Health, the screening and early detection of prostate cancer, the prevention of cases of infertility from sexually transmitted diseases, a birth defects surveillance and epidemiology research program, and the establishment of a Centers for Disease Control Foundation.

The legislation revises and extends the preventive health and health services block grant. The authorization of the program is increased to $205 million for fiscal year 1993. It also increases the set-aside for services for rape victims and rape prevention to $7 million.

The legislation stresses that block grant funds be used to make progress toward the goals identified in the Department of Health and Human Services report, "Healthy People 2000: National Health Promotion and Disease Prevention Objectives." The funds are intended to improve the health status of the general population as well as work toward eliminating disparities between the general population and racial and ethnic minorities.

The legislation addresses the need to reduce the incidence and severity of diseases and conditions that disproportionately affect women and racial and ethnic minorities. Minorities and the poor continue to suffer poorer overall health status than the general population; many preventable diseases occur at higher rates, and access to quality health promotion and disease prevention services are inadequate. The States are also authorized to use block grant funds for the improvement of the health of women and the racial and ethnic minorities.

Adolescents need greater health services too. One in five of today's adolescents have at least one serious health problem. The future contributions of young people are too often lost because of the senseless violence of suicide and homicide, or the tragedy of malnutrition or chronic despair. This legislation establishes an Office of Adolescent Health. The Office will coordinate the diverse activities of Federal agencies as they related to adolescents. It will monitor the health status of adolescents, support training of health providers who work with adolescents, and support research projects relating to conditions and diseases of adolescents.

The legislation also establishes a prostate cancer prevention program at the Centers for Disease Control which will provide early detection, screening, and prevention services to high-risk and low-income individuals. The program will address the growing concern about the increasing number of men developing prostate cancer and the alarming death rate from that disease. The legislation will ensure that existing screening methods are evaluated, surveillance systems are improved, information is disseminated to health professionals, and research is expedited for the early detection of prostate cancer.

The legislation also establishes a program to screen and treat preventable cases of infertility arising from sexually transmitted diseases in women. The program was established in response to the growing concerns about the nationwide epidemic of chlamydia, its devastating impact on women, and with the hope that new methods for the diagnosis and treatment of this disease will allow progress to be made in controlling this epidemic and reducing the cases of infertility.

Lead poisoning is the No. 1 preventable environmental disease of children. Yet only meager efforts have been undertaken to eliminate lead exposure and detect lead toxicity. For more than a decade it has been known that even healthy appearing children with modest lead elevations show poor academic performance as evidenced by low IQ scores, impaired hearing, speech, and language development, and disruptive classroom behavior.

This legislation revises and extends programs for screening infants and children for lead poisoning. It also creates a program to educate health professionals, paraprofessionals, and the public on the importance of preventing lead poisoning, establishes an interagency task force to coordinate the efforts of Federal agencies to prevent lead poisoning, and supports the development of more improved and more cost-effective testing measures for detecting lead poisoning.

Birth defects, alone and in combination with low birthweight, are a leading cause of infant mortality. The legislation establishes a program to improve State collection and analysis of data of birth defects.

The legislation supports the expansion of the current Comprehensive Perinatal Care Program within the Office of Special Populations as a vital element in an overall strategy to reduce infant mortality. The legislation also addresses the concerns of community health centers on health care financing. It allows them flexibility using nongrant funds to maintain fiscal viability.

An outstanding preventive health initiative is currently being undertaken at the Medical Center of Central Massachusetts. It is establishing a new center as a model that will focus on providing preventive health care to the citizens of central Massachusetts. Of particular importance will be a comprehensive outreach program to provide preventive health care to women, children, and families. In addition to providing much needed preventive health services to the Worcester region, the center will serve as a national model for institutions seeking to offer on-site neonatal and gynecological services, and family practice services.

The current measure builds on the strengths of existing law and enhances the Federal-State partnership in promoting health and preventing disease and disability. With this legislation, we take a major step toward better health care for millions of our citizens, and I urge the Senate to approve it.

Mr. HARKIN. Mr. President, I rise in strong support of the conference report accompanying H.R. 3635, the Preventive Health Amendments of 1992. I want to commend the distinguished chairman of the Labor and Human Resources Committee, Senator KENNEDY, for his continuing leadership in efforts to improve the health care available to Americans. I also want to thank him and his excellent staff for their great work and commitment to bring H.R. 3635 to this point. I was very pleased to have had the opportunity to join him as a conferee on this measure. The conference agreement, while not everything that I would have wanted, includes a major package of health promotion and disease prevention initiatives and is among the most important pieces of health legislation we will approve this session.

Mr. President, as I have said many times, I believe that the most fundamental flaw in our health care system today is its preoccupation with patching and mending and its virtual neglect of prevention and health promotion. What we really have is not a health care system but a sick care system. This year we will spend billions of dollars to treat diseases and disabilities that could have been prevented or caught at an earlier stage. Yet, only a tiny fraction of our health care budget is spend on keeping people healthy and preventing disease and disability. As a result of this flaw in our national health policy, not only are health costs increased, but the quality and length of the lives of many Americans are needlessly reduced. We need to overhaul our sick care system into an American health care systems of which we can all be proud. The conference agreement before the Senate today takes us an important step further toward completing that task.

At the beginning of this Congress, I introduced a package of seven bills, which I call the Prevention First, designed to begin reordering our health care priorities towards commonsense prevention. S. 510, the Older Americans Disease Prevention and Health Promotion Act, which provides for a national program to expand access to health promotion services to senior citizens at senior centers, congregate meal sites and through the Meals-on-Wheels Program, was recently signed into law as part of the Older Americans Act Amendments last month. I am very pleased that a number of other components of my Prevention First initiative and other suggestions are contained in this bill.

A major component of the conference agreement is its reauthorization of the

preventative health and health services block grant. This important program is the backbone of State and local public health and prevention efforts. It funds a full range of key disease prevention and health promotion services provided to Americans in every State and locality—from hypertension screening, to health education, to breast cancer screening to smoking cessation programs. H.R. 3635 would expand and strengthen this program, building upon my legislation of last Congress, the Health Objectives 2000 Act. A revised version of this bill, the Year 2000 Health Objectives Planning Act was signed into law by the President and helped pave the way for implementation of the National Health Promotion and Disease Prevention Objectives for the Year 2000.

The conference report before us provides increased capacity and resources to States and localities to assist them in achieveing the Year 2000 National Health Objectives, addressing improvements in health status, risk reduction, public and professional awareness, health services and protective measures, and surveillance and evaluations. Second, it creates and develops an effective partnership of Federal, State, and local health agencies, voluntary health organizations, and other health groups, including minority community-based organizations, to develop initiatives for preventing disease and disability. These provisions will greatly improve not only the preventive health services block grant, but the efficiency and effectiveness of our public health system in general as well.

The conference agreement also incorporates the provisions of S. 507, the Lead Poisoning Prevention Act, legislation I introduced on behalf of myself and a number of our colleagues. Inclusion of S. 507 attacks the No. 1 preventable disease among children—lead poisoning. Conservative estimates indicate that more than 3.5 million American children from all walks of life have dangerous levels of lead in their blood. And we know the devastating impact lead poisoning can have on our children. We know that even healthy-appearing children with modest lead elevations often display poor academic performance, low IQ scores, impaired hearing, unsatisfactory speech and language development, and disruptive classroom behavior. A recent study found that lead poisoned children are seven times more likely to drop out of school before graduating from high school.

The costs of lead poisoning are staggering and the cost-effectiveness of screening for it is clear. The annual cost of remedial education and health care needed as a result of childhood lead poisoning alone totals over $1 billion. Screening and early detection for lead poisoning saves by more than 50-fold the immediate cost of treatment. Yet, there is a sorrowful lack of awareness regarding the perils of lead poisoning, the benefits of screening and the resulting preventive and treatment measures that can be taken to combat this problem.

The conference report attacks this problem by authorizing and expansion of support to States and localities to screen children, establishing a national education program to increase awareness among children, parents, teachers and health professionals about lead poisoning, developing a more cost effective accurate test to screen for lead poisoning, and finally to make certain that the actions of different Federal agencies responding to the problem of lead poisoning are properly coordinated. These steps will save lives and money.

Mr. President, the report before us also incorporates the provisions of S. 505, another component of my Prevention First legislation package. This bill would change the name of our nation's flagship Federal agency on prevention, the Centers for Disease Control [CDC], to the Centers for Disease Control and Prevention [CDC]. This change appropriately recognizes CDC's central role in our national efforts to prevent disease and disability and will give greater national visibility to these efforts. This simple change will also demonstrate our commitment to increasing the focus of our efforts in health care on prevention and elevate prevention to its appropriate high level within the structure of Government health care programs. I want to commend CDC for their strong work and commitment to improving the public health. I want to especially commend Dr. Bill Roper who I think is doing a find job heading up CDC and for his strong support for this change.

The agreement before us contains a number of other prevention-oriented initiatives. It will strengthen our efforts to reduce the rate of preventable injuries, infertility, and adolescent violence. Each of these are very important and would significantly contribute to improved health.

Mr. President, I have been placing top priority in my capacity as chairman of the Senate subcommittee that funds health, education and social services programs on programs that prevent disease and disability and promote health. In the fiscal year 1993 Labor, Health and Human Services Appropriations bill, given final approval by the Senate Saturday, we have provided significant increases in funding for prenatal care, chronic and environmental disease prevention, disability prevention, childhood immunizations and many other critical preventive programs. In the past 2 years alone, we have been able to increase funding for the prevention block grant by more than 50 percent, from $92 to $148 million. We have increased funding for lead poisoning prevention nearly fourfold, from $8 million to nearly $30 million. We have increased funding for the maternal and child health block grant by $78 million and increased funding for childhood immunizations by nearly 50 percent, from $217 to $341 million.

So through these appropriations and through adoption of this authorizing legislation, we are making a downpayment on what needs to be done to turn our sick care system into an American health care system of which we can be proud. We will take further steps next year to assure that all Americans are guaranteed access to quality health and long-term care at a price they can afford. I will be working to assure that preventive measures are at the centerpiece of these efforts.

Mr. President, I urge prompt passage of this conference report and hope that we can move without hesitation to send it to the President for final approval.

Mr. FORD. Mr. President, I ask unanimous consent that the conference report be agreed to; that the motion to reconsider be laid upon the table; and that any statements thereon appear in the RECORD at the appropriate place as though read.

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

So, the conference report was agreed to.

HARD WORK IS THE PROCESS OF THE SENATE

Mr. SIMPSON. Mr. President, I want to thank my friend from Kentucky for that abbreviated version and thank the Chair for alacrity and swiftness in recognizing our efforts here in a most extraordinary way. The exchanges of the friend of Kentucky and my own do not often appear reported in the RECORD, nor would they make light evening reading sometimes.

I enjoy working with him. We work with vigor and loyalty to our leaders and try to promote the flow of the Senate's business as best we can so that the Senate might work its will, as the senior colleague and the most respected colleague from West Virginia often says. That is what Senator FORD and I try to do in our work in our own unique way. We disagree vigorously sometimes, but his word, indeed, is his bond.

Mr. FORD. I thank my good friend.

Mr. President, I thank you for your indulgence here and ability.

So that those who are watching might understand, a great deal of work, long hours, several days have gone into working out agreements on bills that were developed in the House and sent here or developed in the Senate and sent over there. Some were conference reports. Other were negotiations between Senators to bring it to a point where we have that agreement.

What we have seen here today between Senator SIMPSON from Wyoming and myself has been the culmination of all that hard work, which is the process of the Senate. These are unanimous-consent agreements. There is a long, tough trail sometimes to get to that point. There is a lot of give and take. It is given in the best interest of our constituency as it relates to the efficiency of the Senate. It all comes down to one point where we are able to make it work.

I again appreciate the kind words of my friend. I do not imagine the day is over yet. As the Senator says, we are getting ready to hear the dean of all parliamentary procedure and rules of the Senate and an individual who was honored today—not enough, but hopefully there will be some more—when certain items in his home State were agreed to to put his name on it.

Mr. President, I see we now have a couple of items we might be able to work through here.

Mr. SIMPSON. Mr. President, may I before the Senator from Kentucky propounds his unanimous-consent request, I think it is very important that the American people understand what he just said. Some of this material has been here since the first session of this Congress, and people have been working diligently on it. It is my experience after 25 years of legislating that legislating is pretty dry work, if done properly. It is not done for press releases and ribbon-cutting exercises. It is called legislating.

It is a very difficult process of learning to compromise an issue without compromising yourself, learning to do the Nation's business in a highly nondramatic way. What you have seen in this last hour is a true compilation of blood, sweat, and tears on the part of many persons on both sides of the aisle, on both sides of the Capitol building coming to fruition when the final give and take is a very simple one: Either you get it passed or you have to start all over. That is where a lot of give and take is made in the legislative process in the conference committees. It is unreported upon largely because it is unable to be described properly. But it is the essence of democracy.

MONUMENT HONORING THOMAS PAINE

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 3364, introduced earlier today by Senator SYMMS, to authorize the construction of a monument in the District of Columbia, or its environs, to honor Thomas Paine; that the bill be deemed read the third time, passed, and the motion to reconsider be laid upon the table; and that any statements relating to passage of this item be included at the appropriate place in the CONGRESSIONAL RECORD.

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

So the bill (S. 3364) was deemed read the third time and passed, as follows:

S. 3364

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That effective as of the enactment of the Act entitled "An Act to authorize the construction of a monument in the District of Columbia or its environs to honor Thomas Paine, and for other purposes" (H.R. 1628, One Hundred Second Congress), *such Act is amended to read as follows:*

"SECTION 1. AUTHORITY TO ESTABLISH MEMORIAL.

"(a) IN GENERAL.—The Thomas Paine National Historical Association is authorized to establish a memorial on Federal land in the District of Columbia or its environs to honor Thomas Paine.

"(b) COMPLIANCE WITH STANDARDS FOR COMMEMORATIVE WORKS.—The establishment of the memorial shall be in accordance with the Act entitled 'An Act to provide standards for placement of commemorative works on certain Federal lands in the District of Columbia and its environs, and for other purposes' approved November 14, 1986 (40 U.S.C. 1001, et. seq.).

"SEC. 2. PAYMENT OF EXPENSES.

"The Thomas Paine National Historical Association shall be solely responsible for acceptance of contributions for, and payment of the expenses of, the establishment of the memorial. No Federal funds may be used to pay any expense of the establishment of the memorial.

"SEC. 3. DEPOSIT OF EXCESS FUNDS.

"If, upon payment of all expenses of the establishment of the memorial (including the maintenance and preservation amount provided for in section 8(b) of the Act referred to in section 1(b)), or upon expiration of the authority for the memorial under section 10(b) of that Act, there remains a balance of funds received for the establishment of the memorial, the Thomas Paine National Historical Association shall transmit the amount of the balance to the Secretary of the Treasury for deposit in the account provided for in section 8(b)(1) of that Act.".

THOMAS PAINE MEMORIAL PROJECT

Mr. SYMMS. Mr. President, our colleagues have heard me speak repeatedly about Thomas Paine. Sometimes my mission has been to generate support for the Thomas Paine Memorial Project, other times it has been to give a status report on our project.

Mr. President, today, I rise with a very special mission, and that is to bring to the attention of the Congress the extraordinary generosity of the private sector's support of a very memorable and important facet of this effort.

As many of our colleagues recall, on the evening of Thursday, September 24, we joined in the Presidents Room of the Capitol Building, EF-100, for a wonderful evening of great food and refreshments as we honored the lifelong contributions to the study of history by Dr. Thomas Clark, of Lexington, KY.

Dr. Clark is known throughout the Nation as a result of his work, and leadership as past president of the Organization of American Historians. In Kentucky, Dr. Clark is nearly beatified for his diligence as a teacher, author, editor, and friend—I have heard only secondhand reports about his golf game, however.

Many of our colleagues were joined in honoring Dr. Clark by Prof. Fred Friendly and his wife Ruth; Felix DeWeldon, who sculpted the magnificent Iwo Jima among others and Florence Stapleton, the past president of the Thomas Paine Association among others.

Mr. President, I want to remind our colleagues of the fact that the wonderful evening would not have been possible if the private sector had not reached deep into its pockets and donated to the worthy cause of honoring Dr. Clark and Thomas Paine.

These donors are: the Bingham Fund, a charitable organization established by Kentucky's Bingham family which was joined by Toyota, U.S.A. of Kentucky, Humana, Inc., Long John Silvers, and Texas Gas & Transmission in giving generously of their financial resources along with the Keith Stein Co. of Boise, ID, and one of my truest friends and my historian/ophthalmologist, Dr. Chuck Howarth.

Additionally, we were very fortunate to receive generous in-kind, support from the Henley Park Hotel here in Washington, Hiram Walker & Sons, Walton Thomas International of Washington, Schneider's of Capitol Hill, Broadbent Meats who supplied that wonderful ham all the way from Cadiz, KY, Premier Beverage of Tampa, FL, and of course Kentucky's Maker's Mark Distillery.

Mr. President, without generosity of these people and the hard work of people like Shirley Felix of the Capitol Catering Office, Karen Portik and Celeste Farmer of the Senate Republican Conference, and Jeremy Chou and Trevor Norris of my staff, this very memorable evening would not have taken place.

Mr. President, with an expression of my deep appreciation to each of these people, I yield the floor.

Mr. President, I ask unanimous consent that the supportive letter regarding Thomas Paine expressing the will of the Rules Committee be printed in the RECORD for the benefit of our colleagues and researchers in the future.

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

U.S. SENATE,
COMMITTEE ON RULES AND ADMINISTRATION,
Washington, DC, October 2, 1992.

JOHN G. PARSONS,
Chairman, National Capital Memorial Commission, Washington, DC.

DEAR MR. PARSONS: Congress has passed H.R. 1628, a bill to authorize the construction

of a memorial to Thomas Paine, and the President is expected to sign the bill soon. We hope that the Commission will consider promptly this authorization.

In the legislative review of this authorization, there was strong support in both Houses to permit its placement on the Capitol Grounds. In fact there were 78 Senate cosponsors of a resolution proposing such a location. There is, however, a long and strong sentiment that no more memorials be placed on the Capitol Grounds. For that reason, Congress chose to authorize the erection of the monument in the District of Columbia as set forth in this bill.

A memorial to Thomas Paine has strong support in Congress and across America. In keeping with that sentiment, we are writing to urge the Commission to work with The Thomas Paine National Historical Association to select a suitable location within the District to assure that this monument will be erected in a place of dignity and prominence appropriate to a person who played such an important role in the history of this Nation.

We look forward to the day when our Committee, and the Congress, has the opportunity to review the site selected by the Commission and pass the necessary legislation to authorize the issuance of a building permit. It is time to put an end to the capital city's silence on the contributions of Thomas Paine.

Sincerely,

TED STEVENS,
Ranking Republican Member,
WENDELL H. FORD,
Chairman.

EXTENSION OF NATIONAL AIR AND SPACE MUSEUM

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of calendar No. 258, S. 289.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 289) to authorize the Board of Regents of the Smithsonian Institution to plan and design an extension of the National Air and Space Museum at Washington Dulles International Airport, and for other purposes.

The ACTING PRESIDENT pro tempore. 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 Rules and Administration, with an amendment.

On page 2, line 5, strike "1" and insert in lieu thereof "2". So as to make the bill read:

S. 289

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Board of Regents of the Smithsonian Institution is authorized to plan and design an extension of the National Air and Space Museum at Washington Dulles International Airport.

SEC. 2. Effective October 1, 1992, there is authorized to be appropriated to the Board of Regents of the Smithsonian Institution $9,000,000 to carry out the purposes of this Act.

AMENDMENT NO. 3427

(Purpose: To designate an appropriate public area within the extension of the National Air and Space Museum, Washington Dulles International Airport, to honor Edwin Jacob Garn)

Mr. SIMPSON. Mr. President, I send an amendment on behalf of Senator WARNER to the desk.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wyoming [Mr. Simpson], for Mr. Warner, proposes an amendment numbered 3427.

Mr. SIMPSON. Mr. President, I ask unanimous consent that the 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 2, line 4, immediately after the period, add the following: "The Board of Regents of the Smithsonian Institution shall designate and name an appropriate public area within such extension to honor Edwin Jacob Garn, currently a member of the Board of Regents, Smithsonian Institution, having served since 1981, and the first Member of Congress to fly in space while serving as a Member.".

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

The amendment (No. 3427) was agreed to.

Mr. GARN. Mr. President, S. 289 reflects the need of the Smithsonian to provide a replacement facility for the inadequate and outmoded structures near Suitland, MD. That facility currently houses the restoration laboratory, exhibition production and maintenance services, archives, and storage functions of the National Air and Space Museum, which cannot be stored in the Museum's existing building on the Mall. To meet these requirements, it is important to extend those functions at a nearby location while relying on nonappropriated sources of funding to a major extent.

On at least six occasions over the past 9 years, the Board of Regents of the Smithsonian Institution has recommended that an extension of the National Air and Space Museum be constructed at Washington Dulles International Airport so the Museum may continue to fulfill its historic mandate to "memorialize the national development of aviation and space flight * * *." Twice before authorizing legislation has passed the Senate, only to fail in the House.

The existing National Air and Space Museum on the Mall is the most popular museum in the world. Its approval stems from the manner in which its artifacts, from the Wright Flyer to the *Pioneer 10* spacecraft, are exhibited to the public, as well as from the fact that the American people are captivated by the idea of flight and space exploration.

The crucial matter of preserving a collection is the heart of any museum's functions. In spite of the wonderful job that is currently being done, it is obvious that the present site of the museum's restoration and preservation activities, the Paul E. Garber facility at Suitland, is totally inadequate for the existing collection, and absolutely unsuitable for the needs of the future.

The icons of air and space are large: The prototype Boeing 707—which introduced the commercial jet age, generated billions of dollars for U.S. workers and investors, and shrank the world—should be available as an example of our aviation heritage. But it is too large for the Mall Museum. The space shuttle *Enterprise*—which I was pleased to help obtain for the Smithsonian—should be available for close inspection. The speedy and mysterious SR–71 *Blackbird* is also awaiting exhibit space, as are other examples of our achievements. These machines are too large to be exhibited in the museum on the Mall; indeed, most of them cannot even be disassembled for transportation to the Mall. The Regents of the Smithsonian Institution believe the best location is at nearby Dulles International Airport.

I am aware that there are those who would like to disperse the Air and Space Museum to the many corners of the land, but I believe that bridge has already been crossed in the numerous studies within and without the Smithsonian Institution, and by the many decisions of the Board of Regents pursuant to its statutory authority. Under the accepted criteria the decisions always and unequivocally designated Dulles International Airport as the site of the extension. I recognize that there is room for regional air and space museums, and I am committed to assist and foster these developments. But I believe there should be but one National Air and Space Museum, and that should be kept as compact and unified in display, administration and support as possible.

The Smithsonian does not seek to expand museum activities through extensive new construction that would be costly in itself and would require the long-term commitment of increased levels of Federal program and operating funds. Locating the extension at Washington Dulles International Airport, where a number of its aircraft are stored, will permit the new facility to be managed as part of the existing Museum, thereby avoiding the costs of an additional administrative and support superstructure.

The Dulles location also will permit the Institution to take advantage of the very generous financial package offered by the Commonwealth of Virginia, which several years ago enacted bonding authority for the extension. While a modest increment of Federal funding may be required for the overall

project, the Smithsonian expects to explore a variety of financing options, including fund-raising in the private sector, to complement the Virginia offer and ease Federal requirements for its support.

The extension will provide adequate space and modern systems that will enhance the Institution's capacity to enter into collaborative programs with other organizations and share the resources of the National Air and Space Museum with communities beyond the immediate Washington, DC, area. Clearly, the utilization of emerging technologies is key to accelerating the distribution of information about the Museum's resources such as collections, exhibitions, and public programming, as well as to establishing real-time communications between organizations.

Mr. President, I ask that my colleagues approve S. 289 so that this important and thoughtful initiative can proceed.

Mr. ROBB. Mr. President, earlier today the Senate passed S. 289, Senator GARN's bill to authorize $9 million to design an extension of the National Air and Space Museum at Dulles International Airport. Because I was presiding over the Senate at the time, I was unable to speak to the issue. I would like to say just a few words at this time in support of the measure.

Passage of this bill today represents the fourth time that the Senate has approved legislation reaffirming the sound decision of the Smithsonian's Board of Regents to locate the much-needed annex to the Air and Space Museum at Dulles Airport. Just 4 days ago, in fact, the Senate passed the text of S. 289 as part of Senator SIMON's bill establishing a National African-American Memorial Museum—S. 523.

The Commonwealth of Virginia and I have been avid supporters of the Air and Space Museum extension at Dulles since the Smithsonian first broached the idea in 1983, while I was Governor. My distinguished successors in that office, Jerry Baliles and Doug Wilder, have maintained the Commonwealth's commitment to the project.

Unfortunately, attempts have been made over the years to tamper with the Regents' decision to site the annex at Dulles. The most recent attempt to do so came in the form of H.R. 3281, a bill to reopen the site selection process for the extension. I am pleased that the House overwhelmingly rejected that effort on September 30 by a vote of 317-106.

It is my hope that the recent House vote will put to rest the attempts to reopen what should be a settled question, and I wholeheartedly support the Senate's passage of Senator GARN's bill today.

The ACTING PRESIDENT pro tempore. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment, as amended.

The committee amendment, as amended, was agreed to.

The ACTING PRESIDENT pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 289

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Board of Regents of the Smithsonian Institution is authorized to plan and design an extension of the National Air and Space Museum at Washington Dulles International Airport. The Board of Regents of the Smithsonian Institution shall designate and name an appropriate public area within such extension to honor Edwin Jacob Garn, currently a member of the Board of Regents, Smithsonian Institution, having served since 1981, and the first Member of Congress to fly in space while serving as a Member.

SEC. 2. Effective October 1, 1992, there is authorized to be appropriated to the Board of Regents of the Smithsonian Institution $9,000,000 to carry out the purposes of this Act.

Mr. FORD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. SIMPSON. I move to lay the motion on the table.

The motion to lay on the table was agreed to.

RECOMMENDATIONS OF FEDERAL COURTS STUDY COMMITTEE

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 6185, a bill to implement the recommendations of the Federal Courts Study Committee, just received from the House; that the bill be deemed read the third time, passed and the motion to reconsider be laid upon the table; and that statements with respect to passing this bill appear at the appropriate place in the RECORD.

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

So the bill (H.R. 6185) was deemed read the third time and passed.

Mr. HEFLIN. Mr. President, I rise today to urge immediate passage of H.R. 6185, the Federal Courts Administration Act of 1992. This comprehensive legislation, which began as S. 1569 when I introduced it in the Senate over 1 year ago, would implement recommendations of the Federal Courts Study Committee and make other changes which are necessary to facilitate the operation of our Federal courts system.

The 100th Congress created within the Judicial Conference of the United States a 15-member Federal Courts Study Committee and directed it to "make a complete study of the courts of the United States and of the several States and transmit a report * * * on such study." The Federal Courts Study Committee included members of the Federal executive, legislative, and judicial branches and representatives from State governments, universities and private practice, all of whom worked toward the goal of developing a long-range plan for the judicial system. I was privileged to serve as a member of this committee, as did Senator GRASSLEY.

The 101st Congress saw the first phase of Federal Courts Study Committee legislative recommendations enacted into law as title III of the Judicial Improvements Act of 1990. H.R. 6185 incorporates additional recommendations of the Federal Courts Study Committee. These important provisions are as follows:

Section 101 would delegate authority to the Supreme Court, under the Rules Enabling Act, to define what constitutes a final decision; and to define circumstances in which orders and actions of district courts not otherwise subject to appeal under acts of Congress may be appealed to the courts of appeals.

Section 102 would provide jurisdiction for magistrate judges to revoke, modify or terminate the supervised release or probation of a defendant sentenced by a magistrate judge.

Section 103 would allow the Chief Justice of the United States, upon request, to designate and assign temporarily any circuit judge to another circuit.

Title II of H.R. 6185 addresses important needs and issues affecting the surviving spouses and dependents of Federal judges. This proposal would reduce the contribution of judges from 5 percent of salary to 2.2 percent of salary while in active service or while serving in senior or recalled status, and would set the rate of contribution at 3.5 percent of retirement salary for those judges leaving office. The reductions in the judges' contributions would attract more participants and extend protection to survivors of judges who otherwise would remain vulnerable to financial crises.

Titles III–VII of H.R. 6185 contain various judicial housekeeping items which were included at the request of the Judicial Conference of the United States. These sections focus on judicial financial administration; jury matters; judiciary personnel administration, benefits, and protections; and criminal administrative matters.

The legislation which originally passed the Senate (S. 1569) contained a provision, section 403, since deleted, dealing with compensation for loss or damage to personal property of jurors. It is our opinion that it is within the power of the Judicial Conference of the United States to delegate to the Administrative Office of the U.S. Courts

the authority to pay for such losses, without the need for further legislation.

Moreover, section 602 of H.R. 6185 allows the Federal Judicial Center to work with other organizations to assist in the development of judicial systems in foreign countries. With new democracies forming all over the world, it is essential that our judicial branch officers and employees be authorized to share their expertise in judicial administration and the basic tenets of freedom that this country holds dear. I anticipate that there will be many beneficial developments from the efforts of the Federal Judicial Center, the Judicial Conference, and the Administrative Office of the U.S. Courts in this regard.

Title VIII of H.R. 6185 would reauthorize the State Justice Institute from 1993 to 1996. This reauthorization, which I strongly support, would continue the mission of the State Justice Institute to improve the administration of justice in our Nation's State court systems.

Title IX would improve the Federal claims litigation process before the U.S. Claims Court and assist the court in providing better and more efficient service to its litigants. It would also ensure fair treatment for the judges of the court by providing certain benefits equivalent to those available to other Federal trial judges.

Section 907, amending the Contract Disputes Act, is intended to make clear that the claim certification requirements of 41 United States Code, section 605 are not intended to be jurisdictional—in the sense of being an absolute prerequisite to court jurisdiction. Certification has always been intended to ensure that complete, clear, and honest claims are presented to Federal contracting officers, and this requirement remains: Contracting officers are not required to address claims that do not comply with the provisions of title 41, United States Code, section 605. However, a defect in the certification, discovered after a claim is in litigation, may be cured by the contractor to avoid repetition of the entire administrative claim process and waste of judicial or board resources. See generally *United States* v. *Grumman Aerospace Corp.*, 927 F.2d 575 (Fed. Cir. 1991); *Ball, Ball & Brosamer, Inc.* v. *United States*, 878 F.2d 1426 (Fed. Cir. 1986).

The term technically defective is intended to cover the full range of defects found by the courts that do not involve a substantive defect such as bad faith, fraud, or reckless and intentional disregard of the statutory certification requirements. Examples of technically defective certifications made curable by this amendment include certification language that is incomplete, failure to supply a certification with each document submitted as part of the claim when all claim documentation is not submitted simultaneously, missing certifications when two or more claims not requiring certification are deemed by the court or board to be a larger claim requiring certification, and certification by the wrong or incorrect representative of the contractor—when the person making the certification was duly authorized by the contractor to certify on its behalf. This list is not intended to be exclusive, but to illustrate that use of the word "technically" does not narrowly and unreasonably limit the scope of this amendment.

Contractors whose certifications are defective as the result of innocent mistake or inadvertence should not be penalized where their claims are otherwise meritorious and a good faith effort appears to have been made to provide a responsive certification in the first instance, including recertifications filed in response to contracting officer inquiries after the initial claim was filed. This amendment continues protection for the Government against false, bad faith, or fraudulent claims. But it is consistent with the goal of preventing wasteful or duplicative litigation by allowing a contractor to cure a defect after the case is before a court or board, and thus permitting the court or board to proceed to the merits of the litigation.

Finally, title X would provide a civil cause of action in Federal court for victims of terrorism. This provision has strong bipartisan support in the Congress, and I am pleased to support its inclusion here.

Mr. President, H.R. 6185 is the product of much effort on the part of many people. In particular, I would like to extend my deep gratitude to my colleagues on the Senate Judiciary Committee, especially Senators THURMOND and GRASSLEY. I would also like to thank Representative HUGHES, chairman of the House Judiciary Subcommittee on Intellectual Property and Judicial Administration, and Representative MOORHEAD, ranking minority member of the subcommittee and fellow Federal Courts Study Committee member. In addition, the staffs of these Members of Congress are to be commended for their fine work and dedication.

