiscal year 1994 appropriation for FEMA disaster relief includes adequate funds for flood victims.

Mr. President, while the rains continue in the Midwest, the Southeast has been stricken by drought. The drought has resulted in enormous crop loss up and down the East Coast. So I'm very pleased to note that the bill will also aid farmers in Southeastern States. In my own State, farmers on the Eastern Shore have lost many acres of corn and soybean.

In closing, I thank the distinguished chairman of the Appropriations Committee for quickly moving the President's request for this vital legislation. I urge its speedy adoption.

Mr. MITCHELL addressed the chair.

The PRESIDING OFFICER. The majority leader is recognized.

PROGRAM

Mr. MITCHELL. Mr. President, an agreement has just been obtained identifying the remaining amendments on this bill and the list is very long. There will be no further rollcall votes this evening, but I now put all Senators on notice that the Senate will remain in session tomorrow until we finish this bill. This is a serious problem for people in the Midwest and if this bill drags out for several days in the Senate and then must go to conference with the House, it will not be back in time for final action prior to the conclusion of this session. I just want to say that I am determined not to let that happen. We have to complete action on this bill this week—finally. And that means we have to complete action on this bill in the Senate tomorrow.

So, Senators are hereby put on notice that we are going to resume on this bill at 10 o'clock tomorrow morning and we are going to stay in session for as long as it takes to finish the bill.

Mr. SARBANES. Will the majority leader yield for a question?

Mr. MITCHELL. Certainly.

Mr. SARBANES. Is there any chance that the number of amendments that are going to be offered can be reduced on this bill? I have the impression many of these amendments are coming from the very Members whose areas have been impacted by the flood and who, therefore, should I think be most anxious to get the bill completed and on its way so this assistance can be provided. It would seem to me perhaps someone should say to them: You really want the bill, the committee has done a lot of work here, it is a very significant bill in amount, is there not some way to compress down the number of these amendments? I think most Members are prepared to try to do something to help the area but it seems to me it is working at cross purposes for those who want the basic legislation, and want to get the aid working, to be loading up the bill with a lot of amendments.

Mr. MITCHELL. Mr. President, the Senator is correct. We are going to make a determined effort tomorrow morning to reduce the number of amendments so we can finish the bill during tomorrow's session.

In any event, whatever the number of amendments offered and however long it takes, we are going to stay in session tomorrow until we finish this bill.

There will be no change in that. The only way that can be done, of course, is if many of these amendments are not offered and I hope that is the case.

Mr. HARKIN. If the leader will yield, as the proponent of this amendment—and I have not checked with Senator BOND—but I am sure he would have no objection to time limits. If you want to put a time limit on it first thing in the morning or now, we would have no objection.

Mr. MITCHELL. I think that would be very useful. I do not know if it will be possible to get an agreement of that kind but I think it would be very useful if we could now get an agreement that we could enter into that there will be a limited time for debate on this amendment when we return tomorrow morning and then vote at a time certain. That would be extremely helpful.

I am going to ask the staffs, both the Democratic and Republican, to immediately check to see if that is possible. I think it would be very helpful. Then we can proceed with the rest of the bill.

Mr. DOMENICI. Will the majority leader yield?

Mr. MITCHELL. Yes.

Mr. DOMENICI. Mr. President, on another issue, would the Senator mind just talking to me for 1 minute on a couple of questions, if he can? Let me ask about the reconciliation bill and the timeliness of it.

Mr. MITCHELL. Sure.

Mr. DOMENICI. I would like the majority leader to know on our side there are a lot of Senators who are asking how much time do we have to look at this document? It is obviously a very big, big document. I do not know how many hundreds of pages. It has, obviously, gone through a lot of transformation in conference.

I think it behooves everyone to get that out to us as soon as possible. We know nothing about it. We were not in the conference, as the majority leader knows. I was not invited to any meeting—which is the prerogative of the majority. But I think the sooner we can get that so we can begin to study it, the sooner we can get that final vote on it, whether you win or lose.

There are some who are saying we need a lot of time to read it. We have a purpose here that we have it read. We are saying let us get it from you and look at it and have it analyzed carefully.

Could the majority leader talk a little bit about when we might get that reconciliation bill so we could analyze it ourselves?

Mr. MITCHELL. Mr. President, I will check with our staff to determine the current status. I believe the conference report is to be filed within the next several hours. I do not know exactly when. It is now being put into final shape. I will get back to the Senator as soon as I can. Obviously, we want to do it as soon and appropriately as possible.

Mr. DOMENICI. I think we will have people around here waiting this evening. So if the Senator could get word to us when that might be—it takes many hours to go through it, as he knows, and we owe it to ourselves and to the people to look at it page by page. We will try to do that as expeditiously as we can. So would the majority leader have somebody contact us or Budget Committee staff as soon as he knows.

Mr. MITCHELL. I will attempt to do that. I do not know what members of the staff are still here, but I will attempt to do that right away.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I rise to speak as in morning business.

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

THE CONFIRMATION PROCESS

Mr. GRASSLEY. Mr. President, I rise to speak about the Senate Judiciary Committee's responsibilities in the confirmation process. Recently, the Judiciary Committee recommended to the full Senate the confirmation of Lee Brown to be coordinator for national drug policy. At the time the committee reported his nomination, there was a report due to be published concerning the 1991 civil unrest in the Crown Heights section of Brooklyn. At the time, Mr. Brown was the New York City Police Commissioner and there were questions about the response of the police as well as the political authorities.

When Mr. Brown's nomination was before the Judiciary Committee, there were questions by some Senators about the details of the report, known as the Girgenti report. Committee investigators of both the majority side and the minority side looked into the Girgenti report. Although it was not yet completed, the committee investigators reported to the Members that Mr. Brown's conduct would not be questioned by the conclusions of the report.

Relying on that information, the committee approved Mr. Brown and no Senator, at that time, suggested that the nomination be held a few more weeks until the report was finalized and made public.

On July 20, the report was released. As for Mr. Brown's responsibilities during the rioting, the report states that he "failed to fulfill his ultimate responsibilities for managing the department's activities to suppress rioting and preserve the public peace."

Contrary to the information obtained by committee investigators just weeks before the release of the Girgenti report, Mr. Brown's conduct was soundly criticized.

I am not here, Mr. President, to say that Mr. Brown should not have been confirmed. But I do believe that the committee has a responsibility not to act in haste in considering these nominations. When a report of this scope and magnitude is only a few weeks away from completion, the committee should wait for its final conclusions. Clearly, the committee staff was misled and that, of course, was avoidable.

When we return from the August recess, there will be a great deal of pressure on the committee to consider U.S. attorney and judicial nominees. We must, as a committee, take care to proceed cautiously and not overlook important information that comes to our attention. In the case of judges, we will be confirming individuals for lifetime tenure. The U.S. attorneys, although entitled to serve only at the President's pleasure, will, of course, as we know, have enormous power over the lives of all Americans.

The Judiciary Committee must thoroughly examine the backgrounds of these nominees and not rush through the confirmation process, as we did in the case of Lee Brown, when it would have only been a matter of a few days and we would have had this very important report.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

Mr. FORD. Mr. President, I ask unanimous consent that there now be a period for morning business, with Senators permitted to speak therein.

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

IN REMEMBRANCE OF JOHN HALDIMAN

Mr. DECONCINI. Mr. President, the State of Arizona and the entire Nation lost a great patriot in the untimely passing of John B. Haldiman.

I feel a great sense of personal loss as I know many Arizonans do. John was a loyal and devoted family man, a community activist whose compassion and caring extended to all peoples, and an ardent Democrat who supported his party and their candidates during good times and bad. He also never hesitated to tell it like it was and earned the respect of his peers for his candor and insight.

A native Arizonan and an Army veteran who was awarded the Bronze Star, John was truly an example of a man for all seasons. He will be sorely missed by his countless friends and admirers throughout Arizona and the Nation.

To borrow the famous words regarding the loss of another great American—May flights of angels guide him to his rest.

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, the Federal debt stood at $4,350,260,845,100.30 as of the close of business on Friday, July 31. Averaged out, every man, woman, and child in America owes a part of this massive debt, and that per capita share is $16,936.38.

IMPACT OF THE CLINTON TAX PACKAGE ON SMALL BUSINESS

Mr. WALLOP. Mr. President, we have recently seen the administration try to justify and downplay the negative impact that the increased individual taxes will have on small business. But their claims are just another propaganda ploy of the Clinton boiler room—a command room modeled after the war room employed in Little Rock, AR during the campaign. The American people are well aware of the false promises propounded by that original campaign boiler room—why should they expect anything different now.

A recent article from the Wall Street Journal by David Hale, chief economist of Kemper Financial Co., refutes the administration's claims that their tax package will have only a meager impact on small business. No matter what the Treasury Department says, the higher tax rates will fall disproportionately on small businesses.

Mr. President, the key issue is the proportion of taxpayers affected by the tax increases who are also small business owners. The Senate minority staff of the Joint Economic Committee found that 66 percent of the taxpayers subject to the higher rates were small businesses. Treasury seems to forget that the prosperous small businesses are the engines of growth in this economy and by taxing those businesses we are confiscating the very investment income necessary to grow this economy.

Mr. President, I also ask that another article in the Wall Street Journal by Paul Craig Roberts also be printed in the RECORD. This article highlights the absurdity of the administration's claims that their budget package will in fact lower interest rates. It is hard to lower interest rates that are nearly at zero now. And it is hard to believe that a drop in interest rates will offset the decline—as much as 16 percent—in the rate of return on investment because of the higher tax rate increases. This tax package will be contractionary and no matter what the administration claims can change that fact.

Mr. President, I ask that these articles be printed in the RECORD at the end of my remarks.

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

[From the Wall Street Journal, July 30, 1993]

SMALL BUSINESS, TAX PLAN'S VICTIM

(By David Hale)

Barring a revolution in the conference committee, Bill Clinton appears likely to end up presenting the nation with a fiscal program that contradicts many of his 1992 promises. There will be tax increases more restrictive than the ones proposed by Ross Perot, constraints on discretionary federal spending carried over from George Bush's 1990 budget accord, and less deficit reduction than anyone expects due to a misplaced focus on income redistribution at the expense of economic growth.

There are several problems with the president's fiscal program. First, he is proposing the largest increase in marginal income-tax rates since the 1930s. The administration supports a large increase in rates because many of the president's advisers believe that the 1980s tax cuts produced a windfall for affluent Americans at the expense of other social classes. The tax bill now moving through Congress will cause high-income taxpayers to search for new ways to reduce their reported income; it will also encourage a political bidding competition to revive tax shelters and other allowances that distort investment decisions. Secondly—and importantly—much of the president's income-tax hike will fall on small business.

Because of the big reduction that occurred in marginal income-tax rates under the 1986 tax reform, about 1.6 million, or 42.4% of U.S. businesses now file under the personal tax code. That rate compares to 22% in 1985 and 15.5 % in 1970. Subchapter S income now accounts for more than 10% of all income on returns exceeding $200,000 and 22% of income on returns exceeding $1 million. The number of sole proprietorship tax returns in the U.S. (a figure that includes the self-employed) also has increased to 15 million, or 14% of the labor force in 1991, from 5.8 million or 8% of the labor force in 1970.

NOT THE FAT CATS

If we add Subchapter S returns and sole proprietorship returns, about 89% of all tax returns with significant business income are subject to personal tax rates. The administration contends that its tax program will raise the tax rate on only about 300,000 small businesses. But since more than 60% of all Subchapter S income accrues to people with incomes of more than $200,000, the Clinton tax program will still impose a large fiscal burden on both successful entrepreneurs and investors willing to finance small firms. Converting to a corporate tax status in order to avoid the higher rates on personal income also would expose these entrepreneurs to the problem of double taxation.

If owners of small firms file a corporate tax return, they have to pay a tax on their income twice, first as a company and then as a beneficiary of a dividend or capital gain. As a result many small business owners will be reluctant to convert back to a corporate tax status and the Clinton program will produce a de facto tax rate for small firms that will often exceed the tax rate on large corporations.

The large increase in the effective tax rate on many small firms is likely to retard the economy's recovery momentum because small firms account for practically all the job creation in the U.S. economy. Since 1990 the big Fortune 500 companies have reduced their total employment to 11.8 million from 16.2 million. Yet the economy has produced 20 million new jobs because of employment growth at smaller firms. According to a recent survey by Dun & Bradstreet, this two-tier hiring pattern is likely to continue during 1993. Its recent survey found that companies with fewer than 99 employees will account for 76% of all projected job growth in the U.S. this year, compared with a small decline at companies employing more than 25,000 people.

In fact, the Clinton fiscal program will be hitting the small business sector at precisely the moment when there were signs that the credit crunch (which strangled small-business creation during the Bush years) was easing. The recent recovery in bank profitability is encouraging more competition to make loans. Federal bank examiners are trying to relax the regulatory guidelines that hurt small business lending in the early 1990s. Wall Street will probably underwrite some $50 billion to $60 billion in junk bonds this year, compared with only $1 billion in 1990.

The proposed increase in federal marginal income-tax rates will also worsen the current regional divergencies in economic performance by falling disproportionally on California, New England and New York. These regions already pay an above average share of the national income tax burden as well as having high levels of state income tax. Indeed, the income-tax hikes enacted during 1990 did not produce any revenue growth during 1991 partly because of the economic problems of these traditionally more affluent states. Instead of expanding in line with the hike in marginal tax rates to 31% from 28% tax payments from so-called high-income taxpayers fell by 6.1% during 1991, compared with a gain of 1% for other income classes. Subchapter S income even dropped by 10.5% for the top 850,000 taxpayers, compared with a gain of 6.2% for everyone else.

The administration would like to offset some of the income-tax hikes on small firms by offering them new tax allowances for equipment purchases. But most business owners would rather have a lower tax rate than a new tax allowance. Because the Senate has scaled back the size of the tax allowance for equipment purchases, it is also doubtful that the allowance will offset the income losses from the higher marginal tax rates at many firms.

In addition to the microeconomic distortions caused by high tax rates, the Clinton administration is wasting a unique political opportunity to address the country's macroeconomic problems of low savings and investment. Instead the president is pursuing tax policies that are likely to inhibit investment decisions and employment creation by both large and small companies. The U.S. has the lowest private savings rate in the industrial world partly because it depends far more heavily on income tax than other countries while the consumption-tax share of gross domestic product is only about 2% to 3%, compared with 7% to 8% in other industrial countries. The administration had originally hoped to narrow the consumption tax gap with other countries by introducing the BTU tax.

But the BTU tax creates so many microeconomic distortions for energy consuming industries that Congress is likely to reject it. If the BTU tax is eliminated, the Clinton program will have produced a large increase in marginal income-tax rates without achieving any fundamental tax restructuring to lessen the risk of a further decline in America's private savings rate.

The administration will also have given away an important fiscal bargaining chip without having resolved the issue of how it will pay for health care. The U.S. has a much lower tax and government expenditure share of GDP than other industrial countries because nearly 60% of health care spending occurs in the private sector, compared with only 20% to 30% elsewhere.

But with the administration committed to a significant expansion of government's health care role, the government share of GDP is likely to rise by 4% to 5% and the taxation gap with other industrial countries will narrow. The prospect of financing health care, on top of this year's large increase in marginal income-tax rates, has triggered such a sharp decline in business confidence that firms will probably curtail hiring this autumn.

The final problem with the administration's tax program is that it could retard completion of the General Agreement on Tariffs and Trade and the North American Free Trade Agreement. These are essential for creating a prosperous world economy for U.S. firms large and small. In 1992, Gov. Clinton promised to expand federal spending on vocational education and trade adjustment programs to lessen public opposition to free trade. But those promises are now colliding with the 1990 budget accord restraints on discretionary spending. As it will be impossible to satisfy Mr. Clinton's campaign pledges without faster growth of tax receipts, the contractionary effects of the president's fiscal program could inadvertently encourage the already strong protectionist sentiments of the Congress.

GLOBAL MARKETPLACE

Yet, as a result of the collapse of communism and the spread of liberal economic ideas to the developing countries, nearly four billion people are now poised to re-enter the global marketplace for goods and capital after suffering several decades of stagnation under Marxist or mercantilist economic policies.

Without American support for free trade this integration process will lose momentum and the recovery now occurring in the newly market-oriented economies will peter out. In Mexico, for example, the economy has stalled and demand for U.S. exports is declining because the government has been forced to raise interest rates in order to stabilize the peso in the face of doubts about Congress enacting NAFTA.

In 1992, the Democrats tried to distinguish themselves from the Republicans by promoting the concept of "growth with equity," not just growth. But because of the large structural deficit inherited from the 1980's, it will be impossible to increase public spending on programs designed to promote "social equity" without also improving the economy's growth performance. In proposing a fiscal policy that is so hostile to growth, the Clinton administration will not merely dampen the recovery now occurring in small business profitability and employment. It will also increase economic insecurity among U.S. companies and households at precisely the moment when such sentiments could undermine our ability to take advantage of the extraordinary global opportunities made possible by the Cold War's end.

[From the Wall Street Journal]

INTEREST-RATE BLOOPERS

(By Paul Craig Roberts)

The rationale advanced by President Clinton and members of his administration for his troubled tax-increase plan is that the tax increases will pay for themselves in lower interest rates. This is patently wrong—even by the administration's own accounting.

The administration's economic assumptions—set out in "A Vision of Change for America," the economic program published in February at the time of the state of the union speech—show a rising path of short-term interest rates. The plan projects 91-day Treasury bill rates to be 3.7% in 1993, 4.3% in 1994, 4.7% in 1995, 4.8% in 1996, 4.9% in 1997 and 5% in 1998.

The plan also projects a rising gross national product deflator and a rising consumer price index. Despite the higher projected inflation, the plan forsees a slight decline in the 10-year Treasury note rate to 6.5% in 1996 from 6.7% in 1993.

These numbers were slightly altered in the April 8 budget. The inflation rate was revised down and became flat. The long bond rate rose slightly in 1995, but otherwise remained unchanged. The short-term interest rate starts from a lower number but the pattern remains unaltered, rising to 4.9% in 1998 from 3.2% in 1993.

Considering the mix of short- and long-term instruments in Treasury financings and the administration's shift to short-term securities, Mr. Clinton's plan expects average borrowing costs to rise. Obviously, his claim that his tax increase will lower interest rates is in conflict with the interest-rate projections in his own economic plan.

Recently Federal Reserve Chairman Alan Greenspan stressed that real short-term interest rates are nearly zero and cannot be expected to stay so low. After taxes, the real cost to a business borrower of the 6% prime rate is less than 1%.

With real interest costs so low, it is unrealistic to expect much kick to the economy from further declines in interest rates. Certainly there is no analytical or empirical basis for the administration's belief that a fall in interest rates will boost the economy more than higher taxes will deflate it. Mr. Clinton's proposed higher tax rates on corporate and personal income (including the individual income surtax) take another 16% bite out of investment earnings.

Mr. Clinton's plan offers no conceivable fall in interest rates that could offset a 16% decline in the rate of return to investment. The interest-rate argument that is the basis of Mr. Clinton's economic package makes no economic sense and is not supported by the assumptions used in the administration's plan.

There are other signs of confusion. Recently, for example, the administration has quietly backed away from Mr. Clinton's claim that higher taxes are good for economic growth.

With the prospective tax increase retroactive to March of this year, the administration reduced its real economic growth forecast for 1993 to 2.5% from 3.1%. Since his tax package is pending, Mr. Clinton has withheld the budgetary impact of this reduction from Congress. However, the impact is easy to calculate. Using the administration's budget rules, the 0.6 percentage-point reduction in real economic growth widens the budget deficit by $65 billion over the 1993–98 period. If this slowdown continues throughout the period, the cumulative increase in the deficit will be $208 billion.

In short, Mr. Clinton's tax increase will hurt economic growth by more than the administration expects. If interest rates do fall, it won't be because the deficit is under control; it will be because Clintonomics has tanked the economy and the deficit has exploded.

BUDGET SCOREKEEPING REPORT

Mr. SASSER. Mr. President, I hereby submit to the Senate the budget scorekeeping report prepared by the Congressional Budget Office under section 308(b) and in aid of section 311 of the Congressional Budget Act of 1974, as amended. This report meets the requirements for Senate scorekeeping of section 5 of Senate Concurrent Resolution 32, the first concurrent resolution on the budget for 1986.

This report shows the effects of congressional action on the budget through July 30, 1993. The estimates of budget authority, outlays, and revenues, which are consistent with the technical and economic assumptions of the concurrent resolution on the budget, House Concurrent Resolution 287, show that current level spending is below the budget resolution by $1.6 billion in budget authority and above by $0.6 billion in outlays. Current level is $0.5 billion above the revenue floor in 1993 and above by $1.4 billion over the 5 years, 1993–97. The current estimate of the deficit for purposes of calculating the maximum deficit amount is $392.4 billion, $28.4 billion below the maximum deficit amount for 1993 of $420.8 billion.

Since the last report, dated July 28, 1993, there has been no action that affects the current level of budget authority, outlays, or revenues.

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

CONGRESSIONAL BUDGET OFFICE,
Washington, DC, August 2, 1993.

Hon. JIM SASSER,
Chairman, Committee on the Budget,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached report shows the effects of Congressional action on the budget for fiscal year 1993 and is current through July 30, 1993. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the Concurrent Resolution on the Budget (H. Con. Res. 287). This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended, and meets the requirements for Senate scorekeeping of section 5 of S. Con. Res. 32, the 1986 First Concurrent Resolution on the Budget.

Since my last report, dated July 27, 1993, there has been no action that affects the current level of budget authority, outlays, or revenues.

Sincerely,

ROBERT D. REISCHAUER,
Director.

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE, 103D CONG., 1ST SESS., AS OF CLOSE OF BUSINESS JULY 30, 1993

[In billions of dollars]

	Budget resolution (H. Con. Res. 287)	Current level [1]	Current level over/under resolution
On-budget:			
Budget authority	1,250.0	1,248.4	−1.6
Outlays	1,242.3	1,242.9	.6
Revenues:			
1993	848.9	849.4	.5

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE, 103D CONG., 1ST SESS., AS OF CLOSE OF BUSINESS JULY 30, 1993—Continued

[In billions of dollars]

	Budget resolution (H. Con. Res. 287)	Current level[1]	Current level over/ under resolution
1993–97	4,818.6	4,820.0	1.4
Maximum deficit amount	420.8	392.4	−28.4
Debt subject to limit	4,461.2	4,255.6	−205.6
Off-budget:			
Social Security outlays:			
1993	260.0	260.0	
1993–97	1,415.0	1,415.0	
Social Security revenues:			
1993	328.1	328.1	(2)
1993–97	1,865.0	1,865.0	(2)

[1] Current level represents the estimated revenue and direct spending effects of all legislation that Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

[2] Less than $50,000,000.

Note.—Detail may not add due to rounding.

THE ON-BUDGET CURRENT LEVEL REPORT FOR THE U.S. SENATE, 103D CONG., 1ST SESS., SENATE SUPPORTING DETAIL FOR FISCAL YEAR 1993 AS OF CLOSE OF BUSINESS JULY 30, 1993

[In millions of dollars]

	Budget authority	Outlays	Revenues
ENACTED IN PREVIOUS SESSIONS			
Revenues	0	0	849,425
Permanents and other spending legislation	764,283	737,413	0
Appropriation legislation	732,061	743,943	0
Offsetting receipts	(240,524)	(240,524)	0
Total previously enacted	1,255,820	1,240,833	849,425
ENACTED THIS SESSION			
CIA Voluntary Separation Incentive Act (Public Law 103–36)	1	1	0
Unclaimed Deposits Amendments Act (Public Law 103–44)	0	1	0
1993 spring supplemental (Public Law 103–50)	1,003	1,199	0
Transfer of naval vessels to certain foreign countries (Public Law 103–54)	(8)	(8)	0
Total enacted this session	996	1,193	0
ENTITLEMENTS AND MANDATORIES			
Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted	(8,443)	922	0
Total current level[1]	1,248,373	1,242,947	849,425
Total budget resolution[2]	1,249,990	1,242,290	848,890
Amount remaining:			
Under budget resolution	1,617	0	0
Over budget resolution	0	657	535

[1] In accordance with the Budget Enforcement Act, budget authority and outlay totals do not include the following in emergency funding:

[In millions of dollars]

	Budget authority	Outlays
Public Law:		
102–229	0	712
102–266	0	33
102–302	0	380
102–368	1,060	5,873
102–381	218	13
103–6	3,322	3,322
103–24	4,000	4,000
Offsetting receipts	(4,000)	(4,000)
103–50	0	(30)
Total 1993 emergency funding	4,600	10,303

[2] Includes a revision under sec. 9 of the concurrent resolution on the budget.

Note.—Amounts in parentheses are negative. Detail may not add due to rounding.

STATEMENT ON THE NOMINATION OF SHELDON HACKNEY

Mr. MACK. Mr. President, I oppose the nomination of Sheldon Hackney as Chair of the National Endowment for the Humanities.

Mr. Hackney's handling of matters involving the right of free speech has been surrounded by many unresolved questions. In my view, uncertainties about Mr. Hackney's respect for free speech cloud his ability to serve in such a high-profile post in the Government.

Free speech is among the most revered of American values. We in Government have an obligation to defend free speech regardless of whether its infringement comes from the right or the left. I have, therefore, voted against Mr. Hackney's nomination.

ANTKOVIAK'S ANNIVERSARY

Mr. RIEGLE. Mr. President, I would like to take a moment to recognize Peter and Nancy Antkoviak, from Allegan, MI, as they celebrate their silver wedding anniversary commemorating 25 years of marriage. Mr. and Mrs. Antkoviak were married on August 3, 1968, at St. Peter's Church in Lockport, NY.

They settled in Allegan in 1973 where they have been actively involved in serving the community and their local church, Blessed Sacrament. They have raised a wonderful family of five children, Sally, Christopher, Rebecca, Catherine and Matthew, who has been working with us here in the Senate.

Peter and Nancy exemplify lives of commitment and strong belief in the family. In a time when 6 out of 10 marriages end in divorce, they offer a symbol of love and hope and I wish them many more years of joy and happiness together.

S. 919, NATIONAL SERVICE ACT

Mr. HATCH. Mr. President, I would like nothing more than to be able to stand before this body today and put my wholehearted support behind this measure.

I would like nothing better than to rally the resources and channel the energies of our citizens, both young and old, to address the unmet needs in our communities.

Our Nation has traditionally relied on the goodwill of our people to fulfill many necessary missions ranging from coaching sports for youngsters to making sandwiches at a homeless shelter, from teaching someone to read to reading to someone at a nursing home. All of these contributions, and more, are the result of an American ethic that prizes volunteerism and the value of service for its own sake.

I come from a State, Mr. President, that wrote the book on community service. An iron gate at Brigham Young University is inscribed, "Enter to Learn, Go Forth to Serve."

But, while this motto of my alma mater may seem like a commercial for this bill, I can assure my colleagues that it is not. I believe most Utahns share my concerns that this particular proposal would bureaucratize community service.

To begin with, this bill is inherently flawed in terms of purpose. This bill suffers from a crisis of definition and cannot seem to decide if it is a service bill, a jobs bill, or an education bill.

If it is a service bill, then it operates on the premise that there is a shortage of volunteers willing to commit themselves to worthy causes and that we must offer incentives to recruit them. This is simply not true.

According to 1991 data, 94.2 million Americans volunteered for community service in some capacity.

These individuals are volunteers in the true sense of the word, offering their assistance willingly and without pay. Their compensation comes, as it should, from the satisfaction of helping their neighbors and from giving something back to society.

The bill originally proposed that we spend $3.4 billion per year by 1997 to induce only 150,000 new volunteer workers to serve. I appreciate the fact that the authorization level has been scaled down; but, of course, that means that even fewer students will be able to participate and a larger percentage of the total spending will necessarily go to the administrative expenses of the new Corporation the bill creates. This is an unavoidable catch-22 as I see it.

Second, if S. 919 is a service bill, it must include the idea that the National and Community Service Act is needed to provide service opportunities. But, we already have the programs under the National and Community Service Act of 1990. We also have federally sponsored opportunities for service through ACTION, VISTA, the Peace Corps, Foster Grandparents, and other programs.

These are hundreds of opportunities in the nonprofit sector and at the State and local levels as well. These are worthwhile efforts, and I believe most Senators support them. It is certainly not clear to me that we must create another new program.

Moreover, if this bill is defining itself as an initiative to help meet a community's unmet needs, then it sends a terribly mixed message since it spends so much of the taxpayers' money that could be spent helping people directly. For example, one could speculate on how many community health centers could be funded with $1.5 billion. We could almost double the JTPA training programs for disadvantaged adults and youth. We could significantly increase Headstart.

If the national service bill is supposed to be a jobs bill, then it operates

on the misguided supposition that there is a dearth of qualified professionals to work in our clinics and our schools and on our streets. The problem, Mr. President, is not a lack of dedicated, experienced, and committed nurses, teachers, and policemen. We have legions of incredibly devoted educators, social workers, health care professionals, and law enforcement officers who battle staggering odds and increasingly diminished funding to get the job done.

Believe me, Mr. President, we have no shortage of skillful, trained people. The problem is we do not have enough money to adequately pay these people and to properly fund the programs to which they devote themselves.

Additionally, because of the limitations on displacement or potential displacement of permanent employees, there will necessarily be limitations on the nature of the functions that can be performed by participants in the National Service Program. I question whether the individuals participating in the National Service Program will really learn all that we expect or anticipate.

I am concerned that, if this is a jobs bill, then it is a colossal waste of money. We are creating temporary makeshift jobs and giving young people an unrealistic sense of what real work is like as we simultaneously cut existing programs and lay off capable professionals.

Am I supposed to tell rural Utahns that chapter 2 funding for education was cut because Congress needed to finance the national service bill? It is one thing to explain that sacrifices to reduce the deficit are necessary; it is another to engage in some budget shell game.

Finally, if the National Service Act is a bill to expand educational opportunity, then it operates on the assumption that helping less than 1 percent of eligible participants is effectively addressing the problem of helping students pay for college. I cannot buy this.

I am especially concerned that within this 1 percent there is no guarantee that this money will go to benefit kids who are the most in need. We could easily be giving $10,000 educational awards to the children of millionaires.

I confess that it seems odd to me that some of my colleagues voted to tax the rich just a few weeks ago and now are willing to pass legislation that would conceivably provide the children of the rich with over $20,000 of educational benefits and living allowances.

According to an issue bulletin prepared by the Heritage Foundation, the Federal Government currently helps 3.9 million students pay for education through guaranteed student loans and provides Pell Grants of up to $2,300 to 2,582,911 students at an average cost to the American taxpayer of $4,181 per student. And these programs serve 6,020,000 students who must meet means tests.

Compare this to the National Service trust's $22,667 cost per participant, and you can see there is no way that any supporter of this bill could argue that it is the most effective way to help the greatest number of young people, who need it most, to meet the costs of higher education.

If we are going to allocate $1.5 billion for educational aid over the next 3 years, it makes more sense to me that we expand and maintain the integrity of our existing educational programs such as Pell Grants.

In addition to the conceptual problems I have with this legislation, I have specific concerns about several provisions within the National Service Act.

I am especially concerned that Federal funds could be used for advocacy. While I understand the compromise addresses the concern about political lobbying, the nature of this legislation may yet permit the Federal Government to subsidize advocacy through the placement of national service participants with organizations who are engaged in advocacy. The American taxpayer should not be required to pay for causes they do not support.

Nor should the National Service Act place the Government in the business of competing for donations with agencies like the American Red Cross.

I am also worried that State educational agencies will have their burdens significantly increased with the requirement that they administer and distribute funds to applicants for service-learning programs.

The State Commissions on National and Community Service, that select programs to be funded, design strategic plans for service in the States, recruit participants, and support clearinghouses, could be in a better position to facilitate the coordination of these programs. The National Service Act separates school-based from community-based programs, when for reasons of expediency and collaboration, these programs should be streamlined.

I am concerned that the requirements for agencies and programs to apply for consideration under national service is too prescriptive and undermines the innovation, ingenuity, and incentive of local service organizations. I am troubled by the thought that national service could be financed while existing programs go without the funds they need to survive.

I do not believe we should create a whole new Federal agency that is going to make decisions about what is and what is not community service and that will determine which local organizations can obtain service positions. Just the word "community" implies that the program should be locally driven—not federally managed or planned. I do not understand how a Federal entity can presume to set priorities for community service.

Finally, I appreciate the extraordinary efforts made by my colleagues on both sides to try to reach a compromise on the National Service bill. I appreciate the willingness of President Clinton to scale back his original proposal to a more realistic level, although I still question authorizing a new program at this time.

But, Mr. President, I have qualms about any new spending when there are programs already in place today that have proven their worth and which are underfunded.

And, I have qualms about creating a new $1.5 billion program and a permanent, new federal agency when the Federal Government is on the verge of demanding more tax dollars from Americans. This is what we mean by "tax and spend."

But, if we are going to spend this money rather than reduce the deficit, then we should take special care not to create new laws that will be prescriptive and bureaucratic. If we are going to spend new money, we should at least avoid spending it on new bureaucracy. Let's at least allocate this money to existing programs.

I hope that Senators will take time to examine S. 919. Mr. President, I believe that Senators who take the time to read this 300-page bill will find that it is an amazingly bureaucratic, convoluted, and expensive proposal that, despite its good intentions and despite the best efforts of my colleagues, still does not effectively address any of the stated purposes of a national service program.

STATEMENT ON THE CONFIRMATION OF RUTH BADER GINSBURG

Mr. PELL. Mr. President, today I express my unqualified support for the nomination of Ruth Bader Ginsburg to be an Associate Justice of the U.S. Supreme Court.

I do so without hesitation because Judge Ginsburg possesses a unique combination of talent and experience which places her among the premier jurists I have seen nominated for the Supreme Court throughout my 32 years in the Senate. A true legal scholar who has demonstrated a thorough understanding and an obvious love of the Law, she also established herself as a tenacious and brilliantly successful litigator in the now famous series of gender discrimination cases which she argued before the Supreme Court in the 1970's. On the Federal bench, she has continually displayed true judicial temperament and restraint, carefully minding the proper role of a judge in our legal system while not shrinking from the responsibilities of social justice.

Rarely do we see nominees with such a combination of experience, skills,

and compassion presented to the Senate for consideration. Equally rare is the near unanimous bipartisan support and respect that Judge Ginsburg has received. Truly we have in Judge Ginsburg an individual of the highest caliber and qualification for the Supreme Court.

Therefore, I wholeheartedly endorse the nomination of Ms. Ginsburg to be Associate Justice of the Supreme Court and look forward to her tenure on the bench.

AMENDMENT NO. 749, TO TREASURY APPROPRIATIONS

Mr. WOFFORD. Mr. President, the Nickles amendment may present a simple question for some. In their thinking, one is either "pro-choice" or "pro-life," and the correct vote is therefore obvious.

Not so for me. I have long believed and said that a woman's choice must be preserved up to the point of fetal viability. That right to choose has been affirmed by the Supreme Court in decisions from Roe versus Wade through Planned Parenthood versus Casey. I also believe that access to abortion may be subject to reasonable regulation as recognized in those same Supreme Court decisions.

I have also opposed the expenditure of Federal funds to pay for abortion. Given the divisions in this country over the question, it has seemed wrong to me to spend tax dollars on abortion.

I realize that there is a distinction between the Government paying for abortions under Medicaid, for example, and contributions to employee insurance premiums that cover abortion services. In the latter case, the Government is not acting as "Government," really, but rather as an employer. There is a strong argument that it is unfair for Federal employees to be denied health coverage they would likely be afforded if they worked for a private employer.

But Mr. President, I think this is the wrong time to make that point. We are on the eve of comprehensive health care reform, which must be the next order of business in the Congress and the country after we agree on a 5-year deficit reduction plan. This is the time to assure that Federal employees and all Americans have the same options for health care insurance.

At this juncture, therefore, I cannot vote to begin a form of Federal spending that has been prohibited for the past 10 years, especially when I would continue to oppose direct Federal payments for abortions through Medicaid.

I will be working to develop a system that is based in the private sector in which there are few or no direct Federal payments for particular health services, and all Americans have a variety of options of diverse health plans. Pregnancy-related services will no doubt be part of any comprehensive health plan and the question of abortion will be one of the difficult issues. But let us take up that issue then, have a full debate, and reach a result that reflects the wisdom of the majority of the American people.

NARRAGANSETT BAY WAGE GRADE AREA

Mr. PELL. Mr. President, I am pleased that the Subcommittee on Treasury, Postal Service, General Government Appropriations shares my concern about the pay disparities between the Boston Wage Grade Area and the Narragansett Bay Wage Grade Area, and included report language to H.R. 2403 instructing the Director of the Office of Personnel Management [OPM] to report back to the committee on the possibility of consolidating the two areas. I want to thank the chairman of the subcommittee, Senator DECONCINI, and the ranking member, Senator BOND, for their cooperation with this matter.

I believe that when OPM reviews this issue they can only come to the same conclusion that I have—consolidating the two areas would more accurately and fairly reflect wages in the job market. The commuting patterns and economic data show a clear integration at many levels of the economies of the two areas, yet the definition of the Narragansett Bay Wage Grade Area continues to create an artificial boundary around the State of Rhode Island that in reality does not exist.

The cities of Boston and Providence are very close geographically—only 50 miles from each other—but a Federal blue collar worker in Boston currently earns significantly higher wages than a Federal employee in Providence for the exact same work. And Providence is closer to Boston and has more shared and common interests than other areas that are included in the Boston Wage Grade Area. Beyond the morale problems this inequity causes for Federal blue collar workers, Rhode Island Federal agencies have encountered substantial problems recruiting and retaining quality employees because of the higher wages paid in surrounding areas. Aggravating these problems is the fact that Federal blue collar worker wages have fallen significantly behind private sector wages due to the cap placed on Federal blue collar worker pay increases since 1979. The inequity of the situation is glaring and must be corrected.

I understand that the Chairman was limited by objections from OPM, but I do want to emphasize that I feel strongly about the inequity in pay for Federal blue collar workers in Rhode Island and I intend to fully pursue this matter.

Again, I want to thank Chairman DECONCINI and Senator BOND for their consideration of this issue and I look forward to working with them and with OPM to see that this issue is fairly resolved.

THE NATIONAL COMMUNITY SERVICE ACT

Mr. KERREY. Mr. President, I rise today to announce my decision to vote against the National Community Service Act.

While I recognize the merits of this legislation and believe it may have great potential for the youth of this country, I cannot vote for a major new spending initiative during this time of fiscal restraint. At the same time the Federal Government is asking Americans to sacrifice, we must curb our desire to create a massive new program, despite its appeal, for the simple reason that it is unaffordable at this time.

Knowing that national service could make a difference in one young man or woman's life makes it difficult for me to cast my vote. I strongly believe that the Government should place a higher priority on initiatives benefiting the children and youth of this country. Nonetheless, the Government must control spending, and there are already many effective national service programs, such as Boston's City Year, that do not rely on Federal funding. It is important to fight the urge to establish a new, expensive program, despite its promise to help the youth of this country. My vote represents a pledge to reduce the deficit and help ease the financial burden on our children.

In addition to the cost of national service, I am troubled by other aspects of the legislation. First, I am concerned about the Federal Government's potential negative impact on good programs operating successfully in local communities. Although the Federal Government's intent is to duplicate successful local ventures, its presence can often have a negative impact on the effectiveness of the program. Local ownership of the program may be surrendered due to its reliance of Federal dollars. Federal supervision and mandates can damage a well-functioning program.