In formulating this Federal Courts Administration legislation, we have been mindful of the concerns of many parties expressing an interest. I feel that these efforts have produced a consensus bill which will benefit our Federal judiciary in many ways, for years to come.

Mr. GRASSLEY. Mr. President, I rise in support of final passage of H.R. 6185/S. 1569, the Federal courts bill, and ask that Senator HEFLIN add my name as a cosponsor of the bill.

A little more than 2 years ago, Senator HEFLIN and I were privileged to be members of the Federal Courts Study Committee. The committee issued an extensive report with recommendations for improving the Federal courts. We implemented some of those recommendations with a bill in 1990, and today we implement several more. We are empowering magistrates to make modifications in probation or supervised release, as well as making it easier for appeals court judges to be transferred temporarily to another circuit to accommodate heavier dockets.

There are many more good recommendations from the Federal Court Study Committee, including changes in prisoner litigation procedures, that have not yet been adopted. I hope that Senator HEFLIN and I will have the opportunity to continue working on the improvement of the Federal courts. It cannot be disputed that our courts are clogged and the judges need assistance with some reforms.

This bill also contains a series of recommendations from the Administrative Office of the U.S. Courts which will enable the courts to function more efficiently. And, in this bill, we have made needed changes in the Judicial Survivor Annuity Act, which will enable the families and survivors of judges to have a more rational benefit plan. I am generally cautious on salaries and benefits for Federal employees, and have long been a fighter against congressional pay raises. But this improvement will be a small initial cost to the Government, and the judges will be contributing to the plan. The result will be a better plan for the families of very important public servants—Federal judges.

We have also provided for some changes in the U.S. Claims Court, the court with jurisdiction over money disputes with the Federal Government. The most significant change is an improvement in the contractor certification procedure. Under the Contract Disputes Act, a contractor is required to certify a claim against the Government. Often, that certification—a technical form—can be the subject of extensive litigation. Under the changes provided in this bill, the claims court or the board of contract appeals may allow a certification to be corrected for technical defects at any time prior to a final decision, unless the defective certification was fraudulent, made in bad faith, or made with reckless or gross negligence. Some contractors sought more expansive changes in the claims certification requirement, but this change should relieve the claims court of needless and wasteful litigation over the validity of certifications. But it also preserves the Government's need for the certification requirement—much needed insurance against bad faith claims against the Government.

Finally, Mr. President, I am pleased that this bill incorporates my legislation to create a new civil action for American victims of terrorism. The

tragedies of Pan Am 103 and the *Achille Lauro* still burn in our minds. Those responsible have not been called to account for destroying precious American lives. This provision, the product of 3 years of effort, is now finally coming to fruition. American victims will be able to bring a claim against a terrorist group for money damages. The Justice Department had some concerns about protecting its criminal investigations in these kinds of cases. And we have been able to accommodate the Department's interests. After all, we agree that the first and best remedy is to bring these terrorists to justice in our courts of law. But often, the terrorists elude justice, as in the *Achille Lauro* case where Leon Klinghoffer, an elderly American was callously murdered by PLO terrorists. And in the Pan Am 103 case, two Libyans have been indicted, but have not been apprehended. While this bill will not permit civil actions against sovereign leaders, it will allow the victims to pursue renegade terrorist organizations and their leaders, and go after the resource that keeps them in business—their money. We all hope that this new provision will not be invoked—that is, that there will not be American victims of terrorism. But in the event tragedy strikes, victims will be armed with this civil remedy.

FEDERAL COURTS ADMINISTRATION ACT OF 1992

Mr. FORD. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 1569.

The ACTING PRESIDENT pro tempore laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 1569) entitled "An Act to implement the recommendations of the Federal Courts Study Committee, and for other purposes", do pass with the following amendment:

Strike out all after the enacting clause, and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Courts Administration Act of 1992".

TITLE I—IMPLEMENTATION OF FEDERAL COURTS STUDY COMMITTEE RECOMMENDATIONS

SEC. 101. SUPREME COURT AUTHORITY TO PRESCRIBE RULES FOR APPEAL OF INTERLOCUTORY DECISIONS.

Section 1292 of title 28, United States Code, is amended by adding at the end the following new subsection:

"(e) The Supreme Court may prescribe rules, in accordance with section 2072 of this title, to provide for an appeal of an interlocutory decision to the courts of appeals that is not otherwise provided for under subsection (a), (b), (c), or (d).".

SEC. 102. ABOLITION OF TEMPORARY EMERGENCY COURT OF APPEALS.

(a) APPEALS UNDER ECONOMIC STABILIZATION ACT.—Section 211 of the Economic Stabilization Act of 1970 (Public Law 91-379; 84 Stat. 799) is amended by striking subsections (b) through (h) and inserting the following:

"(b) Appeals from orders or judgments entered by a district court of the United States in cases and controversies arising under this title shall be brought in the United States Court of Appeals for the Federal Circuit if the appeal is from a final decision of the district court or is an interlocutory appeal permitted under section 1292(c) of title 28, United States Code.".

(b) JUDICIAL REVIEW OF EMERGENCY ORDERS UNDER THE NATURAL GAS POLICY ACT.—Section 506(c) of the Natural Gas Policy Act of 1978 (15 U.S.C. 3416(c)) is amended—

(1) in the first sentence, by striking "the Temporary Emergency Court of Appeals, established pursuant to section 211(b) of the Economic Stabilization Act of 1970, as amended," and inserting "the United States Court of Appeals for the Federal Circuit"; and

(2) by striking "Temporary Emergency Court of Appeals" each place it appears and inserting "United States Court of Appeals for the Federal Circuit".

(c) CONFORMING AMENDMENTS.—Section 1295(a) of title 28, United States Code, is amended—

(1) by striking "and" at the end of paragraph (9);

(2) by striking the period at the end of paragraph (10) and inserting a semicolon; and

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

"(11) of an appeal under section 211 of the Economic Stabilization Act of 1970;

"(12) of an appeal under section 5 of the Emergency Petroleum Allocation Act of 1973;

"(13) of an appeal under section 506(c) of the Natural Gas Policy Act of 1978; and

"(14) of an appeal under section 523 of the Energy Policy and Conservation Act.".

(d) ABOLITION OF COURT.—The Temporary Emergency Court of Appeals created by section 211(b) of the Economic Stabilization Act of 1970 is abolished, effective 6 months after the date of the enactment of this Act.

(e) PENDING CASES.—(1) Any appeal which, before the effective date of abolition described in subsection (d), is pending in the Temporary Emergency Court of Appeals but has not been submitted to a panel of such court as of that date shall be assigned to the United States Court of Appeals for the Federal Circuit as though the appeal had originally been filed in that court.

(2) Any case which, before the effective date of abolition described in subsection (d), has been submitted to a panel of the Temporary Emergency Court of Appeals and as to which the mandate has not been issued as of that date shall remain with that panel for all purposes and, notwithstanding the provisions of sections 291 and 292 of title 28, United States Code, that panel shall be assigned to the United States Court of Appeals for the Federal Circuit for the purpose of deciding such case.

SEC. 103. JURISDICTION OF MAGISTRATE JUDGES TO MODIFY OR REVOKE PROBATION OR SUPERVISED RELEASE AFTER IMPRISONMENT.

Section 3401 of title 18, United States Code, is amended—

(1) in subsection (d) by striking "and to revoke or reinstate the probation of any person granted probation by him." and inserting "and to revoke, modify, or reinstate the probation of any person granted probation by a magistrate judge."; and

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

"(h) The magistrate judge shall have power to modify, revoke, or terminate supervised release of any person sentenced to a term of supervised release by a magistrate judge.

"(i) A district judge may designate a magistrate judge to conduct hearings to modify, revoke, or terminate supervised release, including evidentiary hearings, and to submit to the judge proposed findings of fact and recommendations for such modification, revocation, or termination by the judge, including, in the case of revocation, a recommended disposition under section 3583(e) of this title. The magistrate judge shall file his or her proposed findings and recommendations.".

SEC. 104. INTERCIRCUIT TRANSFERS.

Section 291(a) of title 28, United States Code, is amended to read as follows:

"(a) The Chief Justice of the United States may, in the public interest, designate and assign temporarily any circuit judge to act as circuit judge in another circuit upon request by the chief judge or circuit justice of such circuit.".

TITLE II—JUDICIAL SURVIVORS' ANNUITIES IMPROVEMENTS

SEC. 201. JUDICIAL SURVIVORS' ANNUITIES AMENDMENTS.

(a) ELECTION.—Section 376(a)(1) of title 28, United States Code, is amended in the matter following subparagraph (G)—

(1) by striking "or" at the end of clause (v); and

(2) by inserting before the semicolon at the end of clause (vi) ", or (vii) the date of the enactment of the Federal Courts Administration Act of 1992".

(b) CONTRIBUTIONS.—Section 376(b) of title 28, United States Code, is amended—

(1) by inserting "(1)" after "(b)";

(2) in the first sentence by striking "including any 'retirement salary', a sum equal to 5 percent of that salary." and inserting "a sum equal to 2.2 percent of that salary, and a sum equal to 3.5 percent of his or her retirement salary. The deduction from any retirement salary—

"(A) of a justice or judge of the United States retired from regular active service who is described in section 371(b)(1) of this title,

"(B) of a justice or judge of the United States retired under section 372(a) of this title who is willing and able to perform judicial duties in accordance with section 294 of this title,

"(C) of a judge of the United States Court of Federal Claims retired under section 178 (a) or (b) of this title who meets the requirements of section 178(d) of this title, or

"(D) of a judicial official on recall under section 155(b), 797, 373(c)(4), 375, or 636(h) of this title,

shall be an amount equal to 2.2 percent of retirement salary.";

(3) by redesignating all that follows the first sentence (as amended by paragraph (2) of this subsection) as paragraph (3) and inserting before such paragraph (3) the following new paragraph:

"(2) A judicial official who is not entitled to receive an immediate retirement salary upon leaving office but who is eligible to receive a deferred retirement salary on a later date shall file, within 90 days before leaving office, a written notification of his or her intention to remain within the purview of this section under such conditions and procedures as may be determined by the Director of the Administrative Office of the United States Courts. Every judicial official who files a written notification in accordance with this paragraph shall be deemed to consent to contribute, during the period before such a judicial official begins to receive his or her re-

tirement salary, a sum equal to 3.5 percent of the deferred retirement salary which that judicial official is entitled to receive. Any judicial official who fails to file a written notification under this paragraph shall be deemed to have revoked his or her election under subsection (a) of this section."; and

(4) in paragraph (3), as redesignated by paragraph (3) of this subsection, by striking "so deducted and withheld from the salary of each such judicial official" and inserting "deducted and withheld from the salary of each judicial official under paragraphs (1) and (2) of this subsection".

(c) DEPOSITS.—Section 376(d) of title 28, United States Code, is amended—

(1) in paragraph (1) by striking "5 percent" and inserting "3.5 percent"; and

(2) in paragraph (2) by striking "5 percent" and inserting "3.5 percent".

(d) REFUND OF DEPOSITS.—Section 376(g) of title 28, United States Code, is amended to read as follows:

"(g) If any judicial official leaves office and is ineligible to receive a retirement salary or leaves office and is entitled to a deferred retirement salary but fails to make an election under subsection (b)(2) of this section, all amounts credited to his or her account established under subsection (e), together with interest at 4 percent per annum to December 31, 1947, and at 3 percent per annum thereafter, compounded on December 31 of each year, to the date of his or her relinquishment of office, minus a sum equal to 2.2 percent of salary for service while deductions were withheld under subsection (b) or for which a deposit was made by the judicial official under subsection (d), shall be returned to that judicial official in a lump-sum payment within a reasonable period of time following the date of his or her relinquishment of office. For the purposes of this section, a 'reasonable period of time' shall be presumed to be no longer than 1 year following the date upon which such judicial official relinquishes his or her office.".

(e) PAYMENT OF ANNUITIES.—Section 376(h)(1) of title 28, United States Code, is amended by striking "or while receiving 'retirement salary,' " and inserting "while receiving retirement salary, or after filing an election and otherwise complying with the conditions under subsection (b)(2) of this section".

(f) CREDITABLE SERVICE.—Section 376(k) of title 28, United States Code, is amended—

(1) in paragraph (3) by striking "and" at the end;

(2) in paragraph (4) by striking the period and inserting ", and"; and

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

"(5) those years during which such judicial official had deductions withheld from his or her retirement salary in accordance with subsection (b)(1) or (2) of this section.".

(g) COMPUTATION OF ANNUITY.—Section 376(l) of title 28, United States Code, is amended—

(1) in paragraph (1) by striking "(i) during those three years of such service in which his or her annual salary" and inserting "(i) during those three years of such service, or during those three years while receiving a retirement salary, in which his or her annual salary or retirement salary"; and

(2) in paragraph (1) by redesignating subparagraph (D) as subparagraph (E) and inserting after subparagraph (C) the following:

"(D) the number of years during which the judicial official had deductions withheld from his or her retirement salary under subsection (b) (1) or (2) of this section; plus".

(h) TERMINATION.—Section 376 of title 28, United States Code, is amended by adding at the end of that section the following new subsection:

"(v) Subject to the terms of a decree, court order, or agreement described in subsection (b)(1), if any judicial official ceases to be married after making the election under subsection (a), he or she may revoke such election in writing by notifying the Director of the Administrative Office of the United States Courts. The judicial official shall also notify any spouse or former spouse of the application for revocation in accordance with such requirements as the Director of the Administrative Office of the United States Courts shall by regulation prescribe. The Director may provide under such regulations that the notification requirement may be waived with respect to a spouse or former spouse if the judicial official establishes to the satisfaction of the Director that the whereabouts of such spouse or former spouse cannot be determined.".

(i) ADJUSTMENT OF CONTRIBUTION RATE.—Section 376 of title 28, United States Code, is amended by adding at the end of that section the following new subsection:

"(w) The Comptroller General of the United States shall, at the end of each 3-fiscal year period, determine whether the contributions by judicial officials under subsection (b) during that 3-year period accounted for 50 percent of the costs of the Judicial Survivors' Annuities Fund and if not, then what adjustments in the contribution rates under subsection (b) should be made to achieve that 50 percent figure. The Comptroller General shall report the results of each determination under this subsection to the Congress.".

(j) CREDIT FOR PRIOR CONTRIBUTIONS AT HIGHER RATE.—Notwithstanding any other provision of law, the contribution under section 376(b) (1) or (2) of title 28, United States Code (as amended by this section), of any judicial official who is within the purview of such section 376 on the effective date of this title shall be reduced by 0.5 percent for a period of time equal to the number of years of service for which the judicial official has made contributions or deposits before the enactment of this Act to the credit of the Judicial Survivors' Annuities Fund or for 18 months, whichever is less, if such contributions or deposits were never returned to the judicial official. For purposes of this subsection, the term "years" shall mean full years and twelfth parts thereof.

(k) REDEPOSIT OF PRIOR CONTRIBUTIONS.—Any judicial official as defined in section 376(a)(1) of title 28, United States Code, who makes an election under section 376(b) of title 28, United States Code, may make a redeposit, as required by section 7 of Public Law 94-554 and section 2(c)(2) of Public Law 99-336, to the credit of the Judicial Survivors' Annuities Fund in installments, in such amounts and under such conditions as may be determined in each instance by the Director of the Administrative Office of the United States Courts. If a judicial official elects to make a redeposit in installments—

(1) the Director shall require that the first installment payment made shall be in an amount no smaller than the last 18 months of salary deductions or deposits previously returned to that judicial official in a lump-sum payment; and

(2) the election under section 376(b) of title 28, United States Code, shall be effective upon payment of the first such installment.

(l) AUDIT BY GAO.—The Comptroller General shall—

(1) conduct an audit of the judicial survivors annuities program under section 376 of title 28, United States Code, for the 3-year period beginning on the date of the enactment of this Act; and

(2) report to the Congress, not later than 60 days after the end of that 3-year period, on the results of such audit, comparing such program to other survivors annuities programs within the Federal Government.

SEC. 202. EFFECTIVE DATE.

This title and the amendments made by this title shall take effect on the date of the enactment of this Act.

TITLE III—JUDICIAL FINANCIAL ADMINISTRATION

SEC. 301. AWARD OF FILING FEES IN FAVOR OF THE UNITED STATES.

(a) ACTIONS COMMENCED BY THE UNITED STATES.—Section 2412(a) of title 28, United States Code, is amended—

(1) by inserting "(1)" after "(a)"; and

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

"(2) A judgment for costs, when awarded in favor of the United States in an action brought by the United States, may include an amount equal to the filing fee prescribed under section 1914(a) of this title. The preceding sentence shall not be construed as requiring the United States to pay any filing fee.".

(b) DISPOSITION OF FILING FEES.—Section 1931 of title 28, United States Code, is amended by striking "The following" and all that follows through the end and inserting the following:

"(a) Of the amounts paid to the clerk of court as a fee under section 1914(a) or as part of a judgment for costs under section 2412(a)(2) of this title, $60 shall be deposited into a special fund of the Treasury to be available to offset funds appropriated for the operation and maintenance of the courts of the United States.

"(b) If the court authorizes a fee under section 1914(a) or an amount included in a judgment for costs under section 2412(a)(2) of this title of less than $120, the entire fee or amount, up to $50, shall be deposited into the special fund provided in this section.".

TITLE IV—JURY MATTERS

SEC. 401. JURY SELECTION.

Section 1863(b)(2) of title 28, United States Code, is amended by adding at the end the following: "The plan for the district of Massachusetts may require the names of prospective jurors to be selected from the resident list provided for in chapter 234A, Massachusetts General Laws, or comparable authority, rather than from voter lists.".

SEC. 402. GRAND JURY TRAVEL.

Section 1871(c) of title 28, United States Code, is amended by adding at the end the following new paragraph:

"(5) A grand juror who travels to district court pursuant to a summons may be paid the travel expenses provided under this section or, under guidelines established by the Judicial Conference, the actual reasonable costs of travel by aircraft when travel by other means is not feasible and when certified by the chief judge of the district court in which the grand juror serves.".

SEC. 403. PERMANENT AUTHORIZATION FOR OPTIONAL USE OF NEW JURY SELECTION PROCESS.

(a) AUTHORITY TO USE ONE-STEP PROCEDURE.—Section 1878 of title 28, United States Code, is amended to read as follows:

"§ 1878. Optional use of a one-step summoning and qualification procedure

"(a) At the option of each district court, jurors may be summoned and qualified in a

single procedure, if the court's jury selection plan so authorizes, in lieu of the two separate procedures otherwise provided for by this chapter. Courts shall ensure that a one-step summoning and qualification procedure conducted under this section does not violate the policies and objectives set forth in sections 1861 and 1862 of this title.

"(b) Jury selection conducted under this section shall be subject to challenge under section 1867 of this title for substantial failure to comply with the provisions of this title in selecting the jury. However, no challenge under section 1867 of this title shall lie solely on the basis that a jury was selected in accordance with a one-step summoning and qualification procedure authorized by this section.".

(b) CONFORMING AMENDMENT.—The item relating to section 1878 in the table of sections for chapter 121 is amended to read as follows:

"1878. Optional use of a one-step summoning and qualification procedure.".

(c) SAVINGS PROVISION.—For courts participating in the experiment authorized under section 1878 of title 28, United States Code (as in effect before the effective date of this section), the amendment made by subsection (a) of this section shall be effective on and after January 1, 1992.

TITLE V—MISCELLANEOUS

SEC. 501. PRETERMISSION OF REGULAR SESSIONS OF COURT OF APPEALS.

Section 48(c) of title 28, United States Code, is amended by striking ", with the consent of the Judicial Conference of the United States,".

SEC. 502. REPORTS AND STATISTICS.

(a) ELIMINATION OF DUPLICATIVE REPORTING REQUIREMENT.—After January 1, 1992, the Director of the Administrative Office of the United States Courts is not required to send a report under section 1121(a) of Public Law 95-630 (12 U.S.C. 3421(a)).

(b) TRANSFER OF REPORTING DUTY TO ADMINISTERING AGENCY.—Section 2412(d)(5) of title 28, United States Code, is amended by striking "The Director" and all that follows through "this title," and inserting "The Attorney General shall report annually to the Congress on".

(c) EXTENSION FOR JUDICIAL CENTER REPORT.—Section 302(c) of the Judicial Improvements Act of 1990 (Public Law 101-650; 104 Stat. 5104) is amended by striking "2 years" and inserting "2 years and 9 months".

SEC. 503. RECYCLING AND REUSE OF RECYCLABLE MATERIALS.

Section 604(g) of title 28, United States Code, is amended by adding at the end the following new paragraph:

"(3)(A) In order to promote the recycling and reuse of recyclable materials, the Director may provide for the sale or disposal of recyclable scrap materials from paper products and other consumable office supplies held by an entity within the judicial branch.

"(B) The sale or disposal of recyclable materials under subparagraph (A) shall be consistent with the procedures provided in section 203 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484) for the sale of surplus property.

"(C) Proceeds from the sale of recyclable materials under subparagraph (A) shall be deposited as offsetting collections to the fund established under section 1931 of this title and shall remain available until expended to reimburse any appropriations for the operation and maintenance of the judicial branch.".

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SEC. 504. VENUE IN DIVERSITY AND FEDERAL QUESTION CASES.

Section 1391(a)(3) of title 28, United States Code, is amended by inserting before the period ", if there is no district in which the action may otherwise be brought".

SEC. 505. SUMMARIES OF REPORTS TO CONGRESS.

Section 103(c)(4)(B) of the Civil Justice Reform Act of 1990 (Public Law 101-650) is amended by striking "the reports" and inserting "summaries of the reports".

SEC. 506. COSTS AND FEES IN THE UNITED STATES COURT OF VETERANS APPEALS.

(a) IN GENERAL.—Section 2412(d)(2)(F) of title 28, United States Code, is amended by inserting before the semicolon "and the United States Court of Veterans Appeals".

(b) APPLICATION TO PENDING CASES.—The amendment made by subsection (a) shall apply to any case pending before the United States Court of Veterans Appeals on the date of the enactment of this Act, to any appeal filed in that court on or after such date, and to any appeal from that court that is pending on such date in the United States Court of Appeals for the Federal Circuit.

(c) FEE AGREEMENTS.—Section 5904(d) of title 38, United States Code, shall not prevent an award of fees and other expenses under section 2412(d) of title 28, United States Code. Section 5904(d) of title 38, United States Code, shall not apply with respect to any such award but only if, where the claimant's attorney receives fees for the same work under both section 5904 of title 38, United States Code, and section 2412(d) of title 28, United States Code, the claimant's attorney refunds to the claimant the amount of the smaller fee.

(d) EFFECTIVE DATE.—This section, and the amendment made by this section, shall take effect on the date of the enactment of this Act.

TITLE VI—JUDICIARY PERSONNEL ADMINISTRATION, BENEFITS, AND PROTECTIONS

SEC. 601. JUDICIAL RETIREMENT MATTERS.

(a) JUDICIAL RETIREMENT FUNDS.—Section 255(g)(1)(B) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 905(g)(1)(B)) is amended by inserting after "Judicial survivors' annuities fund (10-8110-0-7-602);" the following:

"Judicial Officers' Retirement Fund (10-8122-0-7-602);

"Court of Federal Claims Judges' Retirement Fund (10-8124-0-7-602);".

(b) JUDICIARY TRUST FUNDS.—Section 255(g)(1)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 905(g)(1)(A)) is amended by inserting after "Payment to civil service retirement and disability fund (24-0200-0-1-805);" the following:

"Payment to Judiciary Trust Funds (10-0941-0-1-752);".

SEC. 602. FEDERAL JUDICIAL CENTER.

(a) FUNCTIONS.—Subsection 620(b) of title 28, United States Code, is amended—

(1) in paragraph (4) by striking "and" at the end;

(2) in paragraph (5) by striking the period and inserting "; and"; and

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

"(6) insofar as may be consistent with the performance of the other functions set forth in this section, to cooperate with and assist agencies of the Federal Government and other appropriate organizations in providing information and advice to further improvement in the administration of justice in the courts of foreign countries and to acquire information about judicial administration in foreign countries that may contribute to performing the other functions set forth in this section.".

(b) CLERICAL COMPENSATION.—Subsection 625(c) of title 28, United States Code, is amended by striking "competitive service and" and inserting "competitive service without regard to".

TITLE VII—CRIMINAL ADMINISTRATIVE MATTERS

SEC. 701. NEW AUTHORITY FOR PROBATION AND PRETRIAL SERVICES OFFICERS.

(a) PROBATION OFFICERS.—Section 3603 of title 18, United States Code, is amended—

(1) in paragraph (7) by striking "and" at the end;

(2) by redesignating paragraph (8) as paragraph (9) and inserting after paragraph (7) the following new paragraph:

"(8)(A) when directed by the court, and to the degree required by the regimen of care or treatment ordered by the court as a condition of release, keep informed as to the conduct and provide supervision of a person conditionally released under the provisions of section 4243 or 4246 of this title, and report such person's conduct and condition to the court ordering release and to the Attorney General or his designee; and

"(B) immediately report any violation of the conditions of release to the court and the Attorney General or his designee; and".

(b) PRETRIAL SERVICES.—Section 3154 of title 18, United States Code, is amended—

(1) by redesignating paragraph (12) as paragraph (13); and

(2) by inserting after paragraph (11) the following new paragraph:

"(12)(A) As directed by the court and to the degree required by the regimen of care or treatment ordered by the court as a condition of release, keep informed as to the conduct and provide supervision of a person conditionally released under the provisions of section 4243 or 4246 of this title, and report such person's conduct and condition to the court ordering release and the Attorney General or his designee.

"(B) Any violation of the conditions of release shall immediately be reported to the court and the Attorney General or his designee.".

SEC. 702. GOVERNMENT RATES OF TRAVEL FOR CRIMINAL JUSTICE ACT ATTORNEYS AND EXPERTS.

The Administrator of General Services, in entering into contracts providing for special rates to be charged by Federal Government sources of supply, including common carriers and hotels (or other commercial providers of lodging) for official travel and accommodation of Federal Government employees, shall provide for charging the same rates for attorneys, experts, and other persons traveling primarily in connection with carrying out responsibilities under section 3006A of title 18, United States Code, including community defender organizations established under subsection (g) of that section.

SEC. 703. TECHNICAL CORRECTION.

Section 3143(b)(1) of title 18, United States Code, is amended by striking "paragraph (b)(2)(D)" and inserting "subparagraph (B)(iv) of this paragraph".

TITLE VIII—STATE JUSTICE INSTITUTE REAUTHORIZATION

SEC. 801. AUTHORIZATION OF APPROPRIATIONS.

The text of section 215 of the State Justice Institute Act of 1984 (Public Law 98-620; 42 U.S.C. 10713) is amended to read as follows:

"SEC. 215. There are authorized to be appropriated to carry out the purposes of this

title $20,000,000 for fiscal year 1993, $20,000,000 for fiscal year 1994, $25,000,000 for fiscal year 1995, and $25,000,000 for fiscal year 1996. Amounts appropriated for each such year are to remain available until expended.".

SEC. 802. INTERAGENCY AGREEMENTS.

Section 206(b) of the State Justice Institute Act of 1984 (42 U.S.C. 10705(b)) is amended—

(1) in paragraph (1)—

(A) by striking "shall give priority to grants, cooperative agreements, or contracts" and inserting "may award grants to or enter into cooperative agreements or contracts"; and

(B) in subparagraph (A) by striking the comma and inserting a semicolon;

(2) in paragraph (2) by inserting "to" after "award grants";

(3) by striking paragraph (3) and inserting the following:

"(3) Upon application by an appropriate State or local agency or institution and if the arrangements to be made by such agency or institution will provide services which could not be provided adequately through nongovernmental arrangements, the Institute may award a grant or enter into a cooperative agreement or contract with a unit of State or local government other than a court.";

(4) by redesignating paragraph (4) as paragraph (5); and

(5) by inserting after paragraph (3) the following new paragraph:

"(4) The Institute may enter into contracts with Federal agencies to carry out the purposes of this title.".

SEC. 803. TECHNICAL AMENDMENTS.

(a) BOARD OF DIRECTORS.—Section 204(a)(3) of the State Justice Institute Act of 1984 (42 U.S.C. 10703(a)(3)) is amended in the second sentence by striking "conference" and inserting "Conference".

(b) USES OF FUNDS.—Section 206(c)(7) of the State Justice Institute Act of 1984 (42 U.S.C. 10705(c)(7)) is amended by striking "effect" and inserting "affect".

SEC. 804. EFFECTIVE DATE.

The provisions of this title shall take effect on the date of the enactment of this Act.

TITLE IX—COURT OF FEDERAL CLAIMS

SEC. 901. SHORT TITLE.

This title may be cited as the "Court of Federal Claims Technical and Procedural Improvements Act of 1992".

SEC. 902. COURT DESIGNATION.

(a) IN GENERAL.—Chapters 7, 51, 91, and 165 of title 28, United States Code, are amended—

(1) by striking "United States Claims Court" each place it appears and inserting "United States Court of Federal Claims"; and

(2) by striking "Claims Court" each place it appears and inserting "Court of Federal Claims".

(b) OTHER PROVISIONS OF LAW.—Reference in any other Federal law or any document to—

(1) the "United States Claims Court" shall be deemed to refer to the "United States Court of Federal Claims"; and

(2) the "Claims Court" shall be deemed to refer to the "Court of Federal Claims".

SEC. 903. MILITARY RETIREMENT PAY FOR RETIRED JUDGES.

(a) IN GENERAL.—Chapter 7 of title 28, United States Code, is amended by adding at the end the following new section:

"§ 180. Military retirement pay for retired judges

"Section 371(e) of this title applies to judges of the United States Court of Federal Claims, and for the purpose of construing section 371(e) of this title, a judge of the United States Court of Federal Claims shall be deemed to be a judge of the United States as defined in section 451 of this title.".

(b) TABLE OF SECTIONS.—The table of sections for chapter 7 of title 28, United States Code, is amended by adding at the end the following:

"179. Insurance and annuities programs.
"180. Military retirement pay for retired judges.".

SEC. 904. RECALL OF COURT OF FEDERAL CLAIMS JUDGES ON SENIOR STATUS.

(a) IN GENERAL.—Section 375 of title 28, United States Code, is amended—

(1) in the first sentence of subsection (a)(1) by striking ", a judge of the Claims Court," and ", judge of the Claims Court,";

(2) by amending paragraph (2) of subsection (a) to read as follows:

"(2) For purposes of paragraph (1) of this subsection, a certification may be made, in the case of a bankruptcy judge or a United States magistrate, by the judicial council of the circuit in which the official duty station of the judge or magistrate at the time of retirement was located.";

(3) by amending paragraph (3) of subsection (a) to read as follows:

"(3) For purposes of this section, the term 'bankruptcy judge' means a bankruptcy judge appointed under chapter 6 of this title or serving as a bankruptcy judge on March 31, 1984."; and

(4) in subsection (f)—

(A) by striking ", a judge of the Claims Court,"; and

(B) by striking ", a commissioner of the Court of Claims,".

(b) RECALL OF RETIRED JUDGES.—Section 797(d) of title 28, United States Code, is amended in the second sentence by striking "civil service".

SEC. 905. LAW CLERKS.

The first sentence of section 794 of title 28, United States Code, is amended by inserting after "may approve" the following: "for district judges".

SEC. 906. SITES FOR HOLDING COURT.

(a) IN GENERAL.—Section 793(a) of title 28, United States Code, is amended to read as follows:

"(a) The United States Court of Federal Claims is authorized to use facilities and hold court in Washington, District of Columbia, and throughout the United States (including its territories and possessions) as necessary for compliance with sections 173 and 2503(c) of this title. The facilities of the Federal courts, as well as other comparable facilities administered by the General Services Administration, shall be made available for trials and other proceedings outside of the District of Columbia.".

(b) HEARING IN A FOREIGN COUNTRY.—Section 793 of title 28, United States Code, is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following:

"(b) Upon application of a party or upon the judge's own initiative, and upon a showing that the interests of economy, efficiency, and justice will be served, the chief judge of the Court of Federal Claims may issue an order authorizing a judge of the court to conduct proceedings, including evidentiary hearings and trials, in a foreign country whose laws do not prohibit such proceedings, except that an interlocutory appeal may be taken from such an order pursuant to section 1292(d)(2) of this title, and the United States Court of Appeals for the Federal Circuit may, in its discretion, consider the appeal.".

(c) APPEAL JURISDICTION.—Section 1292(d)(2) of title 28, United States Code, is amended by inserting after "When" the following: "the chief judge of the United States Court of Federal Claims issues an order under section 798(b) of this title, or when".

SEC. 907. JURISDICTION.

(a) CERTIFICATIONS.—(1) Section 6(c) of the Contract Disputes Act of 1978 (41 U.S.C. 605(c)) is amended—

(A) in paragraph (1) in the second sentence—

(i) by striking "and" after "belief,"; and

(ii) by inserting before the period at the end of the sentence the following: ", and that the certifier is duly authorized to certify the claim on behalf of the contractor"; and

(B) by adding at the end the following:

"(6) The contracting officer shall have no obligation to render a final decision on any claim of more than $50,000 that is not certified in accordance with paragraph (1) if, within 60 days after receipt of the claim, the contracting officer notifies the contractor in writing of the reasons why any attempted certification was found to be defective. A defect in the certification of a claim shall not deprive a court or an agency board of contract appeals of jurisdiction over that claim. Prior to the entry of a final judgment by a court or a decision by an agency board of contract appeals, the court or agency board shall require a defective certification to be corrected.

"(7) The certification required by paragraph (1) may be executed by any person duly authorized to bind the contractor with respect to the claim.".

(2) The amendment made by paragraph (1)(B) shall be effective with respect to all claims filed before, on, or after the date of the enactment of this Act, except for those claims which, before such date of enactment, have been the subject of an appeal to an agency board of contract appeals or a suit in the United States Claims Court.

(3) If any interest is due under section 12 of the Contract Disputes Act of 1978 on a claim for which the certification under section 6(c)(1) is, on or after the date of the enactment of this Act, found to be defective shall be paid from the later of the date on which the contracting officer initially received the claim or the date of the enactment of this Act.

(4) The amendments made by paragraph (1)(A) shall be effective with respect to certifications executed more than 60 days after the effective date of amendments to the Federal Acquisition Regulation implementing the amendments made by paragraph (1)(A) with respect to the certification of claims.

(b) JURISDICTION OF COURT OF FEDERAL CLAIMS.—(1) Section 1491(a)(2) of title 28, United States Code, is amended in the last sentence by inserting before the period at the end the following: ", including a dispute concerning termination of a contract, rights in tangible or intangible property, compliance with cost accounting standards, and other nonmonetary disputes on which a decision of the contracting officer has been issued under section 6 of that Act".

(2) The amendment made by paragraph (1) shall be effective with respect to all actions filed before, on, or after the date of the enactment of this Act, except for those actions which, before such date of enactment, have been the subject of—

(A) a final judgment of the United States Claims Court, if the time for appeal of that

judgment has expired without an appeal having been filed, or

(B) a final judgment of the Court of Appeals for the Federal Circuit.

SEC. 908. AWARDABLE COSTS.

(a) AWARD OF COSTS.—Section 1919 of title 28, United States Code, is amended—

(1) by striking "district court or" and inserting "district court,"; and

(2) by inserting after "Trade" the following: ", or the Court of Federal Claims".

(b) TECHNICAL AMENDMENTS.—(1) The section caption for section 1919 of title 28, United States Code, is amended to read as follows:

"§ 1919. Dismissal for lack of jurisdiction".

(2) The item relating to section 1919 in the table of sections for chapter 123 of title 28, United States Code, is amended to read as follows:

"1919. Dismissal for lack of jurisdiction.".

SEC. 909. PROCEEDINGS GENERALLY.

Section 2503 of title 28, United States Code, is amended by adding at the end the following:

"(d) For the purpose of construing sections 1821, 1915, 1920, and 1927 of this title, the United States Court of Federal Claims shall be deemed to be a court of the United States.".

SEC. 910. SUBPOENAS AND INCIDENTAL POWERS.

(a) IN GENERAL.—Section 2521 of title 28, United States Code, is amended—

(1) by amending the section caption to read as follows:

"§ 2521. Subpoenas and incidental powers";

(2) by inserting "(a)" before "Subpoenas requiring"; and

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

"(b) The United States Court of Federal Claims shall have power to punish by fine or imprisonment, at its discretion, such contempt of its authority as—

"(1) misbehavior of any person in its presence or so near thereto as to obstruct the administration of justice;

"(2) misbehavior of any of its officers in their official transactions; or

"(3) disobedience or resistance to its lawful writ, process, order, rule, decree, or command.

"(c) The United States Court of Federal Claims shall have such assistance in the carrying out of its lawful writ, process, order, rule, decree, or command as is available to a court of the United States. The United States marshal for any district in which the Court of Federal Claims is sitting shall, when requested by the chief judge of the Court of Federal Claims, attend any session of the Court of Federal Claims in such district.".

(b) CONFORMING AMENDMENT.—The table of sections for chapter 165 of title 28, United States Code, is amended by amending the item relating to section 2521 to read as follows:

"2521. Subpoenas and incidental powers.".

SEC. 911. EFFECTIVE DATE.

This title and the amendments made by this title shall take effect on the date of the enactment of this Act.

TITLE X—ADDITIONAL PROVISIONS

SEC. 1001. VICTIMS' RIGHTS FUNDING.

Section 1402 of the Victims of Crime Act of 1984 (42 U.S.C. 10601) is amended—

(1) by striking subsection (c) and inserting the following:

"(c) Sums deposited in the Fund shall remain in the Fund and be available for expenditure under this subsection for grants under this chapter without fiscal year limitation."; and

(2) by striking subsection (d) and inserting the following:

"(d) The Fund shall be available as follows:

"(1) The first $6,200,000 deposited in the Fund in each of the fiscal years 1992 through 1995 and the first $3,000,000 in each fiscal year thereafter shall be available to the judicial branch for administrative costs to carry out the functions of the judicial branch under sections 3611 and 3612 of title 18, United States Code.

"(2) Of the next $100,000,000 deposited in the Fund in a particular fiscal year—

"(A) 49.5 percent shall be available for grants under section 1403; and

"(B) 45 percent shall be available for grants under section 1404(a).

"(3) The next $5,500,000 deposited in the Fund in a particular fiscal year shall be available for grants under section 1404(a).

"(4) The next $4,500,000 deposited in the Fund in a particular fiscal year shall be available for grants under section 1404(a).

"(5) Any deposits in the Fund in a particular fiscal year that remain after the funds are distributed under paragraphs (1) through (4) shall be available as follows:

"(A) 47.5 percent shall be available for grants under section 1403.

"(B) 47.5 percent shall be available for grants under section 1404(a).

"(C) 5 percent shall be available for grants under section 1404(c).".

SEC. 1002. AUTHORITY TO LIMIT COLLECTION OF PRETRIAL INFORMATION IN CLASS A MISDEMEANOR CASES.

Section 3154(1) of title 18, United States Code, is amended by inserting before the period "; except that a district court may direct that information not be collected, verified, or reported under this paragraph on individuals charged with Class A misdemeanors as defined in section 3559(a)(6) of this title".

SEC. 1003. TERRORISM CIVIL REMEDY.

(a) TERRORISM.—Chapter 113A of title 18, United States Code, is amended—

(1) in section 2331 by striking subsection (d) and redesignating subsection (e) as subsection (d);

(2) by redesignating section 2331 as 2332 and striking the caption for section 2331 and inserting the following:

"§ 2332. Criminal penalties";

(3) by inserting before section 2332 as redesignated the following:

"§ 2331. Definitions

"As used in this chapter—

"(1) the term 'international terrorism' means activities that—

"(A) involve violent acts or acts dangerous to human life that are a violation of the criminal laws of the United States or of any State, or that would be a criminal violation if committed within the jurisdiction of the United States or of any State;

"(B) appear to be intended—

"(i) to intimidate or coerce a civilian population;

"(ii) to influence the policy of a government by intimidation or coercion; or

"(iii) to affect the conduct of a government by assassination or kidnapping; and

"(C) occur primarily outside the territorial jurisdiction of the United States, or transcend national boundaries in terms of the means by which they are accomplished, the persons they appear intended to intimidate or coerce, or the locale in which their perpetrators operate or seek asylum;

"(2) the term 'national of the United States' has the meaning given such term in section 101(a)(22) of the Immigration and Nationality Act;

"(3) the term 'person' means any individual or entity capable of holding a legal or beneficial interest in property; and

"(4) the term 'act of war' means any act occurring in the course of—

"(A) declared war;

"(B) armed conflict, whether or not war has been declared, between two or more nations; or

"(C) armed conflict between military forces of any origin.";

(4) by adding after section 2332, as redesignated by paragraph (2) of this subsection, the following new sections:

"§ 2333. Civil remedies

"(a) ACTION AND JURISDICTION.—Any national of the United States injured in his or her person, property, or business by reason of an act of international terrorism, or his or her estate, survivors, or heirs, may sue therefor in any appropriate district court of the United States and shall recover threefold the damages he or she sustains and the cost of the suit, including attorney's fees.

"(b) ESTOPPEL UNDER UNITED STATES LAW.—A final judgment or decree rendered in favor of the United States in any criminal proceeding under section 1116, 1201, 1203, or 2332 of this title or section 902(i), (k), (l), (n), or (r) of the Federal Aviation Act of 1958 (49 U.S.C. App. 1472(i), (k), (l), (n), or (r)) shall estop the defendant from denying the essential allegations of the criminal offense in any subsequent civil proceeding under this section.

"(c) ESTOPPEL UNDER FOREIGN LAW.—A final judgment or decree rendered in favor of any foreign state in any criminal proceeding shall, to the extent that such judgment or decree may be accorded full faith and credit under the law of the United States, estop the defendant from denying the essential allegations of the criminal offense in any subsequent civil proceeding under this section.

"§ 2334. Jurisdiction and venue

"(a) GENERAL VENUE.—Any civil action under section 2333 of this title against any person may be instituted in the district court of the United States for any district where any plaintiff resides or where any defendant resides or is served, or has an agent. Process in such a civil action may be served in any district where the defendant resides, is found, or has an agent.

"(b) SPECIAL MARITIME OR TERRITORIAL JURISDICTION.—If the actions giving rise to the claim occurred within the special maritime and territorial jurisdiction of the United States, as defined in section 7 of this title, then any civil action under section 2333 of this title against any person may be instituted in the district court of the United States for any district in which any plaintiff resides or the defendant resides, is served, or has an agent.

"(c) SERVICE ON WITNESSES.—A witness in a civil action brought under section 2333 of this title may be served in any other district where the defendant resides, is found, or has an agent.

"(d) CONVENIENCE OF THE FORUM.—The district court shall not dismiss any action brought under section 2333 of this title on the grounds of the inconvenience or inappropriateness of the forum chosen, unless—

"(1) the action may be maintained in a foreign court that has jurisdiction over the subject matter and over all the defendants;

"(2) that foreign court is significantly more convenient and appropriate; and

"(3) that foreign court offers a remedy which is substantially the same as the one available in the courts of the United States.

"§ 2335. Limitation of actions

"(a) IN GENERAL.—Subject to subsection (b), a suit for recovery of damages under section 2333 of this title shall not be maintained unless commenced within 4 years after the date the cause of action accrued.

"(b) CALCULATION OF PERIOD.—The time of the absence of the defendant from the United States or from any jurisdiction in which the same or a similar action arising from the same facts may be maintained by the plaintiff, or of any concealment of the defendant's whereabouts, shall not be included in the 4-year period set forth in subsection (a).

"§ 2336. Other limitations

"(a) ACTS OF WAR.—No action shall be maintained under section 2333 of this title for injury or loss by reason of an act of war.

"(b) LIMITATION ON DISCOVERY.—If a party to an action under section 2333 seeks to discover the investigative files of the Department of Justice, the Assistant Attorney General, Deputy Attorney General, or Attorney General may object on the ground that compliance will interfere with a criminal investigation or prosecution of the incident, or a national security operation related to the incident, which is the subject of the civil litigation. The court shall evaluate any such objections in camera and shall stay the discovery if the court finds that granting the discovery request will substantially interfere with a criminal investigation or prosecution of the incident or a national security operation related to the incident. The court shall consider the likelihood of criminal prosecution by the Government and other factors it deems to be appropriate. A stay of discovery under this subsection shall constitute a bar to the granting of a motion to dismiss under rules 12(b)(6) and 56 of the Federal Rules of Civil Procedure. If the court grants a stay of discovery under this subsection, it may stay the action in the interests of justice.

"(c) STAY OF ACTION FOR CIVIL REMEDIES.—(1) The Attorney General may intervene in any civil action brought under section 2333 for the purpose of seeking a stay of the civil action. A stay shall be granted if the court finds that the continuation of the civil action will substantially interfere with a criminal prosecution which involves the same subject matter and in which an indictment has been returned, or interfere with national security operations related to the terrorist incident that is the subject of the civil action. A stay may be granted for up to 6 months. The Attorney General may petition the court for an extension of the stay for additional 6-month periods until the criminal prosecution is completed or dismissed.

"(2) In a proceeding under this subsection, the Attorney General may request that any order issued by the court for release to the parties and the public omit any reference to the basis on which the stay was sought.

"§ 2337. Suits against Government officials

"No action shall be maintained under section 2333 of this title against—

"(1) the United States, an agency of the United States, or an officer or employee of the United States or any agency thereof acting within his or her official capacity or under color of legal authority; or

"(2) a foreign state, an agency of a foreign state, or an officer or employee of a foreign state or an agency thereof acting within his or her official capacity or under color of legal authority.

"§ 2338. Exclusive Federal jurisdiction

"The district courts of the United States shall have exclusive jurisdiction over an action brought under this chapter."; and

(5) by amending the table of sections to read as follows:

"CHAPTER 113A—TERRORISM

"Sec.
"2331. Definitions.
"2332. Criminal penalties.
"2333. Civil remedies.
"2334. Jurisdiction and venue.
"2335. Limitation of actions.
"2336. Other limitations.
"2337. Suits against government officials.
"2338. Exclusive Federal jurisdiction.

(b) TABLE OF CONTENTS.—The table of contents of part 1 of title 18, United States Code, is amended by striking

"113A. Extraterritorial jurisdiction over terrorist acts abroad against United States nationals ..... 2331"

and inserting

"113A. Terrorism ..... 2331".

(c) EFFECTIVE DATE.—This section and the amendments made by this section shall apply to any pending case or any cause of action arising on or after 4 years before the date of enactment of this Act.

TITLE XI—EFFECTIVE DATE

SEC. 1101. EFFECTIVE DATE.

(a) IN GENERAL.—Except as otherwise provided in this Act, the provisions of this Act and the amendments made by this Act shall take effect on January 1, 1993.

(b) AVAILABILITY OF APPROPRIATIONS.—Notwithstanding any provision of this Act, all sums expended pursuant to this Act shall be subject to the availability of appropriations.

Mr. HEFLIN. Mr. President, I rise today to urge immediate passage of the House substitute to S. 1569, the Federal Courts Administration Act of 1992. This comprehensive legislation would implement recommendations of the Federal Courts Study Committee and make other changes which are necessary to facilitate the operation of our Federal courts system.

The 100th Congress created within the Judicial Conference of the United States a 15-member Federal Courts Study Committee and directed it to "make a complete study of the courts of the United States and of the several States and transmit a report * * * on such study." The Federal Courts Study Committee included members of the Federal executive, legislative, and judicial branches and representatives from State governments, universities, and private practice, all of whom worked toward the goal of developing a long-range plan for the judicial system. I was privileged to serve as a member of this committee, as did Senator GRASSLEY.

The 101st Congress saw the first phase of Federal Courts Study Committee legislative recommendations enacted into law as title III of the Judicial Improvements Act of 1990. S. 1569 incorporates additional recommendations of the Federal Courts Study Committee. These important provisions are as follows:

Section 101 would delegate authority to the Supreme Court, under the Rules Enabling Act, to define what constitutes a final decision; and to define circumstances in which orders and actions of district courts not otherwise subject to appeal under acts of Congress may be appealed to the courts of appeals.

Section 102 would abolish the temporary emergency court of appeals and vest its remaining caseload in the court of appeals for the Federal circuit.

Section 103 would provide jurisdiction for magistrate judges to revoke, modify, or terminate the supervised release or probation of a defendant sentenced by a magistrate judge.

Section 104 would allow the Chief Justice of the United States, upon request, to designate and assign temporarily any circuit judge to another circuit.

Title II of S. 1569 addresses important needs and issues affecting the surviving spouses and dependents of Federal judges. This proposal would reduce the contribution of judges from 5 percent of salary to 2.2 percent of salary while in active service or while serving in senior or recalled status, and would set the rate of contribution at 3.5 percent to retirement salary for those judges leaving office. The reductions in the judges' contributions would attract more participants and extend protection to survivors of judges who otherwise would remain vulnerable to financial crisis.

Titles III–VII of S. 1569 contain various judicial housekeeping items which were included at the request of the Judicial Conference of the United States. These sections focus on judicial financial administration; jury matters; judiciary personnel administration, benefits, and protections; and criminal administrative matters.

The version of S. 1569 which originally passed the Senate contained a provision, section 403, since deleted, dealing with compensation for loss or damage to personal property of jurors. It is our opinion that it is within the power of the judicial Conference of the United States to delegate to the Administrative Office of the U.S. Courts the authority to pay for such losses, without the need or further legislation.

Moreover, section 602 of S. 1569 allows the Federal Judicial Center to work with other organizations to assist in the development of judicial systems in foreign countries. With new democracies forming all over the world, it is essential that our judicial branch officers and employees be authorized to share their expertise in judicial administration and the basic tenants of freedom that this country holds dear. I anticipate that there will be many beneficial developments from the efforts of the Federal Judicial Center, the Judicial Conference, and the Administrative Office of the U.S. Courts in this regard.

Title VIII of S. 1569 would reauthorize the State Justice Institute from 1993-96. This reauthorization, which I strongly support, would continue the mission of the State Justice Institute to improve the administration of justice in our Nation's State court systems.

Title IX would improve the Federal claims litigation process before the U.S. claims court and assist the court in providing better and more efficient service to its litigants. It would also ensure fair treatment for the judges of the court by providing certain benefits equivalent to those available to other Federal trial judges.

Finally, title X would provide a civil cause of action in Federal court for victims of terrorism. This provision has strong bipartisan support in the Congress, and I am pleased to support its inclusion here.

Mr. President, S. 1569 is the product of much effort on the part of many people. In particular, I would like to extend my deep gratitude to my colleagues on the Senate Judiciary Committee, especially Senators THURMOND and GRASSLEY. I would also like to thank Representative HUGHES, chairman of the House Judiciary Subcommittee on Intellectual Property and Judicial Administration, and Representative MOORHEAD, ranking minority member of the subcommittee and fellow Federal Courts Study Committee member. In addition, the staffs of these Members of Congress are to be commended for their fine work and dedication.

In formulating this Federal Courts Administration legislation, we have been mindful of the concerns of many parties expressing an interest. I feel that these efforts have produced a consensus bill which will benefit our Federal judiciary in many ways, for years to come.

Mr. GRASSLEY. Mr. President, I rise in support of final passage of S. 1569, the Federal courts bill, and ask that Senator HEFLIN add my name as a cosponsor of the bill.

A little more than 2 years ago, Senator HEFLIN and I were privileged to be members of the Federal Courts Study Committee. The committee issued an extensive report with recommendations for improving the Federal courts. We implemented some of those recommendations with a bill in 1990, and today we implement several more. Finally, we are abolishing the temporary emergency court of appeals. And we are empowering magistrates to make modifications in probation or supervised release, as well as making it easier for appeals court judges to be transferred temporarily to another circuit to accommodate heavier dockets.

There are many more good recommendations from the Federal Courts Study Committee, including changes in prisoner litigation procedures, that have not yet been adopted. I hope that Senator HEFLIN and I will have the opportunity to continue working on the improvement of the Federal courts. It cannot be disputed that our courts are clogged and the judges need assistance with some reforms.

This bill also contains a series of recommendations from the Administrative Office of the U.S. Courts which will enable the courts to function more efficiently. And, in this bill, we have made needed changes in the Judicial Survivor Annuity Act, which will enable the families and survivors of judges to have a more rational benefit plan. I am generally cautious on salaries and benefits for Federal employees, and have long been a fighter against congressional pay raises. But this improvement will be a small initial cost to the Government, and the judges will be contributing to the plan. The result will be a better plan for the families of very important public servants—Federal judges.

We have also provided for some changes in the U.S. Claims Court, the court with jurisdiction over money disputes with the Federal Government. The most significant change is an improvement in the contractor certification procedure. Under the Contract Disputes Act, a contractor is required to certify a claim against the Government. Often, that certification—a technical form—can be the subject of extensive litigation. Under the changes provided in this bill, the claims court or the board of contract appeals may allow a certification to be corrected for technical defects at any time prior to a final decision, unless the defective certification was fraudulent, made in bad faith, or made with reckless or gross negligence. Some contractors sought more expansive changes in the claims certification requirement, but this change should relieve the claims court of needless and wasteful litigation over the validity of certifications. But it also preserves the Government's need for the certification requirement—much needed insurance against bad faith claims against the Government.

Finally, Mr. President, I am pleased that this bill incorporates my legislation to create a new civil action for American victims of terrorism. The tragedies of Pan Am 103 and the *Achille Lauro* still burn in our minds. Those responsible have not been called to account for destroying precious American lives. This provision, the product of 3 years of effort is now finally coming to fruition. American victims will be able to bring a claim against a terrorist group for money damages. The Justice Department had some concerns about protecting its criminal investigations in these kinds of cases. And we have been able to accommodate the Department's interests. After all, we agree that the first and best remedy is to bring these terrorists to justice in our courts of law. But often, the terrorists elude justice, as in the *Achille Lauro* case where Leon Klinghoffer, an elderly American was callously murdered by PLO terrorists. And in the Pan Am 103 case, two Libyans have been indicted, but have not been apprehended. While this bill will not permit civil actions against sovereign leaders, it will allow the victims to pursue renegade terrorist organizations and their leaders, and go after the resource that keeps them in business—their money. We all hope that this new provision will not be invoked—that is, that there will not be American victims of terrorism. But in the event tragedy strikes, victims will be armed with this civil remedy.

Mr. FORD. Mr. President, I move that the Senate concur in the amendment of the House.

The motion was agreed to.

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

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

The motion to lay on the table was agreed to.

LATE PAYMENT OF MAINTENANCE FEES

Mr. FORD. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of H.R. 5328, a bill to amend title 35, United States Code, with respect to the late payment of maintenance fees; that the bill be deemed read the third time, passed, and the motion to reconsider be laid upon the table.

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

So the bill (H.R. 5328) was deemed read the third time and passed.

JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT AUTHORIZATION ACT

Mr. FORD. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on H.R. 5194.

The ACTING PRESIDENT pro tempore laid before the Senate the following message from the House of Representatives:

Resolved, That the House agree to the amendments of the Senate to the bill (H.R. 5194) entitled "An Act to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to authorize appropriations for fiscal years 1993, 1994, 1995, and 1996, and for other purposes," with the following amendment:

Strike out all after the enacting clause, and insert:

SECTION 1. FINDINGS AND DECLARATION OF PURPOSE.

(a) FINDINGS.—Section 101(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601(a)) is amended—

(1) by redesignating paragraphs (2), (3), (4), (5), (6), (7), and (8) as paragraphs (4), (5), (6), (7), (8), (9), and (10), respectively;

(2) by inserting after paragraph (1) the following new paragraphs:

"(2) recent trends show an upsurge in arrests of adolescents for murder, assault, and weapon use;

"(3) the small number of youth who commit the most serious and violent offenses are becoming more violent;";

(3) in paragraph (4), as redesignated by paragraph (1), by inserting "prosecutorial and public defender offices," after "juvenile courts,";

(4) by striking "and" at the end of paragraph (9), as redesignated by paragraph (1);

(5) by striking the period at the end of paragraph (10), as redesignated by paragraph (1), and inserting "; "; and

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

"(11) emphasis should be placed on preventing youth from entering the juvenile justice system to begin with; and

"(12) the incidence of juvenile delinquency can be reduced through public recreation programs and activities designed to provide youth with social skills, enhance self esteem, and encourage the constructive use of discretionary time.".

(b) PURPOSE.—Section 102 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5602) is amended—

(1) in subsection (a)—

(A) in paragraph (1) by striking "delinquency" and inserting "justice and delinquency prevention";

(B) in paragraph (2) by striking "agencies, institutions, and individuals in developing and implementing juvenile delinquency programs" and inserting "nonprofit juvenile justice and delinquency prevention programs";

(C) by striking "and" at the end of paragraph (7);

(D) by redesignating paragraph (8) as paragraph (9);

(E) by inserting after paragraph (7) the following new paragraph:

"(8) to strengthen families in which juvenile delinquency has been a problem;";

(F) by striking the period at the end of paragraph (9), as redesignated by subparagraph (D), and inserting a semicolon; and

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

"(10) to assist State and local governments in improving the administration of justice and services for juveniles who enter the system; and

"(11) to assist States and local communities to prevent youth from entering the justice system to begin with."; and

(2) in subsection (b)—

(A) by striking "maintaining and strengthening the family unit" and inserting "preserving and strengthening families";

(B) by striking "and (4)" and inserting "(4)"; and

(C) by inserting "; (5) to encourage parental involvement in treatment and alternative disposition programs; and (6) to provide for coordination of services between State, local, and community-based agencies and to promote interagency cooperation in providing such services" before the period at the end.

(c) DEFINITIONS.—Section 103 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603) is amended—

(1) by amending paragraph (16) to read as follows:

"(16) the term 'valid court order' means a court order given by a juvenile court judge to a juvenile—

"(A) who was brought before the court and made subject to such order;

"(B) who received, before the issuance of such order, the full due process rights guaranteed to such juvenile by the Constitution of the United States;

"(C) with respect to whom an appropriate public agency (other than a court or law enforcement agency), before the issuance of such order—

"(i) reviewed the behavior of such juvenile and the circumstances under which such juvenile was brought before the court and made subject to such order;

"(ii) determined the reasons for the behavior that caused such juvenile to be brought before the court and made subject to such order;

"(iii) determined that all dispositions (including treatment), other than placement in a secure detention facility or a secure correctional facility, have been exhausted or are clearly inappropriate; and

"(iv) submitted to the court a written report stating the results of the review conducted under clause (i) and the determinations made under clauses (ii) and (iii);";

(2) by striking "and" at the end of paragraph (17);

(3) by striking the period at the end of paragraph (18) and inserting a semicolon; and

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

"(19) the term 'comprehensive and coordinated system of services' means a system that—

"(A) ensures that services and funding for the prevention and treatment of juvenile delinquency are consistent with policy goals of preserving families and providing appropriate services in the least restrictive environment so as to simultaneously protect juveniles and maintain public safety;

"(B) identifies, and intervenes early for the benefit of, young children who are at risk of developing emotional or behavioral problems because of physical or mental stress or abuse, and for the benefit of their families;

"(C) increases interagency collaboration and family involvement in the prevention and treatment of juvenile delinquency; and

"(D) encourages private and public partnerships in the delivery of services for the prevention and treatment of juvenile delinquency;

"(20) the term 'gender-specific services' means services designed to address needs unique to the gender of the individual to whom such services are provided;

"(21) the term 'home-based alternative services' means services provided to a juvenile in the home of the juvenile as an alternative to incarcerating the juvenile, and includes home detention;

"(22) the term 'jail or lockup for adults' means a locked facility that is used by a State, unit of local government, or any law enforcement authority to detain or confine adults—

"(i) pending the filing of a charge of violating a criminal law;

"(ii) awaiting trial on a criminal charge; or

"(iii) convicted of violating a criminal law; and

"(23) the term 'nonprofit organization' means an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 that is exempt from taxation under section 501(a) of the Internal Revenue Code of 1986.".

SEC. 2. JUVENILE JUSTICE AND DELINQUENCY PREVENTION.

(a) OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION.—Section 201(b) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 (b)) is amended by amending the third sentence to read as follows: "The Administrator shall have the same reporting relationship with the Attorney General as the directors of other offices and bureaus within the Office of Justice Programs have.".

(b) PERSONNEL, SPECIAL PERSONNEL, EXPERTS, AND CONSULTANTS.—Section 202 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5612) is amended—

(1) in subsection (b) by striking "prescribes for GS-18 of the General Schedule by section 5332" and inserting "payable under section 5376";

(2) in subsection (c) by striking "Act" and inserting "title"; and

(3) in subsection (d) by striking "prescribed for GS-18 of the General Schedule by section 5332" and inserting "payable under section 5376".

(c) CONCENTRATION OF EFFORT.—Section 204 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5614) is amended—

(1) in subsection (a)—

(A) in the first sentence—

(i) by inserting "(1)" after "(a)"; and

(ii) by striking "implement overall policy and develop objectives and priorities" and inserting "develop objectives, priorities, and a long-term plan, and implement overall policy and a strategy to carry out such plan,"; and

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

"(2)(A) The plan described in paragraph (1) shall—

"(i) contain specific goals and criteria for making grants and contracts, for conducting research, and for carrying out other activities under this title; and

"(ii) provide for coordinating the administration programs and activities under this title with the administration of all other Federal juvenile delinquency programs and activities, including proposals for joint funding to be coordinated by the Administrator.

"(B) The Administrator shall review the plan described in paragraph (1) annually, revise the plan as the Administrator considers appropriate, and publish the plan in the Federal Register—

"(i) not later than 240 days after the date of enactment of this paragraph, in the case of the initial plan required by paragraph (1); and

"(ii) except as provided in clause (i), in the 30-day period ending on October 1 of each year.";

(2) in subsection (b)—

(A) by striking "and" at the end of paragraph (5); and

(B) by striking the period at the end of paragraph (6) and inserting "; and";

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

"(7) not later than 1 year after the date of the enactment of this paragraph, issue model standards for providing health care to incarcerated juveniles."; and

(4) by striking subsections (f) and (g).

(d) COORDINATING COUNCIL ON JUVENILE JUSTICE AND DELINQUENCY PREVENTION.—Section 206 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616) is amended—

(1) in subsection (a)—

(A) in paragraph (1) by striking "the Director of the Office of Community Services" and all that follows through the period and inserting "the Administrator of the Office of Juvenile Justice and Delinquency Prevention, the Director of the Office of National Drug Control Policy, the Director of the ACTION Agency, the Commissioner of Immigra-

tion and Naturalization, such other officers of Federal agencies who hold significant decisionmaking authority as the President may designate, and individuals appointed under paragraph (2).''; and

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

''(2)(A) Nine members shall be appointed, without regard to political affiliation, to the Council in accordance with this paragraph from among individuals who are practitioners in the field of juvenile justice and who are not officers or employees of the United States.

''(B)(i) Three members shall be appointed by the Speaker of the House of Representatives, after consultation with the minority leader of the House of Representatives.

''(ii) Three members shall be appointed by the majority leader of the Senate, after consultation with the minority leader of the Senate.

''(iii) Three members shall be appointed by the President.

''(C)(i) Of the members appointed under each of clauses (i), (ii), and (iii)—

''(I) 1 shall be appointed for a term of 1 year;

''(II) 1 shall be appointed for a term of 2 years; and

''(III) 1 shall be appointed for a term of 3 years;

as designated at the time of appointment.

''(ii) Except as provided in clause (iii), a vacancy arising during the term for which an appointment is made may be filled only for the remainder of such term.

''(iii) After the expiration of the term for which a member is appointed, such member may continue to serve until a successor is appointed.'';

(2) in subsection (c)—

(A) by inserting ''(1)'' after ''(c)'';

(B) in the first sentence by inserting ''(in cooperation with State and local juvenile justice programs) all Federal programs and activities that detain or care for unaccompanied juveniles,'' after ''delinquency programs'';

(C) in the second sentence—

(i) by inserting ''shall examine how the separate programs can be coordinated among Federal, State, and local governments to better serve at-risk children and juveniles and'' after ''Council''; and

(ii) by inserting ''and all Federal programs and activities that detain or care for unaccompanied juveniles'' before the period; and

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

''(2) In addition to performing their functions as members of the Council, the members appointed under subsection (a)(2) shall collectively—

''(A) make recommendations regarding the development of the objectives, priorities, and the long-term plan, and the implementation of overall policy and the strategy to carry out such plan, referred to in section 204(a)(1); and

''(B) not later than 180 days after the date of the enactment of this paragraph, submit such recommendations to the Administrator, the Chairman of the Committee on Education and Labor of the House of Representatives, and the Chairman of the Committee on the Judiciary of the Senate.''; and

(3) in subsection (f)—

(A) by inserting ''Members appointed under subsection (a)(2) shall serve without compensation.'' after ''(f)''; and

(B) by striking ''who are employed by the Federal Government full time''.