Talking to the young men and women participating in existing programs such as City Year and VISTA, I am confident that they have the talent and enthusiasm to run their programs without Government intervention. Unfortunately, by funding national service through the Federal Government, it is the adults who are reaching the conclusion that service is good for the youth of this country. We cannot take possession of a program that rightfully does not belong to us.

Second, I fear that many service programs will come into being to tap into a new Federal pot of money rather than being cultivated from the community. Programs that have developed

from the ground up have been successful because people are genuinely committed to improving their community. The community is also in the best position to identify pressing problems that may require some assistance and then develop a solution.

While competitive and accountability provisions have been incorporated into the legislation, there is still the risk that, instead of focusing on the program as a whole, the emphasis will fall on the amount of money channeled into a particular area. Rather than assessing the program based on its effect on the lives of Americans, there is a natural tendency to fight for dollars.

Third, I am uncomfortable that by passing this legislation, we create an unrealistic expectation about what national service is capable of accomplishing. Because participation is limited, most eligible candidates for service will be rejected. Many of these same individuals will be unable to obtain Pell grants or other types of campus based financial assistance because Congress cannot fully fund them. Many students will be shut out of financial assistance all together. For this reason, I believe there should be less emphasis on the educational opportunity included in this bill. Indeed, the most significant outcome of service is not the stipend; it is the multiplying factor of its effect on the community. The stipend is like a carrot on a stick for young adults eager to attend college. These individuals may decide to join a national service program more out of a need to obtain the stipend rather than out of a desire to get involved in an effort to improve the neighborhoods and communities across America.

Finally, I am troubled with the notion that we should pay people to perform community service. It is my contention that service should be voluntary and unpaid. Volunteers across the country have been rewarded through personal gratification and asked for nothing more. I believe it sends the wrong signal to suddenly link service with money. It is an unnecessary enticement. If inclined, individuals will eagerly contribute their time, love and skills to people and projects in need of attention. But a quid pro quo situation is the antithesis of what drives voluntarism. We should not confuse the two.

National service can work. However, I would prefer to see cities and communities building their own projects before Federal intervention is required. Not only are local residents in the position to determine what objectives should be met, they also know how best to bring their goals to fruition. While Federal funds would undoubtedly help, the attached strings may hamper a community's flexibility.

We should continue to encourage voluntarism and community service. But for the reasons I've just outlined, the Federal Government is the wrong entity to undertake this mission.

STATEMENT ON THE CONFIRMATION OF THOMAS J. DODD

Mr. DODD. Mr. President, it was with great personal pride to be present last Friday as my colleagues in this Chamber welcomed another member of my family to public service. By unanimous consent, the U.S. Senate gave its approval to the nomination of my brother, Thomas J. Dodd, to be U.S. Ambassador to Uruguay.

I want to thank my colleagues for the timely and expeditious manner in which this nomination was considered and approved. I particularly want to thank my fellow members of the foreign relations committee: Senator CLAIBORNE PELL, PAUL SARBANES, JOE BIDEN and JESSE HELMS for their kind words and support. I also wish to thank the majority leader, Senator GEORGE MITCHELL and Senator TED KENNEDY for their generosity and support. I also want to thank President Clinton for selecting Tom Dodd to this very important position. I am confident that Tom will make my colleagues proud of this choice, as he has made his brothers and sisters proud so many times before. I know his daughter Abbey, who was present at the confirmation hearing, is also proud of her father.

Mr. President, when it comes to the world of the Americas, Tom Dodd is certainly no stranger. For more than a quarter-century, Tom has been teaching Latin American affairs at Georgetown University and several other distinguished universities and teaching facilities in Washington. Indeed, for Tom, beginning with his time abroad in Spain and Mexico while an undergraduate at Georgetown and his Ph.D. work a decade later, Latin America has literally represented a life-long commitment.

At the time of his appointment to this position, Tom had served for two decades as an associate professor of History at the School of Foreign Service at Georgetown University.

In 1969 he served as a faculty advisor at the Central American Institute for Labor Studies in Guatemala, Costa Rica, and Nicaragua. From 1969 to 1973 he directed the Latin American Studies Program at the Georgetown University Graduate School. From 1971 to 1980 he lectured at the State Department's Foreign Service Institute. He has taught dozens of courses on all aspects of Latin American studies and has written articles and conference papers on the subject far too numerous to list.

As a teacher, Tom Dodd has been called upon not just to give lectures but also to interact—to engage his students. In a sense it is not unlike the tasks he will be asked to perform as ambassador: to articulate views, to explain the positions of our Government even when those positions are not popular, and, perhaps most important, to listen.

It is for this reason, Mr. President, that I know Tom Dodd will make an outstanding Ambassador to Uruguay. I know this because in my travels in Latin America there was not a single visit to the area in which I did not have someone tell me that he or she had my brother as a professor. Each of them remembered Tom with great affection and respect.

Mr. President, I approach my brother Tom's confirmation from two entirely different perspectives, but in the end I reach the same conclusion. As the chairman of the subcommittee on western hemisphere affairs, I am delighted that the Senate has approved a nominee with such an extensive and in-depth knowledge of Latin America.

At the same time, Mr. President, as a brother, this is also a moment of special personal joy. Tom's insights and knowledge have helped an entire generation of students, diplomats and other public officials, including this one, understand the complexities of Latin American affairs.

Again, I commend President Clinton for his selection and I commend the members of this body for approving the nomination of Tom Dodd to be Ambassador to Uruguay. I know he will prove to have been the right choice.

My only regret at this moment is that our parents are not here to share in the joy and pride of this occasion.

NICKLES AMENDMENT 749, TO TREASURY APPROPRIATIONS

Mr. WOFFORD. Mr. President, the Nickles amendment may present a simple question for some. In their thinking, one is either pro-choice or pro-life, and the correct vote is therefore obvious.

Not so for me. I have long believed and said that a woman's choice must be preserved up to the point of fetal viability. That right to choose has been affirmed by the Supreme Court in decisions from Roe versus Wade through Planned Parenthood versus Casey. I also believe that access to abortion may be subject to reasonable regulation as recognized in those same Supreme Court decisions.

I have also opposed the expenditure of Federal funds to pay for abortion. Given the divisions in this country over the question, it has seemed wrong to me to spend tax dollars on abortion.

I realize that there is a distinction between the Government paying for abortions under Medicaid, for example, and contributions to employee insurance premiums that cover abortion services. In the latter case, the Government is not acting as "government," really, but rather as an employer. There is a strong argument that it is unfair for Federal employees to be denied health coverage they would likely

be afforded if they worked for a private employer.

But Mr. President, I think this is the wrong time to make that point. We are on the eve of comprehensive health care reform, which must be the next main order of business in the Congress and the country after we agree on a 5-year deficit reduction plan. That is the time to assure that Federal employees and all Americans have the same options for health care insurance.

At this juncture, therefore, I cannot vote to begin a form of Federal spending that has been prohibited for the past 10 years, especially when I would continue to oppose direct Federal payments for abortions through Medicaid.

I will be working to develop a system that is based in the private sector in which there are few or no direct Federal payments for particular health services, and all Americans have a variety of options of diverse health plans. Pregnancy-related services will no doubt be part of any comprehensive health plan and the question of abortion will be one of the difficult issues. But let us take up that issue then, have a full debate, and reach a result that reflects the wisdom of the majority of the American people.

NORMAN JOHNSON

Mr. COCHRAN. Mr. President, the State of Mississippi has suffered a great loss because of the death this past Sunday of Norman Johnson, Jr.

Today at the Neshoba County fair, a memorial service was held honoring my departed friend as a World War II veteran, former mayor of Philadelphia, MS, and public service commissioner for the State's central district.

As Senators will note from these reports, Norman Johnson had served as president of the National Association of Regulatory and Utility Commissioners. He had also served for 25 years as head of the board of the Neshoba County fair. This has come to be recognized as one of the most unusual and interesting State fairs that is held anywhere in the United States. It has become a gathering place for political candidates, not only in our own State of Mississippi each year during this week in August, but in Presidential campaign years. Ronald Reagan, when he was running for President, and JOHN GLENN, our fellow Senator when he was running for President, visited the Neshoba County fair and spoke to the people who gather there every year during the month of August.

Norman Johnson was the person, more than anyone else, who put this fair on the national map. It has been written up in National Geographic magazine and is visited by people from all over the country. There are over 600 cabins that are built there as a part of the permanent fairgrounds. Whole families come there and spend a week or two each summer.

It is a great loss that our State has suffered in the death of Norman Johnson. He was a courteous, friendly, outstanding public servant. We have lost a close personal friend, my family and I have, and we want to extend to his wife, Mary, his son, Norman Johnson III, and Amanda, his daughter, our condolences and best wishes in this time of sorrow for their entire family and for our State.

I ask unanimous consent that a copy of the Clarion Ledger article describing my friend's career be printed in the RECORD.

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

[From the Clarion Ledger, Tuesday, Aug. 3, 1993]

NORMAN JOHNSON, WHO SHAPED POLITICS OF NESHOBA FAIR, DIES

(By Andy Kanengiser)

PHILADELPHIA.—Norman Johnson Jr. brought fame to the Neshoba County Fair, whether dressing up in a white tuxedo or welcoming speakers such as Ronald Reagan.

The Philadelphia native who died Sunday of heart failure at a Jackson hospital was praised Monday for his 25 years guiding "Mississippi's Giant Houseparty." He was 72.

Front-porch cabin conversations often turned to his accomplishments at the fair that draws up to 50,000 some days—and to his success in Mississippi politics.

"This thing has grown tremendously. I think you attribute a lot to his leadership," said Allan King, 67, the fair's executive vice president. "You've got a little city here of 600 cabins and 75 trailers. It gets bigger every year."

This year's version of the weeklong fair opened Friday. A U.S. flag at the fair's Founders Square flies at half staff.

Johnson would sport the tuxedo at the fair's traditional beauty pageant. Other days, he'd be in jeans and boots, greeting visitors to his No. 9 cabin with platters of food and gallons of iced tea.

Many remembered him patrolling the fairgrounds in his pickup. "He used to call it making the rounds. He would drive down every road and look at everything." King said at his cabin, dubbed "King's Kastle."

Begun in 1889 as a picnic, the fair developed into a national political showcase under Johnson, a former Philadelphia mayor and a 28-year member of the state Public Service Commission. Presidential candidates came calling, including Reagan, John Glenn and Michael Dukakis.

To Johnson "all of them were important to the fair—whether it was a Beat 5 supervisor or candidate for president of the United States," said Dr. Rudolph Posey, a Philadelphia dentist and fair director.

"I feel like this has been a great loss to Neshoba Countians," said Charlsie Moore, a Neshoba Central elementary teacher and fair office worker.

Johnson joined the fair's 20-member board of directors in 1946. He stepped up to Neshoba County Fair Association president in 1968.

He underwent open-heart surgery in March and had been hospitalized again after having heart seizures in June.

Fair leaders will elect Johnson's successor. King is overseeing daily operations.

A veteran's memorial service for Johnson is set for 11 a.m. today at the fair.

[From the Clarion-Ledger Tuesday, Aug. 3, 1993]

NORMAN JOHNSON JR., NESHOBA FAIR PRESIDENT

(By Mary Jefferson)

PHILADELPHIA.—Norman A. Johnson, Jr., 72, president of the Neshoba County Fair Association, died of heart failure Sunday at St. Dominic/Jackson Memorial Hospital in Jackson.

Services are 2 p.m. Wednesday at First Baptist Church with burial in Cedarlawn Cemetery. Visitation is 3–7 p.m. today and 7:30 a.m.–1:30 p.m. Wednesday at McClain-Hays Funeral Home.

Mr. Johnson, a lifelong Philadelphia resident, was a member of First Baptist Church, a Mason and a Shriner.

He served in two branches of the military during World War II, the Marine Corps and Army. After the war, he returned to Philadelphia and began working with his father at N.A. Johnson Seed and Feed Store.

"After he came home from the war, he was real interested in getting back into the fair again. It was the in thing to do," said his wife, Mary.

Mr. Johnson began working with the Neshoba County Fair Association in the 1940s. From 1968 until his death, he was its president.

In 1953, Mr. Johnson was elected mayor of Philadelphia, and in 1955 he was elected to the Public Service Commission, serving the Central District until 1984.

Mr. Johnson also was president of the Southeast Rural and Utilities Commissioners (SEARUC) and National Association of Regulatory and Utilities Commissioners.

"Some of the greatest years of my life with him was when we traveled when he was president of the national association," his wife said. "My life couldn't have been any better."

After retiring from political office, Mr. Johnson got into farming. He and his wife grew pine trees, she said.

In addition to his elected duties, he was a member of Disabled American Veterans, Sons of Confederate Veterans, Veterans of Foreign Wars and the Chamber of Commerce. He was a past state commander of the American Legion and was a member of the Chamber of Commerce, the Neshoba County Historical Society and the Mississippi Historical Society.

Other survivors include: son, Norman Johnson III of Brandon; daughter, Amanda Bass of Louisville, Ky.; and a grandchild.

NATIONAL AND COMMUNITY SERVICE TRUST ACT

Mr. GORTON. Mr. President, over the last few weeks I have paid close attention to the debate on the National and Community Service Trust Act. In reviewing the bill and listening to the debate, I am brought to reflect on the greater context in which this bill needs to be discussed. That of national priorities.

One of the great problems and great challenges that each of us as a policymaker must face when debating new programs and new ideas, is whether, when taken in the aggregate, the new program is the most effective use of taxpayer dollars.

Every year, there are thousands of bills and measures introduced in the

Congress, each promoting some new program or some new goal. Over the years that I have been involved in setting public policy, I have heard of very few proposals which have some shameful or ill-defined purpose. And clearly, the purpose of this bill is also a highly worthy social goal: the inspiration of our young people to be productive members of society through public service. In that respect, I doubt there is one Senator or one member of this great Nation who would disagree with the purpose of this bill.

But what is exceedingly difficult, here and in other debates, is the relationship between a generalized and highly worthy purpose and the means which are proposed to achieve it. And all too often, the new and exciting programs policymakers propose are added onto other, similar programs which already exist—programs which, when proposed, were pace-setting and championed using many of the same arguments as those promoting this bill.

Today, we are examining a bill which would add one more program to the existing 26 programs which also serve to promote community service—and which represent $1.5 billion in annual spending.

CURRENT VOLUNTEER ACTIVITIES

The vast majority of the American people believe whole-heartedly in the spirit of volunteerism. From before the independence of the United States to the present time, this country has provided infinitely more service than any other nation in the history of the world. Whether it is in pure voluntarism, or whether it is undertaken on the part of people who will for far less money in a service profession than they could get in the private sector, or whether it is through service in the military, the people of the United States of America have no equal when the matter of service is debated.

In 1991, 94.2 million Americans, age 18 and over, volunteered in some capacity with an average of more than 4 hours of service per week. If we added youth to those figures—the Boy Scouts, the Girl Scouts, Key Clubs, the YWCA's and the numerous other youth service organizations—we could easily double or even triple those figures.

Clearly, America believes in service.

Yet, somehow, proponents of this bill figure Americans are not interested enough in service—and they figure Congress needs to do something. They figure we need to encourage more people to get involved—and perhaps we do.

But, we as policy makers, must ask ourselves: Is this bill, the National and Community Service Trust Act, the best way and the most efficient way to encourage more Americans to get involved?

It is a tendency of the dynamics of the legislative process that it is never as inspiring or thrilling for us as lawmakers to only make current programs work better, using experience we already have, as is the opportunity to start an entirely new and fresh program. But if we are to be responsible to those who have entrusted us with the difficult task of ensuring the wise use of taxpayer dollars, we must continue to ask the question: Is this the single best way, or even one of the top 10 best ways, in which to spend 1.5 billion dollars on less than 70,000 people?

The arguments have been put forth by proponents that this is a necessary piece of legislation to promote service to America, which they claim is near an all time low. As I mentioned earlier, in 1991, 94.2 million Americans, age 18 and over, were involved with volunteer projects across the country.

One organization in my own State deserves mention. This organization is an extraordinary testament to the existing excitement and enthusiasm America's young adults have for community service. Known as "The Benefit Gang," this organization recruits, trains, and places young adults between the ages of 21 and 30 in other non-profit organizations as volunteers throughout the Puget Sound region. Annually, the Benefit Gang places over 3,500 volunteers in over 250 non-profit organizations.

It was created because many young adults who were anxious to volunteer weren't sure how to go about finding an organization in which to work. The Benefit Gang is striving to develop their interest in volunteering so that they will continue to volunteer throughout their adult lives, while providing a tremendous service to the community at the same time. It is entirely financed with private donations—and it accomplishes all of this without one dime of government assistance. And those who choose to participate expect nothing in return but personal joy and satisfaction.

I have been in a fortunate position to watch this organization grow as many members of my staff participate. Their enthusiasm and their dedication to community service has been inspiring.

To many people in Washington communities, success is measured by the amount of local support and respect the organization is given. These things come from becoming a self-sustaining, growing organization that is governed by itself and those who are closely related. The Benefit Gang and other service organizations will continue to prosper without additional government controls, regulations to follow and a new, meddlesome bureaucracy under which they must operate.

The very nature of the words "community service" should continue to mean just that—a contribution on behalf of members of the community who are eager to see their community grow and develop, and support by the local businesses which benefit from their efforts. I am talking about support by the community—not government intrusion or control over these community service efforts.

Currently, the average turn-around time to receive private monetary support is less than 6 months. But when dealing with the government for support, the process becomes far more involved and complicated. It could take between 6–18 months to receive even mere acknowledgement of an application from the government—which may or may not decide to allocate funding. Even after funding is received, it may be only for a short period of time that may not be renewable the next year or even the next month. It is clear that private efforts are more efficient and more effective, and most community service organizations are succeeding without government intervention.

Additionally, the efforts of private organizations far overshadow the efforts of the Federal Government. There are 94.2 million Americans volunteering every year. Over 3 years, this legislation will add less than 70,000 people to that total at a cost to the taxpayer of $1.5 billion. If a small business spent that amount of money with that small of a return on the investment, they would quickly find themselves in bankruptcy court.

And if we look at the costs per-person under the National Service Program that we are debating today, we find some astonishing statistics. By the administration's figures, it will cost $22,000 per year for each person participating. Based on this data, we must ask the question: Is this the most effective use of taxpayer dollars to promote volunteerism? The clear answer is a resounding NO!

WORTH OF THE EDUCATION BENEFITS

Another assertion by proponents is that this is, in addition to a volunteerism bill, a way to provide America's youth an opportunity to obtain an education. They argue that this bill is necessary to provide that opportunity to hundreds of thousands of youth who would not otherwise have the ability to obtain an education. Again, we must ask whether this is the best use of the billions of dollars allocated under this program. Over 3 years, this program will spend 1.5 billion dollars for less than 70,000 people to receive two years worth of education grants.

By comparison, last year we spent $5.8 billion on the Pell Grant program to help over 4 million students. In addition, we spent $2 billion on the student loan program to help nearly 5 million students. Yet, both of these programs are continually under-funded. The Pell Grant program alone faces a $2 billion deficit with more cuts to come.

These kinds of figures have led many education related persons to oppose this boondoggle. The president of the United Negro College fund and former member of Congress, William H. Gray, III, has stated his vehement opposition

to the service sham. In the Chronicle of Higher Education, he points out that this new spending program is grossly misdirected:

The proposed program provides economic assistance precisely where we don't need it. [I]t would be a huge new demand on limited federal resources. [These dollars] could be better spent on programs designed for the disadvantaged.

Further, Mr. President, I am convinced that if this program does become a popular one, it will end up displacing some of the more cost-effective programs of the Federal Government. That could have drastically negative effects on many other very worthwhile programs.

A June 3, 1993, Washington Post article states the effect this program could have:

If all 7 million students who get federal aid in 1993 enrolled in national service in Clinton's maximum terms, taxpayers would shell out an astonishing $158 billion to pay for them. Deficit increases like that aren't going to revive the national spirit.

We must ask ourselves: Is this piece of legislation an effective means of providing education opportunities to an many of our nation's youth an possible? The answer again, Mr. President, is a clear and resounding no.

SERVICE IN LIGHT OVERALL BUDGET PRIORITIES

We must look at this new spending in light of the overall budget and spending priorities. When our country, however large its resources, is faced with the problem of extremely limited resources, we must make tough choices and we must exercise restraint.

Mr. President, right now somewhere in the U.S. Congress, Members of the House and Senate, at least those who are in the Democratic Party in both Houses, are meeting to pass a new budget package, which contains as the principal ingredient, over $250 billion in new taxes.

It is ironic to this Senator, that while all of that is going on to reduce the deficit and to get the size of Government under control, on the floor of the Senate we are debating how to spend almost $1.5 billion over 3 years in new spending, without any discernible reductions in spending on other existing programs.

This is not even a relatively modest program, but it is one which is demand-driven and can grow without restraint. A program, the design of which by its sponsors and by the President, is to grow exponentially over the years. Which program will be replaced to accommodate this one? Part of the debate over the reconciliation bill on the budget this year is that all of the spending cuts, or the great bulk of spending cuts for discretionary spending, will come much later in 1997 and 1998—the very time when this program will reach its height of spending strength.

Members of the majority party are sensitive to that criticism. And Members of this party point that out as a signaled effect in the budget we are debating. Something must give. These billions of dollars are going to come out of something else, and we have not been told what that something else will be.

I would imagine that the students who receive student loans at universities in my own State would not be happy with this Congress if we displace the program which is helping them scrape by to get through school with another program which can't begin to provide the same opportunities to the same number of students.

Another way of looking at this would be if we decided not to spend this almost $1.5 billion and instead, reduced by exactly that amount, the additional tax burdens which the conferees are going to impose on small businesses. If we were to do that, it would help small businesses in the United States invest that $1.5 billion as they see fit in creating new jobs and new opportunities for these same young Americans. More of those young Americans would have real job experiences, and more wealth would be created for all Americans. In fact, there would a return in additional taxes so that what seems a $1.5 billion for $1.5 billion exchange would probably reduce the budget deficit by a small amount through the additional taxes paid by the additional profits made by those small businesses.

This choice, under that set of circumstances, would allow the American people to make their own decisions about now to spend their money—and those decisions would almost certainly be more productive than those offered by this bill.

Thus, once more I ask the question, is this the most judicious use of taxpayer dollars? Once again the answer is a resounding, no.

PROGRAM STRUCTURE

The program must be looked at on its proponents own terms. This program is being heralded as a reinvention of government. It will streamline the provision of service programs, they say.

However, this bill proposes—rather awkwardly in this Senator's view—a brand-new, highly centralized form of administration. It appears that this program would build upon the existing structure of the ACTION Agency and the Commission on National Service. Upon closer examination, however, we find that this bill actually creates a massive, new superstructure: the Corporation for National Service, under which these existing entities will operate. State ACTION offices will continue to operate while new State Commissions on National Service are also created.

Further, it designates three separate State entities which are authorized to receive funds from the corporation—State Commissions for National Service Programs, State Education Agencies for Service Learning Programs, and State ACTION offices for VISTA and senior volunteer programs. However, there are no requirements that these entities work together.

Yes, it sounds confusing. Layer upon layer upon layer of bureaucracy is confusing. This bill, in short, is a highly bureaucratic, top-down approach to place youth in public service projects which remain undefined, unspecific and questionable. Thus, rather than replacing or absorbing existing programs to streamline the bureaucracy, this bill is added on top to lord over the existing programs and spread the tentacles of bureaucracy.

The Senator from Kansas, Senator KASSEBAUM, offered a substitute structure that would have truly streamlined Federal national service efforts. It offered a true integration of Federal national service efforts into a single, consolidated program; gave states more flexibility to determine what their needs and priorities are; and, recognized the need for legitimate fiscal constraints and a reasonable rate of expansion. However, the majority was unwilling to accept this very worthwhile proposal.

So, again, we must ask ourselves, is this the most effective structure under which to promote national service. Again, the clear answer is a resounding no.

Mr. President, the common thread that binds each of the points I have raised thus far is that the fundamental principle upon which this bill is based is that somehow service to society in a country which has been most noted for its national and local volunteer efforts, can be much more efficiently managed by a group of 15 people in Washington, DC, who are working directly or indirectly for the Federal Government.

We are not doing the job now that we ought to be doing in creating educational opportunities or volunteer service opportunities. Now why in the world would we pack on another bureaucracy on top of so many others? One which inevitably in 2 or 3 years will be superseded by another idea, but almost certainly not killed.

And, why in the world would we do this while, at the very time, we are debating whether or not we need to impose another $250 billion in taxes on the American people over the next few years in order to reduce the budget deficit—and then turn around with a program like this and say, well, try and reduce the budget deficit maybe, but not by this new program, not by another new program, and not by what may be next year's new and great program.

It simply makes no sense.

I ask again—Is this the best, most efficient way to promote community service?

How much more true service would we get if we allowed a broader set of

tax deductions, or even tax credits for a group of charities and tax-exempt organizations, allowing them to compete not with a Federal bureaucracy, but with potential donors on the basis of how much they could do with that money. They would deal directly with individuals—young people, or middle-aged people, or older people, with respect to whom they hire for this kind of service with that amount of money.

How often would we be better off directing these young people through educational grants into the private sector, where service to society is measured harshly and very well by the ability of a private sector employer to provide employment.

It is a curious element, it seems to me, in our society that somehow or another, working for a business organization seeking profit is not deemed to be service, though, in fact, it may provide infinitely more important contributions to our society as a whole than even some nonprofit organizations do.

So it seems to me, Mr. President, that the serious and unanswered questions about a potentially very expensive idea are these: Why is it that a centralized Federal Government proposal will work better in providing service than an indirect, private sector competitive proposal, such as tax credits?

Will this program afford more educational opportunities to our Nation's youth than existing programs would if they were afforded this program's budget?

Will this program, which would manage, direct, and control a student's energies, be better for that student than a concentrated program which simply gives scholarships to young people to provide for their education and then lets them make an absolutely free choice, based on their own motivations and their own desires, as to whether they go to the public sector, the nonprofit sector, or the private sector?

Is this program the best, the most judicious, and the most effective program on which we should spend our Nation's limited resources?

Mr. President, while the goals and the purposes of this bill are eminently worthy, the answer is clearly and decisively, no.

MESSAGES FROM THE HOUSE

At 2:15 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 1311. An act for the relief of Olga D. Zhondetskaya.

ENROLLED BILLS SIGNED

The message also announced that the Speaker has signed the following enrolled bill:

S. 1311. An act for the relief of Olga D. Zhondetskaya.

The enrolled bill was subsequently signed by the President pro tempore [Mr. BYRD].

ENROLLED BILLS PRESENTED

On August 3, 1993, the Secretary of the Senate reported that he had presented to the President of the United States, the following enrolled bill:

S. 1311. An act for the relief of Olga D. Zhondetskaya.

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

H.R. 236. An act to establish the Snake River Birds of Prey National Conservation Area in the State of Idaho, and for other purposes.

H.R. 616. An act to amend the Securities Exchange Act of 1934 to permit members of national securities exchanges to effect certain transactions with respect to accounts for which such members exercise investment discretion.

At 5:39 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced the House has passed the following bill, with an amendment:

S. 184. An act to provide for the exchange of certain lands within the State of Utah, and for other purposes.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 454. An act to provide that a State court may not modify an order of another State court requiring the payment of child support unless the recipient of child support payments resides in the State in which the modification is sought, or consents to seeking the modification in such other State court.

H.R. 734. An act to amend the Act entitled "An Act to provide for the extension of certain Federal benefits, services, and assistance to the Pascua Yaqui Indians of Arizona, and for other purposes."

H.R. 821. An act to amend title 38, United States Code, to extend eligibility for burial in national cemeteries to persons who have 20 years of service creditable for retired pay as member of a reserve component of the Armed Forces.

H.R. 1268. An act to assist the development of tribal judicial systems, and for other purposes.

H.R. 1758. An act to revise, codify, and enact without substantive change certain general and permanent laws, related to transportation, as subtitles II, III, and V–X of title 49, United States Code, "Transportation", and to make other technical improvements in the Code.

H.R. 2134. An act to improve the conservation and management of interjurisdictional fisheries along the Atlantic coast by providing for greater cooperation among the States in implementing conservation and management programs, and for other purposes.

H.R. 2495. An act to direct the Secretary of the Interior to convey to the State of Ohio the Senecaville National Fish Hatchery.

H.R. 2535. An act to amend title 38, United States Code, to provide additional authority for the Secretary of Veterans' Affairs to provide health care for veterans of the Persian Gulf War.

H.R. 2647. An act to amend title 38, United States Code, to provide that the effective date of any changes in benefits under the Servicemen's Group Life Insurance program shall be based on the International Date Line.

H.R. 2668. An act to establish a demonstration program to provide affordable rental housing for low-income families, and for other purposes.

H.R. 2746. An act to amend the White House Conference on Small Business Authorization Act.

H.R. 2747. An act to increase the authorization for the development company loan and debenture guarantee program administered by the Small Business Administration.

H.R. 2748. An act to amend the Small Business Development Center Program, and for other purposes.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 454. An act to provide that a State court may not modify an order of another State court requiring the payment of child support unless the recipient of child support payments resides in the State in which the modification is sought, or consents to seeking the modification in such other State court; to the Committee on the Judiciary.

H.R. 734. An act to amend the Act entitled "An Act to provide for the extension of certain Federal benefits, services, and assistance to the Pascua Yaqui Indians of Arizona, and for other purposes;" to the Committee on Indian Affairs.

H.R. 821. An act to amend title 38, United States Code, to extend eligibility for burial in national cemeteries to persons who have 20 years of service creditable for retired pay as members of a reserve component of the Armed Forces; to the Committee on Veterans' Affairs.

H.R. 1268. An act to assist the development of tribal judicial systems, and for other purposes; to the Committee on Indian Affairs.

H.R. 1758. An act to revise, codify, and enact without substantive change certain general and permanent laws, related to transportation, as subtitles II, III, and V–X of title 49, United States Code, "Transportation", and to make other technical improvements in the Code; to the Committee on the Judiciary.

H.R. 2134. An act to improve the conservation and management of interjurisdictional fisheries along the Atlantic coast by providing for greater cooperation among the States in implementing conservation and management programs, and for other purposes; to the Committee on Commerce, Science and Transportation.

H.R. 2495. An act to direct the Secretary of the Interior to convey to the State of Ohio the Senecaville National Fish Hatchery; to the Committee on Environment and Public Works.

H.R. 2535. An act to amend title 38, United States Code, to provide additional authority for the Secretary of Veterans' Affairs to provide health care for veterans of the Persian Gulf War; to the Committee on Veterans' Affairs.

H.R. 2647. An act to amend title 38, United States Code, to provide that the effective date of any changes in benefits under the Servicemen's Group Life Insurance program shall be based on the International Date Line; to the Committee on Veterans' Affairs.

H.R. 2668. An act to establish a demonstration program to provide affordable rental

housing for low-income families, and for other purposes; to the Committee on Banking, Housing and Urban Affairs.

H.R. 2746. An act to amend the White House Conference on Small Business Authorization Act; to the Committee on Small Business.

H.R. 2747. An act to increase the authorization for the development company loan and debenture guarantee program administered by the Small Business Administration; to the Committee on Small Business.

H.R. 2748. An act to amend the Small Business Development Center Program, and for other purposes; to the Committee on Small Business.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–1334. A communication from the Chairman of the United States International Trade Commission, transmitting, pursuant to law, a report on trade between the United States and China, the Successor States to the Former Soviet Union, and other title IV countries during the period January through March 1993; to the Committee on Finance.

EC–1335. A communication from the Administrator of the General Services Administration, transmitting, pursuant to law, a report describing a revision to a system of records, incident reporting, investigation, contingency planning/analysis and security case files; to the Committee on Governmental Affairs.

EC–1336. A communication from the Secretary of Education, transmitting, pursuant to law, a report of final regulations—library research and demonstration program; to the Committee on Labor and Human Resources.

EC–1337. A communication from the Secretary of Education, transmitting, pursuant to law, a report of final regulations—demonstration projects to increase client choice program; to the Committee on Labor and Human Resources.

EC–1338. A communication from the Secretary of Education, transmitting, pursuant to law, a report of final regulations—institutional eligibility under the Higher Education Act of 1965, as Amended (student assistance general provisions); to the Committee on Labor and Human Resources.

EC–1339. A communication from the Chairman of the Farm Credit Administration, transmitting, pursuant to law, the annual report for calendar year 1992; to the Committee on Agriculture, Nutrition and Forestry.

EC–1340. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report relative to the sixth special impoundment message for fiscal year 1993; referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on Appropriations, to the Committee on the Budget, to the Committee on Banking, Housing and Urban Affairs, to the Committee on Commerce, Science and Transportation, and to the Committee on the Judiciary.

EC–1341. A communication from the Assistant Vice President (Government and Public Affairs), National Railroad Passenger Corporation, transmitting, pursuant to law, a report of the criteria performance review of Amtrak's routes for 1993; to the Committee on Commerce, Science and Transportation.

EC–1342. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, a draft of proposed legislation entitled "The National Aeronautics and Space Administration Management Reorganization Act of 1993"; to the Committee on Commerce, Science and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KENNEDY, from the Committee on Labor and Human Resources, without amendment:

S. 1283. A bill to amend the Technology-Related Assistance for Individuals With Disabilities Act of 1988 to improve the Act, and for other purposes (Rept. No. 103–119).

By Mr. KENNEDY, from the Committee on Labor and Human Resources, without amendment:

S. 1284. A bill to amend the Developmental Disabilities Assistance Bill of Rights Act to expand or modify certain provisions relating to programs for certain individuals with developmental disabilities, Federal assistance for priority area activities for individuals with developmental disabilities, protection and advocacy of individual rights, university affiliated programs, and projects of national significance, and for other purposes (Rept. No. 103–120).

By Mr. RIEGLE, from the Committee on Banking, Housing, and Urban Affairs, with an amendment in the nature of a substitute:

S. 424. A bill to amend the Securities Exchange Act of 1934 with respect to limited partnership rollups (Rept. No. 103–121).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

H.R. 873. A bill Entitled: "Gallatin Range Consolidation and Protection Act of 1993" (Rept. No. 103–122).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, without amendment:

H.R. 631. A bill to designate certain lands in the State of Colorado as components of the National Wilderness Preservation System, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. HOLLINGS, from the Committee on Commerce, Science and Transportation:

Albert J. Herberger, of New York, to be the Administrator of the Maritime Administration.

Lionel Skipwith Johns, of Virginia, to be an Associate Director of the Office of Science and Technology Policy.

Everett M. Ehrlich, of Pennsylvania, to be Under Secretary of Commerce for Economic Affairs.

Jolene Moritz Molitoris, of Ohio, to be Administrator of the Federal Railroad Administration.

Loretta L. Dunn, of Kentucky, to be an Assistant Secretary of Commerce.

David Russell Hinson, of Illinois, to be Administrator of the Federal Aviation Administration.

Louise Frankel Stoll, of California, to be an Assistant Secretary of Transportation.

Mary Lowe Good, of New Jersey, to be Under Secretary of Commerce for Technology.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. BIDEN, from the Committee on the Judiciary:

Bruce A. Lehman, of Wisconsin, to be Commissioner of Patents and Trademarks.

Louis J. Freeh, of New York, to be Director of the Federal Bureau of Investigations for the term of 10 years.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BYRD:

S. 1341. A bill to establish the Wheeling National Heritage Area in the State of West Virginia, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. KENNEDY (for himself and Mr. KERRY):

S. 1342. A bill to establish in the Department of the Interior the Essex Heritage District Commission, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. AKAKA:

S. 1343. A bill entitled the "Steel Jaw Leghold Trap Prohibition Act"; to the Committee on Environment and Public Works.

By Mr. GRAMM (for himself and Mr. MCCAIN):

S. 1344. A bill to promote peace and prosperity, and open market economic development in Armenia, through the establishment of a free trade agreement between the United States and the Republic of Armenia; to the Committee on Finance.

By Mr. BINGAMAN (for himself, Mr. BAUCUS, Mr. CAMPBELL, Mr. DORGAN, Mr. LEVIN, Mr. RIEGLE, Mr. SIMON, and Mr. DASCHLE):

S. 1345. A bill to provide land-grant status for tribally-controlled community colleges, tribally-controlled postsecondary vocational institutions, the Institute of American Indian and Alaska Native Culture and Arts Development, Southwest Indian Polytechnic Institute, and Haskell Indian Junior College, and for other purposes; to the Committee on Indian Affairs.

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

S. 1346. A bill to amend title 17, United States Code, to establish copyright arbitration royalty panels to replace the Copyright Royal Tribunal, and for other purposes; to the Committee on the Judiciary.

By Mr. BRADLEY:

S. 1347. A bill to impose an excise tax on lead and lead products, to create a lead abatement trust fund, and to create a program under which states and certain political subdivisions thereof receive grants from such trust fund, and for other purposes; to the Committee on Finance.

By Mr. BRYAN:

S. 1348. A bill to amend the Immigration and Nationality Act to reform the asylum law, to increase penalties for alien smuggling, and to authorize appropriations for the Immigration and Naturalization Service, and for other purposes; to the Committee on the Judiciary.

By Mr. DURENBERGER (for himself and Mr. GORTON):

S. 1349. A bill to establish the Food Safety and Inspection Agency, and for other purposes; to the Committee on Governmental Affairs.

By Mr. KENNEDY (for himself, Mr. HATCH, Mr. SIMON, Mr. MACK, Mr. BIDEN, Mr. COCHRAN, Mr. D'AMATO, Mr. DANFORTH, Mr. DECONCINI, Mr. DODD, Mr. DURENBERGER, Mr. GLENN, Mr. INOUYE, Mr. JEFFORDS, Mr. KERRY, Mr. LEVIN, Mr. METZENBAUM, Ms. MIKULSKI, Mr. MITCHELL, Mr. MOYNIHAN, Mr. PELL, Mr. SARBANES, Mr. THURMOND, Mr. WELLSTONE, Mr. WOFFORD, and Mr. STEVENS):

S.J. Res. 119. A joint resolution to designate the month of March 1994 as "Irish-American Heritage Month"; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BYRD:

S. 1341. A bill to establish the Wheeling National Heritage Area in the State of West Virginia, and for other purposes; to the Committee on Energy and Natural Resources.

WHEELING NATIONAL HERITAGE AREA ACT OF 1993

Mr. BYRD. Mr. President, today I am introducing legislation to establish the Wheeling National Heritage Area in West Virginia as a unit of the National Park Service.

Wheeling, located in the northern Panhandle of West Virginia, possesses numerous historical, cultural, and natural resources. With the broad support of the community, efforts were begun several years ago to assess the resources of the area and to evaluate alternative means of protecting and promoting these resources. Wheeling served as the western terminus of the National Road in the early 1800's, as an inland port in the 19th century, and as the first capital of West Virginia. In addition, Wheeling has an extensive industrial history as a center of iron, steel, textile, boat building, glass, cigar, and chewing tobacco manufacturing. These resources, linked with the waterfront location of Wheeling along the Ohio River, combine to provide an excellent opportunity for interpretation of this period of our Nation's history. It is envisioned that the Wheeling National Heritage Area will serve as a model for future heritage areas. Rather than depending on long-term Federal financial assistance, the role of the Federal Government is envisioned as short-term to aid in the influx of capital to assist in the development of the interpretive venues. In turn, the management and operation of the Wheeling Heritage Area is to be self-sustaining, as provided in this legislation.