(e) ANNUAL REPORT.—Section 207(1) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5617(1)) is amended—

(1) in subparagraph (D)—

(A) by inserting ''(including juveniles treated as adults for purposes of prosecution)'' after ''juveniles''; and

(B) by striking ''and'' at the end;

(2) in subparagraph (E) by striking the period at the end and inserting ''; and''; and

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

''(F) the educational status of juveniles, including information relating to learning disabilities, failing performance, grade retention, and dropping out of school.''.

(f) FEDERAL ASSISTANCE FOR STATE AND LOCAL PROGRAMS.—

(1) AUTHORITY TO MAKE GRANTS AND CONTRACTS.—Section 221(b)(2) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5613(b)(2)) is amended—

(A) in the first sentence by striking ''existence'' and inserting ''experience''; and

(B) in the second sentence by striking ''section 291(c)(1)'' and inserting ''section 299(c)(1)''.

(2) ALLOCATION.—Section 222 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5632) is amended—

(A) by striking ''allotted'' each place it appears and inserting ''allocated'' and striking ''allotment'' each place it appears and inserting ''allocation'';

(B) in subsection (a)—

(i) in paragraph (2)(A)—

(I) by striking ''part D'' and inserting ''parts D and E'';

(II) by inserting ''or such greater amount, up to $400,000, as is available to be allocated without reducing the amount of any State or territory's allocation below the amount allocated for fiscal year 1992'' after ''$325,000,'';

and

(III) by inserting '', or such greater amount, up to $100,000, as is available to be allocated without reducing the amount of any State or territory's allocation below the amount allocated for fiscal year 1992,'' after ''$75,000'';

(ii) in paragraph (2)(B)—

(I) by inserting ''or such greater amount, up to $600,000, as is available to be allocated if appropriations have been enacted and made available to carry out parts D and E in the full amounts authorized by section 299(a)(1) and (3)'' after ''$400,000,''; and

(II) by inserting '', or such greater amount, up to $100,000, as is available to be allocated without reducing the amount of any State or territory's allocation below the amount allocated for fiscal year 1992'' after ''$100,000''; and

(iii) in paragraph (3) by striking ''1988'' each place it appears and inserting ''1992''; and

(C) in subsection (c)—

(i) in the first sentence by striking ''and evaluation'' and inserting '', evaluation, and one full-time staff position''; and

(ii) in the second sentence by striking ''7½ per centum'' and inserting ''10 percent''.

(3) STATE PLANS.—(A) Section 223 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633) is amended—

(i) in subsection (a)—

(I) in the second sentence by striking ''programs, and the State'' and inserting ''programs and challenge activities subsequent to State participation in part E. The State'';

(II) in paragraph (1) by striking ''section 291(c)(1)'' and inserting ''section 299(c)(1)'';

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

''(3) provide for an advisory group, which—

''(A) shall consist of not less than 15 and not more than 33 members appointed by the chief executive officer of the State—

''(i) which members have training, experience, or special knowledge concerning the prevention and treatment of juvenile delinquency or the administration of juvenile justice;

''(ii) which members include—

''(I) at least 1 locally elected official representing general purpose local government;

''(II) representatives of law enforcement and juvenile justice agencies, including juvenile and family court judges, prosecutors, counsel for children and youth, and probation workers;

''(III) representatives of public agencies concerned with delinquency prevention or treatment, such as welfare, social services, mental health, education, special education, recreation, and youth services;

''(IV) representatives of private nonprofit organizations, including persons with a special focus on preserving and strengthening families, parent groups and parent self-help groups, youth development, delinquency prevention and treatment, neglected or dependent children, the quality of juvenile justice, education, and social services for children;

''(V) volunteers who work with delinquents or potential delinquents;

''(VI) youth workers involved with programs that are alternatives to incarceration, including programs providing organized recreation activities;

''(VII) persons with special experience and competence in addressing problems related to school violence and vandalism and alternatives to suspension and expulsion; and

''(VIII) persons with special experience and competence in addressing problems related to learning disabilities, emotional difficulties, child abuse and neglect, and youth violence;

''(iii) a majority of which members (including the chairperson) shall not be full-time employees of the Federal, State, or local government;

''(iv) at least one-fifth of which members shall be under the age of 24 at the time of appointment; and

''(v) at least 3 members who have been or are currently under the jurisdiction of the juvenile justice system;

''(B) shall participate in the development and review of the State's juvenile justice plan prior to submission to the supervisory board for final action;

''(C) shall be afforded the opportunity to review and comment, not later than 30 days after their submission to the advisory group, on all juvenile justice and delinquency prevention grant applications submitted to the State agency designated under paragraph (1);

''(D) shall, consistent with this title—

''(i) advise the State agency designated under paragraph (1) and its supervisory board;

''(ii) submit to the chief executive officer and the legislature of the State at least annually recommendations regarding State compliance with the requirements of paragraphs (12), (13), and (14) and with progress relating to challenge activities carried out pursuant to part E; and

''(iii) contact and seek regular input from juveniles currently under the jurisdiction of the juvenile justice system; and

''(E) may, consistent with this title—

''(i) advise on State supervisory board and local criminal justice advisory board composition;

''(ii) review progress and accomplishments of projects funded under the State plan.'';

(IV) in paragraph (8)—

(aa) by inserting "(A)" after "(8)";

(bb) by striking "(A) an" and inserting "(i) an";

(cc) by striking "(B)" and inserting "(ii)";

(dd) by striking "(C)" and inserting "(iii)";

(ee) by inserting "(including educational needs)" after "delinquency prevention needs" each place it appears; and

(ff) by adding at the end the following new subparagraphs:

"(B) contain—

"(i) an analysis of gender-specific services for the prevention and treatment of juvenile delinquency, including the types of such services available and the need for such services for females; and

"(ii) a plan for providing needed gender-specific services for the prevention and treatment of juvenile delinquency;

"(C) contain—

"(i) an analysis of services for the prevention and treatment of juvenile delinquency in rural areas, including the need for such services, the types of such services available in rural areas, and geographically unique barriers to providing such services; and

"(ii) a plan for providing needed services for the prevention and treatment of juvenile delinquency in rural areas; and

"(D) contain—

"(i) an analysis of mental health services available to juveniles in the juvenile justice system (including an assessment of the appropriateness of the particular placements of juveniles in order to receive such services) and of barriers to access to such services; and

"(ii) a plan for providing needed mental health services to juveniles in the juvenile justice system;";

(V) in paragraph (9) by inserting "recreation," after "special education,";

(VI) by amending paragraph (10) to read as follows:

"(10) provide that not less than 75 percent of the funds available to the State under section 222, other than funds made available to the State advisory group under section 222(d), whether expended directly by the State, by the unit of general local government, or by a combination thereof, or through grants and contracts with public or private nonprofit agencies, shall be used for—

"(A) community-based alternatives (including home-based alternatives) to incarceration and institutionalization, specifically—

"(i) for youth who can remain at home with assistance: home probation and programs providing professional supervised group activities or individualized mentoring relationships with adults that involve the family and provide counseling and other supportive services;

"(ii) for youth who need temporary placement: crisis intervention, shelter, and aftercare; and

"(iii) for youth who need residential placement: a continuum of foster care or group home alternatives that provide access to a comprehensive array of services;

"(B) community-based programs and services to work with—

"(i) parents and other family members to strengthen families, including parent self-help groups, so that juveniles may be retained in their homes;

"(ii) juveniles during their incarceration, and with their families, to ensure the safe return of such juveniles to their homes and to strengthen the families; and

"(iii) parents with limited English-speaking ability, particularly in areas where there is a large population of families with limited-English speaking ability;

"(C) comprehensive juvenile justice and delinquency prevention programs that meet the needs of youth through the collaboration of the many local systems before which a youth may appear, including schools, courts, law enforcement agencies, child protection agencies, mental health agencies, welfare services, health care agencies, and private nonprofit agencies offering youth services;

"(D) projects designed to develop and implement programs stressing advocacy activities aimed at improving services for and protecting the rights of youth affected by the juvenile justice system;

"(E) educational programs or supportive services for delinquent or other juveniles, provided equitably regardless of sex, race, or family income, designed to—

"(i) encourage juveniles to remain in elementary and secondary schools or in alternative learning situations, including—

"(I) education in settings that promote experiential, individualized learning and exploration of academic and career options;

"(II) assistance in making the transition to the world of work and self-sufficiency;

"(III) alternatives to suspension and expulsion; and

"(IV) programs to counsel delinquent juveniles and other juveniles regarding the opportunities that education provides; and

"(ii) enhance coordination with the local schools that such juveniles would otherwise attend, to ensure that—

"(I) the instruction that juveniles receive outside school is closely aligned with the instruction provided in school; and

"(II) information regarding any learning problems identified in such alternative learning situations are communicated to the schools;

"(F) expanded use of home probation and recruitment and training of home probation officers, other professional and paraprofessional personnel, and volunteers to work effectively to allow youth to remain at home with their families as an alternative to incarceration or institutionalization;

"(G) youth-initiated outreach programs designed to assist youth (including youth with limited proficiency in English) who otherwise would not be reached by traditional youth assistance programs;

"(H) programs designed to develop and implement projects relating to juvenile delinquency and learning disabilities, including on-the-job training programs to assist community services, law enforcement, and juvenile justice personnel to more effectively recognize and provide for learning disabled and other handicapped youth;

"(I) projects designed both to deter involvement in illegal activities and to promote involvement in lawful activities on the part of gangs whose membership is substantially composed of youth;

"(J) programs and projects designed to provide for the treatment of youths' dependence on or abuse of alcohol or other addictive or nonaddictive drugs;

"(K) law-related education programs (and projects) for delinquent and at-risk youth designed to prevent juvenile delinquency;

"(L) programs for positive youth development that assist delinquent and other at-risk youth in obtaining—

"(i) a sense of safety and structure;

"(ii) a sense of belonging and membership;

"(iii) a sense of self-worth and social contribution;

"(iv) a sense of independence and control over one's life;

"(v) a sense of closeness in interpersonal relationships; and

"(vi) a sense of competence and mastery including health and physical competence, personal and social competence, cognitive and creative competence, vocational competence, and citizenship competence, including ethics and participation;

"(M) programs that, in recognition of varying degrees of the seriousness of delinquent behavior and the corresponding gradations in the responses of the juvenile justice system in response to that behavior, are designed to—

"(i) encourage courts to develop and implement a continuum of post-adjudication restraints that bridge the gap between traditional probation and confinement in a correctional setting (including expanded use of probation, mediation, restitution, community service, treatment, home detention, intensive supervision, electronic monitoring, boot camps and similar programs, and secure community-based treatment facilities linked to other support services such as health, mental health, education (remedial and special), job training, and recreation); and

"(ii) assist in the provision by the provision by the Administrator of information and technical assistance, including technology transfer, to States in the design and utilization of risk assessment mechanisms to aid juvenile justice personnel in determining appropriate sanctions for delinquent behavior;

"(N) programs designed to prevent and reduce hate crimes committed by juveniles, including educational programs and sentencing programs designed specifically for juveniles who commit hate crimes and that provide alternatives to incarceration; and

"(O) programs (including referral to literacy programs and social service programs) to assist families with limited English-speaking ability that include delinquent juveniles to overcome language and cultural barriers that may prevent the complete treatment of such juveniles and the preservation of their families.";

(VII) in paragraph (12)(A) by inserting "or alien juveniles in custody," after "court orders,";

(VIII) in paragraph (13)—

(aa) by striking "regular", and

(bb) by inserting before the semicolon at the end "or with the part-time or full-time security staff (including management) or direct-care staff of a jail or lockup for adults";

(IX) in paragraph (14)—

(aa) by striking "; beginning after the five-year period following December 8, 1980,";

(bb) by striking "1993" and inserting "1997"; and

(cc) by striking "areas which" and all that follows through the end of the paragraph and inserting "areas that are in compliance with paragraph (13) and—

"(A)(i) are outside a Standard Metropolitan Statistical Area; and

"(ii) have no existing acceptable alternative placement available;

"(B) are located where conditions of distance to be traveled or the lack of highway, road, or other ground transportation do not allow for court appearances within 24 hours, so that a brief (not to exceed 48 hours) delay is excusable; or

"(C) are located where conditions of safety exist (such as severely adverse, life-threatening weather conditions that do not allow for reasonably safe travel), in which case the time for an appearance may be delayed until 24 hours after the time that such conditions allow for reasonably safe travel;";

(X) by amending paragraph (16) to read as follows:

"(16) provide assurance that youth in the juvenile justice system are treated equitably on the basis of gender, race, family income, and mentally, emotionally, or physically handicapping conditions;"; and

(XI) in paragraph (17)—

(aa) by striking "and maintain the family units" and inserting "the families";

(bb) by striking "deliquency. Such" and inserting "delinquency (which"; and

(cc) by inserting "and the provision of family counseling during the incarceration of juvenile family members and coordination of family services when appropriate and feasible)" before the semicolon;

(XII) by striking "and" at the end of paragraph (23);

(XIII) by striking the period at the end of paragraph (24) and inserting "; and"; and

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

"(25) provide an assurance that if the State receives under section 222 for any fiscal year an amount that exceeds 105 percent of the amount the State received under such section for fiscal year 1992, all of such excess shall be expended through or for programs that are part of a comprehensive and coordinated community system of services."; and

(ii) by amending subsection (c) to read as follows:

"(c)(1) Subject to paragraph (2), the Administrator shall approve any State plan and any modification thereof that meets the requirements of this section.

"(2) Failure to achieve compliance with the subsection (a)(12)(A) requirement within the 3-year time limitation shall terminate any State's eligibility for funding under this part for a fiscal year beginning before January 1, 1993, unless the Administrator determines that the State is in substantial compliance with the requirement, through achievement of deinstitutionalization of not less than 75 percent of such juveniles or through removal of 100 percent of such juveniles from secure correctional facilities, and has made, through appropriate executive or legislative action, an unequivocal commitment to achieving full compliance within a reasonable time not exceeding 2 additional years.

"(3) If a State fails to comply with the requirements of subsection (a), (12)(A), (13), (14), or (23) in any fiscal year beginning after January 1, 1993—

"(A) subject to subparagraph (B), the amount allotted under section 222 to the State for that fiscal year shall be reduced by 25 percent for each such paragraph with respect to which noncompliance occurs; and

"(B) the State shall be ineligible to receive any allotment under that section for such fiscal year unless—

"(i) the State agrees to expend all the remaining funds the State receives under this part (excluding funds required to be expended to comply with section 222 (c) and (d) and with section 223(a)(5)(C)) for that fiscal year only to achieve compliance with any such paragraph with respect to which the State is in noncompliance; or

"(ii) the Administrator determines, in the discretion of the Administrator, that the State—

"(I) has achieved substantial compliance with each such paragraph with respect to which the State was not in compliance; and

"(II) has made, through appropriate executive or legislative action, an unequivocal commitment to achieving full compliance within a reasonable time."; and

(iii) in subsection (d)—

(I) by inserting ", excluding funds the Administrator shall make available to satisfy the requirement specified in section 222(d)," after "section 222(a)";

(II) by striking "the purposes of subsection (a)(12)(A), subsection (a)(13), or subsection (a)(14)" and inserting "activities of the kinds described in subsection (a) (12)(A), (13), (14) and (23)"; and

(III) by striking "subsection (a)(12)(A) and subsection (a)(13)" and inserting "subsection (a) (12)(A), (13), (14) and (23)".

(B) Notwithstanding the amendment made by subparagraph (A)(ii), section 223(c)(3) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(c)(3)), as in effect on the day prior to the date of enactment of this Act, shall remain in effect to the extent that it provides the Administrator authority to grant a waiver with respect to a fiscal year prior to a fiscal year beginning before January 1, 1993.

(f) NATIONAL PROGRAMS.—

(1) NATIONAL INSTITUTE FOR JUVENILE JUSTICE AND DELINQUENCY PREVENTION.—Section 241(d) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5651(d)(2)) is amended—

(A) in subsection (d)—

(i) by inserting "recreation and park personnel," after "special education personnel"; and

(ii) by inserting "prosecutors and defense attorneys," after "probation personnel,"; and

(B) in subsection (e)—

(i) in paragraph (5) by striking "prescribed for GS-18 of the General Schedule by section 5332" and inserting "payable under section 5376"; and

(ii) in paragraph (6) by striking "Act" and inserting "title".

(2) INFORMATION FUNCTION.—Section 242(3) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5652(3)) is amended by inserting "(including drug and alcohol programs and gender-specific programs)" after "treatment programs".

(3) RESEARCH, DEMONSTRATION, AND EVALUATION FUNCTIONS.—Section 243 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5653) is amended—

(A) by striking "The" and inserting "(a) The";

(B) in paragraph (1) by striking "maintain the family unit" and inserting "preserve families";

(C) by redesignating paragraphs (3), (4), (5), (6), (7), (8), and (9) as paragraphs (5), (6), (7), (8), (9), (10), and (11), respectively;

(D) by inserting after paragraph (2) the following new paragraphs:

"(3) establish or expand programs that, in recognition of varying degrees of the seriousness of delinquent behavior and the corresponding gradations in the responses of the juvenile justice system in response to that behavior, are designed to—

"(1) encourage courts to develop and implement a continuum of post-adjudication restraints that bridge the gap between traditional probation and confinement in a correctional setting (including expanded use of probation, mediation, restitution, community service, treatment, home detention, intensive supervision, electronic monitoring, boot camps and similar programs, and secure community-based treatment facilities linked to other support services such as health, mental health, education (remedial and special), job training, and recreation); and

"(ii) assist in the provision by the Administrator of information and technical assistance, including technology transfer, to States in the design and utilization of risk assessment mechanisms to aid juvenile justice personnel in determining appropriate sanctions for delinquent behavior;

"(4) Encourage the development of programs which, in addition to helping youth take responsibility for their behavior, take into consideration life experiences which may have contributed to their delinquency when developing intervention and treatment programs;

"(5) encourage the development and establishment of programs to enhance the States' ability to identify chronic serious and violent juvenile offenders who commit crimes such as rape, murder, firearms offenses, gang-related crimes, violent felonies, and serious drug offenses;";

(E) in subparagraph (D) of paragraph (7), as redesignated by subparagraph (C), by inserting "(including the productive use of discretionary time through organized recreational" after "lawful activities";

(F) by striking "and" at the end of paragraph (10), as redesignated by subparagraph (C);

(G) by striking the period at the end of paragraph (11), as redesignated by subparagraph (C), and inserting "; and"; and

(H) by adding at the end the following new paragraphs and subsection:

"(12) support independent and collaborative research, research training, and consultation on social, psychological, educational, economic, and legal issues affecting children and families;

"(13) support research related to achieving a better understanding of the commission of hate crimes by juveniles and designed to identify educational programs best suited to prevent and reduce the incidence of hate crimes committed by juveniles; and

"(14) routinely collect, analyze, compile, publish, and disseminate uniform national statistics concerning—

"(A) all aspects of juveniles as victims and offenders;

"(B) the processing and treatment, in the juvenile justice system, of juveniles who are status offenders, delinquent, neglected, or abused; and

"(C) the processing and treatment of such juveniles who are treated as adults for purposes of the criminal justice system.

"(b) The Administrator shall make available to the public—

"(1) the results of evaluations and research and demonstration activities referred to in subsection (a)(8); and

"(2) the data and studies referred to in subsection (a)(9);

that the Administrator is authorized to disseminate under subsection (a).".

(3) TECHNICAL ASSISTANCE AND TRAINING FUNCTIONS.—Section 244 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5654) is amended—

(A) in paragraph (2) by inserting "(including juveniles who commit hate crimes)" after "offenders";

(B) in paragraph (3)—

(i) by inserting "prosecutors and defense attorneys," after "judges";

(ii) by striking "and" at the end;

(C) by striking the period at the end of paragraph (4) and inserting "; and"; and

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

"(5) provide technical assistance and training to assist States and units of general local government to adopt the model standards issued under section 204(b)(7).".

(4) ESTABLISHMENT OF TRAINING PROGRAM.—Section 245 of the Juvenile Justice and De-

linquency Prevention Act of 1974 (42 U.S.C. 5659) is amended in the first sentence by inserting ", including methods and techniques specifically designed to prevent and reduce the incidence of hate crimes committed by juveniles" before the period.

(5) CURRICULUM FOR TRAINING PROGRAM.—Section 246 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5660) is amended in the second sentence by inserting "and shall include training designed to prevent juveniles from committing hate crimes" before the period.

(6) SPECIAL STUDIES AND REPORTS.—Section 248 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5662) is amended—

(A) by striking "(a) Not later than 1 year after the date" and inserting "(a) PURSUANT TO 1988 AMENDMENTS.—(1) Not later than 1 year after the date";

(B) by striking "(1) to review" and inserting "(A) to review";

(C) by striking "(A) conditions" and inserting "(i) conditions";

(D) by striking "(B) the extent" and inserting "(ii) the extent";

(E) by striking "(2) to make" and inserting "(B) to make";

(F) by striking "(b)(1) Not later" and inserting "(2)(A) Not later";

(G) by striking "(A) how" and inserting "(i) how";

(H) by striking "(B) the amount" and inserting "(ii) the amount";

(I) by striking "(C) the extent" and inserting "(iii) the extent";

(J) by striking "(2)(A) for purposes" and inserting "(B)(i) for purposes";

(K) by striking "(B) For purposes" and inserting "(ii) for purposes";

(L) by striking "(c) Not later" and inserting "(3) Not later";

(M) by striking "subsection (a) or (b)" and inserting "paragraph (1) or (2)"; and

(N) by adding at the end the following new subsection:

"(b) PURSUANT TO 1992 AMENDMENTS.—(1) Not later than 1 year after the date of enactment of this subsection, the Comptroller General shall—

"(A) conduct a study with respect to juveniles waived to adult court that reviews—

"(i) the frequency and extent to which juveniles have been transferred, certified, or waived to criminal court for prosecution during the 5-year period ending December 1992;

"(ii) conditions of confinement in adult detention and correctional facilities for juveniles waived to adult court; and

"(iii) sentencing patterns, comparing juveniles waived to adult court with juveniles who have committed similar offenses but have not been waived; and

"(B) submit to the Committee on Education and Labor of the House of Representatives and the Committee on the Judiciary of the Senate a report (including a compilation of State waiver statutes) on the findings made in the study and recommendations to improve conditions for juveniles waived to adult court.

"(2) Not later than 1 year after the date of enactment of this subsection, the Comptroller General shall—

"(A) conduct a study with respect to admissions of juveniles for behavior disorders to private psychiatric hospitals, and to other residential and nonresidential programs that serve juveniles admitted for behavior disorders, that reviews—

"(i) the frequency with which juveniles have been admitted to such hospitals and programs during the 5-year period ending December 1992; and

"(ii) conditions of confinement, the average length of stay, and methods of payment for the residential care of such juveniles; and

"(B) submit to the Committee on Education and Labor of the House of Representatives and the Committee on the Judiciary of the Senate a report on the findings made in the study and recommendations to improve procedural protections and conditions for juveniles with behavior disorders admitted to such hospitals and programs.

"(3) Not later than 1 year after the date of enactment of this subsection, the Comptroller General shall—

"(A) conduct a study of gender bias within State juvenile justice systems that reviews—

"(i) the frequency with which females have been detained for status offenses (such as frequently running away, truancy, and sexual activity), as compared with the frequency with which males have been detained for such offenses during the 5-year period ending December 1992; and

"(ii) the appropriateness of the placement and conditions of confinement for females; and

"(B) submit to the Committee on Education and Labor of the House of Representatives and the Committee on the Judiciary of the Senate a report on the findings made in the study and recommendations to combat gender bias in juvenile justice and provide appropriate services for females who enter the juvenile justice system.

"(4) Not later than 1 year after the date of enactment of this subsection, the Comptroller General shall—

"(A) conduct a study of the Native American pass-through grant program authorized under section 223(a)(5)(C) that reviews the cost-effectiveness of the funding formula utilized; and

"(B) submit to the Committee on Education and Labor of the House of Representatives and the Committee on the Judiciary of the Senate a report on the findings made in the study and recommendations to improve the Native American pass-through grant program.

"(5) Not later than 1 year after the date of enactment of this subsection, the Comptroller General shall—

"(A) conduct a study of access to counsel in juvenile court proceedings that reviews—

"(i) the frequency with which and the extent to which juveniles in juvenile court proceedings either have waived counsel or have obtained access to counsel during the 5-year period ending December 1992; and

"(ii) a comparison of access to and the quality of counsel afforded juveniles charged in adult court proceedings with those of juveniles charged in juvenile court proceedings; and

"(B) submit to Committee on Education and Labor of the House of Representatives and the Committee on the Judiciary of the Senate a report on the findings made in the study and recommendations to improve access to counsel for juveniles in juvenile court proceedings.

"(6)(A) Not later than 180 days after the date of enactment of this subsection, the Administrator shall begin to conduct a study and continue any pending study of the incidence of violence committed by or against juveniles in urban and rural areas in the United States.

"(B) The urban areas shall include—

"(i) the District of Columbia;

"(ii) Los Angeles, California;

"(iii) Milwaukee, Wisconsin;

"(iv) Denver, Colorado;

"(v) Pittsburgh, Pennsylvania;

"(vi) Rochester, New York; and

"(vii) such other cities as the Administrator determines to be appropriate.

"(C) At least one rural area shall be included.

"(D) With respect to each urban and rural area included in the study, the objectives of the study shall be—

"(i) to identify characteristics and patterns of behavior of juveniles who are at risk of becoming violent or victims of homicide;

"(ii) to identify factors particularly indigenous to such area that contribute to violence committed by or against juveniles;

"(iii) to determine the accessibility of firearms, and the use of firearms by or against juveniles;

"(iv) to determine the conditions that cause any increase in violence committed by or against juveniles;

"(v) to identify existing and new diversion, prevention, and control programs to ameliorate such conditions;

"(vi) to improve current systems to prevent and control violence by or against juveniles; and

"(vii) to develop a plan to assist State and local governments to establish viable ways to reduce homicide committed by or against juveniles.

"(E) Not later than 3 years after the date of enactment of this subsection, the Administrator shall submit a report to the Committee on Education and Labor of the House of Representatives and the Committee on the Judiciary of the Senate detailing the results of the study addressing each objective specified in subparagraph (D).

"(7)(A) Not later than 1 year after the date of the enactment of this subsection, the Administrator shall—

"(i) conduct a study described in subparagraph (B); and

"(ii) submit to the chairman of the Committee on Education and Labor of the House of Representatives and the chairman of the Committee on the Judiciary of the Senate the results of the study.

"(B) The study required by subparagraph (A) shall assess—

"(i) the characteristics of juveniles who commit hate crimes, including a profile of such juveniles based on—

"(I) the motives for committing hate crimes;

"(II) the age, sex, race, ethnicity, education level, locality, and family income of such juveniles; and

"(III) whether such juveniles are familiar with publications or organized groups that encourage the commission of hate crimes;

"(ii) the characteristics of hate crimes committed by juveniles, including—

"(I) the types of hate crimes committed;

"(II) the frequency with which institutions and natural persons, separately determined, were the targets of such crimes;

"(III) the number of persons who participated with juveniles in committing such crimes;

"(IV) the types of law enforcement investigations conducted with respect to such crimes;

"(V) the law enforcement proceedings commenced against juveniles for committing hate crimes; and

"(VI) the penalties imposed on such juveniles as a result of such proceedings; and

"(iii) the characteristics of the victims of hate crimes committed by juveniles, including—

"(I) the age, sex, race, ethnicity, locality of the victims and their familiarity with the offender; and

"(II) the motivation behind the attack.".

(7) AUTHORITY TO MAKE GRANTS AND CONTRACTS.—Section 261 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5665) is amended—

(A) in subsection (a)—

(i) by striking "(a) The" and inserting "(a) Except as provided in subsection (f), the";

(ii) in paragraph (1) by inserting "(including home-based treatment programs)" after "alternatives"; and

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

"(3) Establishing or supporting advocacy programs and services that encourage the improvement of due process available to juveniles in the juvenile justice system and the quality of legal representation for such juveniles.";

(iv) by redesignating paragraphs (4), (5), (6), and (7) as paragraphs (5), (6), (7), and (8), respectively;

(v) by inserting after paragraph (3) the following new paragraph:

"(4) Establishing or supporting programs stressing advocacy activities aimed at improving services to juveniles affected by the juvenile justice system, including services that provide for the appointment of special advocates by courts for such juveniles.";

(vi) in paragraph (4), as redesignated by clause (iv)—

(I) by inserting "(including self-help programs for parents)" after "programs"; and

(II) by inserting ", including programs that work with families during the incarceration of juvenile family members and which take into consideration the special needs of families with limited-English speaking ability" before the period at the end;

(vii) in paragraph (7), as redesignated by clause (iv)—

(I) by striking the period at the end of subchapter (C) and inserting a comma; and

(II) by adding at the end the following: "that targets juveniles who have had contact with the juvenile justice system or who are likely to have contact with the system."; and

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

"(9) Establishing or supporting programs designed to prevent and to reduce the incidence of hate crimes by juveniles, including—

"(A) model educational programs that are designed to reduce the incidence of hate crimes by means such as—

"(i) addressing the specific prejudicial attitude of each offender;

"(ii) developing an awareness in the offender of the effect of the hate crime on the victim; and

"(iii) educating the offender about the importance of tolerance in our society; and

"(B) sentencing programs that are designed specifically for juveniles who commit hate crimes and that provide alternatives to incarceration."; and

(B) in subsection (b)(5) by inserting "community service personnel," after "law enforcement personnel,";

(C) in subsection (b)—

(i) by striking "(b) The" and inserting "(b) Except as provided in subsection (f), the"; and

(ii) in paragraph (2) by inserting "to assist in identifying learning difficulties (including learning disabilities)," after "schools,"; and

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

"(f) The Administrator shall not make a grant or a contract under subsection (a) or (b) to the Department of Justice or to any administrative unit or other entity that is part of the Department of Justice.".

(g) CONSIDERATIONS FOR APPROVAL OF APPLICATIONS.—Section 262(d)(1) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5665a(d)(1)) is amended—

(1) by amending subparagraph (B) to read as follows:

"(B) The competitive process described in subparagraph (A) shall not be required if the Administrator makes a written determination waiving the competitive process—

"(i) with respect to programs to be carried out in areas with respect to which the President declares under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) that a major disaster or emergency exists; or

"(ii) with respect to a particular program described in part C that is uniquely qualified."; and

(2) by striking subparagraph (C).

(h) PREVENTION, INTERVENTION, AND TREATMENT PROGRAM RELATING TO JUVENILE GANGS AND DRUG ABUSE AND DRUG TRAFFICKING.—Part D of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5667 et seq.) is amended to read as follows:

"PART D—GANG-FREE SCHOOLS AND COMMUNITIES; COMMUNITY-BASED GANG INTERVENTION

"Subpart I—Gang-Free Schools and Communities

"AUTHORITY TO MAKE GRANTS AND CONTRACTS

"SEC. 281. (a) The Administrator shall make grants to or enter into contracts with public agencies (including local educational agencies) and private nonprofit agencies, organizations, and institutions to establish and support programs and activities that involve families and communities and that are designed to carry out any of the following purposes:

"(1) To prevent and to reduce the participation of juveniles in the activities of gangs that commit crimes. Such programs and activities may include—

"(A) individual, peer, family, and group counseling, including the provision of life skills training and preparation for living independently, which shall include cooperation with social services, welfare, and health care programs;

"(B) education and social services designed to address the social and developmental needs of juveniles which such juveniles would otherwise seek to have met through membership in gangs;

"(C) crisis intervention and counseling to juveniles, who are particularly at risk of gang involvement, and their families, including assistance from social service, welfare, health care, mental health, and substance abuse prevention and treatment agencies where necessary;

"(D) the organization of neighborhood and community groups to work closely with parents, schools, law enforcement, and other public and private agencies in the community; and

"(E) training and assistance to adults who have significant relationships with juveniles who are or may become members of gangs, to assist such adults in providing constructive alternatives to participating in the activities of gangs.

"(2) To develop within the juvenile adjudicatory and correctional systems new and innovative means to address the problems of juveniles convicted of serious drug-related and gang-related offenses.

"(3) To target elementary school students, with the purpose of steering students away from gang involvement.

"(4) To provide treatment to juveniles who are members of such gangs, including members who are accused of committing a serious crime and members who have been adjudicated as being delinquent.

"(5) To promote the involvement of juveniles in lawful activities in geographical areas in which gangs commit crimes.

"(6) To promote and support, with the cooperation of community-based organizations experienced in providing services to juveniles engaged in gang-related activities and the cooperation of local law enforcement agencies, the development of policies and activities in public elementary and secondary schools which will assist such schools in maintaining a safe environment conducive to learning.

"(7) To assist juveniles who are or may become members of gangs to obtain appropriate educational instruction, in or outside a regular school program, including the provision of counseling and other services to promote and support the continued participation of such juveniles in such instructional programs.

"(8) To expand the availability of prevention and treatment services relating to the illegal use of controlled substances and controlled substances analogues (as defined in paragraphs (6) and (32) of section 102 of the Controlled Substances Act (21 U.S.C. 802) by juveniles, provided through State and local health and social services agencies.

"(9) To provide services to prevent juveniles from coming into contact with the juvenile justice system again as a result of gang-related activity.

"(10) To provide services authorized in this section at a special location in a school or housing project.

"(11) To support activities to inform juveniles of the availability of treatment and services for which financial assistance is available under this subpart.

"(b) From not more than 15 percent of the amount appropriated to carry out this part in each fiscal year, the Administrator may make grants to and enter into contracts with public agencies and private nonprofit agencies, organizations, and institutions—

"(1) to conduct research on issues related to juvenile gangs;

"(2) to evaluate the effectiveness of programs and activities funded under subsection (a); and

"(3) to increase the knowledge of the public (including public and private agencies that operate or desire to operate gang prevention and intervention programs) by disseminating information on research and on effective programs and activities funded under this subpart.

"APPROVAL OF APPLICATIONS

"SEC. 281A. (a) Any agency, organization, or institution desiring to receive a grant, or to enter into a contract, under this subpart shall submit an application at such time, in such manner, and containing such information as the Administrator may prescribe.

"(b) In accordance with guidelines established by the Administrator, each application submitted under subsection (a) shall—

"(1) set forth a program or activity for carrying out one or more of the purposes specified in section 281 and specifically identify each such purpose such program or activity is designed to carry out;

"(2) provide that such program or activity shall be administered by or under the supervision of the applicant;

"(3) provide for the proper and efficient administration of such program or activity;

"(4) provide for regular evaluation of such program or activity;

"(5) provide an assurance that the proposed program or activity will supplement, not supplant, similar programs and activities already available in the community;

"(6) describe how such program or activity is coordinated with programs, activities, and services available locally under parts B or C of this title, and under chapter 1 of subtitle B of title III of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11801–11805);

"(7) certify that the applicant has requested the State planning agency to review and comment on such application and summarizes the responses of such State planning agency to such request;

"(8) provide that regular reports on such program or activity shall be sent to the Administrator and to such State planning agency; and

"(9) provide for such fiscal control and fund accounting procedures as may be necessary to ensure prudent use, proper disbursement, and accurate accounting of funds received under this subpart.

"(c) In reviewing applications for grants and contracts under section 281(a), the Administrator shall give priority to applications—

"(1) submitted by, or substantially involving, local educational agencies (as defined in section 1471 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891));

"(2) based on the incidence and severity of crimes committed by gangs whose membership is composed primarily of juveniles in the geographical area in which the applicants propose to carry out the programs and activities for which such grants and contracts are requested; and

"(3) for assistance for programs and activities that—

"(A) are broadly supported by public and private nonprofit agencies, organizations, and institutions located in such geographical area; and

"(B) will substantially involve the families of juvenile gang members in carrying out such programs or activities.

"Subpart II—Community-Based Gang Intervention

"SEC. 282. (a) The Administrator shall make grants to or enter into contracts with public and private nonprofit agencies, organizations, and institutions to carry out programs and activities—

"(1) to reduce the participation of juveniles in the illegal activities of gangs;

"(2) to develop regional task forces involving State, local, and community-based organizations to coordinate enforcement, intervention, and treatment efforts for juvenile gang members and to curtail interstate activities of gangs; and

"(3) to facilitate coordination and cooperation among—

"(A) local education, juvenile justice, employment, and social service agencies;

"(B) community-based programs with a proven record of effectively providing intervention services to juvenile gang members for the purpose of reducing the participation of juveniles in illegal gang activities; and

"(4) to support programs that, in recognition of varying degrees of the seriousness of delinquent behavior and the corresponding gradations in the responses of the juvenile justice system in response to that behavior, are designed to—

"(A) encourage courts to develop and implement a continuum of post-adjudication restraints that bridge the gap between traditional probation and confinement in a correctional setting (including expanded use of probation, mediation, restitution, community service, treatment, home detention, intensive supervision, electronic monitoring, boot camps and similar programs, and secure community-based treatment facilities linked to other support services such as health, mental health, education (remedial and special), job training, and recreation); and

"(B) assist in the provision by the provision by the Administrator of information and technical assistance, including technology transfer, to States in the design and utilization of risk assessment mechanisms to aid juvenile justice personnel in determining appropriate sanctions for delinquent behavior.

"(b) Programs and activities for which grants and contracts are to be made under subsection (a) may include—

"(1) developing within the juvenile adjudicatory and correctional systems new and innovative means to address the problems of juveniles convicted of serious drug-related and gang-related offenses;

"(2) providing treatment to juveniles who are members of such gangs, including members who are accused of committing a serious crime and members who have been adjudicated as being delinquent;

"(3) promoting the involvement of juveniles in lawful activities in geographical areas in which gangs commit crimes;

"(4) expanding the availability of prevention and treatment services relating to the illegal use of controlled substances and controlled substances analogues (as defined in paragraphs (6) and (32) of section 102 of the Controlled Substances Act (21 U.S.C. 802) by juveniles, provided through State and local health and social services agencies;

"(5) providing services to prevent juveniles from coming into contact with the juvenile justice system again as a result of gang-related activity; or

"(6) supporting activities to inform juveniles of the availability of treatment and services for which financial assistance is available under this subpart.

"APPROVAL OF APPLICATIONS

"SEC. 282A. (a) Any agency, organization, or institution desiring to receive a grant, or to enter into a contract, under this subpart shall submit an application at such time, in such manner, and containing such information as the Administrator may prescribe.

"(b) In accordance with guidelines established by the Administrator, each application submitted under subsection (a) shall—

"(1) set forth a program or activity for carrying out one or more of the purposes specified in section 282 and specifically identify each such purpose such program or activity is designed to carry out;

"(2) provide that such program or activity shall be administered by or under the supervision of the applicant;

"(3) provide for the proper and efficient administration of such program or activity;

"(4) provide for regular evaluation of such program or activity;

"(5) provide an assurance that the proposed program or activity will supplement, not supplant, similar programs and activities already available in the community;

"(6) describe how such program or activity is coordinated with programs, activities, and services available locally under parts B or C of this title, and under chapter 1 of subtitle B of title III of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11801–11805);

"(7) certify that the applicant has requested the State planning agency to review and comment on such application and summarizes the responses of such State planning agency to such request;

"(8) provide that regular reports on such program or activity shall be sent to the Administrator and to such State planning agency; and

"(9) provide for such fiscal control and fund accounting procedures as may be necessary to ensure prudent use, proper disbursement, and accurate accounting of funds received under this subpart.

"(c) In reviewing applications for grants and contracts under section 285(a), the Administrator shall give priority to applications—

"(1) submitted by, or substantially involving, community-based organizations experienced in providing services to juveniles;

"(2) based on the incidence and severity of crimes committed by gangs whose membership is composed primarily of juveniles in the geographical area in which the applicants propose to carry out the programs and activities for which such grants and contracts are requested; and

"(3) for assistance for programs and activities that—

"(A) are broadly supported by public and private nonprofit agencies, organizations, and institutions located in such geographical area; and

"(B) will substantially involve the families of juvenile gang members in carrying out such programs or activities.

"Subpart III—General Provisions

"DEFINITION

"SEC. 283. For purposes of this part, the term 'juvenile' means an individual who is less than 22 years of age.".

(l) ADDITIONAL PARTS IN TITLE II.—(1) Title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) is amended—

(A) by redesignating part E as part I;

(B) by redesignating sections 291, 292, 293, 294, 295, and 296 as sections 299, 299A, 299B, 299C, 299D, and 299E, respectively; and

(C) by inserting after part D the following new parts:

"PART E—STATE CHALLENGE ACTIVITIES

"ESTABLISHMENT OF PROGRAM

"SEC. 285. (a) IN GENERAL.—The Administrator may make a grant to a State that receives an allocation under section 222, in the amount of 10 percent of the amount of the allocation, for each challenge activity in which the State participates for the purpose of funding the activity.

"(b) DEFINITIONS.—For purposes of this part—

"(1) the term 'case review system' means a procedure for ensuring that—

"(A) each youth has a case plan, based on the use of objective criteria for determining a youth's danger to the community or himself or herself, that is designed to achieve appropriate placement in the least restrictive and most family-like setting available in close proximity to the parents' home, consistent with the best interests and special needs of the youth;

"(B) the status of each youth is reviewed periodically but not less frequently than once every 3 months, by a court or by administrative review, in order to determine the continuing necessity for and appropriateness of the placement;

"(C) with respect to each youth, procedural safeguards will be applied to ensure that a dispositional hearing is held to consider the future status of each youth under State supervision, in a juvenile or family court or an-

other court (including a tribal court) of competent jurisdiction, or by an administrative body appointed or approved by the court, not later than 12 months after the original placement of the youth and periodically thereafter during the continuation of out-of-home placement; and

"(D) a youth's health, mental health, and education record is reviewed and updated periodically; and

"(2) the term 'challenge activity' means a program maintained for 1 of the following purposes:

"(A) Developing and adopting policies and programs to provide basic health, mental health, and appropriate education services, including special education, for youth in the juvenile justice system as specified in standards developed by the National Advisory Committee for Juvenile Justice and Delinquency Prevention prior to October 12, 1984.

"(B) Developing and adopting policies and programs to provide access to counsel for all juveniles in the justice system to ensure that juveniles consult with counsel before waiving the right to counsel.

"(C) Increasing community-based alternatives to incarceration by establishing programs (such as expanded use of probation, mediation, restitution, community service, treatment, home detention, intensive supervision, and electronic monitoring) and developing and adopting a set of objective criteria for the appropriate placement of juveniles in detention and secure confinement.

"(D) Developing and adopting policies and programs to provide secure settings for the placement of violent juvenile offenders by closing down traditional training schools and replacing them with secure settings with capacities of no more than 50 violent juvenile offenders with ratios of staff to youth great enough to ensure adequate supervision and treatment.

"(E) Developing and adopting policies to prohibit gender bias in placement and treatment and establishing programs to ensure that female youth have access to the full range of health and mental health services, treatment for physical or sexual assault and abuse, self defense instruction, education in parenting, education in general, and other training and vocational services.

"(F) Establishing and operating, either directly or by contract or arrangement with a public agency or other appropriate private nonprofit organization (other than an agency or organization that is responsible for licensing or certifying out-of-home care services for youth), a State ombudsman office for children, youth, and families to investigate and resolve complaints relating to action, inaction, or decisions of providers of out-of-home care to children and youth (including secure detention and correctional facilities, residential care facilities, public agencies, and social service agencies) that may adversely affect the health, safety, welfare, or rights of resident children and youth.

"(G) Developing and adopting policies and programs designed to remove, where appropriate, status offenders from the jurisdiction of the juvenile court to prevent the placement in secure detention facilities or secure correctional facilities of juveniles who are nonoffenders or who are charged with or who have committed offenses that would not be criminal if committed by an adult.

"(H) Developing and adopting policies and programs designed to serve as alternatives to suspension and expulsion from school.

"(I) Increasing aftercare services for juveniles involved in the justice system by establishing programs and developing and adopting policies to provide comprehensive health, mental health, education, and vocational services and services that preserve and strengthen the families of such juveniles.

"(J) Developing and adopting policies to establish—

"(i) a State administrative structure to coordinate program and fiscal policies for children who have emotional and behavioral problems and their families among the major child serving systems, including schools, social services, health services, mental health services, and the juvenile justice system; and

"(ii) a statewide case review system.

"PART F—TREATMENT FOR JUVENILE OFFENDERS WHO ARE VICTIMS OF CHILD ABUSE OR NEGLECT

"DEFINITION

"SEC. 287. For the purposes of this part, the term 'juvenile' means a person who is less than 18 years of age.

"AUTHORITY TO MAKE GRANTS

"SEC. 287A. The Administrator, in consultation with the Secretary of Health and Human Services, shall make grants to public and nonprofit private organizations to develop, establish, and support projects that—

"(1) provide treatment to juvenile offenders who are victims of child abuse or neglect and to their families so as to reduce the likelihood that the juvenile offenders will commit subsequent violations of law;

"(2) based on the best interests of juvenile offenders who receive treatment for child abuse or neglect, provide transitional services (including individual, group, and family counseling) to juvenile offenders—

"(A) to strengthen the relationships of juvenile offenders with their families and encourage the resolution of intrafamily problems related to the abuse or neglect;

"(B) to facilitate their alternative placement; and

"(C) to prepare juveniles aged 16 years and older to live independently; and

"(3) carry out research (including surveys of existing transitional services, identification of exemplary treatment modalities, and evaluation of treatment and transitional services) provided with grants made under this section.

"ADMINISTRATIVE REQUIREMENTS

"SEC. 287B. The Administrator shall administer this part subject to the requirements of sections 262, 299B, and 299E.

"PRIORITY

"SEC. 287C. In making grants under section 287A, the Administrator—

"(1) shall give priority to applicants that have experience in treating juveniles who are victims of child abuse or neglect; and

"(2) may not disapprove an application solely because the applicant proposes to provide treatment or transitional services to juveniles who are adjudicated to be delinquent for having committed offenses that are not serious crimes.

"PART G—MENTORING

"PURPOSES

"SEC. 288. The purposes of this part are—

"(1) to reduce juvenile delinquency and gang participation;

"(2) to improve academic performance; and

"(3) to reduce the dropout rate,

through the use of mentors for at-risk youth.

"DEFINITIONS

"SEC. 288A. For purposes of this part—

"(1) the term 'at-risk youth' means a youth at risk of educational failure or dropping out of school or involvement in delinquent activities; and

"(2) the term 'mentor' means a person who works with an at-risk youth on a one-to-one basis, establishing a supportive relationship with the youth and providing the youth with academic assistance and exposure to new experiences that enhance the youth's ability to become a responsible citizen.

"GRANTS

"SEC. 288B. The Administrator shall, by making grants to and entering into contracts with local educational agencies (each which agency shall be in partnership with a public or private agency, institution, or business), establish and support programs and activities for the purpose of implementing mentoring programs that—

"(1) are designed to link at-risk children, particularly children living in high crime areas and children experiencing educational failure, with responsible adults such as law enforcement officers, persons working with local businesses, and adults working for community-based organizations and agencies; and

"(2) are intended to achieve 1 or more of the following goals:

"(A) Provide general guidance to at-risk youth.

"(B) Promote personal and social responsibility among at-risk youth.

"(C) Increase at-risk youth's participation in and enhance their ability to benefit from elementary and secondary education.

"(D) Discourage at-risk youth's use of illegal drugs, violence, and dangerous weapons, and other criminal activity.

"(E) Discourage involvement of at-risk youth in gangs.

"(F) Encourage at-risk youth's participation in community service and community activities.

"REGULATIONS AND GUIDELINES

"SEC. 288C. (a) REGULATIONS.—The Administrator, after consultation with the Secretary of Health and Human Services, the Secretary of Education, and the Secretary of Labor, shall promulgate regulations to implement this part.

"(b) GUIDELINES.—The Administrator shall develop and distribute to program participants specific model guidelines for the screening of prospective program mentors.

"USE OF GRANTS

"SEC. 288D. (a) PERMITTED USES.—Grants awarded pursuant to this part shall be used to implement mentoring programs, including—

"(1) hiring of mentoring coordinators and support staff;

"(2) recruitment, screening, and training of adult mentors;

"(3) reimbursement of mentors for reasonable incidental expenditures such as transportation that are directly associated with mentoring; and

"(4) such other purposes as the Administrator may reasonably prescribe by regulation.

"(b) PROHIBITED USES.—Grants awarded pursuant to this part shall not be used—

"(1) to directly compensate mentors, except as provided pursuant to subsection (a)(3);

"(2) to obtain educational or other materials or equipment that would otherwise be used in the ordinary course of the grantee's operations;

"(3) to support litigation of any kind; or

"(4) for any other purpose reasonably prohibited by the Administrator by regulation.

"PRIORITY

"SEC. 288E. (a) IN GENERAL.—In making grants under this part, the Administrator

shall give priority for awarding grants to applicants that—

"(1) serve at-risk youth in high crime areas;

"(2) have 60 percent or more of their youth eligible to receive funds under chapter 1 of the Elementary and Secondary Education Act of 1965; and

"(3) have a considerable number of youth who drop out of school each year.

"(b) OTHER CONSIDERATIONS.—In making grants under this part, the Administrator shall give consideration to—

"(1) the geographic distribution (urban and rural) of applications;

"(2) the quality of a mentoring plan, including—

"(A) the resources, if any, that will be dedicated to providing participating youth with opportunities for job training or post-secondary education; and

"(B) the degree to which parents, teachers, community-based organizations, and the local community participate in the design and implementation of the mentoring plan; and

"(3) the capability of the applicant to effectively implement the mentoring plan.

"APPLICATIONS

"SEC. 288F. An application for assistance under this part shall include—

"(1) information on the youth expected to be served by the program;

"(2) a provision for a mechanism for matching youth with mentors based on the needs of the youth;

"(3) an assurance that no mentor will be assigned to more than one youth, so as to ensure a one-to-one relationship;

"(4) an assurance that projects operated in secondary schools will provide youth with a variety of experiences and support, including—

"(A) an opportunity to spend time in a work environment and, when possible, participate in the work environment;

"(B) an opportunity to witness the job skills that will be required for youth to obtain employment upon graduation;

"(C) assistance with homework assignments; and

"(D) exposure to experiences that youth might not otherwise encounter;

"(5) an assurance that projects operated in elementary schools will provide youth with—

"(A) academic assistance;

"(B) exposure to new experiences and activities that youth might not encounter on their own; and

"(C) emotional support;

"(6) an assurance that projects will be monitored to ensure that each youth benefits from a mentor relationship, with provision for a new mentor assignment if the relationship is not beneficial to the youth;

"(7) the method by which mentors and youth will be recruited to the project;

"(8) the method by which prospective mentors will be screened; and

"(9) the training that will be provided to mentors.

"GRANT CYCLES

"SEC. 288G. Grants under this part shall be made for 3-year periods.

"REPORTS

"SEC. 288H. Not later than 120 days after the completion of the first cycle of grants under this part, the Administrator shall submit to Congress a report regarding the success and effectiveness of the grant program in reducing juvenile delinquency and gang participation, improving academic performance, and reducing the dropout rate.

"PART H—BOOT CAMPS

"ESTABLISHMENT OF PROGRAM

"SEC. 289. (a) IN GENERAL.—The Administrator may make grants to the appropriate agencies of 1 or more States for the purpose of establishing up to 10 military-style boot camps for juvenile delinquents (referred to as "boot camps").

"(b) LOCATION.—(1) The boot camps shall be located on existing or closed military installations on sites to be chosen by the agencies in one or more States, or in other facilities designated by the agencies on such sites, after consultation with the Secretary of Defense, if appropriate, and the Administrator.

"(2) The Administrator shall—

"(A) try to achieve to the extent possible equitable geographic distribution in approving boot camp sites; and

"(B) give priority to grants where more than one State enters into formal cooperative arrangements to jointly administer a boot camp; and

"(c) REGIMEN.—The boot camps shall provide—

"(1) a highly regimented schedule of discipline, physical training, work, drill, and ceremony characteristic of military basic training;

"(2) regular, remedial, special, and vocational education; and

"(3) counseling and treatment for substance abuse and other health and mental health problems.

"CAPACITY

"SEC. 289A. Each boot camp shall be designed to accommodate between 150 and 250 juveniles for such time as the grant recipient agency deems to be appropriate.

"ELIGIBILITY AND PLACEMENT

"SEC. 289B. (a) ELIGIBILITY.—A person shall be eligible for assignment to a boot camp if he or she—

"(1) is considered to be a juvenile under the laws of the State of jurisdiction; and

"(2) has been adjudicated to be delinquent in the State of jurisdiction or, upon approval of the court, voluntarily agrees to the boot camp assignment without a delinquency adjudication.

"(b) PLACEMENT.—Prior to being placed in a boot camp, an assessment of a juvenile shall be preformed to determine that—

"(1) the boot camp is the least restrictive environment that is appropriate for the juvenile considering the seriousness of the juvenile's delinquent behavior and the juvenile's treatment need; and

"(2) the juvenile is physically and emotionally capable of participating in the boot camp regimen.

"POST-RELEASE SUPERVISION

"SEC. 289C. A State that seeks to establish a boot camp, or participate in the joint administration of a boot camp, shall submit to the Administrator a plan describing—

"(1) the provisions that the State will make for the continued supervision of juveniles following release; and

"(2) provisions for educational and vocational training, drug or other counseling and treatment, and other support services.

"PART I—WHITE HOUSE CONFERENCE ON JUVENILE JUSTICE

"SEC. 291. (a) IN GENERAL.—The President may call and conduct a National White House Conference on Juvenile Justice (referred to as the "Conference") in accordance with this part.

"(b) PURPOSES OF CONFERENCE.—The purposes of the Conference shall be—

"(1) to increase public awareness of the problems of juvenile offenders and the juvenile justice system;

"(2) to examine the status of minors currently in the juvenile and adult justice systems;

"(3) to examine the increasing number of violent crimes committed by juveniles;

"(4) to examine the growing phenomena of youth gangs, including the number of young women who are involved;

"(5) to assemble persons involved in policies and programs related to juvenile delinquency prevention and juvenile justice enforcement;

"(6) to examine the need for improving services for girls in the juvenile justice system;

"(7) to create a forum in which persons and organizations from diverse regions may share information regarding successes and failures of policy in their juvenile justice and juvenile delinquency prevention programs; and

"(8) to develop such specific and comprehensive recommendations for executive and legislative action as may be appropriate to address the problems of juvenile delinquency and juvenile justice.

"(c) SCHEDULE OF CONFERENCES.—The Conference under this part shall be concluded not later than 18 months after the date of enactment of this part.

"(d) PRIOR STATE AND REGIONAL CONFERENCES.—

"(1) IN GENERAL.—Participants in the Conference and other interested persons and organizations may conduct conferences and other activities at the State and regional levels prior to the date of the Conference, subject to the approval of the executive director of the Conference.

"(2) PURPOSE OF STATE AND REGIONAL CONFERENCES.—State and regional conferences and activities shall be directed toward the consideration of the purposes of this part. State conferences shall elect delegates to the National Conferences.

"(3) ADMITTANCE.—No person involved in administering State juvenile justice programs or in providing services to or advocacy of juvenile offenders may be denied admission to a State or regional conference.

"CONFERENCE PARTICIPANTS

"SEC. 291A. (a) IN GENERAL.—The Conference shall bring together persons concerned with issues and programs, both public and private, relating to juvenile justice, and juvenile delinquency prevention.

"(b) SELECTION.—

"(1) STATE CONFERENCES.—Delegates, including alternates, to the National Conference shall be elected by participants at the State conferences.

"(2) DELEGATES.—(A) In addition to delegates elected pursuant to paragraph (1)—

"(i) each Governor may appoint 1 delegate and 1 alternate;

"(ii) the majority leader of the Senate, in consultation with the minority leader, may appoint 10 delegates and 3 alternates;

"(iii) the Speaker of the House of Representatives, in consultation with the minority leader, may appoint 10 delegates and 3 alternates;

"(iv) the President may appoint 20 delegates and 5 alternates;

"(v) the chief law enforcement official and the chief juvenile corrections official of each State may appoint 1 delegate and 1 alternate each; and

"(vi) the Chairperson of the Juvenile Justice and Delinquency Prevention Advisory Committee of each State, or his or her designate, may appoint 1 delegate.

"(B) Only persons involved in administering State juvenile justice programs or in pro-

viding services to or advocacy of juvenile offenders shall be eligible for appointment as a delegate.

"(c) PARTICIPANT EXPENSES.—Each participant in the Conference shall be responsible for his or her expenses related to attending the Conference and shall not be reimbursed from funds appropriated pursuant to this Act.

"(d) NO FEES.—No fee may be imposed on a person who attends a Conference except a registration fee of not to exceed $10.

"STAFF AND EXECUTIVE BRANCH

"SEC. 291B. (a) IN GENERAL.—The President may appoint and compensate an executive director of the National White House Conference on Juvenile Justice and such other directors and personnel for the Conference as the President may deem to be advisable, 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 that title relating to classification and General Schedule pay rates. The staff of the Conference may not exceed 20, including the executive director.

"(b) DETAILEES.—Upon request by the executive director, the heads of the executive and military departments may detail employees to work with the executive director in planning and administering the Conference without regard to section 3341 of title 5, United States Code.

"PLANNING AND ADMINISTRATION OF CONFERENCE

"SEC. 291C. (a) FEDERAL AGENCY SUPPORT.—All Federal departments, agencies, and instrumentalities shall provide such support and assistance as may be necessary to facilitate the planning and administration of the Conference.

"(b) DUTIES OF THE EXECUTIVE DIRECTOR.—In carrying out this part, the executive director of the White House Conference on Juvenile Justice—

"(1) shall provide such assistance as may be necessary for the organization and conduct of conferences at the State and regional levels authorized by section 291(d);

"(2) may enter into contracts and agreements with public and private agencies and organizations and academic institutions to assist in carrying out this part; and

"(3) shall prepare and provide background materials for use by participants in the Conference and by participants in State and regional conferences.

"REPORTS

"SEC. 291D. (a) IN GENERAL.—Not later than 6 months after the date on which a National Conference is convened, a final report of the Conference shall be submitted to the President and the Congress.

"(b) CONTENTS.—A report described in subsection (a)—

"(1) shall include the findings and recommendations of the Conference and proposals for any legislative action necessary to implement the recommendations of the Conference; and

"(2) shall be made available to the public.

"OVERSIGHT

"SEC. 291E. The Administrator shall report to the Congress annually during the 3-year period following the submission of the final report of a Conference on the status and implementation of the findings and recommendations of the Conference.".

(2) REPEALER.—Subtitle G of title II of the Crime Control Act of 1990 (42 U.S.C. 13051 et seq.) is repealed effective September 30, 1993.

(j) GENERAL AND ADMINISTRATIVE PROVISIONS.—Section 299 of the Juvenile Justice and Delinquency Prevention Act of 1974, as redesignated by subsection (g), is amended—

(1) by amending subsection (a) to read as follows:

"(a)(1) To carry out the purposes of this title (other than parts D, E, F, G, H, and I) there are authorized to be appropriated $150,000,000 for fiscal years 1993, 1994, 1995, and 1996. Funds appropriated for any fiscal year shall remain available for obligation until expended.

"(2)(A) Subject to subparagraph (B), to carry out part D, there are authorized to be appropriated—

"(i) to carry out subpart 1, $25,000,000 for fiscal year 1993 and such sums as are necessary for fiscal years 1994, 1995, and 1996; and

"(ii) to carry out subpart 2, $25,000,000 for fiscal year 1993 and such sums as are necessary for fiscal years 1994, 1995, and 1996.

"(B) No funds may be appropriated to carry out part D, E, F, G, or I of this title or title V or VI for a fiscal year unless the aggregate amount appropriated to carry out this title (other than part D, E, F, G, or I of this title or title V or VI) for the fiscal year is not less than the aggregate amount appropriated to carry out this title (other than part D, E, F, G, or I of this title or title V or VI) for the preceding fiscal year.

"(3) To carry out part E, there are authorized to be appropriated $50,000,000 for fiscal year 1993 and such sums as are necessary for each of the fiscal years 1994, 1995, and 1996.

"(4)(A) Subject to subparagraph (B), there are authorized to be appropriated to carry out part F—

"(i) $15,000,000 for fiscal year 1993; and

"(ii) such sums as are necessary for fiscal years 1994, 1995, and 1996.

"(B) No amount is authorized to be appropriated for a fiscal year to carry out part F unless the aggregate amount appropriated to carry out this title for that fiscal year is not less than the aggregate amount appropriated to carry out this title for the preceding fiscal year.

"(C) From the amount appropriated to carry out part F in a fiscal year, the Administrator shall use—

"(i) not less than 85 percent to make grants for treatment and transitional services;

"(ii) not to exceed 10 percent for grants for research; and

"(iii) not to exceed 5 percent for salaries and expenses of the Office of Juvenile Justice and Delinquency Prevention related to administering part F.

"(5)(A) Subject to subparagraph (B), there are authorized to be appropriated to carry out part G such sums as are necessary for fiscal years 1993, 1994, 1995, and 1996.

"(6)(A) There are authorized to be appropriated to carry out part H such sums as are necessary for fiscal year 1993, to remain available until expended, of which—

"(i) not more than $12,500,000 shall be used to convert any 1 closed military base or to modify any 1 existing military base or other designated facility to a boot camp; and

"(ii) not more than $2,500,000 shall be used to operate any 1 boot camp during a fiscal year.

"(B) No amount is authorized to be appropriated for a fiscal year to carry out part H unless the aggregate amount appropriated to carry out parts A, B, and C of this title for that fiscal year is not less than 120 percent of the aggregate amount appropriated to carry out those parts for fiscal year 1992.

"(7)(A) There are authorized to be appropriated such sums as are necessary for each National Conference and associated State and regional conferences under part I, to remain available until expended.

"(B) New spending authority or authority to enter into contracts under part I shall be effective only to such extent and in such amounts as are provided in advance in appropriation Acts.

"(C) No funds appropriated to carry out this Act shall be made available to carry out part I other than funds appropriated specifically for the purpose of conducting the Conference.

"(D) Any funds remaining unexpended at the termination of the Conference under part I, including submission of the report pursuant to section 291D, shall be returned to the Treasury of the United States and credited as miscellaneous receipts."; and

(2) by adding at the end the following new subsection:

"(e) Of such sums as are appropriated to carry out section 261(a)(6), not less than 20 percent shall be reserved by the Administrator for each of fiscal years 1993, 1994, 1995, and 1996, for not less than 2 programs that have not received funds under subpart II of part C prior to October 1, 1992, which shall be selected through the application and approval process set forth in section 262.".

SEC. 3. RUNAWAY AND HOMELESS YOUTH.

(a) FINDINGS.—Section 302 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5701) is amended—

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

"(1) juveniles who have become homeless or who leave and remain away from home without parental permission, are at risk of developing serious health and other problems because they lack sufficient resources to obtain care and may live on the street for extended periods thereby endangering themselves and creating a substantial law enforcement problem for communities in which they congregate;";

(2) by striking "and" at the end of paragraph (4);

(3) in paragraph (5) by striking "temporary" and all that follows through the period at the end and inserting "care (including preventive services, emergency shelter services, and extended residential shelter) outside the welfare system and the law enforcement system;" and

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

"(6) runaway and homeless youth have a disproportionate share of health, behavioral, and emotional problems compared to the general population of youth, but have less access to health care and other appropriate services and therefore may need access to longer periods of residential care, more intensive aftercare service, and other assistance;

"(7) to make a successful transition to adulthood, runaway youth, homeless youth, and other street youth need opportunities to complete high school or earn a general equivalency degree, learn job skills, and obtain employment;

"(8) in view of the interstate nature of the problem, it is the responsibility of the Federal Government to develop an accurate national reporting system and to develop an effective system of care including prevention, emergency shelter services, and longer residential care outside the public welfare and law enforcement structures;

"(9) early intervention services (such as home-based services) are needed to prevent runaway and homeless youth from becoming involved in the juvenile justice system and other law enforcement systems; and

"(10) street-based services that target runaway and homeless youth where they congregate are needed to reach youth who require assistance but who would not otherwise avail themselves of such assistance or services without street-based outreach.".

(b) AUTHORITY TO MAKE GRANTS.—

(1) AUTHORITY.—Section 311(a) of the Runaway and Homeless Youth Act (42 U.S.C. 5711(a)) is amended by striking "structure and" and inserting "system, the child welfare system, the mental health system, and".

(2) ALLOTMENT OF FUNDS.—Section 311(b) of the Runaway and Homeless Youth Act (42 U.S.C. 5711(b)) is amended—

(A) in paragraph (2)—

(i) by striking "$75,000" and inserting "$100,000"; and

(ii) by striking "$30,000" and inserting "$45,000"; and

(B) in paragraph (3) by striking "1988" each place it appears and inserting "1992".