Mr. President, the greatness of our country relies in great part on our ability to appreciate our past and how it shapes our actions for the present and the future. The legislation I introduce today will help to foster that appreciation, while allowing for the continued economic growth of the region This legislation does not propose that the Federal Government be the controlling force in this effort. Rather, it envisions a cooperative partnership between the National Park Service and the local community to allow for interpretation of the most significant resources, while providing for local involvement in both the investment and operation of this area.

Representatives from the city of Wheeling and the National Park Service have been working together in the development of this proposal. I urge its approval.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1341

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 "Wheeling National Heritage Area Act of 1993".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that:

(1) The community of Wheeling, West Virginia, and vicinity, possess important historical, cultural, and natural resources, representing major heritage themes of transportation and commerce and industry and Victorian culture in the United States.

(2) The City of Wheeling played an important part in the settlement of this country by serving as the western terminus of the National Road in the early 1800's, by serving as the Crossroads of America throughout the nineteenth century, by serving as one of the few major inland ports in the nineteenth century, by hosting the establishment of the Restored State of Virginia, and later the State of West Virginia during the Civil War years and serving as the first capital of the new State of West Virginia, through the development and maintenance of many industries crucial to the Nation's expansion, including iron and steel, and textile manufacturing facilities, boat building facilities, glass manufacturing facilities, stogie and chewing tobacco manufacturing facilities, many of which are industries that continue to play an important role in the Nation's economy.

(3) The City of Wheeling has retained its national heritage themes with the designations of the old custom house, now Independence Hall, as a National Historic Landmark; with the designation of the historic suspension bridge as a National Historic Landmark; with five historic districts, and many individual properties in the Wheeling area listed or eligible for nomination to the National Register of Historic Places.

(4) The heritage themes and number and diversity of Wheeling's remaining resources should be appropriately retained, enhanced, and interpreted for the education, benefit, and inspiration of the people of the United States.

(b) PURPOSES.—The purposes of this Act are to:

(1) Recognize the special importance of the history and development of the Wheeling area in the cultural heritage of the Nation.

(2) Provide a framework to assist the City of Wheeling and other public and private entities and individuals in the appropriate preservation, enhancement, and interpretation of resources in the Wheeling area emblematic of Wheeling's contributions to that cultural heritage.

(3) Create a new concept and model for designation of a National Heritage Area by allowing for limited Federal, State and local capital contributions for planning and infrastructure investments to create the Wheeling National Heritage Area, in partnership with the State of West Virginia and the City of Wheeling, West Virginia and its designees; and to provide for an economically self-sustaining National Heritage Area not dependent on Federal assistance beyond the initial years necessary to establish the National Heritage Area.

SEC. 3. DEFINITIONS.

As used in this Act:

(1) The term "Corporation" refers to the Wheeling National Heritage Area Corporation (WNHAC) as described in section 5 of this Act.

(2) The term "Plan" refers to the Plan for the Wheeling National Heritage Area, prepared for the Wheeling National Heritage Area Task Force, the City of Wheeling, and the National Park Service, published in August 1992, which Plan includes—

(A) an inventory of the natural and cultural resources in the City of Wheeling;

(B) criteria for preserving and interpreting significant natural and historic resources;

(C) a strategy for the conservation, preservation, and reuse of the historical and cultural resources in the City of Wheeling and the region; and

(D) an implementation agenda by which the State of West Virginia and local governments can program their resources as well as a complete description of the management entity responsible for implementing the Plan.

SEC. 4. DESIGNATION OF NATIONAL HERITAGE AREA.

In furtherance of the purposes of this Act, there is hereby established the Wheeling National Heritage Area in the State of West Virginia (hereinafter referred to as the "Area"). The Area shall include those lands and waters within the boundary generally depicted on the map entitled, "Boundary Map, Wheeling National Heritage Area, West Virginia", which shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior.

SEC. 5. ESTABLISHMENT OF WHEELING NATIONAL HERITAGE AREA CORPORATION.

(a) ESTABLISHMENT.—To achieve the purposes of this Act, and to carry out the implementation of the Plan, there is hereby established the Wheeling National Heritage Area Corporation (WNHAC) which—

(1) will be structured as a 501(c)(3) tax exempt entity;

(2) shall consist of a Board of Directors of not less than 9 nor more than 11 members, including the executive committee;

(3) shall include an executive committee of 5 members; and

(4) shall include the Secretary of the Interior, or his designate, the Governor of West Virginia, or his designate, and the Mayor of the City of Wheeling, or his designate.

The details of the Corporation's administrative operations, staff needs, Board composition (except as specified in section 5(a)(4)), affiliate organizations, financial forecast, and membership shall be specified in the

business plan for the Wheeling National Heritage Area Corporation.

(b) MISSION.—(1) The Corporation's primary mission will be to implement and coordinate the recommendations contained in the Plan, accomplish the goals of the Heritage Area planning initiative, ensure integrated operation of the project, and become a financially self-sustaining entity. The Corporation shall be structured as a private nonprofit organization, an umbrella organization to accomplish the primary mission by itself, in partnership with other local organizations, or on the behalf of other entities, particularly the National Park Service and the State of West Virginia Division of Culture and History. It will provide coordination, standards, and streamlined financial and technical assistance for the implementation of the Plan.

(2) The primary charitable and educational mission of the Corporation shall be to conserve, interpret, and promote the Wheeling National Heritage Area, and by doing so, to achieve economic development in the historic downtown and riverfront area, and the education and general welfare of the people. The more specific mission of the Corporation shall be to implement the Plan for the Wheeling National Heritage Area, to preserve the area's historic and cultural resources, and to establish a structure within which the activities of investment, development, and operation of the Heritage Area can be fulfilled. In support of this primary mission, the Corporation shall also direct and coordinate the diverse conservation, development, programming, educational, and interpretive activities in the area.

(c) CREATION OF THE CORPORATION.—An interim board shall be formed by the Wheeling National Heritage Area Task Force Core Group in existence on the date of the enactment of this Act. This board shall draft interim bylaws, nominate an executive committee and solicit membership. The members of the executive committee shall act as incorporators of the Corporation, nominate the permanent board and have the primary roles in the development, implementation, and operation of the Corporation and the Heritage Area. A permanent executive committee shall adopt a charter for the Corporation, and sign its articles of incorporation, and shall determine the appropriate composition for the permanent board of directors. The executive committee shall appoint the remaining board members with the exception of the City, State, and Federal representatives designated under subsection (a)(4). The executive committee shall act as the primary vehicle for operation and policy of the Corporation while the board of directors shall serve to ensure that the mission of the Corporation is carried out, and serve as a check and balance to the executive committee while measuring progress and ensuring equity in the activities of the Corporation.

SEC. 6. POWERS OF THE WHEELING NATIONAL HERITAGE AREA CORPORATION.

(a) POWERS OF THE CORPORATION.—The Wheeling National Heritage Area Corporation shall be chartered with broad private powers in order to pursue its mission and implement the Plan. The Corporation shall be empowered to—

(1) acquire, encumber, and dispose of such real and personal property as is necessary to preserve, promote and enhance the heritage and resources of the Area;

(2) improve properties to which the Corporation holds title, sell, lease, sublease or otherwise dispose of real property;

(3) enter into contracts, leases, cooperative agreements, and other transactions with public agencies and private individuals and entities;

(4) receive funds from public agencies and private individuals and entities; receive gifts of property of all kinds, whether made by will, deed, or otherwise, and administering the same in carrying out the Corporation's mission; collect fees; develop any other sources of income commensurate with the laws governing nonprofit entities;

(5) disburse funds to qualified public or private individuals and entities for the purposes of achieving the goals of the Heritage Area as specified in the Plan;

(6) hire staff and accept personnel from public agencies as required to fulfill its mandates and purposes;

(7) manage property and develop and operate educational, informational, interpretive, and marketing programs, facilities, and linkages; and

(8) coordinate the review and approval of projects or programs either funded or implemented by the Corporation or its associates; and provide educational, interpretation and promotional services and materials.

SEC. 7. DUTIES OF THE WHEELING NATIONAL HERITAGE AREA CORPORATION.

(a) FORMAL ADOPTION OF THE PLAN.—The Corporation shall work with the State of West Virginia and local governments to ensure that the Plan is formally adopted by the City of Wheeling and recognized by the State of West Virginia.

(b) IMPLEMENTATION OF THE PLAN.—In pursuing the implementation of the Plan, the Corporation shall—

(1) implement the ideas and concepts put forth in the Plan in a timely fashion pursuant to the phasing schedule identified in the Plan;

(2) ensure the coordination of its services with those of the City of Wheeling, West Virginia, the State of West Virginia, and the Federal Government;

(3) seek the support and involvement of the Wheeling community and City of Wheeling as it pursues its mission;

(4) maintain the integrity of those natural and cultural resources recognized by this Act and referenced in the Plan through standards and criteria for the treatment of all properties located within the Area; and

(5) pursue the completion and adoption of all planning projects recommended by the Plan, including, but not limited to, the business plan for the Wheeling National Heritage Area, an interpretive master plan which outlines plans for the interpretation and conservation of Wheeling's cultural and physical resources, a heritage lighting plan, an intermodal transportation plan, and others of a like kind.

(c) OPERATIONS OF THE WHEELING NATIONAL HERITAGE AREA CORPORATION.—In implementing the Plan, the Corporation may make loans and grants to appropriate public, governmental, or private entities and enter into contracts with private or public entities using funds appropriated for that purpose, or from funds donated, or revenue generated from the operation of Area resources, with these funds being used to—

(1) promote the City of Wheeling's significant heritage and resources;

(2) promote future growth for the City of Wheeling in a manner consistent with its heritage, resources, and the planning goals established for the Heritage Area;

(3) ensure successful development of the Heritage Area and its principal features as specified in the Plan and to undertake further planning and design as necessary to achieve this objective;

(4) ensure the conservation of the region's historical, cultural, and natural resources;

(5) cooperate with and assist entities whose goals and purposes are consistent with the goals and purposes of the Corporation;

(6) manage and operate heritage facilities, where appropriate;

(7) coordinate and support the activities of the Corporation or its associates and the operation of heritage and cultural tourism attractions in the region so as to create a unified project;

(8) encourage intergovernmental and interagency cooperation in the achievement of these objectives;

(9) market the Heritage Area, the City of Wheeling and its resources as a destination for international, national, and regional visitors;

(10) provide technical assistance to cultural heritage efforts and develop design standards for physical sites and educational/interpretive programs;

(11) lead in efforts to educate the public about the significance of these resources and the heritage of the City of Wheeling (targeting visitors as well as local residents);

(12) promote local and regional development of recreational opportunities, linkages, and facilities;

(13) accomplish the above in a way which will promote economic development of the City of Wheeling and the surrounding area;

(14) create public/private partnerships to finance projects and initiatives of the Heritage Area; and

(15) seek funding from public (local, State and Federal) agencies and private individuals, foundations and corporations.

(d) RESPONSIBILITIES OF THE WHEELING NATIONAL HERITAGE AREA CORPORATION.—Priority elements and actions to be carried out by the Corporation include—

(1) assisting the State of West Virginia and the City of Wheeling in appropriate preservation treatment of the sites, buildings, and objects listed or eligible for listing on the National Register of Historic Places;

(2) increasing awareness and appreciation of the City of Wheeling's cultural heritage and ongoing traditions;

(3) assisting the State of West Virginia or City of Wheeling in designing, establishing, and maintaining one or more visitor centers and other interpretive exhibits in the Area;

(4) assisting in the enhancement of public awareness of an appreciation for the historical and architectural and geological resources and sites in the Area;

(5) assisting the State of West Virginia or any local government or any nonprofit organization in the restoration of any historic building in the Area;

(6) encouraging, by appropriate means, enhanced economic and industrial development in the Area in furtherance of the goals of the Plan;

(7) encouraging the City of Wheeling and other local governments to adopt land use policies consistent with the goals of the Plan and to take actions to implement those policies; and

(8) ensuring that clear, consistent signs identifying access points and sites of interest are put in place.

SEC. 8. DUTIES OF THE SECRETARY.

(a) PURPOSE.—To carry out the purposes of this Act, the Secretary of the Interior shall—

(1) assist the Corporation in the development of interpretive and educational materials as specified in the Plan or subsequent

planning efforts (for example, the interpretive master plan); and

(2) provide funds for capital improvements to projects and initial operating assistance consistent with the Plan.

(b) TECHNICAL ASSISTANCE.—The Secretary shall, upon the request of the Corporation and as outlined in the Plan, provide technical assistance to the Corporation in the preparation of any plans or studies and for the implementation of any plans as set out in section 7(b).

SEC. 9. DUTIES OF OTHER FEDERAL ENTITIES.

Any Federal department, agency or other entity conducting or supporting activities directly affecting the Area shall—

(1) consult with the Secretary of the Interior and the Corporation with respect to such activities;

(2) cooperate with the Secretary of the Interior and the Corporation in carrying out its duties under this Act and, to the maximum extent practicable, coordinate such activities with the carrying out of such duties; and

(3) to the maximum extent practicable, conduct or support such activities in a manner which the Corporation determines will not have an adverse effect on the Area.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

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

By Mr. KENNEDY (for himself and Mr. KERRY):

S. 1342. A bill to establish in the Department of the Interior the Essex Heritage District Commission, and for other purposes; to the Committee on Energy and Natural Resources.

ESSEX HERITAGE DISTRICT COMMISSION ACT OF 1993

Mr. KENNEDY. Mr. President, I am introducing legislation today to establish the Essex Heritage District Commission, in order to preserve for future generations the unique historic, cultural, and natural resources of Essex County, MA. I am joined in this legislation by Senator JOHN KERRY, and a companion bill has been introduced in the House of Representatives by Congressmen PETER TORKILDSEN and MARTIN MEEHAN.

Essex County is the site of historical events that have profoundly influenced the course of American history over the past 350 years. Concentrated in this area of less than 500 square miles are nearly 80 historic districts and sites related to the early settlement of the United States, the country's emergence as a major maritime power, and its subsequent industrial development.

The county contains more nationally significant early architecture than any other area in America. Still intact are 17th century marshland farms and rural home sites clustered around original commons. Active harbors have been in continuous use since the 17th century, and local shipyards, lighthouses, and distinctive maritime communities exemplify 18th century design. Within the county are some of the finest examples of Georgian and Federal architecture to be found in the United States. The first integrated iron works in America is still in operation under the auspices of the National Park Service. Textile mill villages and 10-foot shoe shops where shoes were made and sold in a single 10-foot by 10-foot room still remain largely as they appeared in the 19th century.

The county also has extensive natural and scenic resources—marshlands, beaches, harbors, rocky farmlands, and islands—which amply demonstrate why maritime pursuits and water-powered industrial development first arose here.

At the heart of this region lies the city of Salem. Settled in 1626, 6 years after the Pilgrims landed in Plymouth, Salem became one of the most active ports in the United States during the 18th century, conducting trade throughout the world and opening many new markets for imports and exports. Salem retains a wealth of resources dating from this period, including one of the country's few remaining colonial period wharves; classic 17th century structures; four major historic districts encompassing thousands of facilities which preserve the image of Salem as it appeared in the late 18th century; the internationally renowned Peabody Essex Museum containing major collections of maritime art and history, Chinese export wares and early anthropological collections; and many historic buildings associated with the life and work of one of America's most famous authors, Nathaniel Hawthorne.

Salem also has many homes, meeting sites, and cemeteries associated with the notorious witchcraft trials of 1692, which serve to remind residents and visitors alike of the importance of basic rights and due process built into our legal system since those days.

The purpose of this legislation is to preserve, interpret, and make available for the public these resources. The Commission will carry out the directives proposed in the Salem Project, a report issued by the National Park Service in January 1990, which suggested a broadening of Federal recognition beyond the boundaries of Salem itself, to take into account the shared historic themes that run throughout Essex County.

The success of the preservation effort at Salem Maritime National Historic Site—the oldest such site in the country, established in 1938—has spurred local initiatives in many of the surrounding communities. This legislation will build on that local interest by providing a management framework for the multijurisdictional preservation efforts. The goal is to protect and preserve these nationally significant resources in ways that present a unified interpretive story for visitors, so that they can readily understand the relationships among the historic sites throughout the county. The Essex Heritage District Commission will provide guidance to local communities and the State to ensure that the goal is achieved. This bill does not propose major Federal land acquisition or a Federal bureaucracy. Its modest Federal involvement will help local efforts to proceed smoothly.

The success of the Essex Heritage District and Commission depends on broad-based support and participation by private citizens, businesses, nonprofit institutions, and local, regional, and State governments. The majority of the capital to implement the county-wide recommendations in the National Park Service report is expected to come from the private sector and local sources.

Salem has demonstrated how successful this approach can be. In the past 5 years, Federal appropriations of $18 million for Salem Maritime National Historic Site have leveraged more than $78 million in private, municipal, and State investments in projects which relate to the proposed Essex Heritage District. For example, the Peabody Essex Museum has provided $4.4 million—more than half of the total costs—for renovation of the Salem Armory building that will house a new regional visitor center run by the Park Service. Salem has just completed $1.5 million in improvements to a parking garage adjacent to the visitor center, and $900,000 in improvements to the roadways leading to the Salem Maritime National Historic Site.

At the county level, an ad hoc Essex Heritage Commission, comprised of 33 volunteer members from the private sector and municipal and State governments, is already well underway toward developing an action plan for regional trails and exhibits. The Massachusetts Historical Commission and the departments of coastal zone management and environmental management have allocated more than $17.5 million for heritage parks in the county, and many community officials, board members, and representatives from other preservation and environmental organizations are providing valuable assistance and coordination. But there is much more to be done, and it is time for the Federal Government to play a role in this promising endeavor.

Its success so far has been based on the ability of people with different perspectives to work together to achieve solutions that are mutually beneficial. This legislation will help them proceed in effective and efficient ways, as they work to bring the region together and preserve these magnificent historical resources, for the enjoyment of generations to come. I urge my colleagues to support this important initiative.

Mr. KERRY, Mr. President, I am pleased to join with my colleague from Massachusetts, Senator KENNEDY, in introducing this legislation to create the Essex Heritage District Commission.

Essex County, which stretches through Massachusetts' North Shore communities, across to the Merrimac River Valley and up to the New Hampshire border, is a mural of American history, its architecture, industry, and communities. While it is an area of only 500 square miles, there are nearly 80 historic districts in the county with more examples of nationally significant early American architecture than any other area of comparable size in the country. Included among these are 17th-century marshland farms, rural homes, cemeteries, and original town commons. The shoreline of Essex County contains shipyards, lighthouses, and harbors that have been active since the 17th century.

Together, these sites form a panorama of our Nation's development as a maritime and industrial power. In the 18th century, this region became a mecca for American trade, a hub for the importing and exporting of goods with the other great trading nations. In response, the region flourished as a manufacturing center, which led to the establishment and growth of the textile and leather industry in the Merrimac River Valley towns of Peabody, Lawrence, Beverly, and Haverhill. The history of this growth is evident today in the textile mill villages, the first sustained integrated iron works site, and one of the most significant planned manufacturing cities in the country, all of which remain largely intact today.

At the heart of all this activity was the city of Salem. While Salem is famous in the history books and in American lore as the site of the 1692 witch trials, it is historically significant as an early landing point for some of the first English colonists and as one of the most active ports of the 18th century. An amazing number of these historical resources remain intact, including a colonial period wharf and 17th and 18th-century structures exemplifying Puritan society.

A tour through the historic districts of Essex County is a visual lesson in this important period of our Nation's past. We are lucky that so many of these historical resources remain to provide such a detailed record, and we must work to ensure their continued protection through the creation of the Essex Heritage District Commission. The Commission, which would be authorized for 10 years, would provide the long-term commitment that is needed to bring about the success of this project. Of course, the primary mission would be preservation, but more than this, the Commission will take individually preserved resources and link them through a unified interpretive story of this region and its place in our Nation's history.

While the Commission will be chartered by Federal legislation, it will not be a project managed by the Federal Government. Instead, the Commission will be comprised primarily of delegates representing the State and local governments serving the area and representing nonprofit organizations, business interests, and private citizens from the participating communities. The legislation will provide a system under which these groups can come together to pursue goals they have established by combining historic and resource preservation with economic concerns. The preservation activities which already have gone on in Essex County have enhanced the region as an attraction for visitors because of its historic sites, its picturesque scenery, and as a desirable place to live and do business. I hope the Senate will act to ensure the continuation of this success story by taking swift and positive action on this bill.

By Mr. AKAKA:

S. 1343. A bill entitled the "Steel Jaw Leghold Trap Prohibition Act"; to the Committee on Environment and Public Works.

THE STEEL JAW LEGHOLD TRAP PROHIBITION ACT OF 1993

• Mr. AKAKA. Mr. President, today I am introducing legislation to prohibit the use of steel jaw leghold traps.

There is no valid reason to continue the use of steel jaw leghold traps when alternative traps, such as the collapsible box trap, legsnares, and rapid-kill traps, are available. These alternative traps are effective, economical, and far less cruel.

I do not oppose hunting for recreation, for subsistence, or as a means of making a living. What concerns me is the cruelty and indiscriminate nature of the steel jaw leghold trap. That is why I am introducing the Steel Jaw Leghold Trap Prohibition Act.

This legislation would prohibit the shipment of these traps in interstate or foreign commerce, as well as articles of fur from animals caught by these traps.

Steel jaw leghold traps are needlessly cruel and inhumane devices which can cause trapped animals to gnaw off their foot to gain freedom from the trap. Animals are also subject to death by starvation, dehydration, and exposure. They are defenseless against other predators. Moreover, family pets, deer, raptors, and other wildlife become the unintended victims of such traps.

Over 60 countries have banned the use of such traps. In November 1991, the European Economic Community [EEC] adopted a regulation which bans the use of steel jaw traps throughout the EEC. It also prohibits imports of furs from any country that continues to use these cruel devices. Enactment of this legislation will allow U.S. fur manufacturers to continue to market furs in the EEC.

The American Veterinary Medical Association, which represents veterinarians nationwide, recently condemned the use of steel jaw traps by passing a resolution which declared these devices to be inhumane. At least seven States, including Rhode Island, Delaware, Connecticut, Florida, Massachusetts, New Jersey, and Tennessee, have enacted legislation to curb the use of these traps.

It is time to retire the steel jaw leghold trap. I invite my Senate colleagues to join in cosponsoring this bill. Passage of this bill will not end trapping, but it will bring the use of these inhumane devices to an end.

I ask that the text of this bill be printed in the RECORD following my remarks.

There being no objections the bill was ordered to be printed in the RECORD, as follows:

S. 1343

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

SECTION 1. DECLARATION OF POLICY.

It is the policy of the United States to end the needless maiming and suffering inflicted upon animals through the use of steel jaw leghold traps by prohibiting the shipment in interstate or foreign commerce of the traps and of articles of fur from animals that were trapped in the traps.

SEC. 2. DEFINITIONS.

As used in this Act—

(1) The term "article of fur" means—

(A) any furskin bearing hair, raw or not dressed, or dressed; or

(B) any article, however produced, that consists in whole or part of any furskin.

For purposes of subparagraph (A), the terms "furskin", "raw or not dressed", and "dressed" have the same respective meanings that are given the terms in headnote 2 of subpart B of part 5 of schedule 1 of the Tariff Schedules of the United States (19 U.S.C. 1202).

(2) The term "interstate or foreign commerce" shall have the same meaning as that given to the term in section 10 of title 18, United States Code.

(3) The term "import" means to land on, bring into, or introduce into, any place in the United States, whether or not such landing, bringing, or introduction constitutes an importation within the meaning of the customs laws of the Federal Government.

(4) The term "person" includes any individual, partnership, association, corporation, trust, or any officer, employee, agent, department, or instrumentality of the Federal Government or of any State or political subdivision thereof, or any other entity subject to the jurisdiction of the Federal Government.

(5) The term "Secretary" means the Secretary of the Interior.

(6) The term "steel jaw leghold trap" means any spring-powered pan- or sear-activated device with two opposing steel jaws which is designed to capture an animal by snapping closed upon a limb of the animal or any part of the limb.

(7) The term "United States" means the several States, the District of Columbia, and territories and possessions of the United States, including Puerto Rico.

SEC. 3. PROHIBITED ACTS AND PENALTIES.

(a) IN GENERAL.—No article of fur shall be imported, exported, or shipped in interstate or foreign commerce if any part or portion of

such article is derived from an animal that was trapped in a steel jaw leghold trap.

(b) PROHIBITIONS.—It is unlawful for any person knowingly—

(1) to import, export, ship or receive any article of fur in contravention of subsection (a);

(2) to deliver, carry, transport, or ship by any means whatever, in interstate or foreign commerce, any steel jaw leghold trap;

(3) to sell, receive, acquire, or purchase any steel jaw leghold trap that was delivered, carried, transported, or shipped in contravention of paragraph (2); or

(4) to violate any regulation prescribed by the Secretary under this section.

(c) PENALTIES.—Any person who knowingly commits an act which violates subsection (a) or (b), or any regulation issued under this section to carry out the provisions of subsections (a) or (b), shall—

(1) upon conviction for the first such violation, be fined not more than $1,000; and

(2) upon conviction for the second and each subsequent violation, be fined not more than $5,000, and imprisoned for not more than two years.

SEC. 4. REWARDS.

(a) IN GENERAL.—The Secretary shall pay to any person who furnishes information that leads to a conviction of a criminal violation of any provision of this Act (including regulations promulgated to carry out the provision) in an amount equal to half of fine paid by the person convicted of the criminal violation.

(b) EXCLUSION.—An officer or employee of the United States or of any State or local government who furnishes information or renders service in the performance of official duties is not eligible for payment under this section.

SEC. 5. ENFORCEMENT.

(a) IN GENERAL.—The provisions of this Act and any regulations issued pursuant to this Act shall be enforced by the Secretary. To the extent allowable by law, the Secretary may utilize by agreement, with or without reimbursement, the personnel, services, and facilities of any other Federal agency or any State agency for purposes of enforcing this Act.

(b) WARRANTS.—Any judge of a district court of the United States and any United States magistrates may, upon proper oath or affirmation showing probable cause, issue such warrants or other process as may be required for enforcement of this Act and any regulation issued under this Act.

(c) SEARCHES.—To the extent allowable by law, any individual authorized to carry out the enforcement of this Act may—

(1) detain for inspection, search, and seize any package, crate, or other container, including its contents, and all accompanying documents;

(2) make arrests without a warrant for any violation of this Act; and

(3) execute and serve any arrest warrant, search warrant, or other warrant or criminal process issued by any judge or magistrate of any court of competent jurisdiction for enforcement of this Act.

(d) TREATMENT OF SEIZED ITEMS.—(1) Any item seized pursuant to this Act shall, pending the disposition of criminal proceedings or the institution of an action in rem for forfeiture of the item under subsection (e), be held by any person authorized by the Secretary.

(2) The Secretary may, in lieu of holding the item described in paragraph (1), permit the owner or consignee to post a bond or other surety satisfactory to the Secretary. Upon forfeiture of the item to the United States, or the abandonment or waiver of any claim to the item, the item shall be disposed of (other than by sale to the general public) by the Secretary in such manner, consistent with the purposes of this Act, as the Secretary shall prescribe by regulation.

(e) ITEMS SUBJECT TO FORFEITURE.—Any article of fur or steel jaw leghold trap taken, possessed, sold, purchased, offered for sale or purchase, transported, delivered, received, carried, shipped, exported, or imported contrary to the provisions of this Act or to any regulation made pursuant thereto, shall be subject to forfeiture to the Federal Government.

(f) ACTION BY ATTORNEY GENERAL.—The Attorney General of the United States may seek to enjoin any person who is alleged to be in violation of any provision of this Act or regulation issued under this Act.

SEC. 6. REGULATIONS.

The Secretary shall prescribe such regulations as the Secretary determines to be necessary to carry out the provisions of this Act.

SEC. 7. EFFECTIVE DATE.

The provisions of this Act shall become effective on the date that is 1 year after the date of the enactment of this Act.•

By Mr. BINGAMAN (for himself, Mr. BAUCUS, Mr. CAMPBELL, Mr. DORGAN, Mr. LEVIN, Mr. RIEGLE, Mr. SIMON, and Mr. DASCHLE):

S. 1345. A bill to provide land-grant status for tribally controlled community colleges, tribally controlled postsecondary vocational institutions, the Institute of American Indian and Alaska Native Culture and Arts Development, Southwest Indian Polytechnic institute, and Haskell Indian Junior College, and for other purposes; to the Committee on Indian Affairs.

LAND GRANT STATUS TO TRIBALLY CONTROLLED COLLEGES

• Mr. BINGAMAN. Mr. President, today I am introducing a bill that will provide land grant status for the 27 tribally controlled postsecondary vocational institutions. I am pleased the Senator from Montana [Mr. BAUCUS], the Senator from Colorado [Mr. CAMPBELL], the Senator from North Dakota [Mr. DORGAN], and the Senators from Michigan [Mr. LEVIN and Mr. RIEGLE], the Senator from Illinois [Mr. SIMON] are joining me as original cosponsors of this legislation.

There are presently 72 colleges in the United States and their trust territories that receive money under land grant college programs. The Department of Agriculture annually appropriates over $700 million to these colleges, with each institution receiving an average award of approximately $9 million.

One goal of the land grant program has been to include equally all people of the United States and the trust territories in the educational benefits which these colleges provide. This served as the impetus behind the 1890 Second Morrill Act which established numerous institutions for black students in States which already had existing land grant colleges. In addition to setting the precedent that land grant colleges could serve special populations, it also demonstrated that there could be more than one land grant college established in each State. In 1968, Federal City College—now the University of the District of Columbia—in Washington, DC, was included as a land grant institution. It established that trust areas were to be included in the land grant programs; this trend continued with the addition of colleges in Guam and the Virgin Islands in land grant status in 1972. Finally, the addition of colleges in Micronesia, American Samoa, and the Northern Mariana Islands in 1980 demonstrated that community colleges are also eligible for land grant funding.

The original intent of the land grant colleges was the development of programs to deal with problems of the rural poor and to study means of improving economic opportunities for rural people. Currently, the tribal colleges conduct numerous types of programs of outreach and technical assistance for which the original land grant institutions were founded. This bill would make the resources available to continue this type of instruction.

Furthermore, land grant resources would allow tribal colleges to ameliorate the gross funding inequities which they suffer. Presently, tribal colleges receive approximately $2,974 per fulltime equivalent [FTE] student compared with approximately $17,000 per FTE for historically black colleges and university students and approximately $7,000 per FTE comparable mainstream community colleges.

In my State there are 4 tribal colleges that serve over 1,700 fulltime equivalent students from an Indian and non-Indian population of over 180,000. These institutions provide their students with the education and technical skills necessary to dramatically improve their lives. With a land grant college designation, the Crownpoint Institute of Technology, the Navajo Community College, Shiprock Campus, the Southwestern Indian Polytechnic Institute, and the Institute of American Indian Arts, will have more resources to commit to the study of agriculture, traditional arts, and culture, and ways to make native American people more self-sufficient.

By enabling them to become participants in a variety of agriculture research programs, this bill would assist tribal colleges throughout the country in developing research and extension services. This bill will also provide a one-time endowment of $10 million that will be held in trust and whose annual dividend will be used to supplement current educational programs. It is consistent with legislative tradition to provide newly designated land grant colleges a one-time appropriation in lieu of donation of public land or land

scrip. On a per student ratio, this $10 million endowment is the lowest endowment offered to any other institution in lieu of land or land scrip.

I believe that tribally controlled colleges are analogous to those institutions currently eligible under the Morrill Act and should be added in order for the Federal Government to strengthen its commitment to equal educational opportunity for all Americans, including American Indians. Unfortunately, American Indians are too often last in educational opportunity and development. By providing equitable access to agriculture education related programs, it is not too late to help remedy this situation now.●

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

S. 1346. A bill to amend title 17, United States Code, to establish copyright arbitration royalty panels to replace the Copyright Royal Tribunal, and for other purposes; to the Committee on the Judiciary.

THE COPYRIGHT ROYALTY TRIBUNAL REFORM ACT OF 1993

● Mr. DECONCINI. Mr. President, I introduce the Copyright Reform Act of 1993. This bill replaces the Copyright Royalty Tribunal [CRT] with ad hoc arbitration panels under the direction of the Librarian of Congress. The public demand for the reduction of waste and the elimination of unnecessary programs is met by the reform this bill proposes.

The CRT is a legislative branch agency that was established to engage principally in two activities: rate adjustment and distribution of royalties in the administration of the compulsory license provisions of the Copyright Act.

The CRT currently consists of three SES level V Commissioners appointed by the President with the advice and consent of the Senate for a 7-year term. The workload of the CRT does not, in this Senator's opinion, justify the need for the continued operation of the CRT.

In my view, the CRT's functions are better replaced by ad hoc panels created when rate adjustment and royalty distribution disputes arise. Under the bill, when there is no dispute, the Librarian of Congress will distribute the fees. When a dispute arises, a different arbitration board consisting of three arbitrators selected by the Librarian of Congress will be convened for each dispute. The parties to each proceeding will bear all the costs. Reports are given to the Librarian of Congress and all decisions are reviewable by the Librarian of Congress. The Librarian of Congress' decision may be appealed to the U.S. court of appeals.

A switch to arbitration panels will have a number of positive effects. This bill will: First, eliminate an unnecessary agency; second, place 100 percent of the costs of arbitration on the parties, not on the taxpayers; third, increase the incentive to settle, rather than litigate disputes; and fourth, enable agreements to better reflect market rates rather than a Government set license rate.

Mr. President, it is for these reasons that I urge my colleagues to support this legislation. I ask unanimous consent that the full text of my bill be printed at this point in the RECORD.

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

S. 1346

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 "Copyright Royalty Tribunal Reform Act of 1993".

SEC. 2. COPYRIGHT ARBITRATION ROYALTY PANELS.

(a) ESTABLISHMENT AND PURPOSE.—Section 801 of title 17, United States Code, is amended as follows:

(1) The section heading is amended to read as follows:

"§ 801. Copyright arbitration royalty panels: establishment and purpose";

(2) Subsection (a) is amended to read as follows:

"(a) ESTABLISHMENT.—The Librarian of Congress, upon the recommendation of the Register of Copyrights, is authorized to appoint and convene copyright arbitration royalty panels.";

(3) Subsection (b) is amended—

(A) by inserting "PURPOSES.—" after "(b)";

(B) in the matter preceding paragraph (1), by striking "Tribunal" and inserting "copyright arbitration royalty panels";

(C) in paragraph (2)—

(i) in subparagraph (A), by striking "Commission" and inserting "copyright arbitration royalty panels"; and

(ii) in subparagraph (B), by striking "Copyright Royalty Tribunal" and inserting "copyright arbitration royalty panels";

(D) in paragraph (3), by striking "In determining" and all that follows through the end of the paragraph; and

(4) by amending subsection (c) to read as follows:

"(c) RULINGS.—The Librarian of Congress, upon the recommendation of the Register of Copyrights, may, before a copyright arbitration royalty panel is convened, make any necessary procedural or evidentiary rulings that would apply to the proceedings conducted by such panel.".

(b) MEMBERSHIP AND PROCEEDINGS.—Section 802 of title 17, United States Code, is amended to read as follows:

"§ 802. Membership and proceedings of copyright arbitration royalty panels

"(a) COMPOSITION OF COPYRIGHT ARBITRATION ROYALTY PANELS.—A copyright arbitration royalty panel shall consist of 3 arbitrators selected by the Librarian of Congress pursuant to subsection (b).

"(b) SELECTION OF ARBITRATION PANEL.—Not later than 10 days after publication of a notice initiating an arbitration proceeding under section 803 or 804, and in accordance with procedures specified by the Register of Copyrights, the Librarian of Congress shall, upon the recommendation of the Register of Copyrights, select 2 arbitrators from lists of arbitrators provided to the Librarian by parties participating in the arbitration. The 2 arbitrators so selected shall, within 10 days after their selection, choose a third arbitrator from the same lists, who shall serve as the chairperson of the arbitrators. If such 2 arbitrators fail to agree upon the selection of a chairperson, the Librarian of Congress shall promptly select the chairperson.

"(c) ARBITRATION PROCEEDINGS.—Copyright arbitration royalty panels shall conduct arbitration proceedings, in accordance with such procedures as they may adopt, for the purpose of making their determinations in carrying out the purposes set forth in section 801. The arbitration panels shall act on the basis of a fully documented written record, prior decisions of the Copyright Royalty Tribunal, prior copyright arbitration panel determinations, and rulings by the Librarian of Congress under section 801(b). Any copyright owner who claims to be entitled to royalties under section 111 or 119 or any interested copyright party who claims to be entitled to royalties under section 1006 may submit relevant information and proposals to the arbitration panels in proceedings applicable to such copyright owner or interested copyright party. The parties to the proceedings shall bear the entire cost thereof in such manner and proportion as the arbitration panels shall direct.

"(d) REPORT TO THE LIBRARIAN OF CONGRESS.—Not later than 180 days after publication of the notice initiating an arbitration proceeding, the copyright arbitration royalty panel conducting the proceeding shall report to the Librarian of Congress its determination concerning the royalty fee or distribution of royalty fees, as the case may be. Such report shall be accompanied by the written record, and shall set forth the facts that the arbitration panel found relevant to its determination.

"(e) ACTION BY LIBRARIAN OF CONGRESS.—Within 60 days after receiving the report of a copyright arbitration royalty panel under subsection (d), the Librarian of Congress, upon the recommendation of the Register of Copyrights, shall adopt or reject the determination of the arbitration panel. The Librarian shall adopt the determination of the arbitration panel unless the Librarian finds that the determination is arbitrary. If the Librarian rejects the determination of the arbitration panel, the Librarian shall, before the end of that 60-day period, and after full examination of the record created in the arbitration proceeding, issue an order setting the royalty fee or distribution of fees, as the case may be. The Librarian shall cause to be published in the Federal Register the determination of the arbitration panel, and the decision of the Librarian (including an order issued under the preceding sentence). The Librarian shall also publicize such determination and decision in such other manner as the Librarian considers appropriate. The Librarian shall also make the report of the arbitration panel and the accompanying record available for public inspection and copying.

"(f) JUDICIAL REVIEW.—Any decision of the Librarian of Congress under subsection (e) with respect to a determination of an arbitration panel may be appealed, by any aggrieved party who would be bound by the determination, to the United States Court of Appeals for the District of Columbia Circuit, within 30 days after the publication of the decision in the Federal Register. The pendency of an appeal under this paragraph shall not relieve persons obligated to make royalty payments under sections 111, 119, or 1003 who would be affected by the determination on appeal to deposit the statement of account and royalty fees specified in those sections. The court shall have jurisdiction to

modify or vacate a decision of the Librarian only if it finds, on the basis of the record before the Librarian, that the Librarian acted in an arbitrary manner. If the court modifies the decision of the Librarian, the court shall have jurisdiction to enter its own determination with respect to the amount or distribution of royalty fees and costs, to order the repayment of any excess fees, and to order the payment of any underpaid fees, and the interest pertaining respectively thereto, in accordance with its final judgment. The court may further vacate the decision of the arbitration panel and remand the case for arbitration proceedings in accordance with subsection (c).".

(c) ADJUSTMENT OF COMPULSORY LICENSE RATES.—Section 803 of title 17, United States Code, and the item relating to such section in the table of sections at the beginning of chapter 8 of such title, are repealed.