(3) STREET-BASED SERVICES; HOME-BASED SERVICES.—Section 311 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633) is amended by striking subsection (c) and inserting the following:

"(c)(1) If for a fiscal year the amount appropriated under section 385(a)(1) exceeds $50,000,000, the Secretary may make grants under this subsection for that fiscal year to entities that receive grants under subsection (a) to establish and operate street-based service projects for runaway and homeless youth.

"(2) For purposes of this part, the term 'street-based services' includes—

"(i) street-based crisis intervention and counseling;

"(ii) information and referral for housing;

"(iii) information and referral for transitional living and health care services; and

"(iv) advocacy, education, and prevention services for—

"(I) alcohol and drug abuse;

"(II) sexually transmitted diseases including HIV/AIDS infection; and

"(III) physical and sexual assault.

"(d)(1) If for a fiscal year the amount appropriated under section 385(a)(1) exceeds $50,000,000, the Secretary may make grants for that fiscal year to entities that receive grants under subsection (a) to establish and operate home-based service projects for families that are separated, or at risk of separation, as a result of the physical absence of a runaway youth or youth at risk of family separation.

"(2) For purposes of this part—

"(A) the term 'home-based service project' means a project that provides—

"(i) case management; and

"(ii) in the family residence (to the maximum extent practicable)—

"(I) intensive, time-limited, family and individual counseling;

"(II) training relating to life skills and parenting; and

"(III) other services;

designed to prevent youth from running away from their families or to cause runaway youth or to return to their families;

"(B) the term 'youth at risk of family separation' means an individual—

"(i) who is less than 18 years of age; and

"(ii)(I) who has a history of running away from the family of such individual;

"(II) whose parent, guardian, or custodian is not willing to provide for the basic needs of such individual; or

"(III) who is at risk of entering the child welfare system or juvenile justice system, as a result of the lack of services available to the family to meet such needs; and

"(C) the term 'time-limited' means for a period not to exceed 6 months.".

(c) ELIGIBILITY.—Section 312 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5712) is amended—

(1) in subsection (a) by striking "facility providing" and inserting "project (including a host family home) that provides"; and

(2) in subsection (b)—

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

"(2) shall use such assistance to establish, to strengthen, or to fund a runaway and homeless youth center, or a locally controlled facility providing temporary shelter, that has—

"(A) a maximum capacity of not more than 20 youth; and

"(B) a ratio of staff to youth that is sufficient to ensure adequate supervision and treatment;";

(B) in paragraph (3)—

(i) by striking "child's parents or relatives and assuring" and inserting "parents or other relatives of the youth and ensuring"; and

(ii) by striking "child" each place it appears and inserting "youth";

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

"(4) shall develop an adequate plan for ensuring—

"(A) proper relations with law enforcement personnel, health and mental health care personnel, social service personnel, school system personnel, and welfare personnel;

"(B) coordination with personnel of the schools to which runaway and homeless youth will return, to assist such youth to stay current with the curricula of those schools; and

"(C) the return of runaway and homeless youth from correctional institutions;";

(D) in paragraph (5)—

(i) by striking "aftercare" and all that follows through "assuring" and inserting "providing counseling and aftercare services to such youth, for encouraging the involvement of their parents or legal guardians in counseling, and for ensuring"; and

(ii) by striking "children" and inserting "youth";

(E) in paragraph (6) by striking "children and family members which it serves" and inserting "youth and family members whom it serves (including youth who are not referred to out-of-home shelter services)";

(F) by redesignating paragraphs (6), (7), (8), (9), and (10) as paragraphs (7), (8), (9), (10), and (11), respectively;

(G) by inserting after paragraph (5) the following new paragraph:

"(6) shall develop an adequate plan for establishing or coordinating with outreach programs designed to attract persons (including, where applicable, persons who are members of a cultural minority and persons with limited ability to speak English) who are eligible to receive services for which a grant under subsection (a) may be expended;"; and

(H) by adding at the end the following new subsections:

"(c) To be eligible for assistance under section 311(c), an applicant shall propose to establish, strengthen, or fund a street-based service project for runaway and homeless youth and shall submit to the Secretary a plan in which the applicant agrees, as part of the project—

"(1) to provide qualified supervision of staff, including on-street supervision by appropriately trained staff;

"(2) to provide backup personnel for on-street staff;

"(3) to provide informational and health educational material to runaway and homeless youth in need of services;

"(4) to provide initial and periodic training of staff who provide services under the project;

"(5) to carry out outreach activities for runaway and homeless youth and to collect statistical information on runaway and homeless youth contacted through such activities;

"(6) to develop referral relationships with agencies and organizations that provide services or assistance to runaway and homeless youth, including law enforcement, education, social services, vocational education and training, public welfare, legal assistance, mental health and health care;

"(7) to submit to the Secretary an annual report that includes information regarding the activities carried out with funds received under section 311(c), the achievements of the project under section 311(c) carried out by the applicant, and statistical summaries describing the number and the characteristics of the runaway and homeless youth who participate in such project in the year for which the report is submitted;

"(8) to implement such accounting procedures and fiscal control devices as the Secretary may require;

"(9) to submit to the Secretary an annual budget that estimates the itemized costs to be incurred in the year for which the applicant requests a grant under subsection 311(c);

"(10) to keep adequate statistical records that profile runaway and homeless youth whom it serves and not to disclose the identity such youth in reports or other documents based on such statistical records;

"(11) not to disclose records maintained on an individual runaway and homeless youth without the informed consent of the youth, to any person other than an agency compiling statistical records; and

"(12) to provide to the Secretary such other information as the Secretary may reasonably require.

"(d) To be eligible for assistance under section 311(d), an applicant shall propose to establish, strengthen, or fund a home-based service project for runaway youth or youth at risk of family separation and shall submit to the Secretary a plan in which the applicant agrees, as part of the project—

"(1) to provide counseling and information services needed by runaway youth, youth at risk of family separation, and the family (including unrelated individuals in the family household) of such youth, including services relating to basic life skills, interpersonal skill building, educational advancement, job attainment skills, mental and physical health care, parent training, financial planning, and referral to sources of other needed services;

"(2) to provide directly, or through an arrangement made by the applicant, 24-hour service to respond to family crises (including immediate access to temporary shelter for runaway youth and youth at risk of family separation affected by family crises);

"(3) to establish in partnership with the families of runaway youth and youth at risk of family separation, objectives and measures of success to be achieved as a result of participating in such project;

"(4) to provide informational and health educational material to runaway youth and youth at risk of family separation in need of services;

"(5) to provide initial and periodic training of staff who provide services under the project;

"(6) to carry out outreach activities for runaway youth and youth at risk of family separation, and to collect statistical information on runaway youth and youth at risk of family separation contacted through such activities;

"(7) to ensure that—

"(i) caseloads will remain sufficiently low to allow for intensive (5 to 20 hours per week) involvement with each family participating in such project; and

"(ii) qualified supervision will be provided to staff who provide services under the project;

"(8) to submit to the Secretary an annual report that includes information regarding the activities carried out with funds under section 311(d), the achievements of the project under this part carried out by the applicant and statistical summaries describing the number and the characteristics of the runaway youth and youth at risk of family separation who participate in such project in the year for which the report is submitted;

"(9) to implement such accounting procedures and fiscal control devices as the Secretary may require;

"(10) to submit to the Secretary an annual budget that estimates the itemized costs to be incurred in the year for which the applicant requests a grant under section 311(d);

"(11) to keep adequate statistical records that profile runaway youth and youth at risk of family separation whom it serves and not to disclose the identity of such youth in reports or other documents based on such statistical records;

"(12) not to disclose records maintained on an individual runaway youth or youth at risk of family separation without the informed consent of the youth, to any person other than an agency compiling statistical records; and

"(13) to provide to the Secretary such other information as the Secretary may reasonably require.".

(d) APPROVAL BY SECRETARY.—Section 316 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5713) is amended—

(1) in the first sentence by striking "section 311(a)" each place it appears and inserting "section 311 (a), (c), or (d)"; and

(2) in the second sentence by striking "$150,000" and inserting "$200,000".

(e) GRANTS TO PRIVATE ENTITIES; STAFFING.—Section 317 of the Runaway and Homeless Youth Act (42 U.S.C. 5714) is amended—

(1) by striking "part" each place it appears and inserting "title";

(2) in the first sentence inserting "and the programs, projects, and activities they carry out under this title" after "center"; and

(3) in the last sentence by inserting "under this title" before the period.

(f) TRANSITIONAL LIVING GRANT PROGRAM.—Section 322(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5714-2(a)) is amended—

(1) in paragraph (1) by inserting "which shall include money management, budgeting, consumer education, and use of credit" after "basic life skills"; and

(2) in paragraph (13)—

(A) by striking "consent of the individual youth and parent or legal guardian" and inserting "informed consent of the individual youth"; and

(B) by striking "or a government agency involved in the disposition of criminal charges against youth".

(g) NATIONAL COMMUNICATION SYSTEM; STREET-BASED SERVICES PROGRAM; HOME-BASED SERVICES PROGRAM; COORDINATING ACTIVITIES.—

(1) ADDITIONAL PARTS.—The Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) is amended—

(A) in part D—

(i) by striking "PART D" and inserting "PART F"; and

(ii) by redesignating sections 361, 362, 363, 364, and 366 as sections 381 through 385, respectively;

(B) in part C—

(i) by striking PART C" and inserting "PART E"; and

(ii) by redesignating sections 341 and 342 as sections 371 and 372, respectively; and

(C) by inserting after part B the following new parts:

"PART C—NATIONAL COMMUNICATIONS SYSTEM

"AUTHORITY TO MAKE GRANTS

"SEC. 331. With funds reserved under section 385(a)(3), the Secretary shall make grants for a national communication system to assist runaway and homeless youth in communicating with their families and with service providers. The Secretary shall give priority to grant applicants that have experience in providing telephone services to runaway and homeless youth.

"PART D—COORDINATING, TRAINING, RESEARCH, AND OTHER ACTIVITIES

"COORDINATION

"SEC. 341. With respect to matters relating to the health, education, employment, and housing of runaway and homeless youth, the Secretary shall coordinate the activities of agencies of the Department of Health and Human Services with the activities of other Federal entities and with the activities of entities that are eligible to receive grants under this title.

"GRANTS FOR TECHNICAL ASSISTANCE AND TRAINING

"SEC. 342. The Secretary may make grants to statewide and regional nonprofit organizations (and combinations of such organizations) to provide technical assistance and training to public and private entities (and combinations of such entities) that are eligible to receive grants under this title, for the purpose of carrying out the programs, projects, or activities for which such grants are made.

"AUTHORITY TO MAKE GRANTS FOR RESEARCH, DEMONSTRATION, AND SERVICE PROJECTS

"SEC. 343. (a) The Secretary may make grants to States, localities, and private entities (and combinations of such entities) to carry out research, demonstration, and service projects designed to increase knowledge concerning, and to improve services for, runaway youth and homeless youth.

"(b) In selecting among applications for grants under subsection (a), the Secretary shall give special consideration to proposed projects relating to—

"(1) youth who repeatedly leave and remain away from their homes;

"(2) home-based and street-based services for, and outreach to, runaway youth and homeless youth;

"(3) transportation of runaway youth and homeless youth in connection with services authorized to be provided under this title;

"(4) the special needs of runaway youth and homeless youth programs in rural areas;

"(5) the special needs of programs that place runaway youth and homeless youth in host family homes;

"(6) staff training in—

"(A) the behavioral and emotional effects of sexual abuse and assault;

"(B) responding to youth who are showing effects of sexual abuse and assault; and

"(C) agency-wide strategies for working with runaway and homeless youth who have been sexually victimized;

"(7) innovative methods of developing resources that enhance the establishment or operation of runaway and homeless youth centers;

"(8) training for runaway youth and homeless youth, and staff training, related to preventing and obtaining treatment for infection by the human immunodeficiency virus (HIV);

"(9) increasing access to health care (including mental health care) for runaway youth and homeless youth; and

"(10) increasing access to education for runaway youth and homeless youth.

"(c) In selecting among applicants for grants under subsection (a), the Secretary shall give priority to applicants who have experience working with runaway youth or homeless youth.

"TEMPORARY DEMONSTRATION PROJECTS TO PROVIDE SERVICES TO YOUTH IN RURAL AREAS

"SEC. 344. (a)(1) With funds appropriated under section 385(c), the Secretary may make grants on a competitive basis to States, localities, and private entities (and combinations of such entities) to provide services (including transportation) authorized to be provided under part A, to runaway and homeless youth in rural areas.

"(2)(A) Each grant made under paragraph (1) may not exceed $100,000.

"(B) In each fiscal year for which funds are appropriated to carry out this section, grants shall be made under paragraph (1) to eligible applicants carry out projects in not fewer than 10 States.

"(C) Not more than 2 grants may be made under paragraph (1) in each fiscal year to carry out projects in a particular State.

"(3) Each eligible applicant that receives a grant for a fiscal year to carry out a project under this section shall have priority to receive a grant for the subsequent fiscal year to carry out a project under this section.

"(b) To be eligible to receive a grant under subsection (a), an applicant shall—

"(1) submit to the Secretary an application in such form and containing such information and assurances as the Secretary may require by rule; and

"(2) propose to carry out such project in a geographical area that—

"(A) has a population under 20,000;

"(B) is located outside a Standard Metropolitan Statistical Area; and

"(C) agree to provide to the Secretary an annual report identifying—

"(i) the number of runaway and homeless youth who receive services under the project carried out by the applicant;

"(ii) the types of services authorized under part A that were needed by, but not provided to, such youth in the geographical area served by the project;

"(iii) the reasons the services identified under clause (ii) were not provided by the project; and

"(iv) such other information as the Secretary may require.".

(2) TECHNICAL AMENDMENTS.—(A) Section 313 of the Runaway and Homeless Youth Act (42 U.S.C. 5712a) is repealed.

(B) Section 314 of the Runaway and Homeless Youth Act (42 U.S.C. 5712b) is repealed.

(C) Section 315 of the Runaway and Homeless Youth Act (42 U.S.C. 5712c) is repealed.

(D) Sections 316 and 317 of the Runaway and Homeless Youth Act (42 U.S.C. 5713, 5714) are redesignated as sections 313 and 314, respectively.

(E) Section 365 of the Runaway and Homeless Youth Act (42 U.S.C. 5733) is repealed.

(h) REPORTS.—Section 361 of the Juvenile Justice and Delinquency Act of 1974 (42 U.S.C. 5715) is amended to read as follows:

"REPORTS

"SEC. 361. (a) Not later than 180 days after the end of each fiscal year, the Secretary shall submit a report to the Committee on Education and Labor of the House of Representatives and the Committee on the Judiciary of the Senate on the status, activities, and accomplishments of the runaway and homeless youth centers that are funded under parts A, B, C, D, and E, with particular attention to—

"(1) in the case of centers funded under part A—

"(A) their effectiveness in alleviating the problems of runaway and homeless youth;

"(B) their ability to reunite children with their families and to encourage the resolution of intrafamily problems through counseling and other services;

"(C) their effectiveness in strengthening family relationships and encouraging stable living conditions for children; and

"(D) their effectiveness in helping youth decide upon a future course of action; and

"(2) in the case of centers funded under part B—

"(A) the number and characteristic of homeless youth served by such projects;

"(B) describing the types of activities carried out under such projects;

"(C) the effectiveness of such projects in alleviating the immediate problems of homeless youth;

"(D) the effectiveness of such projects in preparing homeless youth for self-sufficiency;

"(E) the effectiveness of such projects in helping youth decide upon future education, employment, and independent living;

"(F) the ability of such projects to strengthen family relationships, and encourage the resolution of intrafamily problems through counseling and the development of self-sufficient living skills; and

"(G) plans for the following fiscal year.".

(2) by adding at the end the following:

"(b)(1) The Secretary shall include in the report required by subsection (a) an evaluation of the results of Federal evaluation of the programs, projects, and activities carried out under this title and a description of the training provided to the persons who carry out the evaluation.

"(2) As part of the evaluation described in paragraph (1), the Secretary shall require the persons who carry out the evaluation to visit each grantee on-site not less frequently than every 3 years.".

(i) AUTHORIZATION OF APPROPRIATIONS.—Section 366 of the Juvenile Justice and Delinquency Act of 1974 (42 U.S.C. 5751) is amended—

(1) in subsection (a)—

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

"(1) There are authorized to be appropriated to carry out this title (other than part B and section 344) $75,000,000 for fiscal year 1993 and such sums as may be necessary for fiscal years 1994, 1995, and 1996."; and

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

"(3) After making the allocation required by paragraph (2), the Secretary shall reserve for the purpose of carrying out section 331—

"(A) for fiscal year 1993 not less than $912,500, of which $125,000 shall be available for the acquisition of communications equipment;

"(B) for fiscal year 1994 not less than $826,900;

"(C) for fiscal year 1995 not less than $868,300; and

"(D) for fiscal year 1996 not less than $911,700.

"(4) In the use of funds appropriated under paragraph (1) that are in excess of $38,000,000 but less than $42,600,000, priority may be given to awarding enhancement grants to programs (with priority to programs that receive grants of less than $85,000), for the purpose of allowing such programs to achieve higher performance standards, including—

"(A) increasing and retaining trained staff;

"(B) strengthening family reunification efforts;

"(C) improving aftercare services;

"(D) fostering better coordination of services with public and private entities;

"(E) providing comprehensive services, including health and mental health care, education, prevention and crisis intervention, and vocational services; and

"(F) improving data collection efforts.

"(5) In the use of funds appropriated under paragraph (1) that are in excess of $42,599,999—

"(A) 50 percent may be targeted at developing new programs in unserved or underserved communities; and

"(B) 50 percent may be targeted at program enhancement activities described in paragraph (3).";

(2) in subsection (b) by amending paragraph (1) to read as follows:

"(1) Subject to paragraph (2), there are authorized to be appropriated to carry out B $25,000,000 for fiscal year 1993 and such sums as may be necessary for fiscal years 1994, 1995, and 1996."

(3) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(4) by inserting after subsection (b) the following new subsection:

"(c) There is authorized to be appropriated to carry out section 344 $1,000,000 for each of fiscal years 1993, 1994, 1995, and 1996.".

SEC. 4. MISSING CHILDREN.

Section 407 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5777) is amended by striking "fiscal years 1989, 1990, 1991, and 1992" and inserting "fiscal years 1993, 1994, 1995, and 1996".

SEC. 5. INCENTIVE GRANTS FOR LOCAL DELINQUENCY PREVENTION PROGRAMS.

(a) ESTABLISHMENT OF PROGRAM.—The Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.) is amended by adding at the end the following new title:

"TITLE V—INCENTIVE GRANTS FOR LOCAL DELINQUENCY PREVENTION PROGRAMS

"SEC. 501. SHORT TITLE.

"This title may be cited as the 'Incentive Grants for Local Delinquency Prevention Programs Act'.

"SEC. 502. FINDINGS.

"The Congress finds that—

"(1) approximately 700,000 youth enter the juvenile justice system every year;

"(2) Federal, State, and local governments spend close to $2,000,000,000 a year confining many of those youth;

"(3) it is more effective in both human and fiscal terms to prevent delinquency than to attempt to control or change it after the fact;

"(4) half or more of all States are unable to spend any juvenile justice formula grant funds on delinquency prevention because of other priorities;

"(5) few Federal resources are dedicated to delinquency prevention; and

"(6) Federal incentives are needed to assist States and local communities in mobilizing delinquency prevention policies and programs.

"SEC. 503. DEFINITION.

"In this title, the term 'State advisory group' means the advisory group appointed by the chief executive officer of a State under a plan described in section 223(a).

"SEC. 504. DUTIES AND FUNCTIONS OF THE ADMINISTRATOR.

"The Administrator shall—

"(1) issue such rules as are necessary or appropriate to carry out this title;

"(2) make such arrangements as are necessary and appropriate to facilitate coordination and policy development among all activities funded through the Department of Justice relating to delinquency prevention (including the preparation of an annual comprehensive plan for facilitating such coordination and policy development);

"(3) provide adequate staff and resources necessary to properly carry out this title; and

"(4) not later than 180 days after the end of each fiscal year, submit a report to the Chairman of the Committee on Education and Labor of the House of Representatives and the Chairman of the Committee on the Judiciary of the Senate—

"(A) describing activities and accomplishments of grant activities funded under this title;

"(B) describing procedures followed to disseminate grant activity products and research findings;

"(C) describing activities conducted to develop policy and to coordinate Federal agency and interagency efforts related to delinquency prevention; and

"(D) identifying successful approaches and making recommendations for future activities to be conducted under this title.

"SEC. 505. GRANTS FOR PREVENTION PROGRAMS.

"(a) PURPOSES.—The Administrator may make grants to a State, to be transmitted through the State advisory group to units of general local government that meet the requirements of subsection (b), for delinquency prevention programs and activities for youth who have had contact with the juvenile justice system or who are likely to have contact with the juvenile justice system, including the provision to children, youth, and families of—

"(1) recreation services;

"(2) tutoring and remedial education;

"(3) assistance in the development of work awareness skills;

"(4) child and adolescent health and mental health services;

"(5) alcohol and substance abuse prevention services;

"(6) leadership development activities; and

"(7) the teaching that people are and should be held accountable for their actions.

"(b) ELIGIBILITY.—The requirements of this subsection are met with respect to a unit of general local government if—

"(1) the unit is in compliance with the requirements of part B of title II;

"(2) the unit has submitted to the State advisory group a 3-year plan outlining the unit's local front end plans for investment for delinquency prevention and early intervention activities;

"(3) the unit has included in its application to the Administrator for formula grant funds a summary of the 3-year plan described in paragraph (2);

"(4) pursuant to its 3-year plan, the unit has appointed a local policy board of no fewer than 15 and no more than 21 members with balanced representation of public agencies and private, nonprofit organizations

serving children, youth, and families and business and industry;

"(5) the unit has, in order to aid in the prevention of delinquency, included in its application a plan for the coordination of services to at-risk youth and their families, including such programs as nutrition, energy assistance, and housing;

"(6) the local policy board is empowered to make all recommendations for distribution of funds and evaluation of activities funded under this title; and

"(7) the unit or State has agreed to provide a 50 percent match of the amount of the grant, including the value of in-kind contributions, to fund the activity.

"(c) PRIORITY.—In considering grant applications under this section, the Administrator shall give priority to applicants that demonstrate ability in—

"(1) plans for service and agency coordination and collaboration including the colocation of services;

"(2) innovative ways to involve the private nonprofit and business sector in delinquency prevention activities; and

"(3) developing or enhancing a statewide subsidy program to local governments that is dedicated to early intervention and delinquency prevention.

"SEC. 506. AUTHORIZATION OF APPROPRIATIONS.

"To carry out this title, there are authorized to be appropriated $30,000,000 for fiscal year 1993 and such sums as are necessary for fiscal years 1994, 1995, and 1996.".

(b) STUDY.—After the program established by subsection (a) has been funded for two years, the General Accounting Office shall prepare and submit to Congress a study of the effects of the program in encouraging States and units of general local government to comply with the requirements of part B of title II.

SEC. 6. CHILDREN'S ADVOCACY PROGRAM.

(a) FINDINGS.—Section 211 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13001) is amended—

(1) by redesignating paragraphs (3), (4), and (5) as paragraphs (4), (6), and (7), respectively;

(2) by inserting after paragraph (2) the following new paragraph:

"(3) traditionally, community agencies and professionals have different roles in the prevention, investigation, and intervention process;" and

(3) by inserting after paragraph (4), as redesignated by paragraph (1), the following new paragraph:

"(5) there is a national need to enhance coordination among community agencies and professionals involved in the intervention system;".

(b) REGIONAL CHILDREN'S ADVOCACY PROGRAM.—Subtitle A of the Victims of Child Abuse Act (42 U.S.C. 13001 et seq.) is amended—

(1) by redesignating sections 212, 213, and 214 as sections 214, 214A, and 214B, respectively; and

(2) by inserting after section 211 the following new sections:

"SEC. 212. DEFINITIONS.

"For purposes of this subtitle—

"(1) the term 'Administrator' means the agency head designated under section 201(b) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611(b));

"(2) the term 'applicant' means a child protective service, law enforcement, legal, medical and mental health agency or other agency that responds to child abuse cases;

"(3) the term 'board' means the Children's Advocacy Advisory Board established under section 213(e);

"(4) the term 'census region' means 1 of the 4 census regions (northeast, south, midwest, and west) that are designated as census regions by the Bureau of the Census as of the date of enactment of this section;

"(5) the term 'child abuse' means physical or sexual abuse or neglect of a child;

"(6) the term 'Director' means the Director of the National Center on Child Abuse and Neglect;

"(7) the term 'multidisciplinary response to child abuse' means a response to child abuse that is based on mutually agreed upon procedures among the community agencies and professionals involved in the intervention, prevention, prosecution, and investigation systems that best meets the needs of child victims and their nonoffending family members;

"(8) the term 'nonoffending family member' means a member of the family of a victim of child abuse other than a member who has been convicted or accused of committing an act of child abuse; and

"(9) the term 'regional children's advocacy program' means the children's advocacy program established under section 213(a).

"SEC. 213. REGIONAL CHILDREN'S ADVOCACY CENTERS.

"(a) ESTABLISHMENT OF REGIONAL CHILDREN'S ADVOCACY PROGRAM.—The Administrator, in coordination with the Director and with the Director of the Office of Victims of Crime, shall establish a children's advocacy program to—

"(1) focus attention on child victims by assisting communities in developing child-focused, community-oriented, facility-based programs designed to improve the resources available to children and families;

"(2) provide support for nonoffending family members;

"(3) enhance coordination among community agencies and professionals involved in the intervention, prevention, prosecution, and investigation systems that respond to child abuse cases; and

"(4) train physicians and other health care and mental health care professionals in the multidisciplinary approach to child abuse so that trained medical personnel will be available to provide medical support to community agencies and professionals involved in the intervention, prevention, prosecution, and investigation systems that respond to child abuse cases.

"(b) ACTIVITIES OF THE REGIONAL CHILDREN'S ADVOCACY PROGRAM.—

"(1) ADMINISTRATOR.—The Administrator, in coordination with the Director, shall—

"(A) establish regional children's advocacy program centers;

"(B) fund existing regional centers with expertise in the prevention, judicial handling, and treatment of child abuse and neglect; and

"(C) fund the establishment of freestanding facilities in multidisciplinary programs within communities that have yet to establish such facilities,

for the purpose of enabling grant recipients to provide information, services, and technical assistance to aid communities in establishing multidisciplinary programs that respond to child abuse.

"(2) GRANT RECIPIENTS.—A grant recipient under this section shall—

"(A) assist communities—

"(i) in developing a comprehensive, multidisciplinary response to child abuse that is designed to meet the needs of child victims and their families;

"(ii) in establishing a freestanding facility where interviews of and services for abused children can be provided;

"(iii) in preventing or reducing trauma to children caused by multiple contacts with community professionals;

"(iv) in providing families with needed services and assisting them in regaining maximum functioning;

"(v) in maintaining open communication and case coordination among community professionals and agencies involved in child protection efforts;

"(vi) in coordinating and tracking investigative, preventive, prosecutorial, and treatment efforts;

"(vii) in obtaining information useful for criminal and civil proceedings;

"(viii) in holding offenders accountable through improved prosecution of child abuse cases;

"(ix) in enhancing professional skills necessary to effectively respond to cases of child abuse thorough training; and

"(x) in enhancing community understanding of child abuse; and

"(B) provide training and technical assistance to local children's advocacy centers in its census region that are grant recipients under section 214.

"(c) OPERATION OF THE REGIONAL CHILDREN'S ADVOCACY PROGRAM.—

"(1) SOLICITATION OF PROPOSALS.—Not later than 1 year after the date of enactment of this section, the Administrator shall solicit proposals for assistance under this section.

"(2) MINIMUM QUALIFICATIONS.—In order for a proposal to be selected, the Administrator may require an applicant to have in existence, at the time the proposal is submitted, 1 or more of the following:

"(A) A proven record in conducting activities of the kinds described in subsection (c).

"(B) A facility where children who are victims of sexual or physical abuse and their nonoffending family members can go for the purpose of evaluation, intervention, evidence gathering, and counseling.

"(C) Multidisciplinary staff experienced in providing remedial counseling to children and families.

"(D) Experience in serving as a center for training and education and as a resource facility.

"(E) National expertise in providing technical assistance to communities with respect to the judicial handling of child abuse and neglect.

"(3) PROPOSAL REQUIREMENTS.—

"(A) IN GENERAL.—A proposal submitted in response to the solicitation under paragraph (1) shall—

"(i) include a single or multiyear management plan that outlines how the applicant will provide information, services, and technical assistance to communities so that communities can establish multidisciplinary programs that respond to child abuse;

"(ii) demonstrate the ability of the applicant to operate successfully a multidisciplinary child abuse program or provide training to allow others to do so; and

"(iii) state the annual cost of the proposal and a breakdown of those costs.

"(B) CONTENT OF MANAGEMENT PLAN.—A management plan described in paragraph (3)(A) shall—

"(i) outline the basic activities expected to be performed;

"(ii) describe the entities that will conduct the basic activities;

"(iii) establish the period of time over which the basic activities will take place; and

"(iv) define the overall program management and direction by—

"(I) identifying managerial, organizational, and administrative procedures and responsibilities;

"(II) demonstrating how implementation and monitoring of the progress of the children's advocacy program after receipt of funding will be achieved; and

"(III) providing sufficient rationale to support the costs of the plan.

"(4) SELECTION OF PROPOSALS.—

"(A) COMPETITIVE BASIS.—Proposals shall be selected under this section on a competitive basis.

"(B) CRITERIA.—The Administrator, in coordination with the Director, shall select proposals for funding that—

"(i) best result in developing and establishing multidisciplinary programs that respond to child abuse by assisting, training, and teaching community agencies and professionals called upon to respond to child abuse cases;

"(ii) assist in resolving problems that may occur during the development, operation, and implementation of a multidisciplinary program that responds to child abuse; and

"(iii) carry out the objectives developed by the Board under subsection (e)(2)(A);

"(C) to the greatest extent possible and subject to available appropriations, ensure that at least 1 applicant is selected from each of the 4 census regions of the country; and

"(D) otherwise best carry out the purposes of this section.

"(5) FUNDING OF PROGRAM.—From amounts made available in separate appropriation Acts, the Administrator shall provide to each grant recipient the financial and technical assistance and other incentives that are necessary and appropriate to carry out this section.

"(6) COORDINATION OF EFFORT.—In order to carry out activities that are in the best interests of abused and neglected children, a grant recipient shall consult with other grant recipients on a regular basis to exchange ideas, share information, and review children's advocacy program activities.

"(d) REVIEW.—

"(1) EVALUATION OF REGIONAL CHILDREN'S ADVOCACY PROGRAM ACTIVITIES.—The Administrator, in coordination with the Director, shall regularly monitor and evaluate the activities of grant recipients and shall determine whether each grant recipient has complied with the original proposal and any modifications.

"(2) ANNUAL REPORT.—A grant recipient shall provide an annual report to the Administrator and the Director that—

"(A) describes the progress made in satisfying the purpose of the children's advocacy program; and

"(B) states whether changes are needed and are being made to carry out the purpose of the children's advocacy program.

"(3) DISCONTINUATION OF FUNDING.—

"(A) FAILURE TO IMPLEMENT PROGRAM ACTIVITIES.—If a grant recipient under this section substantially fails in the implementation of the program activities, the Administrator shall not discontinue funding until reasonable notice and an opportunity for reconsideration is given.

"(B) SOLICITATION OF NEW PROPOSALS.—Upon discontinuation of funding of a grant recipient under this section, the Administrator shall solicit new proposals in accordance with subsection (c).

"(e) CHILDREN'S ADVOCACY ADVISORY BOARD.—

"(1) ESTABLISHMENT OF BOARD.—

"(A) IN GENERAL.—Not later than 120 days after the date of enactment of this section, the Administrator and the Director, after consulting with representatives of community agencies that respond to child abuse cases, shall establish a children's advocacy advisory board to provide guidance and oversight in implementing the selection criteria and operation of the regional children's advocacy program.

"(B) MEMBERSHIP.—(i) The board—

"(I) shall be composed of 12 members who are selected by the Administrator, in coordination with the Director, a majority of whom shall be individuals experienced in the child abuse investigation, prosecution, prevention, and intervention systems;

"(II) shall include at least 1 member from each of the 4 census regions; and

"(III) shall have members appointed for a term not to exceed 3 years.

"(ii) Members of the Board may be reappointed for successive terms.