(d) INSTITUTION AND CONCLUSION OF PROCEEDINGS.—Section 804 of title 17, United States Code, is amended as follows:

(1) Subsection (a) is amended—

(A) by repealing paragraph (1); and

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A) by striking "Tribunal," and all that follows through "proceedings under this chapter." and inserting "Copyright Royalty Tribunal before the date of the enactment of the Copyright Royalty Tribunal Reform Act of 1993, or by a copyright arbitration royalty panel after such date of enactment, may file a petition with the Librarian of Congress declaring that the petitioner requests an adjustment of the rate. The Librarian of Congress shall, upon the recommendation of the Register of Copyrights, make a determination as to whether the petitioner has such a significant interest in the royalty rate in which an adjustment is requested. If the Librarian determines that the petitioner has such a significant interest, the Librarian shall cause notice of this determination, with the reasons therefor, to be published in the Federal Register, together with the notice of commencement of proceedings under this chapter.";

(ii) in subparagraph (C)—

(I) in clause (i) by striking "in 1990 and in each subsequent tenth calendar year, and", and by striking "116A" and inserting "116"; and

(II) by amending clause (ii) to read as follows:

"(ii) If a negotiated license authorized by section 116 is terminated or expires and is not replaced by another license agreement under such section, providing permission to use a quantity of musical works not substantially smaller than the quantity of such works performed on coin-operated phonorecord players during the 1-year period ending March 1, 1989, the Librarian of Congress shall, upon petition filed under subsection (a) within 1 year after such termination or expiration, convene a copyright arbitration royalty panel. The arbitration panel shall promptly establish an interim royalty rate or rates for the public performance by means of a coin-operated phonorecord player of non-dramatic musical works embodied in phonorecords which had been subject to the terminated or expired negotiated license agreement. Such rate or rates shall be the same as the last such rate or rates and shall remain in force until the conclusion of proceedings by the arbitration panel, in accordance with section 802, to adjust the royalty rates applicable to such works, or until superseded by a new negotiated license agreement, as provided in section 116(c).".

(2) Subsection (b) is amended—

(A) by striking "Tribunal" the first place it appears and inserting "Copyright Royalty Tribunal or the Librarian of Congress";

(B) by striking "Tribunal" the second and third places it appears and inserting "Librarian"; and

(C) by striking "Tribunal" the last place it appears and inserting "Copyright Royalty Tribunal or the Librarian of Congress".

(3) Subsection (c) is amended by striking "Tribunal" and inserting "Librarian of Congress".

(4) Subsection (d) is amended—

(A) by striking "Chairman of the Tribunal" and inserting "Librarian of Congress"; and

(B) by striking "determination by the Tribunal" and inserting "a determination".

(5) Subsection (e) is amended by striking "Tribunal" and inserting "Librarian of Congress".

(e) REPEAL.—Sections 805 through 810 of title 17, United States Code, and the items relating to such sections in the table of sections at the beginning of chapter 8 of such title, are repealed.

(f) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 8 of title 17, United States Code, is amended by striking the items relating to sections 801 and 802 and inserting the following:

"Sec. 801. Copyright arbitration royalty panels: establishment and purpose.
"Sec. 802. Membership and proceedings of copyright arbitration royalty panels.".

SEC. 3. JUKEBOX LICENSES.

(a) REPEAL OF COMPULSORY LICENSE.—Section 116 of title 17, United States Code, and the item relating to section 116 in the table of sections at the beginning of chapter 1 of such title, are repealed.

(b) NEGOTIATED LICENSES.—(1) Section 116A of title 17, United States Code, is amended—

(A) by redesignating such section as section 116;

(B) by striking subsection (b) and redesignating subsections (c) and (d) as subsections (b) and (c), respectively;

(C) in subsection (b)(2) (as so redesignated) by striking "Copyright Royalty Tribunal" and inserting "Librarian of Congress";

(D) in subsection (c) (as so redesignated)—

(i) in the subsection caption by striking "ROYALTY TRIBUNAL" and inserting "ARBITRATION ROYALTY PANEL"; and

(ii) by striking "the Copyright Royalty Tribunal" and inserting "a copyright arbitration royalty panel"; and

(E) by striking subsections (e), (f), and (g).

(2) The table of sections at the beginning of chapter 1 of title 17, United States Code, is amended by striking "116A" and inserting "116".

SEC. 4. PUBLIC BROADCASTING COMPULSORY LICENSE.

Section 118 of title 17, United States Code, is amended—

(1) in subsection (b)—

(A) by striking the first 2 sentences;

(B) in the third sentence by striking "works specified by this subsection" and inserting "published nondramatic musical works and published pictorial, graphic, and sculptural works";

(C) in paragraph (1)—

(i) in the first sentence by striking ", within one hundred and twenty days after publication of the notice specified in this subsection,"; and

(ii) by striking "Copyright Royalty Tribunal" each place it appears and inserting "Librarian of Congress";

(D) in paragraph (2) by striking "Tribunal" and inserting "Librarian of Congress";

(E) in paragraph (3)—

(i) by striking the first sentence and inserting the following: "In the absence of license agreements negotiated under paragraph (2), the Librarian of Congress shall, pursuant to section 803, convene a copyright arbitration royalty panel to determine and publish in the Federal Register a schedule of rates and terms which, subject to paragraph (2), shall be binding on all owners of copyright in works specified by this subsection and public broadcasting entities, regardless of whether such copyright owners have submitted proposals to the Librarian of Congress.";

(ii) in the second sentence—

(I) by striking "Copyright Royalty Tribunal" and inserting "copyright arbitration royalty panel"; and

(II) by striking "clause (2) of this subsection" and inserting "paragraph (2)"; and

(iii) in the last sentence by striking "Copyright Royalty Tribunal" and inserting "Librarian of Congress"; and

(F) by striking paragraph (4);

(2) by striking subsection (c); and

(3) in subsection (d)—

(A) by redesignating such subsection as subsection (c);

(B) by striking "to the transitional provisions of subsection (b)(4), and"; and

(C) by striking "Copyright Royalty Tribunal" and inserting "copyright arbitration royalty panel".

SEC. 5. SECONDARY TRANSMISSIONS BY SUPERSTATIONS AND NETWORK STATIONS FOR PRIVATE VIEWING.

Section 119 of title 17, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (1) by striking ", after consultation with the Copyright Royalty Tribunal," each place it appears;

(B) in paragraph (2) by striking "Copyright Royalty Tribunal" and inserting "Librarian of Congress";

(C) in paragraph (3) by striking "Copyright Royalty Tribunal" and inserting "Librarian of Congress"; and

(D) in paragraph (4)—

(i) by striking "Copyright Royalty Tribunal" each place it appears and inserting "Librarian of Congress";

(ii) by striking "Tribunal" each place it appears and inserting "Librarian of Congress"; and

(iii) in subparagraph (C) by striking "conduct a proceeding" in the last sentence and inserting "convene a copyright arbitration royalty panel"; and

(2) by striking subsection (c) and inserting the following:

"(c) DETERMINATION OF ROYALTIES.—The royalty fee payable under subsection (b)(1)(B) shall be that established by the Copyright Royalty Tribunal on May 1, 1992, as corrected on May 18, 1992.".

SEC. 6. CONFORMING AMENDMENTS.

(a) CABLE COMPULSORY LICENSE.—Section 111(d) of title 17, United States Code, is amended as follows:

(1) Paragraph (1) is amended by striking ", after consultation with the Copyright Royalty Tribunal (if and when the Tribunal has been constituted),".

(2) Paragraph (1)(A) is amended by striking ", after consultation with the Copyright Royalty Tribunal (if and when the Tribunal has been constituted),".

(3) Paragraph (2) is amended by striking the second and third sentences and by inserting the following: "All funds held by the Secretary of the Treasury shall be invested in

interest-bearing United States securities for later distribution by the Librarian of Congress in the event no controversy over distribution exists, or by a copyright arbitration royalty panel in the event a controversy over such distribution exists. The Librarian shall compile and publish on a semiannual basis, a compilation of all statements of account covering the relevant 6-month period provided by paragraph (1) of this subsection.".

(4) Paragraph (4)(A) is amended—

(A) by striking "Copyright Royalty Tribunal" and inserting "Librarian of Congress"; and

(B) by striking "Tribunal" and inserting "Librarian of Congress".

(5) Paragraph (4)(B) is amended to read as follows:

"(B) After the first day of August of each year, the Librarian of Congress shall, upon the recommendation of the Register of Copyrights, determine whether there exists a controversy concerning the distribution of royalty fees. If the Librarian determines that no such controversy exists, the Librarian shall, after deducting reasonable administrative costs under this section, distribute such fees to the copyright owners entitled, or to their designated agents. If the Librarian finds the existence of a controversy, the Librarian shall, pursuant to chapter 8 of this title, convene a copyright arbitration royalty panel to determine the distribution of royalty fees.".

(6) Paragraph (4)(C) is amended by striking "Copyright Royalty Tribunal" and inserting "Librarian of Congress".

(b) AUDIO HOME RECORDING ACT.—

(1) ROYALTY PAYMENTS.—Section 1004(a)(3) of title 17, United States Code, is amended—

(A) by striking "Copyright Royalty Tribunal" and inserting "Librarian of Congress"; and

(B) by striking "Tribunal" and inserting "Librarian of Congress".

(2) DEPOSIT OF ROYALTY PAYMENTS.—Section 1005 of title 17, United States Code, is amended by striking the last sentence.

(3) ENTITLEMENT TO ROYALTY PAYMENTS.—Section 1006(c) of title 17, United States Code, is amended by striking "Copyright Royalty Tribunal" and inserting "Librarian of Congress shall convene a copyright arbitration royalty panel which".

(4) PROCEDURES FOR DISTRIBUTING ROYALTY PAYMENTS.—Section 1007 of title 17, United States Code, is amended—

(A) in subsection (a)(1) by striking "Copyright Royalty Tribunal" and inserting "Librarian of Congress";

(B) in subsection (b)—

(i) by striking "Copyright Royalty Tribunal" and inserting "Librarian of Congress"; and

(ii) by striking "Tribunal" each place it appears and inserting "Librarian of Congress"; and

(C) in subsection (c)—

(i) by striking the first sentence and inserting "If the Librarian of Congress finds the existence of a controversy, the Librarian shall, pursuant to chapter 8 of this title, convene a copyright arbitration royalty panel to determine the distribution of royalty payments."; and

(ii) by striking "Tribunal" each place it appears and inserting "Librarian of Congress".

(5) ARBITRATION OF CERTAIN DISPUTES.—Section 1010 of title 17, United States Code, is amended—

(A) in subsection (b)—

(i) by striking "Copyright Royalty Tribunal" and inserting "Librarian of Congress"; and

(ii) by striking "Tribunal" each place it appears and inserting "Librarian of Congress";

(B) in subsection (e) by striking "Copyright Royalty Tribunal" each place it appears and inserting "Librarian of Congress";

(C) in subsection (f)—

(i) by striking "Copyright Royalty Tribunal" each place it appears and inserting "Librarian of Congress";

(ii) by striking "Tribunal" each place it appears and inserting "Librarian of Congress"; and

(iii) in the third sentence by striking "its" and inserting "the Librarian's"; and

(D) in subsection (g)—

(i) by striking "Copyright Royalty Tribunal" and inserting "Librarian of Congress"; and

(ii) by striking "Tribunal" each place it appears and inserting "Librarian of Congress".

SEC. 7. EFFECTIVE DATE AND TERMINATION.

(a) IN GENERAL.—This Act and the amendments made by this Act shall take effect on January 1, 1994.

(b) EFFECTIVENESS OF EXISTING RATES AND DISTRIBUTIONS.—All royalty rates and all determinations with respect to the proportionate division of compulsory license fees among copyright claimants, whether made by the Copyright Royalty Tribunal, or by voluntary agreement, before the effective date set forth in subsection (a) shall remain in effect until modified by voluntary agreement or pursuant to the amendments made by this Act.●

By Mr. BRADLEY:

S. 1347. A bill to impose an excise tax on lead and lead products, to create a lead abatement trust fund, and to create a program under which States and certain political subdivisions thereof receive grants from such trust fund, and for other purposes; to the Committee on Finance.

THE LEAD-PAINT HAZARDS ABATEMENT ACT OF 1993

● Mr. BRADLEY. Mr. President, today I'm pleased to introduce the Lead-Paint Hazard Abatement Act of 1993. Lead poisoning is the most critical, most costly environmental health threat to children. That's not just my opinion, but one shared by the U.S. Environmental Protection Agency, the Center for Disease Control, and the Department of Health and Human Services.

In preindustrial times, children faced no lead threat. But, today, lead persists in our soil, in the air, in our drinking water, and in our own homes.

In the 1970's and 1980's, we focused our efforts on limiting the growth of the threat and to alerting the public to the risks. In the 1970's, we finally outlawed lead paint use in housing; we stopped burning lead with our gasoline. In the 1980's, my Lead Ban Act stopped the practice of using lead in drinking water systems. And right now, the Senate Environment and Public Works Committee is about to report legislation which I've sponsored that further limits the unnecessary use of lead as well as to encourage greater recycling and reuse of the lead that is needed.

Last year, we created in law a program that targets the lead paint threat and authorizes a range of policies in response. The law calls for new disclosure, inspection, and hazard reduction measures. My intention is to take this antilead effort to the next step. With this bill, we commit the resources needed to address the problem head on, with no doubt or equivocation: $1 billion per year for 10 years.

Mr. President, Federal data show that almost 75 percent of U.S. homes built before 1980 contain some lead-based paint. In New Jersey, 85 percent of homes were built before 1980. In many New Jersey counties, and in some of our poorest areas, the proportion exceeds 9 of every 10 homes.

The damage from lead hits especially hard those least able to deal with its effects: the poor. HUD estimates today that 2 million families with young children live in homes with priority lead hazards. These are homes with flaking lead paint and high-lead dust present. Many millions of other housing units are rated as priority hazards, but do not currently house children.

Right now, affordable housing is hard to find, regardless of whether lead paint is present or not. Poor owners can't afford or low-income rents can't support lead paint abatement. It's a simple fact that, if we mandate action on lead paint without providing a helping hand, we will be mandating new hardship and homelessness without the certainty of cleaner, healthier housing.

This legislation establishes a dedicated trust fund of approximately $1 billion per year for 10 years. It will support efforts by States and cities to correct lead paint hazards in low-income housing and day care centers. As a practical matter, these hazards will not otherwise be addressed through Federal, State, local, or private measures. Financing is provided by a polluter pays mechanism: a tax on lead as it enters U.S. commerce.

By generating revenue from an excise tax on lead, this legislation is consistent with the pay-as-you-go requirements of the budget agreement and will not increase the Federal budget deficit. The Department of Housing and Urban Development will allocate funds using a formula that reflects local needs in terms of poverty and lead paint hazards. To receive moneys, cities and States must demonstrate their capacity to carry out the program effectively and safely, in accordance with Federal requirements already being developed. Cities and States must also provide 10 percent matching funds.

The tax, which will be 45 cents per pound of lead, will be applied to lead as it is introduced into commerce from primary or secondary smelters and via import of lead and lead-containing products. By increasing the price of lead, the tax will provide strong incentives for both the substitution of and

recycling of lead, two important environmental and public health goals.

To ensure that the money is actually spent for its intended purpose rather than simply building up, the taxing authority is suspended if a certain balance, $2.5 billion, is exceeded. This is not a tax for deficit reduction. It has a purpose and a goal.

The lead-based paint hazard abatement trust fund bill provides urgently needed resources for waging a concerted attack on the Nation's most severe lead poisoning problems. It is the next step toward ridding our society of a true environmental demon. It won't be easy. It's seldom been more obvious how hard it is for Congress to endorse a new fee. But I believe the public recognizes the importance of action and the cost of delay. We can pass this bill. And we will pass this bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1347

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 "Lead Abatement Trust Fund Act of 1993".

SEC. 2. EXCISE TAX ON LEAD AND LEAD PRODUCTS.

(a) IN GENERAL.—Chapter 38 of the Internal Revenue Code of 1986 (relating to environmental taxes) is amended by adding at the end thereof the following new subchapter:

"Subchapter E—Lead and Lead Products

"SEC. 4686. LEAD AND LEAD PRODUCTS.

"(a) GENERAL RULE; RATE.—There is hereby imposed a tax of 45 cents per pound on—

"(1) lead removed from any United States smelter, and

"(2) lead, and lead in any taxable lead product, entered into the United States for consumption, use, or warehousing.

"(b) LIABILITY FOR TAX.—

"(1) REMOVAL.—The tax imposed by subsection (a)(1) shall be paid by the operator of the United States smelter.

"(2) IMPORTATION.—The tax imposed by subsection (a)(2) shall be paid by the person entering the lead or taxable lead product into the United States for consumption, use, or warehousing.

"(c) DEFINITIONS.—For purposes of this subchapter:

"(1) PRIMARY LEAD.—The term 'primary lead' means lead that has not been previously used in any finished or unfinished product.

"(2) SECONDARY LEAD.—The term 'secondary lead' means lead that has been previously used in any finished or unfinished product.

"(3) TAXABLE LEAD PRODUCTS.—The term 'taxable lead products' means any product with more than one percent of the dry weight of which is attributable to lead or which contains more than five pounds of lead.

"(4) UNITED STATES SMELTER.—The term 'United States smelter' means any facility in the United States at which primary or secondary lead is smelted.

"(d) CREDIT OR REFUND FOR EXPORTS OF LEAD OR TAXABLE LEAD PRODUCTS.—

"(1) IN GENERAL.—If—

"(A) tax was imposed by this section with respect to any lead, and

"(B)(i) such lead was exported by any person, or

"(ii) such lead was used as a material in the manufacture or production of any taxable lead product which was exported by any person,

credit or refund (without interest) shall be allowed or made to the person who paid such tax.

"(2) CONDITIONS OF ALLOWANCE.—Rules similar to the rules of section 4662(e)(2)(B) shall apply for purposes of this subsection.

"(3) REFUNDS DIRECTLY TO EXPORTER.—Rules similar to the rules of section 4662(e)(3) shall apply for purposes of this subsection.

"(e) NO TAX IF FUND'S UNOBLIGATED BALANCE EXCEEDS $2,500,000,000.—If, on October 1, of any calendar year, the unobligated balance in the Lead Abatement Trust Fund exceeds $2,500,000,000, then no tax shall be imposed under this section during the following calendar year.".

(b) CLERICAL AMENDMENT.—The table of subchapters for chapter 38 of such Code is amended by adding at the end thereof the following new item:

"SUBCHAPTER E—Lead or lead products."

SEC. 3. LEAD ABATEMENT TRUST FUND.

(a) IN GENERAL.—Subchapter A of chapter 98 of the Internal Revenue Code of 1986 (relating to trust funds) is amended by adding at the end thereof the following new section:

"SEC. 9512. LEAD ABATEMENT TRUST FUND.

"(a) CREATION OF TRUST FUND.—There is hereby established in the Treasury of the United States a trust fund to be known as the 'Lead Abatement Trust Fund', consisting of such amounts as may be credited to such trust fund as provided in this section or section 9602(b).

"(b) TRANSFERS TO TRUST FUND.—There are hereby credited to the Lead Abatement Trust Fund amounts equivalent to the taxes received in the Treasury of the United States under section 4686 (relating to taxes on lead and lead products).

"(c) EXPENDITURES FROM TRUST FUND.—Amounts in the Lead Abatement Trust Fund shall be available, as provided in appropriations Acts, for purposes of making grants pursuant to the provisions of the Lead Abatement Trust Fund Act of 1993, and shall not be available for any other purposes.".

(b) CLERICAL AMENDMENT.—The table of sections for such subchapter A is amended by adding at the end thereof the following new item:

"Sec. 9512. Lead Abatement Trust Fund."

SEC. 4. AUTHORIZATION OF SPENDING FROM LEAD ABATEMENT TRUST FUND.

There is hereby authorized to be appropriated funds from the Lead Abatement Trust Fund for the purpose of evaluating and reducing lead-based paint hazards in accordance with title X of the Housing and Community Development Act of 1992.●

By Mr. BRYAN:

S. 1348. A bill to amend the Immigration and Nationality Act to reform the asylum law, to increase penalties for alien smuggling, and to authorize appropriations for the immigration and naturalization service, and for other purposes; to the Committee on the Judiciary.

ASYLUM REFORM AND ALIEN SMUGGLING CONTROL ACT OF 1993

● Mr. BRYAN. Mr. President, there has been a tremendous focus on the issue of immigration recently. Rarely does a week go by without a story in the news detailing an incident caused by our broken immigration system and the complete lack of control we have over our borders.

Mr. President, enough is enough. The time for speaking about the problem has ended. We must now act. Today, I introduce a bill that is a first step in finally gaining control of immigration.

The Asylum Reform and Alien Smuggling Control Act of 1993 takes a number of steps to make our political asylum process more effective, and deter the horrendous practice of alien smuggling. While not a solution to our illegal immigration problem, this bill would take important steps to expedite the exclusion of aliens who blatantly attempt to exploit loopholes in our immigration regulations.

Under this bill, an asylum officer would immediately determine whether an alien has a legitimate claim of political asylum. Those who are judged to be making political asylum claims in good faith, and who honestly face persecution in their country of origin, would receive temporary asylum. However, those who are simply using the system of political asylum as a way of illegally entering the United States, would be immediately excluded.

In addition, this legislation takes steps to deter alien smuggling by enhancing the penalties for this activity, and making it an aggravated felony under Federal law.

As we are all aware, the problem of illegal immigration is not new. For years, hundreds of thousands have attempted to pass through our porous borders, and our attempts to control this influx have been weak at best. Yet, recent events have focused our attention on one specific loophole in our immigration policy—our system of political asylum.

The United States has always prided itself on its acceptance of those who are not safe in their home countries—those who face torture and death in their homelands. Even today, the United States has no law limiting the number of refugees we will accept from any country. However, the unfortunate reality is that many foreigners have used our generosity to exploit our overburdened immigration system. Unscrupulous aliens have sought to use loopholes in our immigration laws to illegally enter and live in the United States at a high cost to our society, and to legitimate refugees.

Nowhere is this abuse more evident than in our system of granting political asylum. Thousands of aliens have learned that once they arrive at an American port of entry such as the Kennedy Airport in New York, simply

by uttering the words "political asylum," they are virtually assured of an extended stay in the United States.

Recent events have shocked the country into recognizing a horrible consequence of this breakdown in immigration control—acts of terrorism within the United States borders made possible by lapses in our immigration law, particularly our system of adjudicating political asylum cases.

The Nation was jarred into the reality of terrorism by the pictures of chaos and destruction resulting from a bomb placed in the heart of New York's business district. During the followup investigation, it soon became clear that most of the suspects in the bombing had used our chaotic immigration system to enter and remain in the United States illegally.

The New York Times recently characterized two of the suspects in the World Trade Center bombing. One, named Mohammad Ajaj, was apprehended and put into custody when arriving at Kennedy International Airport because of a fraudulent passport. He arrived at the airport, carrying in his suitcase, instructions on how to place land mines, videotapes on suicide car bombing, and how to make TNT. Unfortunately, the capture and detainment of Mr. Ajaj is the exception.

Another suspect in the bombing who arrived on the same plane, Ramzi Yousef, was not put into custody. Mr. Yousef uttered the magical words "political asylum," which immediately entitled him to stay in the United States until his hearing date, well over a year. During the interim, Mr. Yousef was released from detention because of the lack of space. Mr. Yousef is still at large.

Another individual, Mir Aimal Kansi, responsible for the tragic walk-by shootings outside the CIA facility here in the DC area, also used the claim of political asylum to stay in the United States and even received a work authorization. According to a Washington Post article quoting INS officials on February 18, 1993, Kansi's application "cemented his stay in the United States because Federal law prohibits—the INS—from deporting immigrants whose requests are pending." After receiving a work authorization, Kansi was able to receive a job as a courier and a driver's license, enabling him to purchase the assault rifle later used with such horrible effect.

For many years, we here in America have lived under the illusion that we are safe and secure within our borders. Terrorist incidents that splashed across the newspapers always occurred overseas, in the Middle East, in Northern Ireland, in England.

This security blanket was suddenly and violently ripped wide open as a result of these two recent events, that have shocked Americans out of complacency and made us more aware of the everyday dangers of terrorism. A bomb exploding in the business center of our Nation's largest city. A lone gunman walking with impunity shooting at innocent civilians outside the CIA headquarters.

Mr. President, we should not need a tragedy to cause us to act. However, with these recent events, there is now absolutely no excuse for inaction in the face of this serious problem faced everyday by Immigration and Naturalization officers at points of entry into the United States.

Both of the recent incidents may have been prevented if a more effective immigration screening process had been put into place.

Under the current system, all those who enter the United States, even those with no documents, or blatantly fraudulent documents, are given a full hearing once they claim political asylum. Because of the dramatic increase in the number of aliens claiming political asylum, the current backlog for hearings may be as long as 14 months.

In the meantime, large ports of entry have severe shortages of detention space, and the overflow of aliens are simply let free, on the condition that they will return for a hearing. As you can guess, Mr. President, those with legitimate political asylum claims may actually show up at the hearing, but recent statistics out of New York show that almost 60 percent of those who are released are never heard from again.

Mr. President, the evidence is now overwhelming that foreigners have developed a systematic method of entering and staying in the United States that completely circumvents our immigration law. The statistics are alarming. While in 1980, only 500 aliens applied for political asylum, in 1992, that number had increased to over 103,000.

Currently, nearly 300,000 are waiting to be decided. Yet, in 1992, fewer than 12,000 claims were processed. There can be no question that reform to this system is urgently needed.

Mr. President, the time to change the system is now. I am hopeful this legislation will stir Congress to act quickly on this tremendous problem.●

By Mr. DURENBERGER (for himself and Mr. GORTON):

S. 1349. A bill to establish the Food Safety and Inspection Agency, and for other purposes; to the Committee on Governmental Affairs.

THE FOOD SAFETY AND INSPECTION AGENCY ACT OF 1993

● Mr. DURENBERGER. Mr. President, I introduce the Food Safety and Inspection Agency Act of 1993. This bill will initiate a much-needed reinvention of one of the Government's most critical functions: food inspection.

The Food Safety and Inspection Agency Act would center all food safety and inspection activities in a single, independent agency. It would also create a commission of 16 industry, agriculture, consumer, and Government representatives to promulgate and implement a single, uniform, risk-based food inspection agency.

Mr. President, the current system is not broken—but it can do better. When I was elected to the Senate in 1978 I was charged with the mission of making this Government work better for the people and, if there is one governmental activity that does not do the best it can, it is food safety and inspection.

The present system is defined more by turf battles between, the inspection duplication by, the Food and Drug Administration, the Department of Agriculture, the Department of Commerce, and the Environmental Protection Agency. Oftentimes it seems that the regulations on food inspection are designed more to keep bureaucrats in their jobs than unsafe and unhealthy food off of the American dinner table.

This bureaucratic morass is driven by nearly 30 laws, which are divided among 12 different agencies who determine how food inspection is administered. Furthermore, some departments have conflicting interests—such as the USDA, which has the authority to both promote food and food production as well as inspect it; while other departments have competing interests—such as the FDA, which must inspect new drug and medical device technologies while also inspecting processed nonmeat foods and imported foods.

Right now the USDA inspects meat and poultry, the Commerce Department has jurisdiction over seafood inspection, the EPA determines acceptable pesticide residue levels on fruits and vegetables, and the FDA inspects and regulates most processed and imported food products. The resulting bureaucracy prevents the most efficient use of the Government's resources, and raises the costs to the entire food industry.

The system of food inspection currently in place simply does not make sense—everyone agrees on this. During the past 6 months my office has spoken with dozens of representatives of consumer, agriculture, and food processing groups, as well as Government agencies. My proposal is bipartisan, and has been received with great interest by the Vice President's group working to reinvent Government.

These different groups all agree that the Government can do better—however they cannot agree on how or when or why. For this reason I am introducing this bill to move this dialog forward. Let's air our views and reach a consensus. The American people deserve nothing less.

A new, independent Food Safety and Inspection Agency would streamline this dinosaur of Government policy. It

would issue a uniform set of regulations and apply the latest technological know-how to the Government's food testing procedures. I might add that many of the inspection methods still used by the USDA date back to Teddy Roosevelt and Upton Sinclair's "The Jungle."

Mr. President, during the past 3 months I have spoken three times on this floor about the problems of our Government's food safety and inspection systems. I have sent three letters to each of my colleagues describing my legislation and urging a dialog on the issue. My staff has contacted every Senator's office several times in the hope of spurring a dialog.

Despite my repeated attempts to begin a constructive debate on this issue, only one other Member in this fine institution has joined me in my effort to examine the efficacy of our food safety and inspection system. Senator GORTON, my distinguished colleague from Washington, received a solemn reminder of the importance of food inspection earlier this year, when a number of people died and hundreds more fell ill after eating contaminated beef at a restaurant in his home State. I commend the senior Senator from Washington for his concern on this important issue.

Unfortunately, I am well aware of the dangers of foodborne disease. In 1988, 32 junior high school students in Coon Rapids, MN, became sick from bacteria in their school lunches. What's more, despite repeated requests from the Minnesota Department of Health for quick action, the USDA was slow to respond and was reluctant to issue a widespread recall of the foods involved, precooked frozen hamburgers. In the end, only 8 percent of the recalled product was recovered. And other people may have also fallen ill from this contaminated meat.

Let me describe the reasons why my Food Safety and Inspection Agency Act deserves immediate attention.

First, some of the current laws are outmoded and potentially harmful. The USDA for example still tests meat and poultry on the basis of sight, touch, and smell—hardly a way to test for E. coli bacteria or other microbacterial contamination.

Second, the different Federal departments with separate authority promulgate different regulations that have varying inspection rates. This lack of uniformity is compounded by lack of communication—both of which are harmful and misleading to consumers. It is also costly and unfair to food processors.

For example, a frozen cheese pizza is inspected and labeled by FDA while a frozen pizza with sausage is inspected and labeled by USDA. That means that in one plant where all types of pizzas are manufactured you have FDA and USDA inspectors virtually doing the same job.

In regard to labeling, FDA requires that pizzas made with artificial cheese be prominently labeled as such, USDA does not. Therefore, a frozen pizza manufacturer makes its frozen cheese pizzas with real cheese and its meat pizzas with artificial cheese—thus potentially misleading the consumer.

The USDA inspects meat and poultry sandwiches with one piece of bread, while the FDA inspects meat and poultry sandwiches made with two slices of bread. And the USDA inspects meat and poultry plants at least daily, but the FDA inspects processors of quail, rabbit, and venison—which the government considers to carry the same health risk as meat and poultry—only every 3 to 5 years.

To continue with these examples, I would like to highlight the problem that this split-authority system has with regard to communication. As reported in a Senate Governmental Affairs Report (95–91):

> When a full time USDA inspector spots a sanitation problem relating to production of a non-meat food in a plant subject to concurrent jurisdiction, for example, effective enforcement will occur only if the inspector notifies FDA. When FDA learns that adulterated canned mushrooms are in the possession of a sausage pizza manufacturer, immediate enforement action depends upon FDA's prompt notification of USDA—although FDA could itself take enforcement action if the mushrooms were purchased for non-meat pizza.

It is a system of who passes the buck. And if the buck isn't passed, for whatever reason, someone gets sick. Because food is produced and packaged in such large quantities, Mr. President, when contamination occurs, lots of people get sick. For example:

In the Midwest 200,000 fell ill and at least 2 died of salmonella poisioning after drinking tainted milk from a dairy in suburban Chicago in 1985.

In 1985, 47 people in the Southwestern United States were killed by listeria bacteria in Mexican-style soft cheese. This was the deadliest food poisoning outbreak in U.S. history.

Four people in Utah died in 1987 from eating beef contaminated with E. coli 0157:H7. The USDA had declared the meat safe.

Walking is still difficult for a Florida man who was stricken by debilitating bacteria living in the raw oysters he ate at a Cocoa Beach restaurant in 1989.

In 1991 more than 400 people in the United States and Canada fell ill after eating cantaloupes contaminated with salmonella.

Third, scientific and governmental organizations have recognized the need to unify all food safety and inspection programs and have strongly recommended such action for the past 50 years.

Consolidation of food inspection services has been recommended by the Hoover Commission, the 1969 White House Conference on Food, Nutrition and Health, a 1970 GAO report, the 1970 President's Advisory Council on Executive Reorganization, a 1972 Ralph Nader report, a 1977 Senate Governmental Affairs Report 95–91, President Carter's 1978 Government Reorganization project, and a 1992 GAO report.

Furthermore, Mr. President, in 1972 the Senate approved legislation, S. 3419, that would have consolidated USDA and FDA food inspection services into an independent agency.

Fourth, the Federal food inspection system needs to reflect current American lifestyles. In the last 25 years the dynamic of food consumption in America has changed.

Our current system originated in the days when most people purchased their food from local sources. But today, Americans get a large amount of their food from foreign sources, and are eating more and more processed food. With the likely expansion of global markets as a result of the North American Free-Trade Agreement and GATT, Americans can expect to find even more foreign-produced food on their tables in the years to come.

The Food Safety and Inspection Agency would attack this changed dynamic in two ways. First by streamlining the inspection process of imported foods, the FSIA will be able to step up inspections—which currently are performed at a dismal rate of 2 percent—by efficiently directing both funding and personnel to this task. Currently FDA is unable to perform its mission to inspect imported foods because imported food inspection has to compete for funding with medical devices and pharmaceuticals.

Second, my bill establishes a State-Federal communications network to educate consumers on potential microbial diseases and how to protect themselves from poorly prepared food—both in their own kitchen as well as in a restaurant.

Food consumption always carries some risk. American consumers must be more careful both with regard to the prepared foods they purchase, as well as the foods they purchase and prepare themselves. Consumers can never be 100 percent sure that their food is free of contaminants. But I have always had great faith in the power of educated consumers. If consumers are instructed in the best ways to clean, prepare, and cook food, they would reduce their risk immensely. If the consumers in Washington State had known that uncooked hamburger could harbor E. coli bacteria, then perhaps they may not have consumed their deadly meal. So, Mr. President, my bill would approach food safety from both ends: Federal inspection as well as consumer education.

Mr. President, there is no question that the current disjointed system puts all American consumers at risk. The

Centers for Disease Control reports more than 90,000 cases of foodborne illness around the country between 1983 and 1987. And each year, more than 9,000 people die and 80 million people get sick as a result of diseases they contract from the food they eat.

Make no mistake about it: the Department of Agriculture, the Food and Drug Administration, the Environmental Protection Agency, and the Department of Commerce have served our country well. The United States has the safest and most plentiful supply of wholesome food in the world. But we can and ought to do better—for consumers, for food processors, and for farmers. The current system of waste and duplication does not make sense. This fact has been recognized for more than 40 years. The Food Safety Inspection Act addresses the problems in our system and effectively reinvents an important part of this Nation's Government. The result: a reinvigorated, efficient, risk-based food safety and inspection system.

Mr. President, we must act now to make the Government work better for the people it is supposed to serve. I urge my colleagues to support the Food Safety and Inspection Agency Act of 1993.●

By Mr. KENNEDY (for himself, Mr. HATCH, Mr. SIMON, Mr. MACK, Mr. BIDEN, Mr. COCHRAN, Mr. D'AMATO, Mr. DANFORTH, Mr. DECONCINI, Mr. DODD, Mr. DURENBERGER, Mr. GLENN, Mr. INOUYE, Mr. JEFFORDS, Mr. KERRY, Mr. LEVIN, Mr. METZENBAUM, Ms. MIKULSKI, Mr. MITCHELL, Mr. MOYNIHAN, Mr. PELL, Mr. SARBANES, Mr. THURMOND, Mr. WELLSTONE, Mr. WOFFORD, and Mr. STEVENS):

S.J. Res. 119. A joint resolution to designate the month of March 1994 as "Irish-American Heritage Month"; to the Committee on the Judiciary.

IRISH-AMERICAN HERITAGE MONTH

Mr. KENNEDY. Mr. President, I am proud to join Senators HATCH, SIMON, MACK, BIDEN, COCHRAN, D'AMATO, DANFORTH, DECONCINI, DODD, DURENBERGER, GLENN, INOUYE, JEFFORDS, KERRY, LEVIN, METZENBAUM, MIKULSKI, MITCHELL, MOYNIHAN, PELL, SARBANES, STEVENS, THURMOND, WELLSTONE, and WOFFORD in introducing a Senate joint resolution designating March 1994 as "Irish-American Heritage Month."

An identical resolution is being introduced by Representative THOMAS J. MANTON in the House.

This resolution pays tribute to the numerous contributions the Irish have made to America. The first Irish arrived on our shores as early as 1621. Later immigrants played an important role in helping us gain our independence from Great Britain and in preserving the Union in the Civil War.

Between 1840 and 1910, more than 3 million Irish immigrants came to America and contributed greatly to the development of our country.

Today, more than 44 million Americans, including President Clinton, trace their ancestry to Ireland. Irish-Americans have distinguished themselves and our country in many fields—law and medicine, politics and government and the armed forces, business and labor, education, literature, music, and sports.

I am honored to introduce this resolution and I ask unanimous consent that its text may be printed in the RECORD. I also ask unanimous consent that this resolution may be held at the desk until the Senate adjourns on Friday so that any other Senators wishing to join as original sponsors may do so.

Mr. JEFFORDS. Mr. President, I join my colleagues today to pay tribute to Irish-American citizens living in America, including my wife, Elizabeth Daley, and the rich heritage they have brought to America. I hope that young and old will take the time to appreciate the traditions and culture of Ireland by celebrating March 1994 as Irish-American Heritage Month.

With millions of Americans being of Irish-American descent, we can be sure that the traditions and spirit of this culture touch many corners of our American culture. Many fine Irish-Americans have contributed to American history, arts, sports, business, and politics. The roots of American folk culture, music and dance, for example, can be traced to the Irish culture, not to mention many cropping techniques that were adopted into early American farming. The list of integrated traditions and customs could go on and on.

The United States is the melting pot of the world. We, as Americans, are a blend of many ethnic backgrounds, which combine to produce a wonderfully diverse society. I am pleased to pay tribute to the nearly 300,000 natives of Ireland who first immigrated to the United States and to their descendents. I hope that we will continue to preserve this piece of American heritage.

ADDITIONAL COSPONSORS

S. 70

At the request of Mr. COCHRAN, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 70, a bill to reauthorize the National Writing Project, and for other purposes.

S. 177

At the request of Mr. DOLE, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of S. 177, a bill to ensure that agencies establish the appropriate procedures for assessing whether or not regulation may result in the taking of private property, so as to avoid such where possible.

S. 297

At the request of Mr. STEVENS, the name of the Senator from Arizona [Mr. MCCAIN] was added as a cosponsor of S. 297, a bill to authorize the Air Force Memorial Foundation to establish a memorial in the District of Columbia or its environs.

S. 364

At the request of Mrs. FEINSTEIN, the name of the Senator from Louisiana [Mr. BREAUX] was added as a cosponsor of S. 364, a bill to amend the Internal Revenue Code of 1986 to modify the involuntary conversion rules for certain disaster-related conversions.

S. 377

At the request of Mr. GRAMM, the name of the Senator from Idaho [Mr. KEMPTHORNE] was added as a cosponsor of S. 377, a bill to require a balanced Federal budget by fiscal year 2000 and each year thereafter, to protect Social Security, to provide for zero-based budgeting and decennial sunsetting, to impose spending caps on the growth of entitlements during fiscal years 1994 through 2000, and to enforce those requirements through a budget process involving the President and Congress and sequestration.

S. 384

At the request of Mr. D'AMATO, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 384, a bill to increase the availability of credit to small businesses by eliminating impediments to securitization and facilitating the development of a secondary market in small business loans, and for other purposes.

S. 549

At the request of Mr. DOMENICI, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 549, a bill to provide for the minting and circulation of one-dollar coins.