"(2) REVIEW AND RECOMMENDATIONS.—

"(A) OBJECTIVES.—Not later than 180 days after the date of enactment of this section and annually thereafter, the Board shall develop and submit to the Administrator and the Director objectives for the implementation of the children's advocacy program activities described in subsection (b).

"(B) REVIEW.—The board shall annually—

"(i) review the solicitation and selection of children's advocacy program proposals and make recommendations concerning how each such activity can be altered so as to better achieve the purposes of this section; and

"(ii) review the program activities and management plan of each grant recipient and report its findings and recommendations to the Administrator and the Director.

"(3) RULES AND REGULATIONS.—The Board shall promulgate such rules and regulations as it deems necessary to carry out its duties under this section.

"(f) REPORTING.—The Attorney General and the Secretary of Health and Human Services shall submit to Congress, by March 1 of each year, a detailed review of the progress of the regional children's advocacy program activities.".

(c) LOCAL CHILDREN'S ADVOCACY PROGRAM.—Section 214 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13002), as redesignated by subsection (b)(1), is amended—

(1) by amending the heading to read as follows:

"SEC. 214. LOCAL CHILDREN'S ADVOCACY CENTERS.";

(2) in subsection (a) by striking "The Director of the Office of Victims of Crime (hereinafter in this subtitle referred to as the 'Director'), in consultation with officials of the Department of Health and Human Services," and inserting "The Administrator, in coordination with the Director and with the Director of the Office of Victims of Crime.";

(3) in subsection (b)(2)(B) by inserting "and nonoffending family members" after "neglect"; and

(4) by adding at the end the following new subsection:

"(d) CONSULTATION WITH REGIONAL CHILDREN'S ADVOCACY CENTERS.—A grant recipient under this section shall consult from time to time with regional children's advocacy centers in its census region that are grant recipients under section 213.".

(d) SPECIALIZED TECHNICAL ASSISTANCE AND TRAINING PROGRAMS.—Section 214A of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13003), as redesignated by subsection (b)(1), is amended in subsections (a) and (c)(1) by striking "Director" and inserting "Administrator".

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 214B of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13004), as redesignated by subsection (b)(1), is amended to read as follows:

"SEC. 214B. AUTHORIZATION OF APPROPRIATIONS.

"(a) SECTIONS 213 AND 214.—There are authorized to be appropriated to carry out sections 213 and 214—

"(1) $15,000,000 for fiscal year 1993; and

"(2) such sums as are necessary for fiscal years 1994, 1995, and 1996.

"(b) SECTION 214A.—There are authorized to be appropriated to carry out section 214A—

"(1) $5,000,000 for fiscal year 1993; and

"(2) such sums as are necessary for fiscal years 1994, 1995, and 1996.".

SEC. 7. HEAD START TRAINING IMPROVEMENT.

(a) PURPOSE.—It is the purpose of this section—

(1) to promote continued access for Head Start and other early childhood staff to the Child Development Associate credential;

(2) to increase the ability of Head Start staff to address the problems facing Head Start families;

(3) to create a systematic approach to training, thereby improving the quality of Head Start instruction and using training funds more efficiently and effectively; and

(4) to allow the use of training funds for creative approaches to learning for children.

(b) TECHNICAL ASSISTANCE, TRAINING, AND STAFF QUALIFICATIONS.—Section 648 of the Head Start Act (42 U.S.C. 9843) is amended—

(1) in subsection (a) by striking "(2) training" and all that follows through the end of the subsection and inserting "(2) training for specialized or other personnel needed in connection with Head Start programs, including funds from programs authorized under this subchapter to support an organization to administer a centralized child development and national assessment program leading to recognized credentials for personnel working in early childhood development and child care programs, training for personnel providing services to non-English language background children, training for personnel in helping children cope with community violence, and resource access projects for personnel working with disabled children."; and

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

"(c) The Secretary shall—

"(1) develop a systematic approach to training Head Start personnel, including—

"(A) specific goals and objectives for program improvement and continuing professional development;

"(B) a process for continuing input from the Head Start community; and

"(C) a strategy for delivering training and technical assistance; and

"(2) report on the approach developed under paragraph (1) to the Committee on Labor and Human Resources of the Senate and the Committee on Education and Labor of the House of Representatives.

"(d) The Secretary may provide, either directly or through grants to public or private nonprofit entities, training for Head Start personnel in the use of the performing and visual arts and interactive programs using electronic media to enhance the learning experience of Head Start children.".

SEC. 8. AMENDMENTS TO CHILD CARE AND DEVELOPMENT BLOCK GRANT ACT.

(a) SPENDING OF FUNDS BY STATES.—Section 658J(c) of the Child Care and Development Block Grant Act Amendments of 1992 (42 U.S.C. 9858h(c)) is amended—

(1) by striking "obligated" and inserting "expended"; and

(2) by striking "succeeding fiscal year" and inserting "succeeding 3 fiscal years".

(b) PAYMENTS EXCLUDED FROM INCOME.—The Child Care and Development Block Grant Act Amendments of 1992 (42 U.S.C. 9858a et seq.) is amended by adding at the end the following new section:

"SEC. 658S. MISCELLANEOUS PROVISIONS.

"Notwithstanding any other law, the value of any child care provided or arranged (or any amount received as payment for such care or reimbursement for costs incurred for such care) under this subchapter shall not be treated as income for purposes of any other Federal or Federally-assisted program that bases eligibility, or the amount of benefits, on need.".

(c) TECHNICAL AMENDMENTS.—

(1) CORRECTION IN CITATION.—Section 5082 of the Omnibus Budget Reconciliation Act of 1990 (Public Law 101-508) is amended by striking "title IV" and inserting "title VI".

(2) DEFINITIONS.—Section 658P of the Child Care and Development Block Grant Act Amendments of 1992 (42 U.S.C. 9858n) is amended—

(A) in paragraph (7), by striking "4(b)" and inserting "4(e)"; and

(B) in paragraph (14), by striking "4(c)" and inserting "4(l)".

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall take effect on the date of enactment of this Act.

(2) APPLICATION.—The amendments made by this section shall not apply with respect to fiscal years beginning before October 1, 1992.

SEC. 9. AMENDMENT TO THE CHILD ABUSE PREVENTION AND TREATMENT ACT.

(a) FINDINGS.—The Congress finds that—

(1) circumstances surrounding the death of a young boy named Adam Mann in New York City prompted a shocking documentary focusing on the inability of child protection services to protect suffering children;

(2) the documentary described in paragraph (1) showed the serious need for systemic changes in our child welfare protection system;

(3) thorough, coordinated, and comprehensive investigation will, it is hoped, lead to the prevention of abuse, neglect, or death in the future;

(4) an undue burden is placed on investigation due to strict Federal and State laws and regulations regarding confidentiality;

(5) while the Congress recognizes the importance of maintaining the confidentiality of records pertaining to child abuse, neglect, and death, often the purpose of confidentiality laws and regulations are defeated when they have the effect of protecting those responsible;

(6) comprehensive and coordinated interagency communication needs to be established, with adequate provisions to protect against the public disclosure of any detrimental information need to be established;

(7) Certain States, including Georgia, North Carolina, California, Missouri, Arizona, Minnesota, Oklahoma, and Oregon, have taken steps to establish by statute interagency, multidisciplinary fatality review teams to fully investigate incidents of death believed to be caused by child abuse or neglect;

(8) teams such as those described in paragraph (7) should be established in every State, and their scope of review should be expanded to include egregious incidents of child abuse and neglect before the child in question dies; and

(9) teams such as those described in paragraph (7) will increase the accountability of child protection services.

(b) MODIFICATION OF CONFIDENTIALITY PROVISION REGARDING STATE GRANTS UNDER CHILD ABUSE PREVENTION AND TREATMENT ACT.—Section 107(b)(4) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106A(b)(4)) is amended to read as follows:

"(4) provide for—

"(A) methods to preserve the confidentiality of all records in order to protect the rights of the child and of the child's parents or guardians, including methods to ensure that disclosure (and redisclosure) of information concerning child abuse or neglect involving specific individuals is made only to persons or entities that the State determines have a need for such information directly related to purposes of this Act; and

"(B) requirements for the prompt disclosure of all relevant information to any Federal, State, or local governmental entity, or any agent of such entity, with a need for such information in order to carry out its responsibilities under law to protect children from abuse and neglect;".

(c) SENSE OF THE CONGRESS.—It is the sense of the Congress that each State should review and reform of the system in the State for protecting against child abuse and neglect, including implementing formal interagency, multidisciplinary teams—

(1) to review—

(A) all cases of child death in which the child was previously known by the State to have been abused or neglected; and

(B) incidents of child abuse before a child dies when there is evidence of negligent handling by the State,

in order to hold the State accountable; and

(2) to make recommendations regarding the outcomes of individual cases and systemic changes in the State's procedures for protecting against child abuse and neglect.

Mr. KOHL. Mr. President, when they write the epitaph for the 102d Congress, they will say that too many good proposals were killed by partisan politics and gridlock. That is why I am so gratified that today the Senate will pass—and soon President Bush will sign—the reauthorization of the Juvenile Justice and Delinquency Prevention Act of 1974. The compromise bill—a merger of S. 2792 and H.R. 4194—is a truly bipartisan measure.

Mr. President, the American juvenile justice system is in crisis. Even by conservative estimates, some 700,000 juveniles enter the justice system a year. It costs close to $2 billion annually to confine many of these young people in facilities that fail them, their families, and communities. Given dramatic increases in arrests of adolescents for murder, assault, and weapon use nationwide, this legislation comes none too soon.

Our bill reauthorizes and strengthens the Juvenile Justice Act by focusing on six key areas. First, the bill expands the existing State Formula Grant Program, providing much needed funding to deter delinquency and violence. Second, the bill sets up a new State challenge program composed of 10 goals. To encourage States to pursue these goals, the bill authorizes a 10-percent increase in formula grant funds for every goal that a State achieves. Such challenge goals include setting up alternatives to incarceration for nonviolent teens, providing appropriate services for girls in the system, and establishing small, secure confinement programs for violent teens.

Third, the bill sets up a new title on delinquency prevention, which will help communities keep youth from getting into trouble in the first place. According to the National Association of Counties, fewer than half the States direct any formula grant funds toward community-based delinquency prevention programs. For example, Milwaukee County in my State of Wisconsin is unable to spend more than 2 percent of its entire juvenile justice budget on prevention. Under this new provision, counties like Milwaukee will be better able to focus on front-end investment strategies.

Fourth, the bill strengthens the juvenile gang prevention and intervention provisions, providing incentives for local schools and community coalitions to get involved. For this language, we are indebted to several colleagues, including Senator SIMON and Representatives MARTINEZ and KILDEE. Elementary schools are to be a primary target for these gang prevention efforts, as specified in Senator SIMON's original proposal.

Fifth, the bill expands existing programs to help provide justice for abused and neglected children—a critical component of delinquency prevention. Within this area, a provision authored by Senator NICKLES, Representative CRAMER, and Chairman BIDEN provided funding for child advocacy centers. Representative MOLINARI added a proposal to ensure that child abuse investigations will not be impeded by overly prescriptive confidentiality regulations. And I added language to establish treatment grants for juveniles in the justice system who have suffered previous physical or sexual abuse.

The sixth priority area strengthens title III of JJDPA, the Runaway and Homeless Youth Act. At least one-half million young people run away from home every year—to escape family violence, sexual abuse, or parental alcohol and drug problems. Our bill expands existing basic grants for runaway centers to include street-based crisis intervention and home-based services. Given the risks of sexual exploitation and sexually transmitted diseases facing the majority of runaways, street-based services are essential. And home-based services will help reunite more runaways with their families. For young people who cannot return home yet need help to achieve full independence, the legislation reauthorizes the transitional living program.

Mr. President, our bill is strengthened by a number of additional provi-

sions. Senator GRAHAM has added a provision calling for a White House conference on juvenile justice. Senator KASSEBAUM has proposed a new juvenile boot camp program. And Senator LAUTENBERG's provision authorizes mentoring programs as a further means of preventing delinquency and youth gangs. This provision was enhanced by language offered by Representative GOODLING, who has had a longstanding interest in mentoring and education. And Senator INOUYE added a provision authorizing the consortium on children, families, and the law.

Senator DODD added two technical amendments to the Child Care and Development Block Grant Act and one technical amendment to the Head Start Program. Experts like David Hamburg at Carnegie and Ed Zigler at Yale University tell us children who participate in such quality, early childhood programs are much less likely to engage in delinquent behavior later on. So such amendments are a welcome addition to this juvenile justice bill.

Mr. President, as I said before, the legislation before us, H.R. 5194, is the result of bipartisan negotiations between the Senate and the House of Representatives. Several Members deserve special praise. So in closing, I wish to commend the distinguished ranking minority member of the Juvenile Justice Subcommittee, Senator BROWN, for working so closely with me to hold hearings, craft the bill, and get it enacted. I also wish to thank the distinguished chair and ranking minority member of the Judiciary Committee, Senators BIDEN and THURMOND, for their help and encouragement. And I want to congratulate Chairman MARTINEZ of the House Human Resources Subcommittee and its ranking minority member, Congressman FAWELL—as well as Chairman FORD and ranking minority member, Mr. GOODLING of the full Education and Labor Committee—for their important contributions.

All the staff who worked so long and so hard with mine on this reauthorization also deserve a great deal of thanks. They include Tracey Carnes, Manus Cooney, Kevin Howard, Mike Bertman, Kimberly Barnes O'Connor, Bruce King, Adam Eisgrau, and Stacey Williams in the Senate. And they include Roger McClellan, Terry Deschler, Lynn Selmser, Lee Cowan, Rebecca Franck, Jeff McFarland, and Wendel Chambliss in the House of Representatives. I commend them for their diligence and commitment.

This Nation's problems with youth crime and violence did not develop overnight. Although no legislation can provide a magic bullet for these problems, H.R. 5194 provides the necessary Federal, State, and local incentives for some significant steps forward. I thank my colleagues for enacting this legislation and the President in advance for signing it.

• Mr. LAUTENBERG. Mr. President, I want to bring to my colleagues' attention a provision in this conference report that is based on legislation I introduced, the Juvenile Mentoring Program Act [JUMP], that will encourage the development of mentoring programs that link children in high crime areas with law enforcement officers and other responsible adults. I am very pleased that my proposal has been incorporated in this legislation, and I want to express my sincere thanks to Senator KOHL and his staff, for their support and assistance in this effort.

Mr. President, JUMP is a competitive grant program under which local educational agencies and nonprofit groups may apply for funding to implement juvenile mentoring programs. Funds may be used to hire mentoring coordinators and support staff; to recruit, screen, and train adult mentors; and to reimburse mentors for reasonable incidental expenditures directly associated with mentoring.

JUMP will be administered by the Office of Juvenile Justice and Delinquency Prevention, which will select grantees based on the quality of their proposed mentoring plans and their ability to implement them.

Mr. President, too many young people today are growing up in environments bereft of hope. They live surrounded by violence and drug dealers. They attend second-rate schools that do not prepare them to function in our economy. And they have few responsible adults to take care of them, to lead them in the right direction.

Clearly, Mr. President, there is no magic answer to the problems of these youth. We need systemic improvements in our schools, more jobs, and better job training. But, Mr. President, we also have to work on a smaller scale—one by one, child by child. That is where mentoring can make an enormous difference.

Mr. President, I am personally involved in a program known as I Have a Dream. The program puts responsible adults together with economically disadvantaged children, to give them the guidance and assistance they need, but so often lack. I also have personally been involved with the Drug Abuse Resistance Education Program [DARE], which brings police officers into schools to talk with children about drug abuse. That program has helped children see the police in a new and more positive light, while bringing the police themselves in closer touch with the community's young people.

Unfortunately, Mr. President, too many children see the police as the enemy, and the resulting tensions can have horrible consequences, as we have seen recently. By involving mentors from the law enforcement community, JUMP will begin to bridge the gap between many children in high crime areas and the police. The resulting improvement in police-community relations will be an important benefit of the program.

Mr. President, my own experience, and the experience of many existing programs, clearly demonstrates the promise of mentoring. When children and adults establish solid, caring relationships, young people often are set on a different and better path. Yet, for all the good work that's already being done, too few children benefit from mentoring. We can and ought to do more. That's what JUMP is all about.

The program will provide children with trained mentors who know and care about them as individuals, who accept them, and who are there to help them when needed. Mentors who can point them away from crime, away from drugs, and toward a future worth working for.

Again, Mr. President, I want to thank Senator KOHL and his staff for their help with this bill. Also, I want to express my appreciation to the many child advocates and others who have helped in the development of this legislation. In particular, I would like to thank the Children's Defense Fund, Big Brothers/Big Sisters of America, the National Collaboration for Youth, the One-to-One Partnership, and the National Association of Police Athletic Leagues, for their advice and their endorsement of the bill. The Boys and Girls Clubs of America and the Amelior Foundation also provided valuable comments. I look forward to working with all these organizations to ensure that the program is funded next year.•

Mr. SIMON. Mr. President, I would like to extend my appreciation to my esteemed colleague and friend from Wisconsin for his efforts as chairman of the Juvenile Justice Subcommittee to focus attention on our youth at risk, and to reauthorize the Juvenile Justice Act of 1974.

The Senator from Wisconsin has done a terrific job with the reauthorization of this legislation. With his assistance, we have been able to include hate crimes provisions which would authorize funding for research projects, training assistance and hate crime prevention programs, and which would also call for a study on juvenile hate crimes. I am particularly grateful for his help in including legislation that I originally introduced to establish an Early Gang Prevention Center which would specifically target children at the elementary level who are seriously thinking of gang membership.

Mr. KOHL. I thank the Senator from Illinois for his kind words and I am glad that we could work together to include these provisions.

Mr. SIMON. I understand, however, that in the conference committee, my original gang prevention provision was expanded to address a much wider array of issues, which I fear may take away the emphasis from targeting at-

risk elementary school children. While I certainly recognize the extent of gang violence in America and the need for programs to address all aspects of this problem, I do still hope that the initial intent of my gang prevention bill will be remembered.

Mr. KOHL. The conference agreement does include additional language from the House gang prevention provisions, but I want to assure the Senator from Illinois that all of the original components of his bill are included in the conference agreement. It is obvious that there are many ways that we can address the gang problem, but I agree that an important step in solving this problem is to concentrate on prevention and targeting those young people who are at risk of becoming a gang member.

I am hopeful that the administrator will focus on prevention programs for elementary school children.

• Mr. LAUTENBERG. Mr. President, I would like to engage in a brief colloquy with the distinguished chairman of the Juvenile Justice Subcommittee, Senator KOHL.

Mr. President, this legislation would establish a new competitive grant program to promote the implementation of mentoring programs for at-risk youth. This new program, included in title II, part G, is based on legislation I introduced, the Juvenile Mentoring Program Act [JUMP].

I would like to clarify with the chairman of the subcommittee the entities that are eligible to apply for and receive such grants under that part.

Would the Senator confirm that nonprofit groups are eligible to directly apply for and receive these grants?•

• Mr. KOHL. Mr. President, I want to confirm that it was the intention of the conferees to allow local educational agencies, nonprofit groups, and any of the entities listed in section 288B of part G, to directly apply for and receive grants under this part. Local educational agencies, however, must be in partnership with at least one other eligible entity. Similarly, any eligible entity other than a local educational agency must be in partnership with a local educational agency.

So, for example, if a local nonprofit organization, such as Big Brother/Big Sister, sought funds, it would be eligible to apply for and receive a grant. However, the organization would have to work with a local educational agency in developing the proposal.•

• Mr. LAUTENBERG. I thank the Senator.

Mr. President, let me again thank Senator KOHL and his excellent staff for their extraordinary cooperation and assistance with this legislation. I want to specially recognize Marsha Renwanz of Senator KOHL's staff, who really has gone the extra mile to make this program a reality. I appreciate it, and know that this legislation would not have progressed to this point without her help.•

Mr. THURMOND. Mr. President, I wish to examine the Coordinating Council provisions contained in this juvenile justice bill. At present, the Attorney General, the Secretary of Health and Human Services, the Secretaries of Labor, Education, and Housing and Urban Development, and the directors of a wide array of other Federal agencies and offices all serve on this Coordinating Council. First authorized by the Juvenile Justice and Delinquency Prevention Act of 1974, the Council is directed to coordinate all Federal programs and efforts. The administration is concerned about an amendment added by the House, which would change the composition of this council to include nine private citizens—three of whom are to be nominated by the Senate, three by the House of Representatives, and three by the President. Such congressional involvement in the nominating process has led the Justice Department to express concern that this component may be unconstitutional.

Mr. KOHL. Because the Coordinating Council has neither rulemaking nor enforcement powers, it is my understanding that the House proposal is likely to pass constitutional muster. Existing law does state that the function of the Council is to coordinate all Federal juvenile justice programs. The act further states, however, that this coordination is to be accomplished by means of policy and program recommendations and review. For example, the Council is charged with making annual recommendations to the President and Congress on ways to improve Federal practices and facilities for holding juveniles in custody and the coordination of all Federal juvenile justice programs and policies. The Council is further entrusted with reviewing the degree to which all such programs and policies are consistent with the mandates of the act. And last but not least, the council is authorized to review joint funding proposals. In other words, the Council is directed to serve solely in an advisory capacity.

Nevertheless, I assure my distinguished colleague from South Carolina that in the unlikely event this provision is declared unconstitutional, I will work closely with him to change the provisions accordingly.

Mr. THURMOND. I thank my colleague for this clarification.

Mr. BIDEN. Mr. President, today the Senate has passed H.R. 5194 the juvenile justice reauthorization bill. I am pleased that Senate has acted to reauthorize this vital legislation before the close of the 102d Congress. The Juvenile Justice Office is the most important Federal office addressing the challenge of children in our juvenile justice system. Its reauthorization is imperative.

Also, I would like to take this opportunity to commend Senator KOHL for his outstanding efforts not only to reauthorize the Juvenile Justice Act, but improve it, as well.

Today, more and more children are dropping out of school, becoming involved with gangs, committing crimes, and entering the criminal justice system—amounting to an urgent threat to the future of the Nation.

Prevention is the most effective tool at our disposal to fight the pressing problem of juvenile delinquency—a problem made so much more severe by the epidemic of drug abuse by our children. However, for years the administration has been unwilling to utilize prevention tools to combat juvenile crime and delinquency. In fact, the President's fiscal year 1993 budget request for State and local law enforcement cuts juvenile justice programs from $68 million to $7.5 million—a 90-percent cut.

Despite this demonstrated ambivalence toward at-risk youth, H.R. 5194 is a bipartisan package that takes an innovative approach toward delinquency prevention. At the same time, this legislation continues to achieve the original jail removal mandates of the act—mandates that all must concede have not been achieved.

Through new and creative programs like the State challenge grants and incentive grants that will enable local governments to invest in prevention programs, this legislation attacks juvenile delinquency head on. These programs focus on the appropriate Federal interest in juvenile justice—providing the necessary resources, leadership, and coordination in developing and implementing effective means of preventing and reducing juvenile crime and delinquency.

Mr. President, the Juvenile Justice and Delinquency Prevention Act forms the vital link between the Federal Government and the State and local officials on the front lines of the national effort to fight juvenile crime and prevent juvenile delinquency. I am glad that the Senate has recognized the urgent need to strengthen and improve these programs.

Mr. FORD. Mr. President, on behalf of Senator KOHL, I move that the Senate concur in the amendment of the House.

The motion was agreed to.

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

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

The motion to lay on the table was agreed to.

ASIAN PACIFIC AMERICAN HERITAGE MONTH

EXTENDING FOR 2 YEARS AUTHORIZATIONS FOR CERTAIN PROGRAMS UNDER TITLE I OF THE OMNIBUS CRIME CONTROL AND SAFE STREETS ACT

AMENDING TITLE I OF THE OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration, en bloc, of the following bills that have been received from the House: H.R. 5572, H.R. 5716 and H.R. 5862; that the bills be deemed read for the third time, passed, the motion to reconsider be laid upon the table; that any statements with respect to the passage of these bills appear at the appropriate place in the RECORD.

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

So the bills (H.R. 5572, H.R. 5716 and H.R. 5862) were deemed read the third time and passed.

STATE JUSTICE INSTITUTE

AMENDING STATE JUSTICE INSTITUTE ACT OF 1984

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration, en bloc, of the following bills that have been received from the House: H.R. 1252 and H.R. 1253; that the bills be deemed read the third time, passed, and the motion to reconsider be laid upon the table; that any statements with respect to passage of these bills appear at the appropriate place in the RECORD.

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

So the bills (H.R. 1252 and H.R. 1253) were deemed read the third time and passed.

Mr. HATCH. Mr. President, I am pleased to rise in strong support of H.R. 1252, and H.R. 1253, two bills introduced in the House by Representative CONNIE MORELLA and recently moved through the Subcommittee on Intellectual Property and the Administration of Justice through the efforts of Representative BILL HUGHES, the chairman of that House subcommittee. These are excellent pieces of legislation that answer important needs of women involved in the criminal justice system, the subject of H.R. 1252, and of women involved in child custody litigation, the subject of H.R. 1253. Specifically, these bills address fundamental issues that battered women face every day as they go to court to fight for custody of their children or to fight for equal justice in criminal cases.

As Congresswoman MORELLA vividly stated on the House floor last Saturday, "For many American women, real terror is not walking alone down a city street late at night. Real terror is being 'home alone' with their loved ones." I join Congresswoman MORELLA in underscoring the need for our judicial system to recognize this unpleasant, but nonetheless true, fact.

While there are a number of significant pieces of legislation now pending in the Senate dealing generically with the many problems related to violence against women—I specifically note legislation that has been championed by Chairman BIDEN and by Senator DOLE—these two bills, limited though they are, are nonetheless quite significant, and I am very glad that we are passing them today rather than waiting until such time as a more comprehensive package on violence against women could be enacted.

The bills we consider today ensure that battered women involved in the judicial process are treated properly, particularly with respect to preserving their full right to offer proof of their history of abuse. H.R. 1252, is the Battered Women's Testimony Act. It authorizes the State Justice Institute to study this issue and to disseminate information regarding the admissibility and proper uses of expert testimony relating to battered women. H.R. 1253 is the Judicial Training Act. It provides funds to the State Justice Institute to develop programs for judges and other court personnel about domestic violence, especially its impact on children, and to review child custody decisions where evidence of spousal abuse has been presented.

In setting the ground rules for the admission of expert testimony, the Federal rules of evidence, as well as most State codes, properly balance the many conflicting factors that a court must consider. However, this balancing of factors is necessarily subjective and the discretion properly placed in the court's hands can, and is, sometimes abused. H.R. 1252 will more specifically focus the court's attention on the potential value to be derived from the use of expert testimony in criminal trials and will make sure that no judge doubts the necessity, in a proper case, for the use of such evidence.

Although H.R. 1252 strongly endorses the use of expert testimony in appropriate situations, I should add that I am not unmindful of the ways in which expert testimony can be misused. Nor am I unmindful of the more limited scope for the use of experts in criminal trials. We are all familiar with the so-called battle of the experts that too often characterizes civil trials, particularly in the product liability area. It is unfortunate that experts sometimes get in the way of finding the truth rather than assist in that search. But I am confident that the State Justice Institute will be mindful of these problems and will seek to find ways in which expert testimony can be effectively used to help and not to hinder juries in seeking the truth.

I strongly support the bills we pass today, Mr. President. I should, however, note that similar legislation recently introduced by myself on the Senate side, S. 3317 and S. 3318, dealt with these issues in slightly different language. I view those differences as points of clarification, not divergences in approach. For example, my bill, S. 3318, parallels H.R. 1252, except that it specifically recognizes that the use of expert testimony to be studied by the State Justice Institute should include the use of experts on behalf of the prosecution as well as on behalf of the defense.

While the language of H.R. 1252 might be read to mean that it is concerned only with the problems that battered women face when charged with crimes of violence, I believe that it also covers the problems of battered women, such as rape victims, who may also need assistance in the form of expert testimony in a criminal trial. The problems are equally great for battered women who have difficulty testifying as the prosecuting witness in rape and abuse cases, and there may be an equally important role for experts to play in informing juries about the unique difficulties those women sometimes have in explaining why their pattern of conduct may not have conformed to what juries would perhaps be conditioned to expect.

Also, it is important when expert witnesses are produced by the defense, that the prosecution have an equal opportunity to produce experts that may counter or further explain the testimony of the defense expert. This result is implicit in the bill language and would be the natural inference that the State Justice Institute would draw. It is only fair that when one side is permitted to rely on an expert the other side must be allowed to counter that evidence with expert testimony of its own.

I referred earlier to the major pieces of legislation dealing with violence against women that have been studied by the Senate in this Congress. Before leaving this subject today, I would like to publicly salute Senator BIDEN for his recent press conference drawing attention to this problem and for his announcement that passage of the Violence Against Women Act will be a cornerstone of the work of the Judiciary Committee in the next Congress. I very much look forward to working with him to see that the needs of millions of battered women affected by this legislation will become reality early in the next Congress.

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

THE WORK OF CONGRESS

Mr. BYRD. Mr. President, I overheard the distinguished Senator from Wyoming, Mr. SIMPSON, and the distinguished Senator from Kentucky, Mr. FORD, talking about the process here whereby many people, Members, staff persons, and otherwise, spend numerous hours on the work of the people, perhaps a year, maybe work going back to the very first session, and then it all comes finally to a close in the last minutes of a session.

As Senator SIMPSON pointed out, the work of the legislative branch that is done efficiently and well appears to be, and is in many ways, a rather dry process. It does not make the headlines, the process itself does not, and the media do not dwell upon the hours or days or, in some instances, the years of labor that go into bringing a piece of legislation to its final fruition.

The media and a good many people even in this body pay little attention to the process. Their eyes glaze over when there is talk of the process.

Mr. President, it is very fashionable these days, and as a matter of fact it has been fashionable over the years, to lampoon a Congress, criticize the House and Senate for their work or for the delays, and fault is easily found with the people's branch, the House and the Senate. Some of it is justified. There is no question but that we are entitled to some criticism—constructive, as it should be.

But in the main, Mr. President, I believe that the people, as a whole, are really not aware of the importance of the Congress to representative democracy, and they are easily misled by the critics, the critics on the inside and the critics on the outside.

John Heywood said that, "It is a foule bird that fouleth his owne nest," and we are treated often to the fouling of the nest by Members of this body. Criticism, of course, comes easy for those who want to play to the galleries, appeal to the masses, and bring into critical light the work of the Congress and the elected Members of the House and the Senate.

Most Members of the House and Senate are hardworking, they are honest, and they contribute a great deal to the progress of the country.

Congress has always been the butt of cartoonists, the editorial critics, the columnists who lampoon the people's branch. Congress is a moving target. It is a kind of faceless entity, and it is easy to criticize.

It reminds me of Plutarch's reference to the plebeians of Rome, who seceded from the city. Plutarch speaks about this, particularly in his "Life of Coriolanus." Plutarch does not dwell on it at length, but he refers to the time when the plebeians seceded from the city and went to the Holy Mount and separated themselves from the Senate and the patricians.

Other historians refer to this event. I particularly like the reference to it by Cassius Dio Cocceianus, the Bithynian historian, writing about the history of Rome. Cocceianus lived, circa, 155 to 240 A.D. He writes about this situation in which the plebeians separated themselves from the city.

The Roman Senate was apprehensive as to what might be the outcome. So, the Senate chose Menenius Agrippa, one of the more moderate and popular members of the Senate, to reason with the secessionists. Therefore, he entreated them to reconsider their secession.

Menenius Agrippa told the fable in which the members of the body were critical of the belly. The eyes said: We provide light for the hands to work, and the feet to walk. The tongue and the lips said: Through us the counsels of the heart are made known. And the ears said: Through us the words of others are conveyed to the mind. The hands said: We do the work that stores up the wealth. And the feet said: We carry the entire body everywhere it goes, walking, standing, and working, and we grow tired. And they all complained in a chorus about the belly, saying that while the food and sustenance go to the belly, the belly does not labor. The belly receives all the benefit that flows from the work of the other members of the body, the other members labor and grow tired while the belly languishes.

They, therefore, voted to stop supplying the belly with food. They voted that the hands no longer convey food to the mouth, and the mouth no longer convey food to the belly.

But after a little while, the various components of the body began to grow tired and to atrophy until the body almost collapsed. Whereupon, Plutarch tells us, and so does Cassius Dio Cocceianus, that the members of the body began to realize that it was, after all, the work of the belly in its digestion of the food that made it possible then for energy to flow therefrom and to be conveyed to the hands, and to the feet, and to the eyes, and to the ears, and to the lips, and to the tongue, and so on. The other members of the body came to their senses when they understood that the much-criticized belly was that organ from which all of their blessings flowed.