S. 561

At the request of Mr. DODD, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of S. 561, a bill to establish a Child and Family Services and Law Enforcement Partnership Program, and for other purposes.

S. 565

At the request of Mr. WARNER, the names of the Senator from Alaska [Mr. MURKOWSKI], and the Senator from North Carolina [Mr. FAIRCLOTH] were added as cosponsors of S. 565, a bill to amend the Internal Revenue Code of 1986 to improve disclosure requirements for tax-exempt organizations.

S. 650

At the request of Mr. RIEGLE, the name of the Senator from California [Mrs. BOXER] was added as a cosponsor of S. 650, a bill to amend the National Apprenticeship Act to require minimum funding for certain outreach recruitment and training programs, to restore a national information collection system, to limit the authority to conduct reductions in force within the Bureau of Apprenticeship and Training of the Department of Labor, and for other purposes.

S. 881

At the request of Mr. DODD, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 881, a bill to amend the Elementary and Secondary Education Act of 1965 to reauthorize and make certain technical corrections in the Civic Education Program, and for other purposes.

S. 895

At the request of Mr. PRYOR, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of S. 895, a bill to amend the Internal Revenue Code of 1986 with respect to the treatment of the rehabilitation credit under the passive activity limitation and the alternative minimum tax.

S. 1021

At the request of Mr. INOUYE, the name of the Senator from Ohio [Mr. METZENBAUM] was added as a cosponsor of S. 1021, a bill to assure religious freedom to Native Americans.

S. 1283

At the request of Mr. HARKIN, the names of the Senator from Rhode Island [Mr. PELL], the Senator from Kansas [Mr. DOLE], and the Senator from Utah [Mr. HATCH] were added as cosponsors of S. 1283, a bill to amend the Technology-Related Assistance for Individuals With Disabilities Act of 1988, to improve the act, and for other purposes.

S. 1284

At the request of Mr. HARKIN, the names of the Senator from Rhode Island [Mr. PELL], the Senator from Kansas [Mr. DOLE], and the Senator from Utah [Mr. HATCH] were added as cosponsors of S. 1284, a bill to amend the Developmental Disabilities Assistance Bill of Rights Act to expand or modify certain provisions relating to programs for certain individuals with developmental disabilities, Federal assistance for priority area activities for individuals with developmental disabilities, protection and advocacy of individual rights, university affiliated programs, and projects of national significance, and for other purposes.

SENATE JOINT RESOLUTION 35

At the request of Mr. PRESSLER, the name of the Senator from Minnesota [Mr. WELLSTONE] was added as a cosponsor of Senate Joint Resolution 35, a joint resolution to designate the month of November 1993, and the month of November 1994, each as "National Alzheimer's Disease Month."

SENATE JOINT RESOLUTION 91

At the request of Mr. SPECTER, the names of the Senator from Massachusetts [Mr. KENNEDY], and the Senator from Vermont [Mr. JEFFORDS] were added as cosponsors of Senate Joint Resolution 91, a joint resolution designating October 1993 and October 1994 as "National Domestic Violence Awareness Month."

SENATE JOINT RESOLUTION 94

At the request of Mr. DOLE, the name of the Senator from Minnesota [Mr. WELLSTONE] was added as a cosponsor of Senate Joint Resolution 94, a joint resolution to designate the week of October 3, 1993, through October 9, 1993, as "National Customer Service Week."

AMENDMENTS SUBMITTED

NATIONAL SERVICE TRUST ACT

KENNEDY (AND KASSEBAUM) AMENDMENT NO. 746

Mr. KENNEDY (for himself and Mrs. KASSEBAUM) proposed an amendment to the bill (S. 919) to amend the National and Community Service Act of 1990 to establish a Corporation for National Service, enhance opportunities for national service, and provide national service educational awards to persons participating in such service, and for other purposes, as follows:

On page 8, line 6, strike the period and insert ", or grants described in section 129(d)(4).".

On page 28, strike line 22 and all that follows through page 29, line 14, and insert the following:

"(1) ALLOTMENT OF ASSISTANCE TO CERTAIN STATES.—

"(A) IN GENERAL.—Of the funds allocated by the Corporation for provision of assistance under subsections (a) and (b) of section 121 for a fiscal year, the Corporation shall make a grant under section 121(a) (and a corresponding allotment of approved national service positions) to each of the several States (through the State Commission of the State), the District of Columbia, and the Commonwealth of Puerto Rico that has an application approved by the Corporation under section 133.

"(B) ALLOTMENT AMOUNTS.—Except as provided in subparagraph (C), the amount allotted as a grant to each such State under this paragraph for a fiscal year shall be equal to—

"(i) in the first fiscal year for which funds are appropriated under section 501(a)(2), an amount that bears the same ratio to 40 percent of the allocated funds for such fiscal year;

"(ii) in the second such fiscal year, an amount that bears the same ratio to 45 percent of the allocated funds for such fiscal year; and

"(iii) in the third such fiscal year, an amount that bears the same ratio to 50 percent of the allocated funds for such fiscal year,

as the population of the State bears to the total population of the several States, the District of Columbia, and the Commonwealth of Puerto Rico

"(C) LIMITATION.—In no case shall any State receive a grant under this paragraph for a fiscal year in an amount that is less than ½ of 1 percent of the allocated funds for the fiscal year."

On page 32, strike line 9 and insert the following: 30 percent of the allocated funds in the first fiscal year for which funds are appropriated under section 501(a)(2), not less than 27½ percent of the allocated funds in the second such fiscal year, and not less than 25 percent of the allocated funds in the third such fiscal year, to make grants"

On page 34, strike lines 2 and 3 and insert the following: "of subsection (a) and (c) and after using the appropriate percentage of such funds, as described in paragraph (1), to make grants under paragraph"

On page 34, between lines 15 and 16, add the following:

"(4) RESERVATION.—

"(A) SUPPLEMENTAL AND OTHER GRANTS.—In distributing the funds allocated by the Corporation for provision of assistance under section 121 for a fiscal year, after operation of subsections (a) and (c), the President shall reserve, from the funds available to make grants under paragraphs (1) and (2), an amount that is not less than 2 percent and not more than 5 percent of such funds (except that such amount may not exceed $10,000,000), in order to make supplemental grants as provided in subparagraph (B) and grants as provided in subparagraph (C).

"(B) GRANTS TO ASSIST ENTITIES IN PLACING APPLICANTS WHO ARE INDIVIDUALS WITH A DISABILITY.—

"(i) IN GENERAL.—The President shall make grants from a portion of the funds reserved under subparagraph (A) to entities that—

"(I) receive a grant to carry out a national service program under paragraph (1) or (2);

"(II) demonstrate that the entity has received a substantial number of applications for placement in the national service program of persons who are individuals with a disability, as defined in section 3(2) of the Americans With Disabilities Act of 1990, and who require a reasonable accommodation, as defined in section 101(9) of such Act or auxiliary aids and services, as defined in section 3(1) of such Act, in order to perform national service; and

"(III) demonstrate that additional funding would assist the national service program in placing a substantial number of such individuals with a disability as participants in projects carried out through the program.

"(ii) REQUIREMENTS.—Funds made available through such a supplemental grant under clause (i) shall be made available for the same purposes, and subject to the same requirements, as funds made available through a grant made under paragraph (1) or (2).

"(C) GRANT FOR OUTREACH TO INDIVIDUALS WITH A DISABILITY.—

"(i) IN GENERAL.—From the portion of the funds reserved under subparagraph (A) that is not used to make grants under subparagraph (B), the President shall make grants to public and private not-for-profit organizations to pay for the Federal share described in section 121(e) of—

"(I) providing information about programs specified in section 193A(d)(10) to such individuals with a disability who desire to perform national service; and

"(II) enabling the individuals to participate in activities carried out through such programs, which may include assisting the placement of the individuals in approved national service positions.

"(ii) APPLICATION.—To be eligible to receive a grant under this subparagraph, an organization described in clause (i) shall submit an application to the President at such time, in such manner, and containing such information as the President may require.

On page 50, between lines 5 and 6, insert the following:

"(d) PROHIBITION ON CERTAIN POLITICAL ACTIVITIES.—

"(1) IN GENERAL.—Except as provided in subsection (b) and paragraph (2), an application submitted to the Corporation under section 130 shall include an assurance by the applicant that any national service program carried out using assistance provided under section 121 and any approved national service position provided to an applicant will not be used to—

"(A) provide political seminars, training, instruction, lectures, classes, or speeches; or

"(B) assist political organizations, partisan organizations, or political appointees.

"(2) POLITICAL APPOINTEES.—The requirement of paragraph (1) relating to an assurance regarding speeches shall not apply to political appointees who are responsible for the administration of a national service program.

"(3) ENFORCEMENT.—If the Corporation determines that a national service program has failed to comply with the assurances provided under paragraph (1), the Corporation shall—

"(A) prohibit the program from recruiting or selecting individuals to participate in the program during the 2-year period beginning on the date the Corporation determines the non-compliance commenced; and

"(B) direct the program to terminate the employment of the supervisors determined to be involved in the noncompliance.

On page 162, strike lines 11 through 18 and insert the following:

SEC. 114. REPORTS.

Section 172 of the National and Community Service Act of 1990 (42 U.S.C. 12632) is amended—

(1) in subsection (a)(3)(A), by striking "sections 177 and 113(9)" and inserting "section 177";

(2) in subsection (b)—

(A) by striking "REPORT TO CONGRESS"; and inserting "REPORT TO CONGRESS BY CORPORATION"; and

(B) in paragraph (1), by striking "this title" and inserting "the national service laws"; and

(3) by adding at the end the following:

"(c) REPORT TO CONGRESS BY SECRETARY OF DEFENSE.—

"(1) STUDY.—The Secretary of Defense shall annually conduct a study of the effect of the programs carried out under this title on recruitment for the Armed Forces.

"(2) REPORT.—The Secretary of Defense shall annually submit a report to the appropriate committees of Congress containing the findings of the study described in paragraph (1) and such recommendations for legislative and administrative reform as the Secretary may determine to be appropriate.".

On page 193, strike lines 11 through 23 and insert the following:

"(C) who are experts in the delivery of human, educational, environmental, or public safety services, or are experts in the delivery of services by veterans;

"(D) that include at least one representative of local educators and at least one representative of community-based agencies;

"(E) so that the Board shall be diverse with respect to race, ethnicity, age, gender, and disability characteristics; and

"(F) so that no more than 8 appointed members of the Board are from a single political party.

"(3) EX OFFICIO MEMBERS.—The Secretary of Veterans Affairs, the Secretary of

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1994

LAUTENBERG (AND HARKIN) AMENDMENT NO. 747

Mr. LAUTENBERG (for himself and Mr. HARKIN) proposed an amendment to the bill (H.R. 2403) making appropriations for the Treasury, Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1994, and for other purposes, as follows:

At the appropriate place, add the following new title:

TITLE VIII—NONSMOKING POLICY

SEC. 801. SHORT TITLE.

This title may be cited as the "Preventing Our Federal Building Workers and Visitors From Exposure to Deadly Smoke (PROFEDS) Act of 1993".

SEC. 802. FINDINGS.

Congress finds that—

(1) environmental tobacco smoke comes from secondhand smoke exhaled by smokers and sidestream smoke emitted from the burning of cigarettes, cigars, and pipes;

(2) since citizens of the United States spend up to 90 percent of a day indoors, there is a significant potential for exposure to environmental tobacco smoke from indoor air;

(3) exposure to environmental tobacco smoke occurs in schools, public buildings, and other indoor facilities;

(4) recent scientific studies have concluded that exposure to environmental tobacco smoke is a cause of lung cancer in healthy nonsmokers and is responsible for acute and chronic respiratory problems and other health impacts in sensitive populations (including children);

(5) the health risks posed by environmental tobacco smoke exceed the risks posed by many environmental pollutants regulated by the Environmental Protection Agency; and

(6) according to information released by the Environmental Protection Agency, environmental tobacco smoke results in a loss to the economy of over $3,000,000,000 per year.

SEC. 803. DEFINITIONS.

As used in this title:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) EXECUTIVE AGENCY.—The term "Executive agency" has the meaning provided in section 105 of title 5, United States Code.

(3) FEDERAL AGENCY.—The term "Federal agency" includes any Executive agency, the Executive Office of the President, any military department, any court of the United States, the Administrative Office of the United States Courts, the Library of Congress, the Botanic Garden, the Government Printing Office, the Congressional Budget Office, the United States Postal Service, the Postal Rate Commission, the Office of the Architect of the Capitol, the Office of Technology Assessment, and any other agency of the executive, legislative, and judicial branches.

(4) FEDERAL BUILDING.—The term "Federal building" means any building or other structure owned or leased for use by a Federal agency, except that the term shall not include any area of a building that is used primarily as living quarters.

(5) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

SEC. 804. NONSMOKING POLICY FOR FEDERAL BUILDINGS.

(a) IN GENERAL.—

(1) ISSUANCE OF GUIDELINES.—Not later than 180 days after the date of enactment of this Act, the Administrator shall issue guidelines for instituting and enforcing a nonsmoking policy at each Federal agency.

(2) CONTENTS OF GUIDELINES.—A nonsmoking policy that meets the requirements of the guidelines shall, at a minimum, prohibit smoking in each indoor portion of a Federal building that is not ventilated separately (as defined by the Administrator) from other portions of the facility.

(b) ADOPTION OF GUIDELINES.—

(1) IN GENERAL.—As soon as is practicable after the date of issuance of the guidelines referred to in subsection (a), the head of each Executive agency, and the Director of the Administrative Office of the United States Courts shall adopt a nonsmoking policy applicable to the Federal agency under the jurisdiction of the individual that meets the requirements of the guidelines referred to in subsection (a), and take such action as is necessary to ensure that the policy is carried out in the manner specified in the guidelines.

(2) LEGISLATIVE BRANCH.—As soon as is practicable after the date of issuance of the guidelines referred to in subsection (a), the following entities and individuals shall adopt a nonsmoking policy that meets the requirements of the guidelines referred to in subsection (a), and take such action as is necessary to ensure that the policy is carried out in the manner specified in the guidelines:

(A) With respect to the House of Representatives (including any office space or buildings of the House of Representatives), the House Office Building Commission.

(B) With respect to the Senate (including any office space or buildings of the Senate), the Committee on Rules and Administration of the Senate.

(C) With respect to any other area occupied or used by a Federal agency of the legislative branch, the Architect of the Capitol.

(3) CERTIFICATION FOR EXECUTIVE AGENCIES.—The Administrator of General Services, in consultation with the Administrator, shall review each nonsmoking policy adopted by the head of an Executive agency and shall certify those policies that meet the requirements of the guidelines referred to in subsection (a). In carrying out the certification, the Administrator of General Services shall use a procedure and apply criteria that the Administrator shall establish. Except as provided in subsection (c), if a policy does not meet the requirements of the guidelines, the Administrator of General Services shall—

(A) in a written communication, advise the head of the Executive agency concerning modifications of the policy to meet the requirements; and

(B) publish the communication in the Federal Register.

(c) WAIVERS.—

(1) EXECUTIVE AGENCIES.—The head of an Executive agency may publicly petition the Administrator of General Services for a waiver from instituting or enforcing a nonsmoking policy (or policy requirement) under the guidelines issued pursuant to subsection (a). The Administrator of General Services may waive the requirement if, after consultation with the Administrator, the Administrator of General Services determines that—

(A) unusual extenuating circumstances prevent the head of the Federal agency from

enforcing the policy (or a requirement under the policy) (including a case in which the Federal agency shares space in an indoor facility with a non-Federal entity and cannot obtain an agreement with the other entity to abide by the nonsmoking policy requirement) and the head of the Executive agency will establish and make a good-faith effort to enforce an alternative nonsmoking policy (or alternative requirement under the policy) that will protect individuals from exposure to environmental tobacco smoke to the maximum extent possible; or

(B) the head of the Executive agency will enforce an alternative nonsmoking policy (or alternative requirement under the policy) that will protect individuals from exposure to environmental tobacco smoke to the same degree as the requirement under the guidelines issued pursuant to subsection (a).

(2) AGENCIES OF THE JUDICIAL BRANCH.—After consultation with the Administrator, and after providing public notice and reasonable opportunity for public review and comment, the Director of the Administrative Office of the United States Courts may, on the basis of the criteria for a waiver referred to in paragraph (1), make such modifications to the nonsmoking policy required to be carried out pursuant to subsection (b) as the Director determines to be necessary. The Director may not make any modification that violates the criteria for a waiver under paragraph (1).

(3) AGENCIES OF THE LEGISLATIVE BRANCH.—After consultation with the Administrator, and after providing public notice and reasonable opportunity for public review and comment, the appropriate entity or individual referred to in subparagraphs (A) through (C) of subsection (b)(2) may, on the basis of the criteria for a waiver referred to in paragraph (1), make such modifications to the nonsmoking policy required to be carried out pursuant to subsection (b) as the entity or individual determines to be necessary. The entity or individual may not make any modification that violates the criteria for a waiver under paragraph (1).

(d) COLLECTIVE BARGAINING AGREEMENTS.—(1) IN GENERAL.—In a Federal agency in which a labor organization has been accorded recognition as a bargaining unit pursuant to chapter 71 of title 5, United States Code, the Federal agency shall engage in collective bargaining pursuant to section 7114 of title 5, United States Code, to ensure the implementation of the requirements of this section that affect work areas predominately occupied by the employees represented by the labor organization by the date of the adoption, pursuant to this section, of a nonsmoking policy applicable to the Federal agency.

(2) EXEMPTION.—

(A) IN GENERAL.—If, on the date of enactment of this Act—

(i) a bargaining unit referred to in paragraph (1) has in effect a collective bargaining agreement with respect to which a Federal agency is a party; and

(ii) the collective bargaining agreement referred to in clause (i) includes provisions relating to smoking privileges that are in violation of the requirements of this section,

the head of the Federal agency may exempt work areas predominately occupied by the employees subject to the collective bargaining agreement from the nonsmoking policy that the Federal agency is required to be carried out under subsection (b).

(B) TERMINATION OF EXEMPTION.—

(i) IN GENERAL.—An exemption referred to in subparagraph (A) shall terminate on the earlier of—

(I) the first expiration date (after the date of enactment of this Act) of the collective bargaining agreement containing the provisions relating to smoking privileges; or

(II) the date that is 1 year after the date of issuance of the guidelines.

(ii) IMPLEMENTATION OF NONSMOKING POLICY AFTER TERMINATION DATE.— By the applicable date specified in clause (i)(II), the head of each Federal agency shall be required to enforce a nonsmoking policy that meets the requirements of the guidelines issued under subsection (a) in each work area under the jurisdiction of the head of the Federal agency, notwithstanding any collective bargaining agreement that contains provisions that are less restrictive than the nonsmoking policy.

SEC. 805. TECHNICAL ASSISTANCE AND OUTREACH ACTIVITIES.

(a) TECHNICAL ASSISTANCE.—The Administrator and the Secretary shall provide technical assistance to the heads of Federal agencies and other persons who request technical assistance. The technical assistance shall include information—

(1) on smoking cessation programs for employees; and

(2) to assist in compliance with the requirements of this title.

(b) OUTREACH ACTIVITIES.—The Administrator, in consultation with the Secretary, shall establish an outreach program to inform the public concerning the dangers of environmental tobacco smoke. As part of the outreach program, the Administrator and the Secretary shall make available to the general public brochures and other educational materials. In establishing the programs under this paragraph, the Administrator and the Secretary shall cooperate to maximize the sharing of information and resources.

SEC. 806. REPORT BY THE ADMINISTRATOR.

Not later than 2 years after the date of enactment of this Act, the Administrator shall submit a report to Congress that includes—

(1) information concerning the degree of compliance with this title; and

(2) an assessment of the legal status of smoking in public places.

SEC. 807. PREEMPTION.

Nothing in this title is intended to preempt any provision of law of a State or political subdivision of a State that is more restrictive than a provision of this title.

SEC. 808. EXEMPTION.

No provision in this title shall be construed to affect or otherwise impair the authority of the Secretary of Veterans Affairs, under section 526 of the Veterans Health Care Act of 1992 (38 U.S.C. 1715 note).

BINGAMAN AMENDMENT NO. 748

Mr. BINGAMAN proposed an amendment to the bill (H.R. 2403), supra, as follows:

At the appropriate place in the bill, add the following new sections:

SEC. 1. FINDINGS.

The Congress finds that—

(1) cigarette smoking and the use of smokeless tobacco products continue to represent major health hazards to the Nation, causing approximately 434,000 deaths each year;

(2) cigarette smoking continues to be the single most preventable cause of death and disability in the United States;

(3) tobacco products contain hazardous additives, gases, and other chemical constituents dangerous to health;

(4) the use of tobacco products costs the United States more than $60,000,000,000 in lost productivity and health care costs;

(5) tobacco products contain nicotine, a poisonous, addictive drug;

(6) despite the known adverse health effects associated with tobacco, it remains one of the least regulated consumer products and is readily available to children and adolescents throughout the United States;

(7) 90 percent of adult smokers start smoking in adolescence or childhood and continue to smoke throughout their adult lives;

(8) each day, more than 3,000 children and adolescents start smoking and collectively consume nearly one billion packs of cigarettes per year;

(9) reliable studies indicate that tobacco is a gateway to other, increasingly more harmful drugs, and that tobacco use continues after use of other drugs begins; and

(10) the Congress of the United States has a major policy setting role in ensuring that the use of tobacco products among minors is discouraged to the maximum extent possible.

SEC. 2. DEFINITIONS.

As used in this section—

(1) the term "Federal agency" means—

(A) an Executive agency as defined in section 105 of title 5, United States Code; and

(B) each entity specified in paragraphs (B) through (H) of section 5721(1) of title 5, United States Code;

(2) the term "Federal building" means—

(A) any building or other structure owned in whole or in part by the United States or any Federal agency, including any such structure occupied by a Federal agency under a lease agreement, except that the term shall not include any area or portion of a building not leased by the Federal Government; and

(B) includes the real property on which such building is located;

(3) the term "minor" means an individual under the age of 18 years; and

(4) the term "tobacco product" means cigarettes, cigars, little cigars, pipe tobacco, smokeless tobacco, snuff, and chewing tobacco.

SEC. 3. TOBACCO PRODUCTS VENDING MACHINE AND FREE SAMPLE BAN IN FEDERAL BUILDINGS.

(a) IN GENERAL—No later than 45 days after the date of the enactment of this Act, the Administrator of General Services and the head of each Federal agency shall promulgate regulations that prohibit the sale of tobacco products in vending machines located in or around any Federal building under the jurisdiction of the Administrator or such agency head.

(b) EXCEPTION.—The Administrator of General Services or the head of an agency, as appropriate, may designate areas not subject to the provisions of subsection (a), if such area also prohibits the presence of minors.

(c) JURISDICTION OF FEDERAL BUILDINGS AND ADMINISTRATION.—The provisions of this section shall be carried out—

(1) by the Administrator of General Services for any Federal building which is maintained, leased, or has title of ownership vested in the General Services Administration; or

(2) by the head of a Federal agency for any Federal building which is maintained, leased, or has title of ownership vested in such agency.

SEC. 4. COMPLIANCE REPORT.

No later than 90 days after the date of enactment of this Act, the Administrator of General Services and each head of an agency

shall prepare and submit, to the appropriate committees of Congress, a report that shall contain—

(1) verification that the Administrator or such heard of an agency is in compliance with this Act; and

(2) a detailed list of the location of all tobacco product vending machines located in Federal buildings under the administration of the Administrator or such head of an agency.

SEC. 5. APPLICATION TO THE UNITED STATES CAPITOL AND GROUNDS.

(a) IN GENERAL.—No later than 45 days after the date of the enactment of this Act, the Senate Committee on Rules and Administration and the House of Representatives Committee on House Administration, after consultation with the Architect of the Capitol, shall promulgate regulations under the House and Senate rulemaking authority that prohibit the sale of tobacco products in vending machines in the Capitol Buildings.

(b) EXCEPTION.—Such committees may designate areas where such prohibition shall not apply, if such area also prohibits the presence of minors.

(c) DEFINITION.—For the purpose of this section the term "Capitol Buildings" shall have the same meaning as such term is defined under section 16(a)(1) of the Act entitled "An Act to define the area of the United States Capitol Grounds, to regulate the use thereof, and for other purposes", approved July 31, 1946 (40 U.S.C. 193m(1)).

SEC. 6. RULE OF CONSTRUCTION.

Nothing in this Act shall be construed as restricting the authority of the Administrator of General Services or the head of an agency to limit tobacco product use in or around any Federal building, except as provided under section 4(a).

NICKLES AMENDMENT NO. 749

Mr. NICKLES proposed an amendment to the bill (H.R. 2403), supra, as follows:

At the end of the committee amendment on, page 32, line 2, add the following new sections:

SEC. . No funds appropriated by this Act shall be available to pay for an abortion, or the administrative expenses in connection with any health plan under the Federal employees health benefit program which provides benefits or coverage for abortions, but this prohibition shall not apply to administrative expenses related to such plans that offer individual employees special riders that cover only abortions, if all expenditures for abortions are paid solely out of the special premiums paid by those employees who elect such special riders.

SEC. . The provisions of section do not prohibit expenditures of funds under this Act for administrative expenses or abortions in cases where such procedure is necessary to save the life of the mother or that the pregnancy is the result of an act of rape or incest.

CHAFEE (AND PRYOR) AMENDMENT NO. 750

Mr. CHAFEE (for himself and Mr. PRYOR) proposed an amendment to the bill (H.R. 2403), supra, as follows:

At the appropriate place in the bill insert the following:

SEC . The Internal Revenue Service shall institute policies and procedures which will safeguard the confidentiality of taxpayer information. The Service shall report to the Committees on Appropriations of the House and Senate, the House Committee on Ways and Means, and the Senate Committee on Finance, no later than December 31, 1993, the steps the Service has taken to minimize unauthorized access to taxpayer data.

DECONCINI (AND BOND) AMENDMENT NO. 751

Mr. DECONCINI (for himself and Mr. BOND) proposed an amendment to the bill (H.R. 2403), supra, as follows:

On page 8, line 16, after the word, "Program:", insert the following: ": *Provided further*, That no funds made available by this or any other Act may be used to plan or implement any reorganization of the Bureau of Alcohol, Tobacco and Firearms or transfer of the Bureau's functions, missions, or activities to other agencies or Departments in the fiscal year ending on September 30, 1994;".

COVERDELL AMENDMENT NO. 752

Mr. BOND (for Mr. COVERDELL) proposed an amendment to the bill (H.R. 2403), supra, as follows:

SECTION 1. Title VII of H.R. 2403 is amended by inserting at the end the following new section:

SEC. . REDUCED RATES FOR VOTER REGISTRATION MAIL.

Section 3629 of title 39, United States Code, as enacted by section 8(h) of Public Law No. 103–31, the National Voter Registration Act of 1993, is amended by striking "the rate for any class of mail that is available to a qualified nonprofit organization under section 3626" and inserting in lieu thereof "a rate which is one-half the applicable rate for first-class mail, as provided in the relevant classification and rate schedules,".

DECONCINI (AND OTHERS) AMENDMENT NO. 753

Mr. DECONCINI (for himself, Mrs. BOXER, and Mrs. FEINSTEIN) proposed an amendment to the bill (H.R. 2403), supra, as follows:

On page 36, line 21, strike "$199,000,000" and insert in lieu thereof, "$180,000,000".

On page 37 of the bill, line 6, strike "$84,000,000" and insert in lieu thereof, "$103,000,000".

DECONCINI AMENDMENT NO. 754

Mr. DECONCINI proposed an amendment to the bill, H.R. 2403, supra, as follows:

At the end of the Committee amendment on page 31, lines 7–13, insert the following:

Notwithstanding any provision of this or any Act,

Section 6962j of 42 U.S.C. is amended as follows—

(1) by striking paragraph (a) through (e) and inserting in lieu thereof:

"(a) Notwithstanding any other provision of law, a Federal agency in conducting a procurement for toner cartridges for use in laser printers, photocopiers, facsimile machines, or micrographic printers shall give preference to recycled toner cartridges unless the contracting or purchasing officer determines in writing that—

"(1) adequate market research establishes that recycled cartridges for the type of equipment used by the agency do not exist,

"(2) the price or life cycle cost offered for the recyled cartridge is higher than the original equipment manufacturer's new cartridge, or

"(3) recycled cartridges are not available in quantities needed within the timeframes required.

"(b) Nothing in this section shall prohibit the purchase of one newly manufactured cartridge (or a number equal to those normally supplied at the time of initial purchase) as a part of an initial printer or copier acquisition.

"(c) For the purpose of this section, 'recycled cartridge' means a laser printer, photocopier, facsimile machine, or micrographic toner cartridge which has been remanufactured in the United States."

EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR RELIEF FROM THE MAJOR, WIDESPREAD FLOODING IN THE MIDWEST ACT OF 1993

PRESSLER AMENDMENT NO. 755

Mr. PRESSLER submitted an amendment to the bill (H.R. 2667) making emergency supplemental appropriations for relief from the major, widespread flooding in the Midwest for the fiscal year ending September 30, 1993, and for other purposes, as follows:

At the end of chapter VIII of the bill, add the following new section:

SEC. . RURAL AREA DISASTER ASSISTANCE READINESS TASK FORCE.

(a) ESTABLISHMENT.—There is established a task force to be known as the Rural Area Disaster Assistance Readiness Task Force (referred to in this section as the "RADAR Task Force").

(b) PURPOSE.—The purpose of the RADAR Task Force shall be to provide Congress, the executive branch, State and local governments, and private entities with recommendations to improve the effectiveness and responsiveness of Federal disaster assistance programs.

(c) DUTIES.—The RADAR Task Force shall examine—

(1) the disaster or emergency declaration procedure under—

(A) the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), including required State and local assessment and declaration request procedures; and

(B) section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a));

(2) the ability of the President and Federal agencies to waive program requirements when a major disaster or emergency has been declared in accordance with Federal law, and the effectiveness of such waivers;

(3) the readiness of State and local governments and the private sector to react to disaster situations efficiently;

(4) requirements for Federal disaster assistance that preclude or restrict rural areas from qualifying for and benefiting from such assistance, such as damage thresholds for individuals, businesses, farmers, and the public sector;

(5) interest rates applicable to Federal disaster assistance loan programs, and whether the rates should fluctuate according to economic trends; and

(6) paperwork requirements of Federal disaster assistance programs, to determine

whether the requirements can be reduced to expedite the delivery of assistance.

(d) REPORT.—Not later than 30 days after the date specified in subsection (k), the RADAR Task Force shall submit a report to Congress containing the results of its examination under subsection (c).

(e) MEMBERSHIP.—The RADAR Task Force shall be comprised of 20 members, as follows:

(1) VOTING MEMBERS.—The Majority and Minority Leaders of the Senate and the Speaker of the House of Representatives and the Minority Leader of the House of Representative shall each appoint 3 voting members who are private citizens, of whom—

(A) 1 shall represent rural State and local emergency management agencies; and

(B) 2 shall have expertise in relevant rural disaster assistance issues, including business owners, farmers, private insurers and lenders, and representatives of private nonprofit disaster assistance organizations.

(2) NONVOTING MEMBERS.—The following individuals shall serve, ex officio, on the RADAR Task Force as nonvoting members.

(A) The Secretary of Agriculture.

(B) The Secretary of Labor.

(C) The Director of the Federal Emergency Management Agency.

(D) The Administrator of the Small Business Administration.

(E) Two members of the Senate, appointed by the Majority of Minority Leaders of the Senate.

(F) Two members of the House of Representatives, appointed by the Speaker of the House of Representatives and the Minority Leader of the House of Representatives.

(f) VACANCIES.—Any vacancy on the RADAR Task Force shall be filled in the same manner as the original appointment.

(g) CHAIRPERSON AND VICE CHAIRPERSON.—The members of the RADAR Task Force shall select a Chairperson and Vice Chairperson from among the members of the RADAR Task Force.

(h) QUORUM.—Eight members of the RADAR Task Force shall constitute a quorum, but a lesser number of members may hold hearings.

(i) COMPENSATION.—Members of the RADAR Task Force shall serve without compensation, but may be reimbursed for travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the RADAR Task Force.

(j) POWERS.—

(1) MEETINGS.—The RADAR Task Force shall first meet not later than 30 days after the date on which all of the members are appointed, and the RADAR Task Force shall meet thereafter at the call of the Chairperson or a majority of the members.

(2) HEARINGS.—The RADAR Task Force may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the RADAR Task Force consider appropriate. The RADAR Task Force may administer oaths or affirmations to witnesses appearing before it.

(3) ACCESS TO INFORMATION.—The RADAR Task Force may secure directly from any Federal agency information necessary to carry out this section if the information may be disclosed under section 552 of title 5, United States Code. Subject to the previous sentence, on the request of the Chairperson or Vice Chairperson, the head of such agency shall furnish such information to the RADAR Task Force.

(4) USE OF FACILITIES AND SERVICES.—Upon the request of the RADAR Task Force, the head of any Federal agency may make available to the RADAR Task Force any other facilities and services of such agency.

(5) PERSONNEL FROM OTHER AGENCIES.—Upon the request of the RADAR Task Force, the head of any Federal agency may detail any of the personnel of such agency to serve as an Executive Director of the RADAR Task Force or assist the RADAR Task Force in carrying out the duties of the RADAR Task Force. Any detail shall not interrupt or otherwise affect the civil service status or privileges of the Federal employee.

(6) VOLUNTARY SERVICE.—Notwithstanding section 1342 of title 31, United States Code, the Chairperson of the RADAR Task Force may accept for the RADAR Task Force voluntary services provided by a member of the RADAR Task Force.

(k) TERMINATION.—The RADAR Task Force shall terminate on the date that is 180 days after the date of enactment of this Act.

Mr. PRESSLER. Mr. President, I rise at this time to submit an amendment I intend to offer to H.R. 2667, the supplemental appropriation for flooding in the Midwest.

My amendment would create the Rural Area Disaster Assistance Readiness [RADAR] Task Force. The RADAR Task Force would combine the expertise of members of the administration and Congress, State and local leaders, and representatives of the private sector to examine the responsiveness of aid to disasters in rural areas.

Unfortunately, rural areas often do not receive the superior, timely response for aid that the great flood of 1993 has elicited. The economic impact for a small community struck by an isolated disaster, however, can be just as critical as a widespread disaster. A fire destroying only a few businesses on Main Street rural America can mean the loss of over half of that community's employment. Unfortunately, such a crisis will not receive the attention that a more widespread disaster in a more populated area will receive.

This is why I seek to create the RADAR Task Force. The RADAR Task Force would recommend to Congress and the President ways in which the needs of rural areas can be better served in times of disaster.

HARKIN (AND OTHERS) AMENDMENT NO. 756

Mr. HARKIN (for himself, Mr. BOND, Mr. DASCHLE, Mr. PRESSLER, Mr. CONRAD, Ms. MOSELEY-BRAUN, Mr. WELLSTONE, Mr. DORGAN, Mr. SIMON, Mr. EXON, Mr. DURENBERGER, Mr. GRASSLEY, and Mr. COCHRAN) proposed an amendment to the bill (H.R. 2667), supra, as follows:

On page 2, line 13, at the end of the sentence insert the following: "notwithstanding any other provisions of the Act, the following shall be the law with respect to the Commodity Credit Corporation.

COMMODITY CREDIT CORPORATION

COMMODITY CREDIT CORPORATION FUND

For an additional amount for the "Commodity Credit Corporation Fund" to cover 1993 crop losses resulting from damaging weather or related condition as defined in section 2251 of Public Law 101–62 in 1993, $1,050,000,000, and in addition $300,000,000, which shall be available only to the extent an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress, the total to remain available until June 30, 1994: *Provided*, That from funds previously made available in Public Law 102-368 by Presidential declaration, $100,000,000 to remain available until June 30, 1994, shall be for 1993 crop losses only: *Provided further*, That if prior to April 1, 1994, the President determines that extraordinary circumstances exist that warrant further assistance, the Secretary of Agriculture shall use such funds of the Commodity Credit Corporation as are necessary to make payments in an amount equal to 100 percent of each eligible claim as determined under title XXII of Public Law 101–624: *Provided further*, That all additional amounts made available herein are subject to the terms and conditions in Public Law 101–624: *Provided further*, That Congress hereby designates the entire amount provided herein as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and the Emergency Deficit Control Act of 1985, as amended: *Provided further*, That notwithstanding any provision of Public Law 103–50, funds provided by such Act shall not be expended for 1993 crop losses resulting from 1993 natural disasters, and claims for assistance from funds provided by that Act by producers with 1990, 1991, and 1992 crop losses shall be paid only to the extent such claims are filed by September 17, 1993.

"*Provided further*, That the Secretary may provide assistance, utilizing such funds of the Commodity Credit Corporation as necessary, for additional weather related losses to producers with 1990, 1991, and 1992 crop losses. The Secretary shall provide such assistance in a manner that treats producers of 1990, 1991 and 1992 crops who suffered crop losses and received a prorated payment under Public Law 102–368 equitably with producers receiving assistance under this Act.".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on August 3, 1993, at 2:30 p.m. on S. 431, S. 485, and S. 1232 and auto salvage.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 9:30 a.m., August 3, 1993, to consider pending calendar business.

At the Tuesday, August 3 business meeting the committee will consider the following:

Agenda No. 2. S. 206, to designate certain lands in the State of Colorado as

components of the National Wilderness Preservation System.

No amendments are anticipated.

Agenda No. 4. S. 208, to reform the concessions policies of the National Park Service.

Senator BUMPERS has circulated an amendment in the nature of a substitute which will be the markup vehicle.

Senator JOHNSTON has circulated an amendment to the Bumpers amendment.

The committee may also take up any other items ready for consideration.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. FORD. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee for authority to meet for a hearing on Tuesday, August 3, at 10 a.m. on the nomination of Russell Frank Canan, to be associate judge of the Superior Court of the District of Columbia.

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

COMMITTEE ON THE JUDICIARY

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Tuesday, August 3, 1993, at 10 a.m., to hold a hearing on "Assault Weapons: A View From the Front Line."

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

COMMITTEE ON THE JUDICIARY

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to hold a business meeting during the session of the Senate on Tuesday, August 3, 1993, to consider the nominations of Bruce A. Lehman to be Commissioner of Patents and Trademarks and Louis J. Freeh to be Director of the Federal Bureau of Investigation.

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. FORD. Mr. President, the Committee on Veterans' Affairs would like to request unanimous consent to hold an oversight and legislative hearing on VA mental health programs at 10 a.m., on Tuesday, August 3, 1993. The hearing will be held in room 418 of the Russell Senate Office Building.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. FORD. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, August 3, 1993 at 2:30 p.m., to hold an open hearing on intelligence matters.

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

SUBCOMMITTEE ON CHILDREN, FAMILY, DRUGS AND ALCOHOLISM

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources Subcommittee on Children, Family, Drugs and Alcoholism be authorized to meet for a hearing on "New Directions for Child Support," during the session of the Senate on Tuesday, August 3, 1993, at 10 a.m.

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

SUBCOMMITTEE ON CLEAN AIR AND NUCLEAR REGULATION

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Clean Air and Nuclear Regulation, Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Tuesday, August 3, beginning at 9:30 a.m., to conduct a hearing on State and local implementation of title I of the Clean Air Act and other issues associated with the nonattainment provisions.

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

SUBCOMMITTEE ON EDUCATION, ART AND THE HUMANITIES

Mr. FORD. Mr. President, I ask unanimous consent that the committee on Labor and Human Resources Subcommittee on Education, Art and the Humanities be authorized to meet for a hearing on "Equity in Education: A Grassroots Perspective," during the session of the Senate on Tuesday, August 3, 1993, at 10 a.m.