And Plutarch tells us that those people from the city who had seceded and gone to the Holy Mount came to the conclusion, after hearing Menenius Agrippa's fable of the belly, that, after all, the much-criticized Senate, was, in the final analysis, their salvation, and that their blessings, indeed, flowed from the counsels, the debates, and the actions of the Senate.

In my judgment, Agrippa's fable could well be applied to the American House and Senate. It is easy to criticize, as I have indicated, and these two bodies are the butts of criticism, always have been, and people should take with a grain of salt many of the criticisms that are directed against the Congress.

Mr. President, Franklin D. Roosevelt said, "If we were to eliminate the Congress, we would automatically cease to be a Republic." That was a sound statement. I also believe that people should stop and think when the critics of the Congress are attempting to light the fires of opprobrium, calumny, and criticism under the Congress.

People should remember that it is the Congress that makes this a Republic. I would say to the veterans, when they hear the critics, they would do well to remember that all of the veterans programs from which they benefit are enacted by the Congress. The senior citizens of the country would do well to pause and reflect that all of the programs which benefit the senior citizens are enacted by the Congress.

Those who are interested in the parks and the forests, the lakes and the rivers, the harbors of the Nation, would do well amidst the clouds of criticism that sweep over the land, especially in a campaign year, to pause and reflect upon the fact that the authorizing measures, the appropriations for these are made by the Congress. The vilified Congress passes the legislation that benefits every person in the land—man, woman, boy, and girl.

Those who are interested in education, those who are interested in the environment, those who are interested in law enforcement, those who are interested in the war on crime, the war on drugs, they should stop and think that, whatever programs are applicable, have been enacted by the Congress. The highly criticized, the greatly vilified, the overly castigated House and Senate, they make all of these programs possible.

The President has made it his campaign to bash the Congress. I regret that the President has done that.

I regret it when I hear Members of this body wrongly criticize the Congress of which they are a part. I say as the Master did: "Lord, forgive them, they know not what they do."

THE APPROPRIATIONS COMMITTEE

Mr. BYRD. Mr. President, with reference to the Appropriations Committee, Congress has now completed action

and the President has signed into law all 13 fiscal year 1993 appropriations bills.

This has been a very difficult year for the Appropriations Committee. The committee's fiscal year 1993 allocation for domestic discretionary spending was not sufficient to cover fiscal year 1992 spending levels plus inflation. Therefore, real cuts had to be made to critical domestic programs in nearly every subcommittee.

I have here a table which sets forth, by subcommittee, total fiscal year 1993 appropriations as contained in the conference agreements on all 13 fiscal year 1993 appropriations bills.

This table also provides a breakout between mandatory and discretionary appropriations for each of the 13 bills, as well as a comparison of the 1993 appropriations versus 1992 enacted levels, and versus the President's 1993 budget requests.

In total, including both mandatory and discretionary amounts, fiscal year 1993 appropriations for all 13 appropriation bills equal $761.5 billion. This is $23.7 billion above the fiscal year 1992 enacted levels, and it is $13.2 billion below the President's requests. However, as Senators are aware, the Appropriations Committee has no control over mandatory appropriations. The committee is simply required by the authorizing statutes to appropriate these mandatory amounts to cover the costs of entitlement programs.

Discretionary appropriations, on the other hand, are under the control of the Appropriations Committee, and they cover defense, domestic discretionary, and foreign aid programs. For these programs, the total of all 13 appropriations acts for fiscal year 1993 will equal $502.1 billion, as viewers will see on the chart to my left. This total is $10.1 billion below fiscal year 1992 discretionary appropriations and $8.7 billion below the President's fiscal year 1993 requests.

We have heard all year long about the so-called profligacy of the Appropriations Committee. I have heard it time and time again, ad nauseam, from Members on this floor, about the profligacy of the Appropriations Committee. We have heard it from the unthinking media, the President, from certain Senators who attempt to place the blame for the recordbreaking budget deficits of the past 4 years—the past 12 years, for that matter—on the Congress, and from those who support the line-item veto and enhanced rescissions. This year's total discretionary appropriations should answer these critics. Let me repeat—total discretionary appropriations for fiscal year 1993 equal $502.1 billion.

As shown on this chart, fiscal year 1992 discretionary appropriations totaled $512.2 billion; therefore, fiscal year 1993 appropriations are $10.1 billion less than last year, less than fiscal year 1992. The second bar on the chart shows that the President's fiscal year 1993 requests for discretionary appropriations total $510.8 billion. That is what the President asked.

The third bar, as I have indicated previously, shows the $502.1 billion enacted by Congress for the 13 fiscal year 1993 appropriations bills, which is $8.7 billion less than the President's requests.

Of these fiscal year 1993 discretionary appropriations, national defense—function 050—will total $275.8 billion in budget authority. That amount is $2.2 billion below the budget resolution. Foreign aid—function 150—appropriations total $21.3 billion, or $635 million below the budget resolution. Domestic discretionary appropriations for fiscal year 1993 total $204.9 billion, $1.2 billion less than the budget resolution allowed.

As these numbers make clear, the Appropriations Committee and the Congress, again this year, have acted responsibly in enacting appropriations which, in total, are $13.2 billion below the President's requests. This would not have been possible without the cooperation and support of Senators on both sides of the aisle. I particularly appreciate the assistance of the leadership throughout the consideration of not only the regular appropriations bills this year, but also the rescission bill, which cut fiscal year 1992 spending by $8.2 billion, and the fiscal year 1992 supplemental bill, which contained vital assistance for the victims of Hurricanes Andrew and Iniki, and Typhoon Omar. And it is with great pride that I reflect on the speed with which the Senate enacted the emergency appropriations measure.

The majority and minority leaders, without exception, did everything possible to encourage Senators to work with our subcommittee chairmen and ranking members on all of these appropriations bills, and to hold off extraneous amendments. For the support and guidance, I am deeply grateful.

I particularly am grateful to the minority leader in this respect. Most of the amendments would have come from the Republican side of the aisle. We knew about the amendments that were being written, and we knew that many of these amendments would have resulted in delay in action on appropriations bills, especially in these final days of the session.

It was the Republican leader who counseled with his colleagues on the other side of the aisle, and who used his arts of persuasion and his talents to convince his colleagues that the amendments should not be offered. His actions expedited the work of the Senate on the appropriations bills.

In several instances, there were desires on the part of Senators, particularly again on the part of Senators on the other side of the aisle, may I say, to amend the conference reports that come over from the House.

But, in most instances, those conference reports were all wrapped into one package and there were not any amendments in disagreement between the two Houses.

I congratulate the other body on this procedure, and I congratulate members of my own subcommittees for their work in the conferences which helped to make it possible for the conference reports to be taken up without amendments in disagreement between both Houses.

But there were threats to filibuster and to delay, and I think it is rather remarkable the work the minority leader did in smoothing waters and calming nerves and quieting the threats of those who might otherwise have slowed down the legislation.

Mr. President, to the members of the Appropriations Committee, I say thank you for a job well done. Election year politics complicated the process, and funds were in shorter supply than in past years. It was more difficult this year than last, more difficult last year than the previous year.

I regret the election year politics injected by the President with his veto threats. But the committee did its work and we only needed a 5-day continuing resolution, 2 of which days were weekend days—all bills passed, all appropriations bills passed and are on the President's desk.

I should say, Mr. President, being an appropriator is a thankless job in many ways. The Appropriations Committee rarely receives praise for the work that it does. Rarely do the media praise the Appropriations Committees of the Congress for a job well done.

We only hear about the alleged pork in the bills. We do not hear that this so-called pork is, in great measure, infrastructure. It is an investment in our own country and in our own people; an investment in the rivers and harbors of the country, the highways and the bridges, the airports, the water and sewer facilities in countless communities throughout the land; it is also funding for education, health services, the war on crime, the FBI, law enforcement—all these and more.

This is infrastructure, and yet the media would have people believe that this is pork. Having been in this city now for 40 years, I fully understand that the viewpoint, in the media and otherwise, is that anything that is spent beyond the beltway is pork. Nothing is said about the millions that are spent on the museums, the bridges, the highways, the Metro system, and other important infrastructure here in the city all of which is necessary, of course.

We should have these things in the Nation's Capital. But the people outside the beltway are likewise entitled to infrastructure. It is their taxes as

well, their tax dollars that are spent for infrastructure inside the beltway and outside the beltway. So, we should live and let live.

To those who continue the old chant about the budget-busting ways of Congress, let me refer again to the fact that the appropriators have spent $8.7 billion less than the President requested. The President challenged us with his veto threat on appropriations bills.

Mr. President, the Appropriations Committees of the Congress have not broken the pledges that were made in the budget summit in 1990. We have kept our pledges. We have kept our part of the agreement. We have never gone over the caps, and we have consistently lived within our allocations provided by that agreement and by the budget resolutions enacted annually here.

And when the President chose to threaten to veto appropriations bills that were over this budget request, that was not a part of the agreement in my judgment. That was in violation of the agreement. The elected representatives of the people have a right to readjust the priorities as long as we stay within the caps and within our allocations. The total of the various appropriations bills when added up would have been below the President's total budget requests even before he issued his veto threat. One or two or a few of the appropriations bills might have been above the President's budget request while others were below.

The totality of all of the appropriations bills would have come under the total request of the President included in his budget. We were well within the President's total budget request before he threatened to veto. That is the important thing to remember.

But the President threatened to veto any one of the appropriations bills that came to his desk in which the total amount exceeded his budget request for that particular department. That was unfair. That was not right.

But when the President challenged us with his veto threat, I concluded that rather than subject the Nation to a prolonged political ping-pong match with the President—who was only trying to prove that he had some sort of domestic agenda—I would do everything that I could to carry out the responsibilities of the Appropriations Committee to the people of the country. As I have stated, we were already below the President's total budget request when he made that threat. Yet, I suppose he needed an issue. But the American people needed someone to take care of their business.

So, in talking with my various subcommittee chairmen on the Appropriations Committee, it was our unanimous viewpoints that we ought not to engage in a charade of sending down to the President bills that were a little over his budget request, even though the total of all those bills would be under the President's total request. He would merely veto the bills, and then bash Congress.

Rather than engage in such a demagogical game of political football, we would act like adults and bring each bill's total under the President's request for that particular Department, with the exception of the Agriculture appropriations bill, which was already sent to the President's desk and signed before he issued his veto threat.

Hence, the committee worked and cut a little more in order to avoid gridlock and to move the people's business along.

I thank the subcommittee chairmen, Mr. President. I thank the members of the Appropriations Committee in the other body. We have a very, very good working relationship with the Appropriations Committee in the other body. They are entitled to commendations, likewise.

I thank the members of the staff on the Appropriations Committee, Jim English, the staff director on the majority side, and Keith Kennedy, the staff director on the minority side. We have excellent working relationships between these two staff directors and among the various staff members on both sides of the aisle.

Once again, I call attention to the fact that the appropriations staff on the Senate side, composed of staff people representing both the majority and minority, are only 82 in number. They do the work for the entire Government insofar as Senate appropriations are concerned—for all of the Departments and agencies. All of this is done by 82 appropriations staff members. They do the work for the entire Government.

And if one looks at many of the Departments downtown, they have hundreds of people who are engaged in the budget process: and, of course, the White House is the foremost lobbyist, hands down, of any lobby in town.

We have 82 members on the staff here of the Appropriations Committee that do the entire work, all of the appropriations work, year in and year out, for the Senate.

Yet, we are treated to excoriation on the part of inside critics about bloated staffs of Congress. Well, the Appropriations Committee staff is not bloated. We turn back money every year. I am proud of the hard-working staff members on the Appropriations Committee.

I have heard reports of the President's criticism in this regard, talking about the staffs of Congress being so bloated. Little is said about the growth of the staffs in the executive branch or growth of personnel in the judiciary; nothing is ever said about that. I never hear anything said about the growth of administrative costs in the judiciary. The criticism is always directed at the Congress.

I just want to take this moment to commend the appropriators.

There are those who criticize the appropriators for including authorizing legislation on appropriations bills. The truth of that matter is that, in many instances, if the appropriations bills did not include certain authorizations, the Government would come to a stop.

I recall that, for example, last year there was no authorization for the Federal Communications Commission, the Federal Trade Commission, the FBI, the Immigration and Naturalization Service, the Office of Management and Budget, the Securities and Exchange Commission and others. The appropriators had to move ahead, fund the Departments and the agencies, and do virtually the authorizing and the appropriations.

Earlier, I mentioned Keith Kennedy and Jim English. I also should mention Jack Conway. He does the numbers for Republicans and the Democrats on our Appropriations Committee.

Finally, let me thank my colleague, Senator HATFIELD, a former chairman of the Appropriations Committee in the Senate. He is the ranking member. I want to thank him for his valuable contributions to the work of the committee and to the work of the Nation.

On our committee, there is no partisanship. We do not play political games on the Appropriations Committee. We work together. I think we demonstrate a fine team, bipartisan, working for the good of the country.

I could not ask for better cooperation than I receive from Senator HATFIELD. He is always very supportive of our work, and I receive a great deal of encouragement from him. It is a fine team—the Democrats working with the Republicans on that committee. Thank God for the Congress of the United States and for the appropriators.

Mr. HATFIELD. Will the Senator yield? Is this an appropriate time?

Mr. BYRD. It is, if I may momentarily withhold.

I ask unanimous consent that the table to which I have referred be printed in the RECORD.

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

(As of) 06-Oct-92	New BA FY 1992 Enacted	New BA FY 1993 Estimates	New BA FY 1993 Conference	Conference vs FY 1992 Enacted	Conference vs Estimates
SUBCOMMITTEE					
Agriculture, Rural Dev. & Rel. Agencies: (a)					
Mandatory	39,352,155,000	47,659,307,000	46,878,819,000	7,526,664,000	-780,488,000
Discretionary	12,284,502,000	12,902,575,000	13,872,636,000	1,588,134,000	970,061,000
Total, Agriculture, Rural Dev. & Rel. Agen..	51,636,657,000	60,561,882,000	60,751,455,000	9,114,798,000	189,573,000
Commerce-Justice-State-Judiciary:					
Mandatory	900,912,000	661,524,000	661,524,000	-239,388,000	----
Discretionary	20,814,424,000	22,942,458,000	22,478,653,000	1,664,229,000	-463,805,000
Total, Commerce-Justice-State-Judiciary	21,715,336,000	23,603,982,000	23,140,177,000	1,424,841,000	-463,805,000
Defense:					
Mandatory	164,100,000	168,900,000	168,900,000	4,800,000	----
Discretionary	269,935,240,000	260,964,606,000	253,617,763,000	-16,317,477,000	-7,346,843,000
Total, Defense	270,099,340,000	261,133,506,000	253,786,663,000	-16,312,677,000	-7,346,843,000
District of Columbia:					
Mandatory	----	----	----	----	----
Discretionary	699,850,000	688,084,000	688,000,000	-11,850,000	-84,000
Total, District of Columbia	699,850,000	688,084,000	688,000,000	-11,850,000	-84,000
Energy and Water Development:					
Mandatory	----	----	----	----	----
Discretionary	21,870,150,000	22,465,938,000	22,079,547,000	209,397,000	-386,391,000
Total, Energy and Water Development	21,870,150,000	22,465,938,000	22,079,547,000	209,397,000	-386,391,000
Foreign Assistance:					
Mandatory	41,351,000	42,677,000	42,677,000	1,326,000	----
Discretionary	14,358,675,946	15,070,121,602	14,070,843,903	-287,832,043	-999,277,699
Total, Foreign Assistance	14,400,026,946	15,112,798,602	14,113,520,903	-286,506,043	-999,277,699
Interior and Related Agencies:					
Mandatory	78,305,000	50,975,000	78,695,000	390,000	27,720,000
Discretionary	12,862,451,000	12,595,592,000	12,504,605,000	-357,846,000	-90,987,000
Total, Interior and Related Agencies	12,940,756,000	12,646,567,000	12,583,300,000	-357,456,000	-63,267,000
Labor, Health & Human Services & Education: (b)					
Mandatory	158,606,130,000	178,821,191,000	179,146,978,000	20,540,848,000	325,787,000
Discretionary	60,657,311,000	62,151,282,000	62,145,195,000	1,487,884,000	-6,087,000
Total, Labor, H.H.S., & Education	219,263,441,000	240,972,473,000	241,292,173,000	22,028,732,000	319,700,000
Legislative: (c)					
Mandatory	81,660,400	87,900,000	87,900,000	6,239,600	----
Discretionary	2,306,353,700	2,670,364,500	2,275,148,057	-31,205,643	-395,216,443
Total, Legislative	2,388,014,100	2,758,264,500	2,363,048,057	-24,966,043	-395,216,443

NOTE: These numbers include CBO scorekeeping adjustments.

(As of) 06-Oct-92	New BA FY 1992 Enacted	New BA FY 1993 Estimates	New BA FY 1993 Conference	Conference vs FY 1992 Enacted	Conference vs Estimates
Military Construction:					
Mandatory	----	----	----	----	----
Discretionary	8,426,526,000	8,389,833,000	8,389,000,000	-37,526,000	-833,000
Total, Military Construction	8,426,526,000	8,389,833,000	8,389,000,000	-37,526,000	-833,000
Transportation:					
Mandatory	539,436,569	571,513,569	571,513,569	32,077,000	----
Discretionary	13,897,534,000	12,377,876,000	12,625,760,778	-1,271,773,222	247,884,778
Total, Transportation	14,436,970,569	12,949,389,569	13,197,274,347	-1,239,696,222	247,884,778
Treasury-Postal Service:					
Mandatory	8,735,431,000	11,203,202,000	11,203,318,000	2,467,887,000	116,000
Discretionary	10,844,327,000	11,400,439,000	11,282,900,000	438,573,000	-117,539,000
Total, Treasury-Postal Service	19,579,758,000	22,603,641,000	22,486,218,000	2,906,460,000	-117,423,000
VA HUD-Independent Agencies:					
Mandatory	17,145,669,000	24,665,947,000	20,600,957,000	3,455,288,000	-4,064,990,000
Discretionary	63,239,596,000	66,128,029,810	66,043,316,000	2,803,720,000	-84,713,810
Total, HUD-Independent Agencies	80,385,265,000	90,793,976,810	86,644,273,000	6,259,008,000	-4,149,703,810
Unassigned:					
Mandatory	----	----	----	----	----
Discretionary	----	----	----	----	----
Total, Unassigned	----	----	----	----	----
GRAND TOTAL	737,842,090,615	774,680,335,481	761,514,649,307	23,672,558,692	-13,165,686,174
Mandatory	225,645,149,969	263,933,136,569	259,441,281,569	33,796,131,600	-4,491,855,000
Discretionary	512,196,940,646	510,747,198,912	502,073,367,738	-10,123,572,908	-8,673,831,174

(a) Includes Sec. 32 funds.

(b) Includes advance appropriations.

(c) Includes compensation of Members.

Mandatory using Bipartisan Budget Agreement definitions.

NOTE: These numbers include CBO scorekeeping adjustments.

Mr. BYRD. Mr. President, I yield the floor.

Mr. HATFIELD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. Mr. President, I am terribly sorry I was not on the floor when the chairman of the Appropriations Committee, Senator BYRD, first began his recitation of these statistics and the role of the Appropriations Committee. He may well have used a statistic when I think is also very illustrative of the often misunderstood relationship between Presidential request levels of spending and the congressional responses to those requests.

If the chairman has not already referred to that, I think it is still worth the repetition. I remember when I was in education, one of those golden rules was repetition is the first law of learning. I think that there has to be a lot of relearning on the part of many people as to the facts of the case that often create the imagery of conflict between the executive branch and the congressional branch, legislative branch of Government on levels of spending. And that is I ask the chairman on that span of time of some 38, years, 40 years now perhaps, has the, and this includes Democratic and Republican Presidents alike—I am not playing partisan politics in this instance either—over that span of, say, the last 38, 40 years, looking at the President's budget requests year in and year out, and the legislative responses to those year by year, have they been higher or lower as to the final conference statistics and figures, from the request level and the congressional level of spending?

Mr. BYRD. For the years 1947, I believe, through 1991, the total of the congressional appropriations, including the general appropriations bills, the supplementals, deficiencies—we used to have deficiencies, deficiency bills; we used to have an appropriations committee on deficiencies and supplementals, which I chaired for a while—the total was, not including this year, $188 billion over those years under the total of the requests by all of the Presidents in that period, Republican and Democrat, $188 billion under.

Mr. HATFIELD. Under the Presidents' request?

Mr. BYRD. Yes.

Mr. HATFIELD. Mr. President, I will further comment on that statistic to the effect that this did not happen in 1 or 2 years, which made a great differential to give us that cumulative figure, but I believe with perhaps the exception of 2 or 3, not more, than that was true each year in that period of time. We did not have an aberration or a great differential one year that gave us that final end figure that the Senator quoted of $188 billion; is that correct?

Mr. BYRD. It was true in a great majority of the years.

I ask unanimous consent, Mr. President, that I may print in the RECORD a chart for that period of years which will indicate the annual requests by the Presidents and the annual appropriations and annually the difference between the final appropriations and the Presidents' request in each instance.

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

REGULAR ANNUAL, SUPPLEMENTAL, AND DEFICIENCY APPROPRIATION ACTS COMPARISON OF BUDGET REQUESTS AND ENACTED APPROPRIATIONS

	Administration requested	Enacted appropriations	Difference under (−)/over (+)
Calendar year:			
1945	$62,453,310,868	$61,042,345,331	−$1,410,965,537
1946	30,051,105,870	28,459,502,172	−1,591,607,698
1947	33,367,507,923	30,130,762,141	−3,236,745,782
1948	35,409,550,523	32,699,845,731	−2,709,703,792
1949	39,545,529,108	37,825,026,214	−1,720,502,894
1950	54,316,658,423	52,427,926,629	−1,888,731,794
1951	96,340,781,110	91,059,713,307	−5,281,067,803
1952	83,964,877,176	75,355,434,701	−8,609,442,575
1953	66,568,694,353	54,539,342,491	−12,029,351,862
1954	50,257,490,985	47,642,131,205	−2,615,359,780
1955	55,644,333,729	53,124,821,215	−1,919,512,514
1956	60,892,420,237	60,647,917,590	−244,502,647
1957	64,638,110,610	59,589,731,631	−5,048,378,979
1958	73,472,859,573	72,853,476,248	−619,383,325
1959	74,859,472,045	72,977,957,952	−1,881,514,093
1960	73,845,974,490	73,634,335,992	−211,638,498
1961	91,597,448,053	86,606,487,273	−4,990,960,780
1962	96,803,292,115	92,260,154,659	−4,543,137,456
1963	98,904,155,136	92,432,923,132	−6,471,232,004
1964	98,297,358,556	94,162,918,996	−4,134,439,560
1965	109,448,074,896	107,037,566,896	−2,410,508,000
1966	131,164,926,586	130,281,568,480	−883,358,105
1967	147,804,557,929	141,872,346,664	−5,932,211,265
1968	147,508,612,996	133,339,868,734	−14,168,744,262
1969	142,701,346,215	134,431,463,135	−8,269,883,080
1970	147,755,358,434	144,273,528,504	−3,491,829,930
1971	167,874,624,937	165,225,661,865	−2,648,963,072
1972	185,431,804,552	176,960,106,864	−8,471,697,688
1973	177,959,504,255	174,901,434,304	−3,058,069,951
1974	213,667,190,007	204,012,311,514	−9,654,878,493
1975	267,224,314,434	259,852,322,212	−7,372,452,222
1976	282,142,432,093	282,536,694,665	+394,262,572
1977	364,867,240,174	354,025,780,783	−10,841,459,391
1978	348,506,124,701	337,859,466,730	−10,646,657,971
1979	388,311,676,432	379,244,865,439	−9,066,810,993
1980	446,690,302,845	441,290,587,343	−5,399,715,502
1981	543,827,827,909	544,457,423,541	+2,629,595,632
1982	507,740,138,484	514,832,375,371	+7,092,241,887
1983	542,956,052,289	551,620,505,328	+8,664,453,119
1984	576,343,258,980	559,151,835,986	−17,191,422,994
1985	588,698,503,939	583,446,885,087	−5,251,618,852
1986	590,345,199,494	577,279,102,494	−13,066,097,000
1987	618,268,048,956	614,526,518,150	−3,741,530,806
1988	621,250,553,756	625,967,372,769	+4,716,709,013
1989	852,138,432,359	866,211,680,769	+14,073,248,410
1990	704,996,996,506	697,257,739,756	−7,253,221,750
1991	756,223,264,591	748,262,835,695	−7,960,428,896
Totals	11,710,201,833,552	11,521,432,604,188	−188,769,229,364

Source: House Committee on Appropriations.

Mr. HATFIELD. Mr. President, I appreciate the chairman's review of this record because, again, it is counter to the popular imagery that somehow the Congress is always the big spender in this constitutional process of requests and appropriations, and so forth, and that the President or the White House has always been the fiscal constraint or the fiscal restraint in this process. The opposite is true.

I can recall during the 6 years that I was chairman of the Appropriations Committee, and that was 6 of the 8 years of the Reagan administration, Republican White House, Republican Senate. And I can remember what the

chairman has already referred to of Presidents', of both parties, favorite target in trying to explain fiscal policies of this Nation to lambaste the Congress. It was always the fault of the Congress, the fault of the Congress not appropriating, or overappropriating, or pork barreling that has led to a lot of these quick-fix conundrums that float around in the political arena: Line-item veto, enhanced rescissions, balanced budget amendments, that somehow are going to fix the deficit problem and bring the Congress under control and into accountability.

Those 6 years out of the 8, and I do not want to just restrict my time of chairmanship, but let us take the full 2 terms of the Reagan administration, one of the favorite targets of the rhetoric of that administration was the Congress as the big spenders. If you take those 8 years and add up each of those 8, your fiscal years, as to what President Reagan requested of the Congress and take that 8 years as to what the Congress appropriated, we were under the Reagan years of request levels, budget request levels.

That certainly was one of the highlights or one of the high points of this Congress bashing and the so-called tension between the executive and legislative branches of Government.

The chairman says, well, this has been a popular subject for many Presidents—which it has. Has it always been so? Well, that also reminded me of the fact that we have together been very much involved in the bicentennial of the Constitution and its efforts and its programs under former Chief Justice Warren Burger. Of course, as the Chief Justice, we had a number of publications which had become the legacy and the heritage of the bicentennial celebration. On one of them particularly, one of these publications concentrating on the history of the judicial branch of Government, and there was a brief respite from the early days when Congress was getting all the bashing, even under the beginning of the first Republican President, Washington. When President Jefferson came into power, that interlude was the tension between the executive and the judiciary. I am not so sure that Thomas Jefferson in his heart of hearts really believed in a three-branch Government. He really was a supporter of two branches. Fortunately, we had a Chief Justice at the time to confront the Jefferson antagonism by the name of John Marshall.

When you go through that early history, and by the way, let me recommend an interesting highlight history of the Supreme Court by Chief Justice Rehnquist. He has now written two books, one of the highlights of the history of the Supreme Court, and the other now on the impeachment trails, major impeachment trials, not only of Andrew Johnson but Justice Chase and a few of the others.

You can get very quickly the flavor of that tension which existed between President Jefferson and what the role of the judiciary was to play in this Republic.

So I guess for that exception and maybe a few others that I do not recall immediately, it has been pretty much the hee and the haw between the executive and the legislative.

That is the nature, I guess, of our system, I would say to the chairman. I do not think we are being overly sensitive to respond from time to time to set the record straight. I wish I sometimes could sit down and draft the whole budget. I am sure the chairman has thought of that, and the distinguished chairman of the Subcommittee on Energy and Water of the Appropriations Committee, Mr. JOHNSTON. We each probably could draft up a better budget than the whole committee put together, or any President. But that is not our system. Our system is consensus. We are a pluralistic society. We are a pluralistic structure of Government—three branches.

I often have to remind my constituents that the Constitution gave to the Congress the purse strings. I believe that is still one of the most fundamental demonstrations of checks and balances and of the sustaining of the democratic system within a Republic, the control of the purse strings—he who controls the purse strings, the elected representatives of the people.

It is like I used to argue about the draft. If a President is given the power of unlimited manpower and womanpower to engage in unilateral warfare, he has power so great that, in my humble opinion, we would never have been in Vietnam if we had not had the draft.

I think there is an analogy here. The President, by nature of the focus of one man—someday one woman—by Executive powers of Government has to be checked by not only an elected body of Representatives but an independent judiciary. One is as dependent on the other, and the total makes the democratic system really work.

As these emerging countries of Europe coming out of communism begin to perceive the role that we have established here as a model for the world, with all of its warts, all of its mistakes, I think they will see it as the best system of government ever conceived by human mind, as did Mr. Churchill.

So I really feel, in spite of the fact that this is inherent in the system, it behooves us as Members of the Congress, and particularly appropriators, to set the record straight, as the chairman has done once again on this matter of spending.

Now, if we want to fix blame for the deficit, there is enough blame to go around everywhere. But I do think on the matter of the spending, this particular issue today is very, very timely.

I hope we can reproduce the charts.

This is the visual understanding of the 1992 level of spending, the 1993 request level, and the 1993 conference report level of the Congress. Each is lower. And the most important thing is that of those discretionary programs, the President's request was $8 billion, whatever the figure was, almost $8 billion higher than what we appropriated.

Mr. BYRD. Eight point seven.

Mr. HATFIELD. Eight point seven, almost $9 billion lower than President Bush's budget request. And that is not an erratic.

As the record shows now, from what has been placed in the RECORD by the chairman, starting in 1945, this is in keeping with that long tradition over those many years.

I thank the Senator for making this available.

Mr. BYRD. Mr. President, I thank the Senator.

I ask unanimous consent to proceed for 30 seconds.

The PRESIDING OFFICER (Mr. BRYAN). Without objection, it is so ordered.

Mr. BYRD. Mr. President, I thank the Senator from Oregon, my colleague, the ranking member.

As to his reference to the years from 1945 through 1991, in which he indicated that in a great majority of those years Congress appropriated less than the President requested, in each of those—for most of them certainly—I call his attention to the fact that out of those 46 years, 1945 through 1991— 1945 through 1991, inclusive—only in 6 years, in 6 of the 46 years did the appropriations by the Congress exceed the request by the President. In 6 years, only in 6 years out of the 46 years did Congress exceed the Presidents' requests.

In all the other years, Congress appropriated less money than the Presidents requested. And the total again, the total difference for the years 1945 through 1991 is $188,769,229,364.00. The total of the congressional appropriations under the totality of the Presidents' requests for those years was $188,769,229,364.00.

I thank the Chair for its courtesy.

Mr. BRADELY addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey, Mr. BRADLEY.

Mr. BRADELY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum having been suggested, the clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

CENTRAL VALLEY PROJECT FISH AND WILDLIFE ACT OF 1992

Mr. SEYMOUR. Mr. President, I call up the Central Valley Project Fish and Wildlife Act of 1992.

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

There will now be 6 hours of debate on the bill, S. 3365, which the clerk will now report.

The assistant legislative clerk read as follows:

A bill (S. 3365) entitled the "Central Valley Project Fish and Wildlife Act of 1992."

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. The Chair informs the Senate that under the previous order, 4 hours of debate are under the control of the junior Senator from California [Mr. SEYMOUR], and 2 hours are under the control of the senior Senator from New Jersey [Mr. BRADLEY].

Mr. SEYMOUR. Thank you, Mr. President.

Mr. President, the reason we are here and the reason we are taking this bill up now is the result of years and years of debate as to how do we ensure, with limited water resources in the State of California, that we adequately supply the water needs of human beings and their jobs, whether they are farmers or urban dwellers; and how do we adequately meet the needs and requirements to protect our fish and wildlife resources in California, which all of us in California and those outside of California respect greatly and want to do everything we can to enhance them.

Senator BRADLEY, who will be speaking later, has labored many years with his ideas as to what form this reform of the Central Valley water project will take. I commend him for his efforts. He has worked hard.

I, on the other hand, am new to the scene. I came here to Washington in January 1991. But since that time, every month of the 21 months that I have been here, I have been involved and committed to try to seek a compromise to meet those needs which, again, are people and their jobs, and fish and wildlife resources, animals, and plants.

I have been unsuccessful. I have tried the best I know how to reach accommodations for those whose priorities might be different from mine, but to try to find a balance, so that the bottom line is we allocate this very precious and limited resource of water to meet the needs of all Californians.

Over the last 21 months, I do not know how many days and