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

SUBCOMMITTEE ON INTERNATIONAL ECONOMIC POLICY, TRADE, OCEANS AND ENVIRONMENT

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on International Economic Policy, Trade, Oceans and Environment of the Committee on Foreign Relations, be authorized to meet during the session of the Senate on Tuesday, August 3, 1993, at 9 a.m., to mark up the fiscal year 1994 foreign assistance authorization legislation.

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

ADDITIONAL STATEMENTS

THE BEATING OF A HUMAN RIGHTS ACTIVIST IN MOSCOW

• Mr. DECONCINI. Mr. President, I rise today in strong condemnation of the violent attack on Mr. Oleg Panfilov last week in Moscow. According to reports that have reached the Helsinki Commission, Mr. Panfilov, a citizen of the central Asian state of Tajikistan, was tied to a radiator in his Moscow apartment and severely beaten by three men, who among other things, broke half the bones in his face. His wife was also bound, gagged, and beaten before the intruders left their apartment.

It is clear that Panfilov was beaten in an attempt to silence him. For years he has been working as a journalist in Tajikistan, until the civil war, and fear for his life, forced him to relocate to Moscow. Since then, he has been reporting on the deteriorating situation in Tajikistan, and has criticized the Tajik Government for its repeated brutal actions against its opponents. Panfilov was scheduled to lead a news conference on July 27 at the Russian-American Press Center on human rights violations in Tajikistan, thereby prompting the attack. He has stated that his attackers were from Tajikistan.

This outrageous attack on a journalist and human rights activist is just one of many violent actions of the government in Tajikistan. It has refused to negotiate with its opponents despite over a year of fighting in a bloody civil war, and instead responded with warrants for the arrest of all opposition leaders, accompanied by death threats. The respected international human rights organization, Amnesty International, recently released a report detailing cruel and malicious acts perpetrated by the Government against those suspected of supporting the opposition. Because Mr. Panfilov sought to inform the world of these harsh policies, he has been targeted by the Tajik Government, and now, we see, the Government has acted against him.

The Tajik Interior Ministry, by the way, responded to the Amnesty International report by dismissing that organization as a "spy organization created to conduct subversive activities."

Mr. President, I must protest this attack on Mr. Panfilov. I call on the Tajik Government to cease its repressive practices and to begin to make some attempt to live up to its commitments as a responsible, independent state, member of the United Nations and Conference on Security and Cooperation in Europe. I wish to inform the Tajik Government that I, as the Chairman of the Helsinki Commission, will continue to oppose all but humanitarian aid to that country as long as such ruthless actions continue.

But this attack also raises concern about the Russian Government's policies toward citizens of countries of the former Soviet Union who reside in Moscow. Indeed, a recent agreement between the security services of Russia and Uzbekistan, another frequent violator of the rights of its citizens, in which each country agreed to the principle of noninterference in each other's affairs, raises considerable concern, even alarm, that Moscow is content to sit idly by in the face of egregious human rights violations against citizens of neighboring countries—even, as in the case of the attack on Mr. Panfilov, when they reside in Moscow. I sincerely hope that this is not the policy of the Russian Government.

I wish to remind the authorities in Moscow that this attack is not the internal affair of another state; this was

a crime against a resident of Moscow and as such, the proper Russian authorities must carry out a full investigation of the case. I hope that the Russian Government does not have a double standard when it comes to human rights violations, criticizing them when they occur in Russia or against Russians in the former republics, but tolerating them when they happen against citizens of former republics who happen to reside in Moscow. I call on the authorities in Moscow to pursue the attackers of Mr. Panfilov, and to work to protect equally all the residents of Moscow, regardless of their citizenship.●

THE REPUBLIC OF CHINA AND THE UNITED NATIONS

● Mr. CRAIG. Mr. President, U.N. Secretary General Boutros Boutros-Ghali recently has argued that strengthening U.N. peacekeeping capabilities is one of the best investments the world community could make. He therefore urged the member states of the United Nations to contribute more to the world body for undertaking a much more active role.

Mr. Boutros-Ghali's statement reminds me of an anomaly in the world today, that is, the exclusion of the Republic of China from the United Nations. The Republic of China on Taiwan not only is a model state of political and economic development for the world, it also has demonstrated to the world that it is a responsible nation eager to make contributions to the world community. We should let the ROC have the chance to become a constructive member of the United Nations. I would like to call to the attention of my distinguished colleagues the following article titled "U.N. Should Welcome Taiwan," by Dr. Fredrick Chien, the Foreign Minister of the ROC. The article appeared in the August 5, 1993, issue of the Far Eastern Economic Review.

The article follows:

Today we are privileged to live in an age when new strategic concepts beckon and age-old humanitarian goals seem more within the realm of possibility.

Unshackled from the rigid Cold War constraints of ideology and superpower confrontation, the world at last dares to think creatively about new approaches for achieving durable peace, equitable prosperity and basic freedoms for all. As horizons expand, outdated formulas and axioms have to be reexamined if mankind is to move forward.

No one will deny that it is still a dangerous world. Despite the decline of communism and the ascendance of democracy throughout much of the world, there are still many urgent global problems on the agenda; local ethnic and border conflicts; proliferation of nuclear and conventional weapons of mass destruction; global terrorism; and persisting hunger and disease, to name but a few.

Multilateral cooperation seems more essential than ever for combating and achieving victory over these scourges. These daunting challenges require innovative approaches, premised upon universal participation and shared responsibility. When, at last, the world seems able to devote more attention and resources to the welfare of mankind, we should not be limited by narrow injunctions of the past.

The case for the Republic of China (ROC) assuming a more active, supportive role in this new environment is compelling. Our economic strength speaks for itself, we have the world's 25th-highest per capita income; 20th-largest gross national product; 15th-biggest overseas trade volume; and the largest foreign-exchange reserve holdings in the world. Indeed, we have applied to enter GATT under the stricter category for developed status.

Rapid democratization, together with new pragmatic policies and diplomacy aimed at national unification, demonstrate our progressive spirit as a government and a people. The spectrum of our existing overseas aid, training and disaster relief programmes illustrates our concern for the common welfare. Moreover, growing international consensus on the principles of interdependence and regional integration argue strongly for our re-emergence in the multilateral arena.

Coincidentally, just as public opinion on Taiwan is having its greatest impact on ROC policy, there is tremendous popular demand for a greater national profile abroad. After decades of semi-isolation (partially self-inflicted, but largely imposed), the 20 million people on the island of Taiwan are ready to assume their proper role and responsibilities in regional and global institutions.

We are currently a member of the Asian Development Bank, the Pacific Economic Cooperation Council, the Pacific Basin Economic Council, and the Asia Pacific Economic Cooperation forum, as well as the International and Asian Olympic Associations. Our pending application to join Gatt is headed towards success.

Taking all this into consideration, our participation in the UN is the natural and logical next step. This is important to the people of Taiwan; it is eminently practical and essential for the welfare of the UN itself.

Let's look at the logical aspects. The UN was never meant to function as an elitist, exclusive club. Universality has proved to be both the virtue and the practical necessity of its effective operation. The organisation's goals, and the means for achieving those goals, depend upon the broadest possible cooperation among all who adhere to its principles.

With the ROC's economic and democratic status what it is today, there is no realistic justification for exclusion. If national division by itself was a disqualification, neither Germany nor Korea could have entered the UN in years past. Taipei's preponderant *de facto* relationships with the vast majority of the world's other nations—commercial, political and otherwise—far outweigh any diplomatic technicalities.

The ROC's participation in the UN would enhance that organisation's prestige and relevance, just as it would lend credibility to what ought to be a truly representative global forum. Furthermore, it could significantly bolster the UN's assets, at a time when that body's financial resources and international missions are seriously challenged.

With logic, reality and both organisational and global interests all arguing in its favour, ROC participation in the UN is a concept whose time has come. The UN's acquiescence in our bid will also constitute endorsement of Taiwan's recent sweeping democratic reform initiatives and continuing social and political process. As such, it will help ensure further stability prosperity and liberalisation on Taiwan.

Furthermore, our participation in the UN will promote rather than hinder China's unification. For our continued exclusion from the international community will only aid and abet the agitation for Taiwan's independence. I believe, ultimately, our participation in the UN will facilitate peace and reconciliation across the Taiwan Strait as well. It is time to move forward, without delay.●

THE NATIONAL HEALTH SAFETY NET INFRASTRUCTURE ACT

● Mr. DASCHLE. Mr. President, earlier this year, along with Senators BREAUX and BAUCUS, I introduced the National Health Safety Net Infrastructure Act, legislation that would provide vitally needed support for the Nation's public and rural health care facilities that are the only source of care for so many Americans. I am pleased that Senators INOUYE and SIMON have also joined me in this effort.

I originally introduced this bill last year out of a serious concern for the survival of rural and public health care facilities that make up this Nation's Health Safety Net. While other hospitals compete for insured patients, these hospitals and clinics bear the primary burden of indigent and uncompensated care. But as a consequence of their commitment, concern, and generosity of spirit they are disproportionately dependent on either direct Government grants or Government reimbursement for the care they provide—sources of funding that continue to dry up.

I reintroduced this legislation this year because it is increasingly evident that the role of our Health Safety Net hospitals will become even more important as we consider reform of our health care system. We must now begin to lay the groundwork upon which reform will be built.

As we approach the end of the century, the benign neglect of our Nation's infrastructure is more and more obvious. There is appalling evidence that our roads, bridges, and schools are in need of serious repair. But nowhere is the consequence of this neglect more evident than in our safety net hospitals.

And it's not just our inner city public hospitals that are crumbling. Our safety net is made up of county and community hospitals, State university hospitals, nonprofits, private teaching hospitals, rural clinics, and many other kinds of health care institutions that desperately need help.

The burden on these hospitals is beginning to take its toll. The safety net has been showing gaping holes for some time now, and people are falling through it at a time when a strong net is needed the most.

One of the most serious problems these hospitals face is a lack of access to capital. These facilities don't want a free ride; they just want to be able to finance their capital projects and service their debt like any responsible business. But for many safety net hospitals, gaining access to capital is a frustrating exercise in futility.

The reasons are many. First, State and local governments that support safety net hospitals are increasingly hard-pressed to fund capital projects, directly or through the issuance of general obligation funds.

Second, many safety net hospitals' operating margins are far too slim to support debt service payments, and local government budgets are stretched too thin to provide subsidies. And even when debt service payments can be made, bond markets often view local appropriations as too uncertain to be factored into a facility's revenue stream. The result is a low bond rating and higher interest rates for the hospital. FHA bond or mortgage insurance is often unavailable for the same reason.

The situation is equally dismal for other sources of Federal support. Funding from the Hill-Burton program, which used to support so many of these hospitals, essentially died out in the late 1970's and has not been available for years.

And finally, while other hospitals compete for insured patients, safety net hospitals bear the primary burden of indigent and unreimbursed care. This burden is shared by both large, urban public hospitals and small rural hospitals and clinics.

The average age of the physical plant of urban, public hospitals is nearly 26 years, as compared to the private hospital national average of only 7 years. The average percentage of capital investment and the average per-bed capital expenditure in public hospitals is less than half that of the nonpublic hospitals. The effect of this underinvestment is to accelerate the deterioration of existing plants and equipment.

A good example is Los Angeles County's General Hospital, part of the LA-USC [University of Southern California] Medical Center. This is a true safety-net hospital, serving a majority of the area's indigent, homeless, and uninsured.

Unfortunately, General Hospital's current situation is not a soap opera drama, but a real tragedy. This is an 800-plus bed hospital that does not have a modern fire alarm system or adequate air-conditioning. It also does not have a piped-in gas system, even though this is standard technology.

What General Hospital does have is a severe shortage of intensive care beds. The hospital must employ 60 people who do nothing but look for fire hazards all day long. Employees must lug around tens of thousands of containers of bottled oxygen and other gases. And severely injured patients must wait on gurneys in the hallways.

The same problems beset rural hospitals in the United States. Hundreds of these hospitals have been forced to close their doors in the past several years, and deteriorating physical facilities have been a primary factor in many of these closures.

The financial stability of rural hospitals has been particularly affected by cutbacks in Federal reimbursement, a decline in in-patient utilization, increased growth of uncompensated care, and the general economic problems confronting the rural areas of this country. Increasingly, these institutions, which are performing a critical and heroic social function, have nowhere to turn for needed financing.

I will give you an example from my own State of South Dakota: Bennett County Community Hospital, in Martin, sits in isolation between the Pine Ridge and Rosebud Indian Reservations. It provides care to about 700 people each month, mostly farmers and a large number of Native Americans who live closer to Martin than they do to the Indian Health Service facilities on the reservations. Bennett County Community Hospital is a 20-bed facility, with an attached nursing home and clinic, serving a 3,000-square-mile area. Of all the patients it treats, only 2 percent pay their bills with private insurance or cash, 14 percent never pay for their care, and all the rest are Medicare or Medicaid patients.

Over the past couple of years the hospital has overcome incredible financial obstacles and is finally operating in the black. It is providing better care and placing more emphasis on continuity and quality of care. But because it is doing a better job, the hospital is also facing increasing patient utilization and greater demands on its physical plant, with no expectation that the ratio of compensated to unreimbursed care will improve. The point is fast approaching when the hospital must make critical capital investments in order to survive.

We recognize the critical importance of stressing primary and preventive care in a reformed health care system. But it has become virtually impossible for public and rural hospitals to offer the kind of services that would be demanded under a new system. There is a clearly demonstrated need for financial assistance to assure that these hospitals can offer preventive and primary care services so badly needed.

The National Health Safety Net Infrastructure Act would provide that financial assistance to these vitally important institutions. Specifically, it would create a Federal trust fund to provide loan guarantees, interest subsidies, direct loans, and grants for updating and maintaining the essential infrastructure requirements of the Nation's urban and rural safety net hospitals.

The programs created by this bill would be narrowly targeted to only the most essential projects and facilities, and would require significant levels of non-Federal participation, including State and community support. Still, this program would provide an important source of leverage for the substantial unmet capital needs these hospitals face.

This legislation paves the way for health care reform, and, I believe, should be a part of the health care reform debate. Even if comprehensive reform legislation is enacted this session, it will take years of investment to make up for the decades of neglect that public and rural hospitals have been forced to endure. The National Health Safety Net Infrastructure Act complements the national health care reform effort.

It is my hope that over the long-term the need for the trust fund established by this bill will ultimately disappear. However, if these urban and rural safety net hospitals are to survive in a managed competition environment, they must be given the opportunity to compete on a level playing field. This act provides an important first step in giving them such a field.

This legislation won't build a bigger safety net, but it will provide the tools to patch gaping holes in the existing network. Most importantly, it will prevent many of our most vulnerable populations from falling through the gaps.●

TUCSON METROPOLITAN CHAMBER OF COMMERCE

● Mr. McCAIN. Mr. President, I was extremely pleased to hear of the successful and rewarding work that the Tucson Metropolitan Chamber of Commerce has accomplished during the past year. I would like to congratulate the chamber and the over 700 active volunteers for all this past year's achievements.

It was recently brought to my attention that the Tucson Metropolitan Chamber of Commerce set new records in economic development, worked actively on corporate relocations/expansions, and small business retention and expansion programs continued as strongly as ever. Additionally, the chamber now has had 20 years of a leadership role in the international trade arena. This is an outstanding achievement and one that the Tucson Metropolitan Chamber of Commerce should be very proud of. Mr. President, I would like the Senate to take note of all that has been accomplished by the Tucson Metropolitan Chamber of Commerce.

Mr. President, again my heartfelt congratulations to the staff and the

volunteers of the Tucson Chamber of Commerce. I wish them every continued success in the future.•

VETERANS FINALLY START GETTING THE FACTS ON AGENT ORANGE

• Mr. DASCHLE. Mr. President, Tuesday, July 27, 1993, should be remembered as the day the tide of Government and industry efforts to hide the truth related to the health effects of Agent Orange was reversed.

On that day, the National Academy of Sciences released, "Veterans and Agent Orange: Health Effects of Herbicides Used in Vietnam." This impressive report is the work of a 16-member panel of independent scientists chosen by the National Academy of Sciences' Institute of Medicine to review the existing scientific literature related to the health effects of exposure to Agent Orange, including its contaminant 2,3,7,8 TCDD, or "dioxin," and other herbicides used in Vietnam. The panel members worked without compensation and were screened for any potential conflicts of interest.

Mr. President, I hope our colleagues will take the time to read the executive summary, for it sheds important light on the veterans' and public health issues involved in this debate. I ask unanimous consent that a copy of the executive summary of the report, along with a list of the members of the Committee To Review the Health Effects in Vietnam Veterans of Exposure to Herbicides, be printed in the RECORD at the close of my remarks.

The report, which was mandated in the Agent Orange Act of 1991, is intended to provide a baseline reading of the status of scientific evidence currently available. The report also includes specific recommendations for additional scientific study that is needed to understand more fully the relationships between exposure to herbicides and many diseases, as well as other issues, such as exposure assessment. As the chairman of the NAS committee, Dr. Harold Fallon, stated, "[W]e hope that it will provide an agreed-upon base of information from which we can proceed to answer the questions that remain." Five followup reports addressing updated scientific information are scheduled to be issued over the next 10 years.

The Agent Orange Act passed both Houses of Congress unanimously because people on all sides of the issue agreed that a committee of independent, unbiased scientists should do their best to tell us the truth as clearly as it can be known at this point. This independent review of the evidence confirms that there is an association between exposure to herbicides used in Vietnam and the development of five diseases. It suggests that there is a relationship between exposure and several other health effects, and identifies still others for which additional research is needed to understand their relationship with exposure.

The report makes several recommendations for additional research and for actions, such as flagging military records for Vietnam service, to facilitate that research. Contrary to the conclusions of the Centers for Disease Control, the now-defunct White House Agent Orange Working Group, and the Office of Technology Assessment, the NAS committee suggests that additional work should be done to develop an historical exposure reconstruction model for use in epidemiologic studies of Vietnam veterans. Finally, the report is highly critical of the Air Force's handling of the Ranch Hand Study of veterans who handled and sprayed agent orange, and recommends that "an independent, nongovernmental scientific panel * * * be established to review and approve a new, expanded research protocol" and that the Ranch Hand data be reanalyzed.

The release of the NAS report marks a true milestone in the long struggle for justice for Vietnam veterans. It marks a milestone in the struggle for the facts. And I want to stress that point, Mr. President, Most people understand that Vietnam veterans have struggled for compensation. What many people may not understand is that, even more than compensation, the struggle has been to get the facts.

Veterans have wanted to be told the truth, and they have wanted their Government—the Government that sent them to war—to take responsibility for the truth. Unfortunately, until recently, the Government had done just the opposite. Through delays, through misinformation, through a lack of commitment to resolving this issue, the Federal Government successfully hid the truth.

There is a long history to this issue. Much of the Government's role in it is documented in a speech I gave on this floor on November 21, 1989. It is documented in court records and in the reports and hearing records of the House Government Operations Subcommittee on Intergovernmental Relations investigations. It is documented in the speeches of Senator JOHN KERRY, Representative LANE EVANS, and others who have insisted that Vietnam veterans get fair treatment. It is a painful story that I hope will never be repeated.

Sadly, the NAS report provides independent verification of much of that historical record. It also validates the work of many experts in the field of dioxin and herbicide research who have been subjected to intense efforts by powerful interests to discredit them.

With respect to disease outcomes and their possible associations with exposure to agent orange or other herbicides, the report establishes four categories of strength for association.

The first category is diseases for which there is sufficient evidence of an association. The NAS committee explains their criteria in this way: "Evidence is sufficient to conclude that there is a positive association. That is, a positive association has been observed between herbicides and the outcome in studies in which chance, bias, and confounding could be ruled out with reasonable confidence." Included in this category are: non-Hodgkin's lymphoma [NHL]; soft-tissue sarcoma [STS]; Hodgkin's disease; chloracne; and, in genetically susceptible individuals, porphyria cutanea tarda [PCT]. NAS scientists note that only genetically susceptible individuals develop PCT and that herbicide exposure is associated with elevated risk for those individuals.

The second category in the report is disease for which there is limited/suggestive evidence suggestive of an association. NAS explains that evidence related to these disease outcomes "is suggestive of an association between herbicides and the outcome but is limited because chance, bias, and confounding could not be ruled out with confidence." Diseases within this category are: respiratory cancers, including cancers of the lung, larynx, and trachea, prostate cancer; and multiple myeloma.

The third category in the report, which is the largest category and the one the NAS committee suggests requires our careful attention in the future, is diseases for which there is inadequate/insufficient evidence to determine whether an association exists. To clarify the criteria for this category, NAS writes:

> The available studies are of insufficient quality, consistency, or statistical power to permit a conclusion regarding the presence or absence of an association. For example, studies fail to control for confounding, have inadequate exposure assessment, or fail to address latency.

As NAS notes, this category encompasses some of the health concerns of special concern to veterans, including: reproductive outcomes, birth defects, neurological outcomes, nasal cancer, liver cancer, peripheral neuropathy, diabetes, and immunological disorders. A complete list can be found in the chart included in the executive summary to be printed in the RECORD.

The final disease outcome category in the report is diseases for which there is limited/suggestive evidence of no association. Again, NAS explains:

> Several adequate studies, covering the full range of levels of exposure that human beings are known to encounter, are mutually consistent in not showing a positive association between exposure to herbicides and the outcome at any level of exposure. A conclusion of "no association" is inevitably limited to the conditions, level of exposure, and length of observation covered by the available studies. In addition, the possibility of a very small elevation in risk at the levels of exposure studied can never be excluded.

Diseases in this category are: skin cancer; gastrointestinal tumors, including stomach, pancreatic, colon, and rectal cancers; bladder cancer; and brain tumors.

Although Dr. Fallon of the NAS has been quoted as saying that the bad news is "there is a lot we do not know," the good news is that the NAS committee maps out in its report a strategy for answering the questions that many claimed were unanswerable. The committee makes six recommendations in this regard:

First, there should be continued follow-up of the Air Force Ranch Hand Study, and a study of the Army Chemical Corps, which also was involved in sprayings, should be initiated. According to the report, "An independent, nongovernmental scientific panel should be established to review and approve a new, expanded research protocol for both study populations, and to commission and direct a common analysis of the results."

As I have mentioned, the report, in Appendix C and elsewhere, cites "a number of concerns with the way the data have been analyzed and presented." Appendix C focuses on the Ranch Hand birth defects study, but the committee notes "that many of its observations have somewhat broader applicability to other aspects of the Ranch Hand study," which has often been cited by opponents of veterans' disability compensation as a negative study. The report cites misclassification in the study's exposure index—which could have the effect of underestimating the risk of exposed veterans—and particular concern that "[s]ome aspect of the Ranch Hand experience seems to have increased the risk of fathering children with birth defects"—a concern that plagues many Vietnam veterans and their families.

Second, the committee recommends that the Departments of Defense and Veterans Affairs flag their records to identify individuals who served in Vietnam. The fact that Vietnam service is not flagged in the computerized index of military personnel records or VA records was heavily stressed as a major problem inhibiting epidemiologic studies of Vietnam veterans, and NAS strongly recommended that this be corrected immediately to facilitate future research.

Third, the committee suggested that "[b]iomarkers for herbicide exposure should be developed further." This recommendation stems from one of their most interesting scientific conclusions—that serum dioxin tests are not the "gold standard" in determining exposure to 2, 3, 7, 8 TCDD or dioxin. As several experts have reported in the past, NAS notes that we do not understand enough about the half-life of dioxin to interpret with adequate precision the results of individual serum dioxin analyses. In other words, the absence of high dioxin levels in the blood or fat tissue does not prove that someone was not exposed to high levels of dioxin 20 years ago. While a test can prove that someone was exposed to at least the level of dioxin demonstrated in the test, it, in its current form, cannot prove they were not exposed. NAS noted that dioxin is stored and excreted in the body by different individuals differently, and scientists are not sure at this point what factors drive those differences, though percentage of body fat is apparently one factor.

Fourth, NAS recommends that:

[a] nongovernmental organization with appropriate experience in historical exposure reconstruction * * * be commissioned to develop and test models of herbicide exposure for use in studies of Vietnam veterans.

The committee discusses current work in this area, including that of Drs. Steven and Jeanne Stellman, and encourages the development of multiple models.

Fifth, the committee recommends that the exposure models developed under recommendation 4 should be evaluated by a separate, independent nongovernmental scientific panel established strictly for this purpose. This would ensure an objective review free of conflict of interest—an assurance the Government would need before investing in another study, especially a large-scale one.

Sixth, NAS recommends that if the panel established in recommendation 5 determines that an exposure model, or models, and a study, or studies, are feasible, the VA and other Government agencies should facilitate additional epidemiologic studies of veterans. NAS prioritizes the areas where research is most needed, with highest priority "to those health effects for which additional study is likely to change the balance of the evidence for or against an association." NAS also gives priority to areas of special concern to veterans, including birth defects.

NAS recommends that further epidemiologic studies of veterans be initiated if recommendations 2 through 5 can be fulfilled and notes that its recommendations may:

seem at variance with the Centers for Disease Control [CDC], White House Agent Orange Working Group [AOWG] and Office of Technology Assessment [OTA] conclusions made in 1986 with regard to the congressionally mandated Agent Orange Study.

The committee explains that it "has come to a different conclusion," judges it sufficiently likely that the approach just outlined will be successful, and details the committee's reasoning.

Finally, the NAS report included its recommendations with respect to research-related requirements in the Agent Orange Act. Under Public Law 102-4, the Secretary of Veterans Affairs is required to initiate the following actions unless the Secretary, giving "great weight" to the views and recommendations of NAS, determines they are "not feasible or cost-effective" to carry them out.

First, the law recommended studies of the feasibility of conducting additional scientific research on the health effects of dioxin or other toxic agents in herbicides as well as the aggregate factors related to service in Vietnam. As noted earlier, NAS feels these studies would be valuable, especially if a new, valid exposure model can be constructed.

The law also recommended that the VA compile and analyze VA treatment data likely to be useful in determining the relationship between disabilities and exposure to herbicides or Vietnam service. NAS noted that the VA's Agent Orange Registry exists for that purpose, and it will be incumbent upon Congress and the VA to ensure that it is developed properly so that it can achieve these objectives.

Third, the Agent Orange Act suggests the establishment of a blood and tissue archiving system to facilitate future research related to dioxin exposure in veterans. The NAS committee reports this could be very useful, but suggests that the utility of the system is tied, to a significant degree, to the development of valid exposure reconstruction models used to support further epidemiologic studies of veterans.

The law's final research recommendation was to allow individual veterans who have filed agent orange-related disability claims to request a blood test for inclusion in the blood and tissue archive I just described. Veterans would be given the results of the test. Citing its view of the limited usefulness of serum dioxin tests for determining individual exposure, and the problem of self-selection bias associated with such a program, the NAS committee recommends against this action.

This report from the National Academy of Sciences does not answer all our questions. But it reflects a serious effort to tell us the state of the science and to identify areas for further research as well as approaches to conduct it most cost-effectively.

The report should put to rest the chants of those who have claimed that agent orange never hurt anyone or that we will never be able to answer these questions. It should also give us an agreed-upon base from which to continue our efforts to understand the health effects of exposure to agent orange and to ensure that Vietnam veterans are given the treatment and compensation they deserve.

The aforementioned report follows:

VETERANS AND AGENT ORANGE—HEALTH EFFECTS OF HERBICIDES USED IN VIETNAM

CHAPTER 1—EXECUTIVE SUMMARY

Introduction

Between 1962 and 1971, U.S. military forces sprayed nearly 19 million gallons of herbicides over approximately 3.6 million acres in

Vietnam. The preparation known as Agent Orange accounted for approximately 11.2 million gallons of the total amount sprayed. Herbicides were used to strip the thick jungle canopy that helped conceal opposition forces, to destroy crops that enemy forces might depend upon, and to clear tall grass and bushes from around the perimeters of U.S. base camps and outlying fire support bases. Most large-scale spraying operations were conducted using airplanes and helicopters, but considerable quantities of herbicides were sprayed from boats and ground vehicles, as well as by soldiers wearing backmounted equipment. Spraying began in 1962 and increased greatly in 1967. After a scientific report in 1969 concluded that one of the primary chemicals used in Agent Orange, namely, 2,4,5-trichlorophenoxyacetic acid (2,4,5-T) could cause birth defects in laboratory animals, U.S. forces suspended use of this herbicide in 1970 and halted all herbicide spraying in Vietnam the next year.

As the decade wore on, concern about possible long-term health consequences of Agent Orange and other herbicides heightened, fueled in particular by reports from growing numbers of Vietnam veterans that they had developed cancer or fathered handicapped children, which they attributed to wartime exposure to the herbicides. Along with the concerns of Vietnam veterans, public awareness increased because of reports of health concerns surrounding occupational and environmental exposure to dioxin—more specifically, 2,3,7,8-tetrachlorodibenzo-*p*-dioxin (2,3,7,8-TCDD), informally known as TCDD—a contaminant of 2,4,5-T. Thousands of scientific studies have since been conducted, numerous government hearings have been held, and veterans organizations have pressed for conclusive answers, but the question of the health effects of herbicide exposure in Vietnam remains shrouded in controversy and mistrust. Indeed some veterans organizations, researchers, and public interest organizations remain skeptical that the issue has received full and impartial consideration by the Department of Veterans Affairs (DVA; formerly the Veterans Administration) and other federal agencies.

Faced with this lingering uncertainty and demands that the concerns of veterans be adequately addressed, the U.S. Congress passed Public Law 102-4, the "Agent Orange Act of 1991." This legislation directed the Secretary of Veterans Affairs to request that the National Academy of Sciences conduct a comprehensive review and evaluation of available scientific and medical information regarding the health effects of exposure to Agent Orange, other herbicides used in Vietnam, and their components, including dioxin.

In February 1992, the Institute of Medicine (IOM) of the National Academy of Sciences signed an agreement with the DVA to review and summarize the strength of the Scientific evidence concerning the association between herbicide exposure during Vietnam service and each disease or condition suspected to be associated with such exposure. The IOM was also asked to make recommendations concerning the need, if any, for additional scientific studies to resolve areas of continuing scientific uncertainty and to comment on four particular programs mandated in Public Law 102-4.

To carry out the study, the IOM established the Committee to Review the Health Effects in Vietnam Veterans of Exposure to Herbicides. In conducting its study, the committee operated independently of the DVA and other government agencies. The committee was not asked to and did not make judgments regarding specific cases in which individual Vietnam veterans have claimed injury from herbicide exposure; this was not part of its congressional charge. Rather, the study provides scientific information for the Secretary of Veterans Affairs to consider as the DVA exercises its responsibilities to Vietnam veterans.

Organization and Framework

The framework for this report reflects the size and complexity of the committee's task. The committee felt that an evaluation of the health effects of exposure to herbicides in Vietnam veterans would not be complete without a historical review of the Agent Orange controversy. The report begins in Chapter 2 by tracing more than two decades of public concern about the military use of herbicides during the war in Vietnam, in addition to public concern over various environmental and occupational exposures to herbicides and dioxin that arose in parallel to veterans' concerns, and describes federal and state responses to this national dilemma.

Chapter 3 provides background information on the nature and extent of potential exposure of Vietnam veterans to herbicides, based on information about the military herbicide program. Some 3 million military personnel served in or near Vietnam, and as one historian notes, "there was no 'typical' U.S. soldier in Vietnam . . . Americans who served there went through many varied experiences—partly because the quality of the war varied in different areas of the country, and partly because the nature changed over time" (Karnow, 1991). Individual experiences also varied by branch of service, military occupation, rank, and type of military unit. As reflected in military records, the use of herbicides was varied as well. Starting in 1962 and peaking in the late 1960s, seven different herbicide formulations were used in varying quantities for a variety of purposes in different parts of the country; approximately 65 percent of these herbicides were contaminated by TCDD, in varying concentrations. Aerial spraying of herbicides by Operation Ranch Hand accounted for approximately 86 percent of all spraying and was well documented; other spraying by helicopters and from trucks or backpacks was poorly documented.

Chapter 4 provides toxicological background on the biologic plausibility of health effects that may occur in humans after accidental or occupational exposure to herbicides and TCDD components. This chapter describes the biological and chemical properties of the compounds in question as determined by basic research and animal studies. TCDD administered to laboratory animals interacts with an intracellular protein called the Ah receptor. This interaction appears to play a role in a number of health effects observed in animals. Because humans also have intracellular proteins that have been identified as Ah receptors, it is plausible that interactions between TCDD and these receptors could play a role in human health effects. In contrast to TCDD, the effects of the herbicides do not appear to be mediated through interactions with intracellular receptors. TCDD has also been shown to have a wide range of effects in laboratory animals on growth regulation, hormone systems, and other factors associated with the regulation of activities in normal cells. In addition, TCDD has been shown to cause cancer in laboratory animals at a variety of sites. If TCDD has similar effects on cell regulation in humans, it is plausible that it could have an effect on human cancer incidence. In contrast to TCDD, there is no convincing evidence in animals of, or mechanistic basis for, carcinogenicity or other health effects of any of the herbicides, although they have not been studied as extensively as TCDD.

In fulfilling its charge of judging whether each of a set of human health effects is associated with exposure to herbicides or dioxin, most of the committee's efforts concentrated on reviewing and interpreting epidemiologic studies. The committee began its evaluation presuming neither the existence nor the absence of association. It has sought to characterize and weigh the strengths and limitations of the available evidence. These judgments have both quantitative and qualitative aspects. They reflect the nature of the exposures, health outcomes, and populations at issue; the characteristics of the evidence examined; and the approach taken to evaluate that evidence. To facilitate independent assessment of the committee's conclusions, Chapter 5 describes as explicitly as possible the methodological considerations that guided the committee's review and its process of evaluation.

In reviewing the literature, the committee discerned that the existing epidemiologic data base is severely lacking in quantitative measures of individual exposure to herbicides and dioxin. Assessment of the intensity and duration of individual exposures is a key component in determining whether specific health outcomes are associated with exposure to dioxin or other chemicals found in the herbicides used in Vietnam. Although different approaches have been used to estimate exposure in Vietnam veterans and in others exposed occupationally or environmentally, each approach is limited in its ability to determine precisely the degree and level of individual exposure. The problems associated with each of these approaches are discussed in detail in Chapter 6. New biochemical techniques that can detect small amounts of TCDD in the blood many years after exposure have some merit, especially for detecting group differences. However, because of common background exposure of all Americans to TCDD, poorly understood variations among individuals in TCDD metabolism, and relatively large measurement errors, individual TCDD serum levels are usually not meaningful. Furthermore, because not all herbicides used in Vietnam contained TCDD, serum TCDD levels are not good indicators of overall exposure to herbicides. Chloracne has been used in epidemiologic studies as a biomarker for TCDD exposure, but the data indicate that it is neither sensitive nor specific. It is usually not long lasting, is difficult to diagnose, and is not at all sensitive to exposure to herbicides that are not contaminated with TCDD.

Although definitive data are lacking, the available quantitative and qualitative evidence about herbicide exposure summarized in Chapter 6 suggests that Vietnam veterans as a group had substantially lower exposure to herbicides and dioxin than the subjects in many occupational studies. The participants in Operation Ranch Hand are an exception to this pattern, and it is likely that others among the approximately 3 million men and women who serve in Vietnam were exposed to herbicides at levels associated with health effects. Thus, in the committee's judgment, a sufficiently large range of exposures may exist among Vietnam veterans to conduct a valid epidemiologic study for certain health outcomes (see research recommendations below).

Due, in part, to the uncertain validity of exposure measurements in many of the studies of veterans, the committee decided to review studies of other groups potentially exposed to the herbicides used in Vietnam and TCDD, especially phenoxy herbicides, including 2, 4-dichlorophenoxyacetic acid (2,4-D) and 2,4,5-T, chlorophenols, and other compounds. These groups include chemical production and agricultural workers, residents, of Vietnam, and people exposed heavily to herbicides or dioxins as a result of residing near the site of an accident or a toxic waste dumping area. The committee felt that considering studies of other groups could help address the issue of whether these compounds might be associated with particular health outcomes, even through these results would have only an indirect bearing on the increased risk of disease in veterans themselves. Some of these studies, especially those of workers in chemical production plants, provide stronger evidence about health effects than studies of veterans because exposure was generally more easily quantified and measured. Furthermore, the general level and duration of exposure to the chemicals were greater and the studies were of sufficient size to examine the health risks among those with varying levels of exposure.

Because the committee relied on many of the same epidemiologic studies when assessing potential associations with various health effects, Chapter 7 provides a framework for the methods used in the epidemiologic studies on which the committee based its report. The nature of the exposure to herbicides and herbicide components varied substantially for each; therefore, both the organization of the chapter (which is structured to reflect similarities and differences in the population studied) and the methodologic issues that are summarized for each study emphasize exposure.

Conclusions about health outcomes

Chapters 8 through 11 provide a detailed review of the epidemiologic studies evaluated by the committee and their implications for cancer, reproductive, neurobehavioral, and other health effects. The committee's specific mandate was to determine, if possible,

1. whether there is a statistical association between the suspect diseases and herbicide use, taking into account the strength of the scientific evidence and the appropriateness of the methods used to detect the association;

2. the increased risk of disease among individuals exposed to herbicides during service in Vietnam; and

3. whether there is a plausible biologic mechanism or other evidence of a causal relationship between herbicide exposure and a disease.

As detailed in Chapter 5, the committee addressed the first part of this charge by assigning each of the health outcomes under study into one of the four categories listed in Table 1-1 on the basis of the epidemiologic evidence that it reviewed. The specific rationale for each of the findings summarized in this table is given in Chapters 8 through 11. The second part of the charge is addressed at the end of this section. The committee's response to the third part of the charge is summarized in general terms in Chapter 4, and specific findings for each health outcome are also given in Chapters 8 through 11.

The definitions of the categories and the criteria for assigning a particular health outcome to them are described in Table 1-1. Consistent with the charge to the Secretary of Veterans Affairs in Public Law 102-4, the distinctions between categories are based on "statistical association," not on causality, as is common in scientific reviews. The committee was charged with reviewing the scientific evidence, rather than making recommendations regarding DVA policy, and Table 1-1 is not intended to imply or suggest any policy decisions, which must rest with the Secretary.

TABLE 1-1 SUMMARY OF FINDINGS IN OCCUPATIONAL, ENVIRONMENTAL, AND VETERANS STUDIES REGARDING THE ASSOCIATION BETWEEN SPECIFIC HEALTH PROBLEMS AND EXPOSURE TO HERBICIDES

Sufficient Evidence of an Association

Evidence is sufficient to conclude that there is a positive association. That is, a positive association has been observed between herbicides and the outcome in studies in which chance, bias, and confounding could be ruled out with reasonable confidence. For example, if several small studies that are free from bias and confounding show an association that is consistent in magnitude and direction, there may be sufficient evidence for an association. There is sufficient evidence of an association between exposure to herbicides and the following health outcomes:

Soft tissue sarcoma.
Non-Hodgkin's lymphoma.
Hodgkin's disease.
Chloracne.
Porphyria cutanea tarda (in genetically susceptible individuals).

Limited/Suggestive Evidence of an Association

Evidence is suggestive of an association between herbicides and the outcome but is limited because chance, bias, and confounding could not be ruled out with confidence. For example, at least one high-quality study shows a positive association, but the results of other studies are inconsistent. There is limited/suggestive evidence of an association between exposure to herbicides and the following health outcomes:

Respiratory cancers (lung, larynx, trachea).
Prostate cancer.
Multiple myeloma.

Inadequate/Insufficient Evidence to Determine Whether an Association Exists

The available studies are of insufficient quality, consistency, or statistical power to permit a conclusion regarding the presence or absence of an association. For example, studies fail to control for confounding, have inadequate exposure assessment, or fail to address latency. There is inadequate or insufficient evidence to determine whether an association exists between exposure to herbicides and the following health outcomes:

Hepatobiliary cancers.
Nasal/nasopharyngeal cancer.
Bone cancer.
Female reproductive cancers (breast, cervical, uterine, ovarian).
Renal cancer.
Testicular cancer.
Leukemia.
Spontaneous abortion.
Birth defects.
Neonatal/infant death and stillbirths.
Low birthweight.
Childhood cancer in offspring.
Abnormal sperm parameters and infertility.
Cognitive and neuropsychiatric disorders.
Motor/coordination dysfunction.
Peripheral nervous system disorders.
Metabolic and digestive disorders (diabetes, changes in liver enzymes, lipid abnormalities, ulcers).
Immune system disorders (immune modulation and autoimmunity).
Circulatory disorders.
Respiratory disorders.

Limited/Suggestive Evidence of No Association

Several adequate studies, covering the full range of levels of exposure that human beings are known to encounter, are mutually consistent in not showing a positive association between exposure to herbicides and the outcome at any level of exposure. A conclusion of "no association" is inevitably limited to the conditions, level of exposure, and length of observation covered by the available studies. In addition, the possibility of a very small elevation in risk at the levels of exposure studied can never be excluded. There is limited/suggestive evidence of no association between exposure to herbicides and the following health outcomes:

Skin cancer.
Gastrointestinal tumors (stomach cancer, pancreatic cancer, colon cancer, rectal cancer).
Bladder cancer.
Brain tumors.

NOTE.—"Herbicides" refers to the major herbicides used in Vietnam: 2,4-D (2,4-dichlorophenoxyacetic acid); 2,4,5-T (2,4,5-trichlorophenoxyacetic acid) and its contaminant TCDD (2,3,7,8-tetrachlorodibenzo-*p*-dioxin); cacodylic acid; and picloram. The evidence regarding association is drawn from occupational and other studies in which subjects were exposed to a variety of herbicides and herbicide components.

Health Outcomes with Sufficient Evidence of an Association

The committee found sufficient evidence of an association with herbicides and/or TCDD for three cancers: soft tissue sarcoma, non-Hodgkin's lymphoma, and Hodgkin's disease. For cancers in this category, a positive association between herbicides and the outcome must be observed in studies in which chance, bias, and confounding can be ruled out with reasonable confidence. The committee regards evidence from several small studies that are free from bias and confounding, and show an association that is consistent in magnitude and direction, as sufficient evidence for an association.

Soft tissue sarcomas are a rare but diverse group of tumors that share a common International Classification of Diseases code but have a wide variety of forms and causes. The strongest evidence for an association between STS and exposure to phenoxy herbicides comes from a series of case-control studies involving a total of 506 cases conducted by Hardell and colleagues in Sweden (Hardell and Sandstrom, 1979; Eriksson et al., 1981; Hardell and Eriksson, 1988; Eriksson et al., 1990) that show an association between STS and exposure to phenoxy herbicides, chlorophenols, or both. Although these studies have been criticized, the committee feels that there is insufficient justification to discount the consistent pattern of elevated risks, and the clearly described and sound methods employed. These findings are supported by a significantly increased risk in the NIOSH study (SMR=9.2, CI 1.9-27.0) for the production workers most highly exposed to TCDD (Fingerhut et al., 1991), and a similar increased risk in the IARC cohort (SMR-6.1, CI 1.7-15.5) for deaths that occurred between 10 and 19 years after the first exposure (Saracci et al., 1991). These are the two largest, as well as the most highly exposed occupational cohorts. Some studies in other occupational, environmental, and veterans groups showed an increased risk for STS, but the results were commonly nonsignificant possibly because of small sample sizes related to the relative rarity of STS in the population. Because of difficulties in diagnosing

this group of tumors, the epidemiologic studies reviewed by the committee were inconsistent with regard to the specific types of tumors included in the analyses. The available data did not permit the committee to determine whether specific forms of STS were or were not associated with TCDD and/or herbicides. Therefore, the committee's findings relate to the class as a whole.

Non-Hodgkin's lymphoma includes a group of malignant lymphomas, that is, neoplasms derived from lymphoreticular cells in lymph nodes, bone marrow, spleen, liver, or other sites in the body. One large, well-conducted case-control study in Sweden by Hardell and colleagues (1981) examined NHL and Hodgkin's disease together and found an odds ratio of 6.0 (CI 3.7–9.7) based on 105 cases for exposure to phenoxy acids or chlorophenols, and these results held up under further investigation of the validity of exposure assessment and other potential biases (Hardell, 1981). A more recent case-control study by Persson and colleagues (1989) showed increased risk for NHL in those exposed to phenoxy acids (OR=4.9, CI 1.0–27.0), based on a logistic regression analysis of 106 cases. Other studies of farmers and agricultural workers are generally positive for an association between NHL and herbicides/TCDD; however, only some are significant. All of the studies of U.S. agricultural workers reviewed showed elevated relative risks (although none were significant) and two NCI studies of farmers in Kansas and Nebraska (Hoar et al., 1986; Zahm et al., 1990) show patterns of increased risk linked to use of 2,4–D. The CDC Selected Cancers Study found an increased risk of NHL in association with service in Vietnam; other studies of veterans, generally with small sample sizes, are consistent with an association. In contrast, studies of production workers, including the largest, most heavily exposed cohorts (Fingerhut et al., 1991; Saracci et al., 1991; Zober et al., 1990; Manz et al., 1991) indicate no increased risk. Thus, unlike most of the other cancers studied by the committee for which the data do not distinguish between the effects of herbicides and TCDD, the available epidemiologic data suggest that the phenoxy herbicides, including 2,4–D, rather than TCDD may be associated with non-Hodgkin's lymphomas.

Hodgkin's disease, also a malignant lymphoma, is a neoplastic disease characterized by progressive anemia and enlargement of lymph nodes, spleen, and liver. Fewer studies have been conducted of HD in relation to exposure to herbicides or TCDD than have been conducted of STS or NHL, but the pattern of results is strikingly consistent. The 60 HD cases in the study by Hardell and colleagues (1981) were later examined by Hardell and Bengtsson (1983), who found odds ratios of 2.4 (CI 0.9–6.5) for low-grade exposure to chlorophenols and 6.5 (CI 2.7–19.0) for high-grade exposures. Persson and colleagues' study (1989) of 54 HD cases showed a large, but not statistically significant, OR=3.8 (CI 0.5-35.2) for exposure to phenoxy acids. Furthermore, nearly all of the 13 case-control and agricultural worker studies show increased risk for HD, although only a few of these results are statistically significant. As with NHL, even the largest studies of production workers exposed to TCDD do not indicate an increased risk. The few studies of HD in Vietnam veterans tend to show elevated risks, all but one are not statistically significant.

When these three cancers (STS, NHL, and HD) are considered as a whole, it is noteworthy that the strongest evidence for an association with exposure to phenoxy herbicides is the series of case-control studies conducted by Hardell and colleagues and the cohort studies of herbicide applicators and agricultural workers. Studies in other countries are sometimes positive, but not as consistently. Whether this reflects higher typical exposure levels in workers in the countries studied, genetic differences in susceptibility to these diseases, the fact that more intensive studies have taken place, or other risk factors is not known. With regard to STS, the study of Woods and colleagues (1987) suggests that both exposure levels and genetic differences are at play. However, although there may be differences from population to population in the increased risk associated with exposure to herbicides and TCDD, the committee regards the available evidence as sufficient to indicate that there is a statistical association between the herbicides used in Vietnam and STS, NHL, and HD.

The other two health outcomes for which the committee found sufficient evidence of an association with herbicides or TCDD are both skin conditions (see Chapter 11). Chloracne is a specific acne-like skin disorder characterized by exposure to TCDD or related chemicals (but not herbicides). Porphyria cutanea tarda (PCT), which is characterized by thinning and blistering of the skin in sun-exposed areas, is an uncommon disease in which porphyrins are abnormally metabolized. Only genetically predisposed individuals have been shown to develop PCT after TCDD exposure. Both chloracne and PCT have been shown in animal and human studies to be associated with TCDD per se. The clinical evidence for these conditions suggests that onset occurs after exposure to TCDD; however, the conditions subside (although perhaps slowly) after exposure ceases.

Health Outcomes with Limited/Suggestive Evidence of An Association

The committee found limited/suggestive evidence of an association for three other cancers: respiratory cancers, prostate cancer, and multiple myeloma. For outcomes in this category, the evidence must be suggestive of an association between herbicides and the outcome, but may be limited because chance, bias, or confounding could not be ruled out with confidence. Typically, at least one high-quality study indicates a positive association, but the results of other studies may be inconsistent.,

Among the many epidemiologic studies of respiratory cancers (specifically cancers of the lung, larynx, and trachea), positive associations were found consistently only in those studies in which TCDD or herbicide exposures were probably high and prolonged, especially the largest, most heavily exposed cohorts of chemical production workers exposed to TCDD (Zober et al., 1990; Fingerhut et al., 1991; Manz et al., 1991; Saracci et al., 1991) and herbicide applicators (Axelson and Sundell, 1974; Riihimaki et al., 1982; Blair, 1983; Green, 1991). Studies of farmers tended to show a decreased risk of respiratory cancers (perhaps due to lower smoking rates), and studies of Vietnam veterans are inconclusive. The committee felt that the evidence for this association was limited/suggestive rather than sufficient because of the inconsistent pattern of positive findings across populations with various degrees of exposure and because the most important risk factor for respiratory cancers—cigarette smoking—was not fully controlled for or evaluated in all studies.

Several studies have shown elevated risk for prostate cancer in agricultural or forestry workers. In a larger cohort study of Canadian farmers (Morrison et al., 1993), an increased risk of prostate cancer was associated with herbicide spraying, and increasing risk was shown with increasing number of acres sprayed. For the entire cohort, the relative risk for prostate cancer and spraying at least 250 acres was 1.2 (CI 1.0–1.5). When the analysis was restricted to the farmers most likely to be exposed to phenoxy herbicides or other herbicides, and those with no employees, no custom workers to do the spraying for them, and age between 45–69 years, the test for trend over increasing number of acres sprayed was significant. The risk was elevated a study of USDA forest conservationist (OR=1.6, 0.9–3.0) (Alavanja et al., 1989), and a case-control study of white male Iowans who died of prostate cancer (Burmeister et al., 1983) found a significant association (OR=1.2) that was associated with any particular agricultural practice. These results are strengthened by a consistent pattern of nonsignificant elevated risks in studies of chemical production workers in the United States and other countries, agricultural workers, pesticide applicators, paper and pulp workers, and the Seveso population. Studies of prostate cancer among Vietnam veterans or following environmental exposures have not consistently shown an association. However, prostate cancer is generally a disease of older men, and the risk among Vietnam veterans would not be detectable in published epidemiologic studies. Because there was a strong indication of a dose-response relationship in one study and a consistent positive association in a number of others, the committee felt that the evidence for association with herbicide exposure was limited/suggestive for prostate cancer.

Multiple myeloma, a cancer of specific bone marrow cells, has been extensively studied than other lymphomas, but a consistent pattern of elevated risks appears in the studies that have conducted. Ten studies of agricultural and forestry workers provide information on MM risk in relation to herbicide or pesticide exposure. All demonstrated an odds ratio or SMR greater than 1.0; seven did so at a statistically significant level. This finding is made more specific for herbicide exposure by subanalyses in four of these studies (Burmeister et al., 1983; Cantor and Blair 1984; Alayanja et al., 1989 Boffetta et al., 1989) that suggest higher risks for those exposed to herbicides, and higher risks for the studies of herbicide applicators (Riikimaki et al., 1983; Swaen et al., 1992). The committee determined that the evidence for this association was limited/suggestive because the individuals in the existing studies—mostly farmers—have, by the nature of their occupation, probably been exposed to a range of potentially carcinogenic agents other than herbicides and TCDD. Multiple myeloma, like non-Hodgkin's lymphoma and Hodgkin's disease for which there is stronger epidemiologic evidence of an association, is derived from lymphoreticular cells, which adds to the biologic plausibility of an association.

Health Outcomes With Limited/Suggestive Evidence of No Association

For a small group of cancers the committee found a sufficient number and variety of well-designed studies to conclude that there is limited/suggestive evidence of no association between these cancers and TCDD or the herbicides under study. This group includes gastrointestinal tumors (colon, rectal, stomach, and pancreatic), skin cancer, brain tumors, and bladder cancer. For outcomes in

this category, several adequate studies covering the full range of levels or exposure that human beings are known to encounter are mutually consistent in not showing a positive association between exposure to herbicides and the outcome at any level of exposure, and which have relatively narrow confidence intervals. A conclusion of "no association" is inevitably limited to the conditions, level of exposure, and length of observation covered by the available studies. In addition, the possibility of a very small elevation in risk at the levels of exposure studies can never be excluded.

The data on colon cancer exemplify the situation that led the committee to say that there was evidence of no association between a cancer and exposure to herbicides and/or TCDD. Colon cancer is relatively common, so an increase in the risk of these cancers would be relatively easy to detect in occupational studies. The epidemiologic studies reviewed by the committee that address colon cancer include a mixture of occupational studies of various types, environmental studies, and studies of Vietnam veterans. Some of the studies such as the NIOSH (Fingerhut et al., 1991) and IARC (Saracci et al., 1991) cohorts are large and have relatively high exposures. The number of studies with estimated relative risks above and below 1.0 are roughly evenly distributed, and a number of studies have tight confidence intervals that include 1.0. The NIOSH study, for instance, based on 25 exposed cases, finds an odds ratio of 1.2 with a 95 percent confidence interval of 0.8 to 1.8. The IARC study finds an odds ratio of 1.1 (CI 0.8–1.5) based on 41 cases. Thus, this pattern suggests that there is no association between herbicides/TCDD and colon cancer, at least in the situations represented in the available studies.

Health Outcomes With Inadequate/Insufficient Evidence To Determine Whether an Association Exists

The scientific data for the remainder of the cancers and other diseases reviewed by the committee were inadequate or insufficient to determine whether an association exists. For cancers in this category, the available studies are of insufficient quality, consistency, or statistical power to permit a conclusion regarding the presence or absence of an association. For example, studies fail to control for confounding or have inadequate exposure assessment.

This group includes hepatobiliary cancers, nasal/nasopharyngeal cancer, bone cancer, female reproductive cancers (breast, cervical, uterine, ovarian), renal cancer, testicular cancer, and leukemia. For example, there are relatively few occupational, environmental, or veterans studies of liver cancer, and most of these are small in size and have not controlled for lifestyle-related risk factors. One of the largest studies (Hardell et al., 1984) indicates an increased risk for liver cancer and exposure to herbicides, but another study of Swedish agricultural workers (Wiklund, 1983) estimates a relative risk that is significantly less than 1.0. The estimated relative risks from other studies are both positive and negative. As a whole, when bearing in mind the methodological difficulties associated with most of the few existing studies, the evidence regarding liver cancer is not convincing about either an association with herbicides/TCDD or the lack of an association.

The epidemiologic evidence for an association between exposure to herbicides and leukemia comes primarily from studies of farmers and residents of Seveso, Italy. The observed overall relative risk for leukemia mortality and incidence in Seveso was elevated, but not significantly. A number of studies of farmers that the committee found convincing for NHL, HD, or MM also show a consistently elevated risk of leukemia, but these results are not necessarily due to herbicide use because confounding exposures were not controlled for adequately in the analyses of these studies and because when farmers are stratified by suspected use of herbicide, the incidence of leukemia is generally not elevated. Some studies of chemical workers found an increased risk of leukemia, but the number of cases was small in all of these studies. The available data on Vietnam veterans are generally not conclusive because the exposure data are inadequate for the cohort being studied. Small sample sizes weaken the studies of the Ranch Hands or Chemical Corps, where excesses are not likely to be detected.

A number of occupational, environmental, and Vietnam veteran studies were available for assessing the association between herbicide and TCDD exposures and reproductive outcomes. These studies generally reported no association with any of the reproductive outcomes examined by the committee—spontaneous abortion, birth defects, stillbirth, neonatal and infant death, low birthweight, childhood cancer, or altered sperm parameters and infertility. However, given the small sample sizes, the lack of consistent findings, and inadequate exposure classification in most studies, the evidence is considered inadequate for determination of an association.

Studies of neurotoxic effects of herbicides or TCDD were also inadequate for determining whether an association exists between exposures and chronic cognitive or neuropsychiatric disorders, motor/coordination dysfunction, and peripheral nervous system disorders. As a group the studies have not applied uniform operational definitions of neurobehavioral disorders. Information on individual exposures was often inadequate and complicated by exposure to multiple chemicals, and only a limited number of studies provided sufficient comparison group data. Reported abnormalities have ranged from mild and reversible to severe and chronic. While the chances of detecting subtle central nervous system disorders 20 years after exposure are small given the assessment tools currently available, the committee recognized that it may be possible for subtle changes that occurred earlier in life to manifest themselves in later adult life when compounded by the normal aging process. Therefore, while the currently available evidence is insufficient, study of the interactive effects of exposure to herbicides and TCDD with age on neurobehavioral functioning are encouraged. In addition, observations from followup of veterans and some environmental studies warrant further investigation of motor/sensory/coordination problems in exposed persons.

Other health effects examined by the committee for which the evidence was determined to be insufficient included several metabolic and digestive disorders (diabetes, changes in liver enzymes, lipid abnormalities, and gastrointestinal ulcers), immune system disorders, and circulatory and respiratory disorders. Assessment of these disorders in association with herbicides and TCDD involved the medical evaluation of a wide array of critical signs and symptoms, laboratory parameters, and other diagnostic tools. Studies of these health effects were limited by poor exposure measures, generally small sample sizes, and the lack of assessment of independent risk factors for certain outcomes, such as smoking and certain circulatory and respiratory disorders, or alcohol use and ulcers.

Increased Risk In Vietnam Veterans

Although there have been numerous health studies of Vietnam veterans, most have been hampered by relatively poor measures of exposure to herbicides or TCDD, in addition to other methodological problems. In Table 1–1, most of the evidence on which the findings are based comes from studies of people exposed to dioxin or herbicides in occupational and environmental settings, rather than from studies of Vietnam veterans. The committee found this body of evidence sufficient for reaching the conclusions about statistical associations between herbicides and health outcomes summarized in Table 1–1; however, the lack of adequate data on Vietnam veterans per se complicates the second part of the committee's charge, which is to determine the increased risk of disease among individuals exposed to herbicides during service in Vietnam. To estimate the magnitude of risk for a particular health outcome among herbicide-exposed Vietnam veterans, quantitative information about the dose-time-response relationship for each health outcome in humans, information on the extent of herbicide exposure among Vietnam veterans, and estimates of individual exposure are necded. Given the large uncertainties that remain about the magnitude of potential risk from exposure to herbicides in the studies that have been reviewed (Chapters 8–11), the inadequate control for important confounders, and the uncertainty about the nature and magnitude of exposure to herbicides in Vietnam (Chapter 6), none of the ingredients necessary for a quantitative risk assessment are available. Thus, it is not possible for the committee to quantify the degree of risk likely to be experienced by veterans because of their exposure to herbicides in Vietnam. The available quantitative and qualitative evidence about herbicide exposure among various groups studied suggests that Vietnam veterans as a group (except those with documented high exposures, such as participants in Operation Ranch Hand) had lower exposure to herbicides and TCDD than the subjects in many occupational and environmental studies. However, individual veterans who had very high exposures to herbicides could have risks approaching those in the occupational and environmental studies.

Research recommendations

The committee was also asked to make recommendations concerning the need, if any, for additional scientific studies to resolve areas of continuing scientific uncertainty concerning the health effects of the herbicides used in Vietnam. Based on its review of the available epidemiologic evidence and a consideration of the quality of exposure information available in existing studies, especially of Vietnam veterans, the committee concluded that a series of epidemiologic studies of veterans could yield valuable information if a new, valid exposure reconstruction model could be developed. The committee also sees value in continuing the existing Ranch Hand study and expanding it to include Army Chemical Corps veterans. The committee's research recomendations emphasize studies of Vietnam veterans, rather than general toxicologic or epidemiologic studies of occupationally or environmentally exposed populations. A substantial amount of research on the toxicology and epidemiology of herbicides and herbicide components is already under way in the United States

and abroad. Indeed, many of the studies on which the committee's conclusions are based have been published since 1991. Although not targeted specifically to Vietnam veterans, it is likely that this research will also contribute to the knowledge of potential health effects in this population.

Epidemiologic Studies of Vietnam Veterans

The committee makes the following recommendations regarding epidemiologic studies of Vietnam veterans.

Recommendation 1. The committee endorses continued follow-up of the Air Force Ranch Hand cohort and its comparison group, and recommends that members of the Army Chemical Corps and an appropriate comparison group be followed in a similar study. An independent, nongovernmental scientific panel should be established to review and approve a new, expanded research protocol for both study populations, and to commission and direct a common analysis of the results.

Much can be learned by reanalysis of existing data or more in-depth analysis of data expected from current research programs investigating the health of Vietnam veterans, including the Air Force Ranch Hand study and DVA studies of other highly exposed Vietnam veterans such as members of the Chemical Corps. Priorities for specific health outcomes are discussed after recommendation 6. Public perception of the federal government's interest in the outcome of these studies suggests the need for studies of the health of Vietnam veterans to be conducted by a nongovernmental organization. Ranch Hand's excellent participation rate argues that components of the Department of Defense or the DVA continue to conduct follow-up examinations of the Ranch Hand and Army Chemical Corps cohorts. However, an independent, nongovernmental scientific panel is needed to oversee the analyses of resulting data in order to satisfy the public's concern about impartiality and scientific credibility.

As discussed in Chapter 6, one of the major problems with the interpretation of existing studies is the frequent lack of appropriate measures of exposure to herbicides or TCDD; however, the committee finds that it may be possible to develop better exposure measures for Vietnam veterans. In particular, Chapter 6 proposes measures that are not dependent on serum TCDD levels (which the committee finds inappropriate for the full range of herbicide exposures) but instead recommends the use of less formal sources of historical information about base perimeter spraying and other relevant exposures, as discussed below in Recommendation 4. Thus, the committee concludes that certain further research efforts using new measures of exposure to herbicides in Vietnam are both necessary and potentialy feasible. However, each of the possible measures that the committee has considered involves some degree of nondifferential misclassification bias, and the effect of this bias on risk estimates would likely be to underestimate true effects if they existed, possibly to the point that they would not be detected. In particular, the committee recommends that the following steps be taken prior to undertaking new epidemiologic studies of Vietnam veterans, for the reasons described below.

Recommendation 2. The Department of Defense and the Department of Veterans Affairs should identify Vietnam service in the computerized index of their records.

Chapter 3 notes that Vietnam service is not a "flagged item" on the computerized index of military personnel records archived at the National Personnel Records Center, which is maintained by the General Services Administration, under an agreement with the Department of Defense, in St. Louis, Missouri. Therefore, the computerized index of the record system does not allow for searches or selection of records of individuals who have served in Vietnam. The lack of an indicator of Vietnam service complicates every epidemiologic study of veterans based on military records and leads to methodologic inconsistencies among studies in defining the population under consideration. Adding this indicator to the computerized data base would facilitate future mortality studies based on computerized records, thereby increasing accuracy and decreasing cost, and would also simplify other epidemiologic studies of health outcomes in Vietnam veterans. All servicemen and women who were stationed in Vietnam or in the Vietnam theater during the Vietnam era should be identified in the records.

Recommendation 3. Biomarkers for herbicide exposure should be developed further.

Considerable uncertainty remains about the use of current or future serum TCDD levels as indicators of past exposure to dioxin in Vietnam veterans. Further research on the toxicokinetics of TCDD (2,3,7,8-tetrachlorodibenzo-*p*-dioxin) is needed to permit more accurate extrapolation from current serum TCDD measurements to past exposures. Development of new biomarkers for exposure to herbicides, per se, also would be useful.

Recommendation 4. A nongovernmental organization with appropriate experience in historical exposure reconstruction should be commissioned to develop and test models of herbicide exposure for use in studies of Vietnam veterans.

Exposure assessment has been a weak aspect of most epidemiologic studies of Vietnam veterans. The military reports and personal testimony reviewed by the committee suggest that a sufficient range of exposure to herbicides may exist among Vietnam veterans for valid epidemiologic studies of certain health outcomes, and the committee believes that it is possible to develop valid exposure reconstruction models for such studies by using the methods of historical exposure reconstruction. Historical exposure reconstruction requires substantial professional judgment, and the results might be questioned if developed by a government agency; therefore, the committee recommends that the DVA arrange for a nongovernmental organization with appropriate experience in historical exposure reconstruction to develop and test potential models of herbicide exposure for use in studies of Vietnam veterans.

Recommendation 5. The exposure reconstruction models developed according to Recommendation 4 should be evaluated by an independent, nongovernmental scientific panel established for this purpose.

Herbicide exposure reconstruction models for Vietnam veterans must be thoroughly evaluated before epidemiologic studies based on these models proceed. The committee has identified three possible approaches to such an evaluation, which are discussed in more detail in Chapter 6: (1) internal consistency checks, (2) comparisons of exposure measures based on the reconstruction model with actual serum dioxin measurements, and (3) assessments of the association between exposure reconstruction measures and health outcomes shown in occupational or environmental studies to be associated with herbicides. Scientific judgment is required in interpreting the results of such an evaluation, so the committee cannot specify explicit criteria for acceptance or rejection of the new exposure reconstruction models in advance of their development and testing. Thus, the committee recommends that an independent, nongovernmental scientific panel be established to review the results of the proposed evaluation studies and to judge the validity and feasibility of the exposure reconstruction models. This panel should have expertise in historical exposure reconstruction and in epidemiology. In order the maintain the public and scientific credibility of the study, the panel members should be nongovernmental and independent of the organization that develops the exposure reconstruction models.

Recommendation 6. If the scientific panel proposed in Recommendation 5 determines that a valid exposure reconstruction model is feasible, the Department of Veterans Affairs and other government agencies should facilitate additional epidemiologic studies of veterans.

A number of possible epidemiologic studies could provide additional information on the health effects of exposure to herbicides in Vietnam beyond what is already known. Highest research priority should be given to those health effects for which additional study is likely to change the balance of the evidence for or against an association. This includes

a. health outcomes for which current evidence is limited/suggestive of an association (lung and respiratory cancers, multiple myeloma, and prostate cancer);

b. health outcomes for which current evidence is insufficient or inadequate to determine whether an association exists, but which, in the committee's judgment, are plausible based on animal toxicologic data (such as nasal/nasopharyngeal cancer) or for which there are known associations with related chemical compounds in humans (such as liver cancer and polychlorinated biphenyls; Nicholson, 1987);

c. health outcomes for which the typical age at onset has not yet been reached by members of the Vietnam veteran cohort (such as prostate cancer).

The committee also recommends that priority be given to additional research on reproductive effects that would help clarify the possible effects of herbicides. In particular, the committee believes that extensive reanalysis of the Ranch Hand reproductive data could shed additional light on these questions (see Chapter 9 and Appendix C).

Although there is sufficient evidence of an association between occupational or environmental exposures to herbicides and non-Hodgkin's lymphoma, Hodgkin's disease, and soft tissue sarcomas, the existing information on dose-response relationships is incomplete, especially with regard to Vietnam veterans. If a valid exposure reconstruction method can be developed, it might be applied to the exposure data available from existing case-control studies to provide additional dose-response evaluations. Additional refinement of the clinical and pathological definitions of soft tissue sarcomas in epidemiologic studies would also help to determine which of the specific cancers in this class are associated with herbicides or TCDD.

The committee recognizes that the recommendations for development of a historical exposure reconstruction model and its use in epidemiologic studies might seem at variance with the Centers for Disease Control (CDC), White House Agent Orange Working Group (AOWG), and Office of Technology

Assessment (OTA) conclusions made in 1986 with regard to the congressionally mandated Agent Orange Study. The committee has come to a different conclusion for four reasons: First, the CDC–AOWG–OTA conclusions were based in large part on serum TCDD measurements, which the committee feels are insufficient for validating exposure to herbicides used in Vietnam, as explained in Chapter 6. Second, the arguments underlying the earlier conclusions that individuals in combat units were widely dispersed and that troop movement data are incomplete imply that exposure measurements may be imprecise, not that they are invalid. However, these arguments do suggest that historical reconstruction of exposure will have nondifferential misclassification errors that will lead to underestimates of the relative risk of health outcomes if an association is in fact present. Third, the committee is proposing the use of more, but less formal, information on exposure than was considered in 1986. This includes the development and use of informal information on perimeter spraying, which might account for more meaningful herbicide exposure than the aerial spraying documented on the HERBS tapes. Finally, the committee does not know whether the approach it proposes will prove valid or whether new methods will identify a sufficient number of highly exposed Vietnam veterans for an epidemiologic study. In the committee's judgment, however, the likelihood that this approach will be successful is sufficient for it to be recommended.

Mandated Research Efforts

For the purposes of further research on the health effects of Vietnam service, Public Law 102–4 mandates that the DVA establish four specific programs that are subject to initiation, continuance, or discontinuation, depending on the findings of this IOM report, and the committee is charged with making recommendations about these specific mandates. The DVA has no specific plans for any of these research efforts beyond the minimal descriptions given in the law, so the committee is able to comment on them in only the broadest terms.

The committee's recommendations speak to its legislative mandate to determine "the feasibility of conducting additional scientific research on" health hazards resulting from exposure to dioxin and herbicides used in Vietnam, the research mandate in section 8 of Public Law 102–4. As previously stated, the committee feels that a series of epidemiologic studies of veterans could yield valuable information if a new, valid exposure reconstruction model can be constructed.

Section 6 of Public Law 102–4 requires the DVA to "compile and analyze, on a continuing basis, all clinical data" that (1) are obtained in connection with DVA examinations and treatment of Vietnam veterans, and (2) are likely to be scientifically useful in determining the association between disabilities experienced by these veterans and exposure to dioxin or herbicides. Such a system, called the Agent Orange Registry (see Chapter 2), currently exists. Section 7 of the law calls for the establishment of a system for the collection and storage of voluntarily contributed samples of blood and tissue of veterans who served in Vietnam. Balancing the strengths and weaknesses of stored biological samples and clinical data for research purposes, the committee feels that systems of this sort have scientific value, but only to the extent that they are components of specific, well-designed studies; see, for instance, National Research Council (1991). In the absence of a clear study design to guide such activities, and without resolution of important design, quality control, and ethical issues regarding tissue banks, the committee does not recommend the establishment at this time of the clinical data and tissue archiving systems described in sections 6 and 7 of the law.

The final mandate in Public Law 102–4 on which the committee must comment calls for the testing of serum of Vietnam veterans who apply for medical care or file a disability compensation claim for TCDD (section 9). The purpose of this mandate is not stated in the legislation. If research purposes are contemplated, the committee's discussion about tissue archiving systems applies, and such a program would not be recommended at this time. It is also possible that this program is intended to provide information on individual exposure to dioxins or herbicides to aid in individual compensation decisions. The committee cannot make recommendations for DVA policy, but notes that the finding in Chapter 6 that individual TCDD serum levels in Vietnam veterans are usually not meaningful (because of common background exposures to TCDD, poorly understood variations among individuals in TCDD metabolism, relatively large measurement errors, and exposure to herbicides that did not contain TCDD) might apply to this mandate.

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THE GEISINGER HEALTH CARE SYSTEM: A MODEL FOR HEALTH CARE REFORM

● Mr. WOFFORD. Mr. President, while we prepare for the upcoming debate on national health care reform, I think that it is important to note some innovative developments on the State and local levels. One such development is the growth of health maintenance organizations [HMO's], organized delivery systems, and other managed-care arrangements.

Many believe that, although not a panacea for the problems facing our current health care system, HMO's and local provider networks can improve the quality of care and health outcomes, while lowering health care costs, by stressing wellness and primary care and more efficiently managing a consumer's health care needs.

The Geisinger health care system, headquartered in Danville, PA, runs an advanced 577-bed hospital as well as a network of clinics over a wide area of central and northwestern Pennsylvania. Its growing HMO serves 142,000 members, while the same doctors and clinics serve thousands more people covered by government plans and by other private insurance.

A recent New York Times article praised Geisinger for its ability to deliver quality health care, while at the same time containing costs. Through the careful selection of physicians who share their corporate philosophy, an emphasis on prevention and primary care, and research to improve clinical practice, Geisinger represents what provider-initiated programs can accomplish in reforming health care and promoting community wellness.

The Geisinger experience shows how a local private institution can effectively improve the accessibility of health care in a large rural region. Over the past 12 years, Geisinger has established 26 rural medical practices and expanded several existing practices. Geisinger now represents 9.4 percent of the primary care physicians in their 31-county service area.

Dr. Stuart Heydt, president and chief executive officer of the Geisinger Foundation, recently spoke to Pennsylvania's congressional delegation. I ask that the text of Dr. Heydt's remarks be printed in the RECORD, along with an article that appeared in the New York Times and Modern Healthcare concerning the success of the Geisinger Model.

The material follows:

HEALTH CARE REFORM: GEISINGER'S ROLE AND RESPONSE

(By Stuart Heydt, M.D.)

The compelling need for change in America's health care system is unquestioned. The prescription for change remains undefined although the fundamental assumption is clear; we need to provide better care to more people for less cost.

On April 9th I attended, at Ira Magaziner's invitation, a meeting between representatives of the Health Reform Task Force and selected group practices from around the nation. This included representatives from Mayo Clinic, the Cleveland Clinic, Park Nicollet in Minneapolis, the Henry Ford Health System Ochsner Clinic in New Orleans, Fargo Clinic in North Dakota, Palo Alto Clinic, Kaiser Health System and Sharp-Rees Stealy in San Diego. Mr. Magaziner stated that he wished to make it clear that Geisinger and the rest of this assembly were not viewed as part of the problem for health care reform, but rather as part of the solution. All of these organizations are developing coordinated/integrated services, sized according to the needs of the population served, and striving to continuously improve processes and outcomes to ultimately maximize quality and cost effectiveness.

Geisinger has received recognition through two independent observations on the Geisinger Heath System. The first is an article entitled, "Doctors Say They Can Save Lives and Still Save Money". This is a feature article which appeared on the front page of the New York Times on March 18th of this year. The second references the findings of the Washington, D.C. Committee for Quality Health Care. Both articles recognize Geisinger as a model for national health care reform.

This is the private initiative.

Yes, reform is required, but is there a way that public policy can support and encourage the momentum of the private sector represented by Geisinger and other progressive organizations? That is the theme of the Geisinger message in 1993.

Geisinger has focused on specific areas for comment: accessibility, affordability, accountability, education, research and public health considerations.

Geisinger is relatively unique in its positioning to provide access of a predominantly rural population to comprehensive, sophisticated, cost effective health services. Over the past decade Geisinger has continually expanded its rural medical practices adding both primary care physicians and specialists to improve rural care. Geisinger provides service without regard to ability to pay and hence has accepted a disproportionate share of those unable to pay. Consistent with innovative management of quality and cost, Geisinger is striving to expand our primary care component. This recruitment has become increasingly difficult. Geisinger recommends federal action to: create incentives to increase the number of physicians entering primary care; create incentives for primary care physicians to choose rural practice; support organizations developing rural practices; and support information technology to link rural generalists to specialists.

Geisinger has demonstrated evolution in effecting affordability through the Geisinger Health Plan, a group model HMO. GHP has the lowest premiums of any HMO in Pennsylvania. It has the lowest premium of any HMO in the nation being offered to federal employees in 1993. This competitive pricing is driving health plans throughout Northeastern and Central Pennsylvania to moderate their premiums and improve the management of their care. We recommend federal action to: encourage states to develop managed competition at the state and local level; protect the access of nonprofit institutions to low cost capital by clarifying criteria for charitable tax exemption; and encourage efficient, integrated systems like Geisinger to enroll Medicare and Medicaid beneficiaries. This encouragement includes improvement of the risk contract payment methodology and legislation to permit HMO's to function as Medicare supplemental plans.

Accountability is promulgated by accreditation and licensing requirements and Geisinger continues to be outstanding in our response to these requirements. Greater public accountability will evolve through increasing revelation of cost and quality data. Pennsylvania has been a leader in this process through the Health Care Cost Containment Council. The move toward releasing

candid quality data is, however, impeded by the threat of malpractice litigation. There must be a less costly and more equitable approach to identifying medical malpractice and compensating patients and their families. Geisinger recommends federal action to: support torn reform; and encourage expanded use of communications technology in health care.

Education and research is an integral part of Geisinger's mission. In a purely cost driven reform effort these activities could be severely compromised.

Sources of financial support for education in reform discussion are unclear. Medical cuts continue to diminish this support. Geisinger has trained over 2400 physicians and 32,000 nurses. The vast majority of these young people remain in rural service. Geisinger recommends federal action to provide direct support for educational programs, especially those that support federal policy, such as primary care and rural practice.

Geisinger operates an eight million dollar basic research program. Three million dollars of this research is supported by grant funding and endowment. Five million dollars is supported from our clinical practices. Geisinger recommends federal action to directly support delivery systems engaged in valued research.

Finally, Geisinger recognizes the return on investment on public health initiative. The fee for service health payment methodology has not rewarded preventive health initiatives. Prospective per capita payment mechanisms will reward these initiatives. Geisinger recommends federal action to: support health organizations that adopt public health agendas; and participate in a public-private partnership to promote life style changes in the areas of diet, exercise, safety, stress management and substance abuse.

Geisinger is clearly accepting the challenge to provide better care, to more people for less cost. The thrust of our efforts is articulated in our driving strategies. These strategies are to: function as one organization; coordinating and integrating our resources; size our system through clinical programs sized to the needs of the population that we serve, striving for continuous improvement in our clinical processes which in turn will improve outcome and reduce cost; recognize managed care as our primary business strategy; and seek collaborative relationships to improve quality and increase access to cost effective services.

These strategies are for the most part self-explanatory. I would however, like to focus on the strategy of collaboration. Geisinger is presently actively seeking relationships with other existing providers with the objective of improving health services to our combined service area. Improvement will be measured through better access, improved health status, development of new services and reduced cost. These organizations need to be willing to share our mission, values and culture. These include the balanced program of patient care, education and research as well as a management philosophy of physician/administrative teaming. These collaborative discussions are occurring with hospitals and their medical staffs in immediate proximity to Danville and the Geisinger Medical Center but also in Williamsport, Scranton and with the Guthrie Health System. Geisinger and the Guthrie Health System are working with Proctor and Gamble to design a service package to meet the health needs of over three thousand employees and their dependents at the Mehoopany plant. In all of these discussions, we strive to create a larger system that will reduce duplication, and coordinate and integrate resources to function as a seamless organization serving the needs of a larger regional population.

As you know, the present environment for the health service provider including Geisinger is not without pain. Regulated changes in Medicare and Medicaid along with a stagnant economy has reduced revenues at Geisinger which has severely impacted financial performance in 1993. We managed a system wide work force reduction of over four hundred positions between January and May of this year. We also undertook a series of other initiatives to better coordinate and streamline our System. Senator Wofford authored a commentary in the Washington Post on June 18th, entitled, "Health Care Can't Wait". He made a number of salient and valid points regarding the need to get on with reform. On the provider side we too urge progress for better definition of expectations of us. Democracy intrinsicly moves slowly toward consensus and this is an exceedingly complex task. But, America and those of us required to manage the change will be better off to get it done. We stand ready to work with you in any way that we can.

As I said last year, we sincerely appreciate your willingness to join with us in these sessions.

Thanks to all of you.

[From the New York Times, Mar. 18, 1993]

DOCTORS SAY THEY CAN SAVE LIVES AND STILL SAVE MONEY

(By Erik Eckholm)

DANVILLE, PA.—Dr. James C. Blankenship, a cardiologist with a health-maintenance organization in central Pennsylvania, performs costly, risky procedures in which tubes are pushed to the heart to help find whether coronary vessels are clogged.

In his catheterization laboratory, he studied X-rays revealing a partly blocked artery in a 55-year-old man. "What are the chances this will shut off, causing a heart attack, versus the risks of surgery?" he asked. "The studies differ."

"I'll advise him to watch and wait," said the doctor, whose salary would not be affected one way or the other. "I want to do everything that's necessary, but not too much."

As Americans consider a more frugal medical future, possibly dominated by competing H.M.O.'s or other forms of "managed care" that limit consumer choice, urgent questions are rising about the quality of care and how to protect it. Will people be pushed into health plans staffed by sullen, rushed doctors whose decisions are second-guessed and who are paid extra to scrimp on costly tests and operations?

ROOM FOR JUDGMENT

Or will they find sensitive doctors who have no financial incentive to do too much or too little, have ready access to the best technologies and hold down costs by preventing illness and avoiding procedures with little benefit?

Medical experts are scrutinizing better health plans around the country to see how large savings might be gained through efficiency and prudence, not through short-changing the sick. And the evidence suggests that institutions that foster physicians like Dr. Blankenship and allow them to exercise professional judgment may be in the best position to pursue that goal.

In case of the 55-year-old man, some doctors would have recommended immediate surgery, but Dr. Blankenship felt sure, based on available science, that a trial period of drug therapy was in his patient's best interest.

At his organization, the Geisinger Foundation in Danville, the decision about how much is enough is left to the doctors. Their cautious style of medicine has held costs well below the national average. Increases here have still averaged 8.6 percent in recent years, though, raising questions about whether the country will be able to tame medical inflation without cutting into the quality of care.

The 530 salaried doctors who work here, and offer care through a prepaid insurance plan, do receive prodding from above. But it involves not constant second-guessing or rewards for scrimping, but rather a steady flow of research news and tips that helps suffuse the institution with an ethic of conservative care.

"Here, we don't police; we trust our doctors," said Dr. Howard G. Hughes, who directs the H.M.O., the Geisinger Health Plan.

In Danville, a town of 6,000 people, Geisinger runs an advanced 577-bed hospital as well as a network of clinics over a wide area of central and northwestern Pennsylvania. Its growing H.M.O. serves 142,000 members, while the same doctors and clinics also provide the same style of care to hundreds more people covered by government or other insurance.

The doctors insist that their brand of medicine improves on a system laden with incentives to overuse procedures.

And they are saving money. The H.M.O. has the lowest rates in Pennsylvania, according to the state insurance department, with monthly premiums this year of $109.70 for individuals and $285.22 for families for a plan covering nearly everything but prescriptions.

But the numbers suggest, too, just how severe the challenge is. The health plan's charges have risen by an average of 8.6 percent a year since 1985, Dr. Hughes said. That is a good record compared with that of most insurers; nationwide, H.M.O. rates grew by an average of 11.7 percent per year from 1986 to 1992, and rates for traditional fee-for-service plans rose annually by 14.2 percent, according to A. Foster Higgins & Company, a consulting firm.

But it remains well above the national goal of steady real spending set by President Clinton. Recent increases have mainly reflected the rising cost of nurses, technicians and other personnel, the soaring price of new drugs and other factors, officials said.

AT WHAT POINT WILL SAVINGS STOP?

Geisinger doctors and administrators, most of them practicing physicians, insist that through steady refinement they can save much more without compromising care. Just how much and how fast, though, no one is sure.

"Price competition doesn't scare me," said Dr. Stuart Heydt, president of the Geisinger Foundation. "If this model can't hold down prices enough, then I'm not sure it can be done in a way that fulfills the medical expectations of society."

While America's medical costs are increased by administrative waste, excess equipment, incentives to use procedures lavishly and outright fraud, in the end spending mainly reflects the routine decisions of physicians. They decide when a patient needs a $70 electrocardiogram, when to order a $100 dollar antibiotic instead of a $10 one, and when $40,000 bypass surgery is truly likely to improve a patient's chances of survival or quality of life.

"The best way to control costs and preserve quality is to have the physicians do it," said Dr. Arnold S. Relman, the former editor of the New England Journal of Medicine. "The whole health-care system is built on the behavior of doctors, and that behavior is greatly influenced by the way health care is organized.

Dr. Relman, who has been studying health plans around the country, praised Geisinger for high doctor morale and a system of mutual review that promotes excellent care.

While no organizational structure guarantees quality care, Geisinger has several traits that promote it. The bedrock, officials here say, is the careful selection of doctors who share the group philosophy and are happy to work for a salary. Since they are not paid piecework, they make decisions with no direct financial interest at stake. (Nationally, doctors are salaried in some but not all H.M.O.'s or other forms of managed care.)

The salaries here are enough to support an affluent life in this rural region, but for many doctors they are well below potential earnings in private practice. Primary-care doctors have starting salaries in the range of $75,000 to $90,000, while among the most experienced specialists who might earn several times as much elsewhere. "very few go beyond $3000,000" said Dr. Laurence H. Beck, senior vice president charged with improving efficiency and quality.

Morale rests on the pleasures of patient care, collaboration, teaching and research, said Dr. Francis J. Menapace, the director of cardiology. "We look for a different type of physician, one who still looks at medicine as a profession, not a business."

LESS RELIANCE ON THE SPECIALISTS

As in most H.M.O.'s, all patients must choose a primary-care physician in the plan. Usually trained in family practice, internal medicine or pediatrics, these doctors provide most care and refer sicker patients to specialists only when necessary, holding down costs.

Now about 30 percent of the plan's doctors provide primary care, but studies suggest the proportion should rise to close to 50 percent, Dr. Beck said. This means cutting back on specialities, a painful and controversial topic among the medical staff.

Dr. Ernest W. Campbell, a primary-care physician and head of the Geisinger clinic in the nearby town of Bloomsburg, had been in independent practice for 18 years before he and his partner decided to join the salaried group in 1985.

"We looked at the H.M.O. and liked what they were saying," he said. "It's more geared toward preventive medicine, keeping people healthy rather than just meeting the acute needs as they arise." He said the switch involved a significant loss in income, but offsetting this was a drop in work time to 60 to 70 hours a week so he could see his family more.

Far from feeling pressure to avoid needed care, Dr. Campbell said, "I think the quality if anything has gone up." Since patients are in a prepaid plan, he said, "now we can tell them they have no excuse for not coming in when they are ill."

A large unified system like Geisinger's can also avoid duplication of costly equipment and readily monitor its use. For example, all cardiac catherizations, which are Dr. Blankenship's diagnostic specialty and require a million-dollar laboratory, are performed at the main hospital in Danville, as is open-heart surgery. This does mean, though, that some patients have to travel up to 100 miles for major procedures that in a less efficient system might be available at a community hospital.

With central control, too, can come imbalances in staffing, sometimes yielding long waits for non-urgent appointments. Currently, for example, because of a shortage of gynecologists in the group, an appointment for a routine pelvic checkup can take several months. Officials insist that is a temporary side effect of rapid growth and a national shortage, not a long-term shortchanging of patients.

But in surveys of H.M.O. patients that generally find high satisfaction with care and doctors, intermittent difficulty in getting quick appointments has been the most common complaints, said Dr. Duane Davis, medical director of the health plan.

WHEN SUPERVISION IS FROM WITHIN

For all its emphasis on efficiency, Geisinger does little of the routine oversight that is now so prevalent in the health-insurance industry and so annoying to doctors. Instead, the doctors, with leadership from department heads, are expected to watch themselves for unjustified variations in individual practice and opportunities for improvement.

"We have a high awareness of what our colleagues are doing in the next room," Dr. Blankenship said. "There's lots of intercommunication, lots of informal second opinions. If someone is consistently doing something inappropriately, too much or too little, we'd notice."

Peer review is, however, increasingly backed up with research and suggestions from above. The H.M.O., for example, keeps track of prescribing patterns and sends out newsletters urging physicians to prescribe cheaper drugs or generic versions where they have been shown to be equally effective. One recent flyer warned that a drug company was "actively encouraging pharmacists to call physicians to switch patients" from current diabetes drugs to its new product, priced 40 percent higher even though it offers "no therapeutic advantage."

In another example, officials studied whether patients who were put on an expensive cholesterol-lowering drug were first asked to experiment with dietary change. By sharing the results with other physicians and stressing the recommended course, doctors found that the proportion of patients trying diet changes had risen. Some will end up needing the drug anyway, but some will avoid indefinite use of a drug that can have dangerous side effects.

As the country seeks to flatten out its health costs, the question is how far even the best-organized providers can trim back without choking off tests and treatments of significant potential benefit.

Dr. Beck said he believes that Geisinger and other similar groups still have large opportunities to wring out expense. Increasingly important, he said, will be reliance on clinical guidelines that reflect research, done locally or nationally, on what sequences of tests and treatments yield the best results for particular conditions.

Still, Dr. Beck said, "At some point there will be tradeoffs between cost and quality." If price controls are too severe, he said, society will have to openly face the issue of rationing.

[From Modern Healthcare, Sept. 7, 1992]

PROVIDER GROUPS FINDING SUCCESS WITH MANAGED CARE, STUDY SAYS

Managed care, a key cost-containment and quality-improvement technique included in almost every local or national healthcare reform proposal, is being implemented by provider groups in communities across the country.

That's the finding of the National Committee for Quality Health Care, a Washington-based coalition of providers and suppliers, which has put together a report profiling 19 successful provider-based managed-care programs throughout the United States.

The report, "Reinventing Health Care: The Revolution at Hand," will be released to the public late this week.

The study was prepared by New Directions for Policy, a fiscal policy consulting group based in Washington.

It's meant to be a companion study to last year's report by the NCQHC describing several successful managed-care projects initiated by healthcare buyers, said William Dwyer, director of corporate account development at Abbott Laboratories and chairman of NCQHC's managed-care subcommittee.

Many providers also have developed effective models of community-based managed-care programs, but policymakers and analysts have tended to overlook them because of all the publicity garnered by the corporate efforts, Mr. Dwyer said.

The report shows that decision-makers can learn much from these lesser-known examples of how to construct successful quality-improvement programs and operate them within a coordinated healthcare system, he said.

The provider organizations profiled represent essentially two models for delivering services: those based on group practices, such as Lovelace Medical Center and Health Plan in New Mexico and Geisinger Medical Center and Health Plan in Pennsylvania, and hospital-based network systems, such as Sharp HealthCare in San Diego.

They represent a "small selection" of what provider-initiated programs can accomplish in reforming the healthcare system when they become leaders in promoting community health and wellness, he said.•

THE HIDDEN COST OF SUBSTANCE ABUSE

• Mr. DASCHLE. Mr. President, today I would like to highlight new findings on the costs of substance abuse released last month by Columbia University's Center on Addiction and Substance Abuse. The study points to the startling conclusion that 1 of every 5 Medicaid dollars spent on hospital care is a direct consequence of substance abuse. As a sponsor of two bills targeted to reducing substance abuse among pregnant women and reducing the incidence of fetal alcohol syndrome, I believe this study merits our close attention. It has profound implications for substance abuse prevention services and treatment under the Medicaid Program. Indeed, given the pervasiveness of smoking, and alcohol and drug abuse throughout all segments of American society, the repercussions extend beyond Medicaid to the entire health care system.

According to the Columbia University report, in 1991, $4.2 billion—nearly one-fifth—of Medicaid inpatient hospital expenditures paid for treatment

of illness and disease associated with abuse of alcohol, tobacco, and legal and illegal drugs. This is partly because addictions complicate other illnesses, requiring longer hospital stays for addicted patients. In fact, the Columbia University report indicates that, on average, Medicaid patients with substance addictions stay in the hospital twice as long as other patients. In addition, substance abuse exacerbates other illnesses and diseases, requiring more costly and intensive treatment than would normally be required.

These substance abuse costs go well beyond what is spent on direct treatment. Substance abuse is ubiquitous, reaching every corner of health care, from ailments such as cancer and cardiovascular disease to trauma and birth complications. Substance addiction is the sole cause for diseases such as alcohol cirrhosis and fetal alcohol syndrome. It is also a major risk factor for other costly health problems, including lung cancer and coronary heart disease. And it complicates all sorts of otherwise unrelated diseases and ailments, such as burns and pneumonia, adding days and dollars to treatment.

The Columbia University study indicates that babies of substance-abusing mothers stay in hospitals three times as long as other babies—and their care costs thousands of dollars more than care for healthy babies. The cost of treating drug and alcohol-impaired babies multiplies exponentially as they grow to adulthood, as the costs of their mental and physical disabilities are borne by our health and social services system.

The Columbia University study predicts that substance-abuse-related Medicaid costs will rise to $7.4 billion in fiscal year 1994. Left unchecked, these costs will continue to escalate, pushing up overall Medicaid costs and further weakening our health care system.

The long-term implications are compelling. Substance-abuse-related complications of newborns account for a staggering 32.3 percent of total days spent in hospitals by Medicaid patients. Yet GAO estimates that only about 11 percent of the pregnant women in need of additional treatment actually receive care. Medicaid currently contains no explicit language requiring provision of substance abuse treatment and prevention services, yet failure to deal with substance abuse will sentence Medicaid to continuing escalating costs. It simply makes sense to address these problems head on, by investing in addiction treatment services up front, and preventing the illnesses, accidents, and diseases associated with substance abuse, rather than paying the consequences of inaction later.

The Medicaid Substance Abuse Treatment Act (S. 484) would take a step in that direction by allowing States the option of providing Medicaid coverage of residential substance abuse treatment for pregnant, addicted women. This bill is targeted to reducing the enormous human and societal costs associated with drug-affected babies and fetal alcohol syndrome, the range of mental and physical disabilities in babies caused by drinking during pregnancy.

While expanding Medicaid coverage of substance abuse treatment is an important step, the Columbia study suggests that the costs associated with substance abuse creep into every corner of our health care system. With estimates as high as $120 billion per year, the problem of substance abuse should be addressed as an integral part of our health care reform effort.

To that end, the President has stated his commitment to expansion of substance abuse prevention research and improvement of national pubic education efforts targeted toward substance abuse prevention. He will have my strong support in this effort.

In addition, I strongly support President Clinton's proposal to include substance abuse treatment in his health care reform plan. Guaranteeing access to substance abuse treatment for those who need it will provide addicted persons the tools to fight their addictions, and reduce long-term costs to our health care, law enforcement, and social services systems. Such coverage will also expand access to treatment for vulnerable, hard-to-reach individuals, particularly in rural areas, shelters, and community health centers.

There is no easy solution to the human and financial consequences of substance abuse. However, in addition to expansion of substance abuse treatment coverage in Medicaid and other Federal and State health programs, a renewed commitment to invest in substance abuse prevention, treatment and research would be an important step in the effort to combat this problem. The cost of supporting treatment, prevention, and research programs is substantially less than the long-term costs of untreated addiction and the illnesses, accidents, and diseases associated with it.●

THE BAHAI TRAGEDY

● Mr. ROCKEFELLER. Mr. President, I want today to discuss the plight, of Bahais in Iran. Since 1982 Congress has been passing resolutions to support the religious freedom of the Bahai community; however, recent actions against Bahais make clear the need for our continuing protest against the Iranian Islamic regime's efforts to destroy this peaceful religious group.

Recently, there have been new attacks against the Bahais which exemplify the long series of abuses of human rights the Iranian Government has undertaken against this group.

The first occurred on July 1 of this year. On that day Iranian officials began to dig up the graves in a Bahai cemetery in Tehran in order to clear space for a cultural center. The Tehran Bahai cemetery contains thousands of graves of adherents of the religion, including many of the faith's earliest leaders. The cemetery is a central part of the Bahai culture and is being shamelessly torn apart by the Iranian Government. This is not the first time this has happened. In the 1980's, many headstones from confiscated Bahai cemeteries were torn from the ground and sold at public auction.

The second incident is a 1992 court decision following an auto accident in which a Moslem driver killed one Bahai and injured another. The court dismissed charges of manslaughter and involuntary injury, convicting the driver only for "neglecting driving rules and regulations." The explanation for this outrageous ruling was that Bahais are "unprotected nationalists" and, therefore, deserve less protection under the law. For the crime of killing a human being the only penalty was a small fine.

It is apparent from these events and many others concerned Americans have noted over the years that the Iranian Government has a deliberate plan to suppress the Bahais and destroy their cultural roots. Indeed, just such a plan has been made available to U.N. officials. Since 1979, more than 200 Iranian Bahais have been executed, and thousands more have been imprisoned on account of their religion. President Clinton cited Iran's abusive treatment of the Bahais as one of today's critical human rights issues.

Once again it is incumbent on the Congress to recognize and condemn the inhumane actions of the Iranian Government. I would urge the United Nations to renew its examination of the persecution of the Bahais in Iran and to take steps to prevent further violations of human rights. If we do not act, thousands more Bahais could be murdered and the entire Bahai population in Iran, the birthplace of the religion, could disintegrate.●

NATIONAL SCLERODERMA AWARENESS MONTH

● Mr. D'AMATO. Mr. President, I rise today to cosponsor Senate Joint Resolution 103, declaring August 1993 and August 1994 as National Scleroderma Awareness Month.

Scleroderma is a chronic autoimmune vascular disease affecting the connective tissues which provide the structural framework of the skin and vital organs.

Even with treatment, those who suffer from scleroderma have a varied prognosis. Some can experience relatively few symptoms and maintain a normal lifestyle while others suffer severe health effects. Such effects of this

disease can include respiratory weakness, heart spasms, digestive problems, and kidney malfunction ending in a fatality.

Because I believe that the enactment of a nationally recognized Scleroderma Awareness Month can do much to increase the widespread knowledge of scleroderma, and to pave the way for further research and support, I am pleased to join Senator FEINSTEIN as a cosponsor of this bill, and I again would urge each of my colleagues to join me in urging swift passage of this important legislation.•

EXTENDING CHAPTER 12 OF TITLE 11 OF THE UNITED STATES CODE

Mr. FORD. Madam President, on behalf of the majority leader, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar 41, H.R. 416, a bill relating to the Family Farmer Bankruptcy Act; that the bill be deemed read three times, passed, the motion to reconsider be laid upon the table; that any statements relative to this measure appear in the RECORD at the appropriate place.

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

So the bill (H.R. 416) was deemed read the third time and was passed.

Mr. GRASSLEY. Madam President, the Senate today takes an important step for rural America and for the flood-devastated Midwest today by extending for 5 years the operation of chapter 12 of the Bankruptcy Code. Passage of H.R. 416 will ensure that family farmers continue to have access to chapter 12—provisions enacted to take their special situation into account—without interruption.

Chapter 12 fulfills an important need. Before its creation family farmers could file for bankruptcy only under chapters 11 or 13. Most farmers could not file under chapter 13, either because their secured debts were too large to qualify, or because they were partnerships or incorporated entities. Chapter 11 presented different difficulties, making that chapter all but unworkable for farmers. When the farm crisis of the 1980's hit, farmers risked losing their farms for reasons beyond their control. Had these lands been sold off, the consequences for farmers, the lenders facing a free fall in land values, and for the communities would have been devastating.

Current conditions underscore the unique nature of farming and the necessity of our Bankruptcy Code's recognition of those differences. Today, the unprecedented flooding or farm lands poses risks of harm similar to those feared in the 1980's. Many farmers will have no choice but to file for bankruptcy. It is vital that as many as can file viable reorganization plan be given an opportunity to do so. Otherwise, thousands of family farmers, including some whose families have farmed for generations, will be driven off the land, never to return.

Under chapter 12, the farmer files a plan within 90 days of filing the bankruptcy petition. The court then completes action within 45 days. The debtor must make available the discretionary income for the next 3 to 5 years to pay unsecured creditors. After the 3- to 5-year period, the unsecured debt is discharged. The debtor must also pay the secured debts up to the market value of the collateral. If the farmer owes more than the property is worth, the difference is treated as an unsecured debt and must be paid out of disposable income for 3 to 5 years.

Because chapter 12 is based on chapter 13, the farmer can remain in control of the farming operation. A trustee is appointed to see that payments are timely made, to investigate fraud if the court so requires, and to operate the farm if the court finds gross mismanagement.

H.R. 416 makes the substantive change in chapter 12. The standard for granting an extension is altered from circumstances in which "an extension is substantially justified" to cases in which "the need for an extension is attributable to circumstances for which the debtor should not justly be held accountable." This new standard for extensions in filing plans will provide adequate protection for agricultural lenders, while preserving the ability of debtors to obtain extensions whenever circumstances outside their control warrant such extensions. This new standard applies only to new chapter 12 petitions filed after the date of enactment of H.R. 416, and has no application to cases that were pending on that date.

Madam President, thanks to bipartisan cooperation, we will extend this important provision of the Bankruptcy Code. I have worked with Representative SYNAR over the years to ensure that chapter 12 was created and extended. His support has been effective and gratifying to me, and this bill represents another milestone step in the history of this provision. Due to his cooperation in the other body, and also the efforts of Senator HEFLIN, we will be able to avoid any gap in the application of chapter 12. Such a gap would have been ruinous to farmers facing devastation from flooding. The continuing, unhindered operation of chapter 12 should enable some farmers facing the catastrophe of a lifetime to continue to operate their family farms. That result will be a benefit to all Americans.

STAR PRINT—REPORT NO. 103-109

Mr. FORD. Madam President, on behalf of the majority leader, I ask unanimous consent that Report No. 103-109, the report accompanying S. 422, the Government Securities Act Amendments of 1993, be star printed to reflect the changes I now send to the desk.

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

APPOINTMENT BY THE REPUBLICAN LEADER

The PRESIDING OFFICER. The Chair, on behalf of the Republican leader, after consultation with ranking member of the Finance Committee, pursuant to Public Law 102-393, appoints the following individuals as members of the Commission on the Social Security notch issue: John F. Cogan of California, and Carolyn L. Weaver of Virginia.

UNANIMOUS-CONSENT AGREEMENT

Mr. FORD. Madam President, it is my understanding that the distinguished Senator from Massachusetts is on his way to the floor to make a statement.

Therefore, I ask unanimous consent that, after the distinguished Senator from Massachusetts completes his statement, the Senate stand in recess as ordered.

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

Mr. FORD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

NOMINATION OF JOYCELYN ELDERS

Mr. KENNEDY. Madam President, I wish to address the Senate this evening to talk about a very distinguished nominee, Dr. Joycelyn Elders, who has been nominated by the President for the position of Surgeon General.

We reported her out of our Human Resources Committee with bipartisan support. As all of us know, the position of Surgeon General is enormously important. We are very hopeful that we will be able to have a vote on this nomination so that Dr. Elders can move forward and pursue the Surgeon General's responsibilities in a timely fashion.

We have been hopeful that we could designate some time this evening for an opportunity to address any of the questions that Members have had about this nomination. There have been a series of questions that have been put to Dr. Elders in our Committee. She has responded completely to

those questions. There was a request that some of those answers be in a closed session. She indicated she wanted to respond to all of the questions in an open session.

So we had an extensive hearing. She has responded to all of the questions that have been placed by the members of that committee. In fact, the time actually came when the members of the committee indicated to me there were no further questions. Then we had a period of time that was open for additional written questions. She has responded to all of those written questions.

Now, one of the Members of the Senate indicated today that there are some other matters that he wanted addressed. Dr. Elders will be responding to these questions. The previous questions kept her up until 5 o'clock in the morning in order to respond to them, in a timely way. Obviously, if there are questions, she does want to address them, but quite frankly, I think at some time, in fairness to her and her very distinguished service, that it is appropriate for this body to come to grips with the nomination and to debate the issue and to indicate by a yea or nay vote what each Senator's position would be.

It is completely untenable, intolerable, and unacceptable to place holds on nominations for further fishing expeditions. I, as well as other Members of the Senate, have been distressed when we read stories in the newspapers where some of the Members have indicated that they wanted to hold this particular nomination over and use the period of the August recess to try to find other issues that might be pursued. These kinds of fishing expeditions are not worthy of this membership. They are unworthy in terms of any kind of an attack on either the integrity or the ability of a very distinguished nominee.

So, this evening I will take a few moments of the Senate's time to indicate where we are in terms of the nomination. A first look at the issues that have been raised and the responses that have been received would indicate that we will be prepared, along with many of my other colleagues who are supporting the nomination, to go ahead tomorrow. Our ability to move ahead is obviously conditioned by the schedule of the Senate, the urgency of action on the floods in the midwest. But we are here tonight. This is an important matter. This is an individual who is entitled to, I believe, an overwhelmingly favorable vote in the U.S. Senate. She is certainly entitled to prompt action by the U.S. Senate.

There is no position in American Government that is more important to the health of the Nation than Surgeon General of the United States. The woman whose nomination we are considering today has the potential to become one of the best Surgeon Generals in history.

The Surgeon General must tackle many tasks—and do all of them well. The Surgeon General is the chief of the commissioned corps of the Public Health Service, a body of dedicated health professionals serving the country wherever their skills are needed.

The Surgeon General is the chief public health adviser to the Assistant Secretary of Health, to the Secretary of Health and Human Services, and to the President. Whether the issue is controlling the AIDS epidemic, tackling the challenge of infant mortality, or dealing with the new plague of drug-resistant tuberculosis, the Surgeon General is a principal resource for analyzing the problem and providing guidance on the most effective public health response.

But most of all, the Surgeon General must mobilize public opinion and public commitment to the cause of good health. In the 1960's, Surgeon General Luther Terry aroused the Nation to the dangers of smoking. In the 1980's, Surgeon General C. Everett Koop educated the Nation about the dangers of AIDS.

And in the 1990's, Dr. Joycelyn Elders is ready, willing, and able to work for better health for all Americans—but most especially for the country's children.

By training, by experience, and by temperament, Dr. Elders is superbly qualified for all the varied responsibilities of Surgeon General.

A great Surgeon General must care deeply about those who need help the most. Dr. Elders cares deeply, in no small part because she experienced such great obstacles to good health and a successful career in her own life.

Dr. Elders was born to a teen-aged mother and a sharecropper father in the town of Schaal, AR. She grew up on the family farm in a three-room cabin with her seven brothers and sisters. The cabin had neither electricity nor indoor plumbing.

As a child, Dr. Elders worked in the fields to help support her family from June through Thanksgiving. School had to be fit in between work on the farm. Yet she skipped two grades and graduated as the valedictorian of her segregated high school when she was only 15.

Dr. Elders' mother never had the benefit of prenatal care. In fact, her children were delivered in her home without medical assistance.

One of Dr. Elders' earliest memories is of her young brother, crying with the pain of a ruptured appendix, being taken 10 miles on the back of a mule to the nearest doctor. Before entering college, Dr. Elders herself never saw a doctor—not for a physical exam, not for childhood vaccinations, not for treatment of any illness.

She understands the pain of those who have no access to health care because she has been there herself.

To be effective, a Surgeon General must have the strength and perseverance to fight for what is right.

Dr. Elders demonstrated the kind of character necessary to take on any job, no matter how difficult, when she rose from poverty to a career as a distinguished pediatric endocrinologist, and appointment as chief public health officer of the State of Arkansas.

Dr. Elders won a full-tuition scholarship to Philander Smith College in Little Rock.

Money was so scarce that her brothers and sisters worked in the fields to help her pay bus fare and buy her clothing. She graduated from college magna cum laude in 3 years. She joined the Army so that she could earn the right to GI bill assistance to finance her medical education.

She and her fellow African-American students at the Arkansas Medical School were forced to eat in a segregated section of the student cafeteria. Dr. Elders went on to an internship in pediatrics at the University of Minnesota and was invited back to the University of Arkansas Medical School to the prestigious position of chief resident in pediatrics.

After her internship, she was invited to stay on at the university as professor of pediatrics. In 1987, Governor Clinton named her to lead the Arkansas Department of Public Health.

To be effective, a Surgeon General must have a strong scientific background in order to fully understand the issues underlying difficult questions of health policy. Dr. Elders is a distinguished pediatric endocrinologist with 150 scientific papers to her credit who has spent most of her professional life in academic medicine.

Finally, to be effective, a Surgeon General should bring to the job a strong record of commitment and accomplishment in the field of public health. By that standard, Dr. Elders is one of the best qualified Surgeon Generals in the Nation's history. As director of the Arkansas Health Department, she guided one of the most effective and innovative programs in the Nation. Her peers—the chief health officers of the 50 States and the territories—selected her as the president of their organization, the Association of State and Territorial Health Officers.

Under Dr. Elders' leadership, the Arkansas Department of Health almost doubled the proportion of children receiving timely immunizations.

She established a program that has become a model for the Nation. She launched an assault on infant mortality that significantly increased the number of women receiving adequate prenatal care. She increased tenfold the number of poor children receiving comprehensive health screenings.

She expanded home care opportunities for senior citizens. She dramatically expanded early screening and detection services for cancer in women.

She fought for school-based clinics, because it was the only realistic way to reach children and get them the health services they need. She led a crusade against teenage pregnancy.

Dr. Elders is the right person at the right place at the right time to be Surgeon General. Yet she has been subjected to unremitting, unfounded, and unfair attacks on her character, her views, and her record. The Labor Committee has reviewed all of these allegations carefully during her confirmation proceedings.

Dr. Elders' confirmation has been plagued with delays from the onset. Her opponents have raised round after round of questions about her positions and her activities, and Dr. Elders has patiently answered all of them, and answered them effectively. After considering all of these issues, the Labor Committee recommended her confirmation by a vote of 13 to 4.

Unfortunately, this confirmation process has been filled with unfair distortions, misrepresentations, and unnecessary procedural delays. President Clinton announced Dr. Elders' nomination as Surgeon General on December 24—7 months ago. The issues have been exhaustively debated ever since, and I hope that the Senate will take final action before we adjourn for the August recess. As I stated last Friday in the Labor Committee, "The Senate owes Dr. Elders an apology, not a filibuster."

Last month, Senator KASSEBAUM and I postponed Dr. Elders' hearing for a week to allow the committee additional time to review the allegations that had been put forth concerning Dr. Elders' service on the board of a bank in Arkansas.

In addition, the FBI conducted an extensive investigation of this issue and has made a summary of the investigation available to all Senators.

The suggestion was made that the committee should hold a closed session on the nomination. But Dr. Elders insisted that her hearing be open to the public. She has nothing to hide. She wanted everyone to see that she has nothing to hide. And after the public hearing, it was clear to everyone that she has nothing to hide.

Even then, one Senator not on the committee employed arcane Senate procedural rules to delay the hearing, forcing Dr. Elders to wait 3 hours before we could proceed with her hearing.

During her hearing Dr. Elders eloquently answered every question fully, honestly, effectively—and repeatedly. When the hearing concluded, none of the Senators present had any further questions. But on the following Tuesday, 198 additional questions were submitted. I have never heard of so many written questions being submitted to a nominee in our committee before.

Even though many of the questions had already been raised and addressed during the hearing, Dr. Elders answered them fully. These questions were received by Dr. Elders on Tuesday, July 27, at noon and Dr. Elders had completed all 198 answers by Thursday, July 29, at 9 a.m., a full 24 hours before committee met to vote on her nomination.

Let me briefly state just a few of the allegations that have already been answered by Dr. Elders. I will certainly be prepared to discuss any other issue.

Dr. Elders has been questioned about her role on the board of the National Bank of Arkansas. The truth about this situation is that there was no suit by any government agency or regulator for negligence or malfeasance against Dr. Elders and the other directors; Dr. Elders and the other directors were defendants in a shareholder suit. Dr. Elders was never singled out for blame or responsibility in the lawsuit. The suit was brought by certain shareholders against the directors and the president in connection with a struggle for control of the bank.

Dr. Elders did receive a letter of reprimand from the Comptroller of the Currency. A letter was sent to every member of the board. A reprimand is only a warning and involves no penalties whatsoever. It is one of the lowest sanctions available to the Comptroller.

Most of the bank transactions cited by the Comptroller of the Currency were based on the work of a single bank officer acting improperly. As a director, Dr. Elders acted conscientiously but erroneously on the basis of incomplete and misleading information provided by that officer.

Dr. Elders has also been questioned about Social Security taxes owed for a home health aide for her husband's elderly mother. In fact, Dr. Elders' husband has power of attorney for his mother and exercises complete control over her finances. Dr. Elders has taken full responsibility for failing to pay the taxes and has paid them in full.

Dr. Elders has been questioned about possible conflicts of interest because she worked in an Arkansas nursing home while also serving as director of the public health department. In fact, Dr. Elders' work at the nursing home violated no Arkansas law. Nursing homes in Arkansas are regulated by a separate State agency, not the department of health. In addition, the nursing home was awarded no contracts or grants by the department of health.

Dr. Elders' judgment has also been questioned for her handling of defective condoms that were discovered in Arkansas. In fact, the condoms were distributed in over 25 States, but the Arkansas Department of Health was the only public health agency in the entire country to notify FDA of the defect. Dr. Elders' actions played a vital role in ensuring that a nationwide recall took place.

Dr. Elders decided not to issue a public statement about the recall based on her professional judgment and the unanimous advice of her department's top experts. They decided that the risks of people failing to use condoms far outweighed the risks associated with the defective condoms.

A letter from the Association of State and Territorial Health Officials supports Dr. Elders' decision. It notes that a public announcement of the breakage of a small number of defective condoms has the potential for "critical negative repercussions" including "unfounded skepticism about the effectiveness of condoms."

Next, Dr. Elders' salary as the director of the State Department of Health has been criticized. This issue has been discussed in Arkansas newspapers for years. Any suggestion that Dr. Elders has done anything wrong has been rejected. Her salary arrangement was approved by the Arkansas State government. It permitted her to retain her academic tenure while protecting her retirement investment, which began when she first joined the State government in the early 1960's.

This salary arrangement is not unique. Several other States, including Florida, Texas, and Washington, DC, have similar arrangements to encourage medical professionals to take positions in their departments of health.

Next, Dr. Elders has been questioned about double-dipping by taking vacation days from her job in Arkansas to serve as an intermittent consultant in the Federal Government while preparing for her Federal role. It is standard practice for Federal nominees to retain their jobs until their confirmation by the Senate.

The ethics officer in the Department of Health and Human Services, who served in the Reagan and Bush administrations, has written a letter stating that Dr. Elders was working in according with all relevant Federal laws and regulations.

It has been charged that Dr. Elders violated the Arkansas State political practices act, when she spoke to a prochoice rally in January 1992. In fact, a State investigation cleared her of any violation. When a request for a special prosecutor was made to force the prosecutor to pursue the charges anyway, the Arkansas Circuit Court dismissed the request for a special prosecutor, and an appeal was dismissed by the Supreme Court of Arkansas.

It is fair to say that the opponents of Dr. Elders have left no stone unturned in their effort to defeat her nomination. But Dr. Elders has come through this process stronger than ever. She has impressed the committee with her integrity, her forthrightness, and her extraordinary commitment to the public health.

Dr. Elders easily meets the high professional and ethical standards required of the Surgeon General. In fact,

she surpasses them. She may be an unconventional Surgeon General. But she also has the potential to be a great Surgeon General. Many of us feel that she is just what the doctor ordered for this Nation at this time in our history, with all the problems we face in public health.

I urge the Senate to confirm her to the position of Surgeon General of the United States in the next several days.

Mr. President, I will look forward to debating these matters with other interested Members of the Senate. We have had a good chance to go through each and every one of these matters at very considerable detail during the course of the hearings. We believe that these issues ought to be put out on the record. Let the Members make a judgment and a decision on Dr. Elders.

As I mentioned, December 24, some 6 months ago, was the official announcement; July 1, the formal nomination received by the committee; the papers completed and distributed July 2; all the ethics review received a few days after. We scheduled a hearing for July 16 which was postponed at the request of the members of the committee so that additional information could be gathered.

Finally, on July 23, a hearing was held. July 27, the hearing record was closed. We left from the 23d to the 27th open, so that all the Members could ask for any additional information they wished.

We received 198 questions. All of those questions were responded to. We had the markup up on July 30. We had an opportunity to discuss any of those questions, the responses and an opportunity for full debate and discussion. The members of the committee who had submitted those questions had an opportunity to review those matters. We went forward with a vote, and we received strong bipartisan support for Dr. Elders.

All of us do not perhaps agree with every position that Dr. Elders might have taken on various public health issues. We may not agree with the exact manner in which she has characterized certain public health issues. But every fair-minded individual can agree that we do have in Dr. Elders a remarkable individual, highly qualified, highly compassionate, who will be able to talk frankly and effectively to a segment of our population in a way that can't be matched by any other leader, elected or appointed official.

Dr. Elders is absolutely, superbly qualified. We in the Senate, have an important responsibility to stand up and be counted.

I certainly urge that this body approve her overwhelmingly.

I have indicated to the leader that I know I speak for other Members of the Senate and for a number of other members of our committee when I say we are willing to remain here for any period of time—tonight, tomorrow, or whenever—to debate these issues fully and completely and to make the record. And we have every intention of doing so. I would certainly hope that we would have the opportunity to move to some resolution on this nomination and before the recess.

We are enormously grateful for the support we have received. This has been a bipartisan recommendation and tomorrow, during the course of the debate we will indicate various groups and organizations that support Dr. Elders. The PTA, not considered to be a radical organization; the American Medical Association, many of the other organizations and associations which generally have never been recognized as being on the cautious, nonpartisan, highly respected have spoken out strongly—more than 400 of them. The array of endorsements and extraordinary support for Dr. Elders is truly extraordinary. I hope and believe we are looking forward to prompt resolution of this nomination. Dr. Elders deserves it, and the Nation needs it.

ORDERS FOR WEDNESDAY, AUGUST 4, 1993

Mr. FORD. Madam President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10 a.m., Wednesday, August 4; that following the prayer, the Journal of proceedings be deemed approved to date; that the time for the two leaders be reserved for their use later in the day; that immediately following the Chair's announcement, the Senate resume consideration of H.R. 2667, the emergency supplemental appropriations bill; that there be 1 hour for debate on the Harkin, and others, amendment No. 756, with the time equally divided and controlled in the usual form; that when all time is used or yielded back, the Senate vote on, or in relation to, the Harkin, and others, amendment.

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

RECESS UNTIL 10 A.M. TOMORROW

The PRESIDING OFFICER. Without objection, under the previous order the Senate stands in recess until 10 a.m. Wednesday, August 4, 1993.

Thereupon, the Senate, at 10:04 p.m. recessed until Wednesday, August 4, 1993.

CONFIRMATIONS

Executive Nominations Confirmed by the Senate August 3, 1993:

DEPARTMENT OF EDUCATION

THOMAS W. PAYZANT, OF CALIFORNIA, TO BE ASSISTANT SECRETARY FOR ELEMENTARY AND SECONDARY EDUCATION, DEPARTMENT OF EDUCATION.

NATIONAL FOUNDATION OF THE ARTS AND THE HUMANITIES

SHELDON HACKNEY, OF PENNSYLVANIA, TO BE CHAIRPERSON OF THE NATIONAL ENDOWMENT FOR THE HUMANITIES FOR A TERM OF 4 YEARS.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

SUPREME COURT OF THE UNITED STATES

RUTH BADER GINSBURG, OF NEW YORK, TO BE AN ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES.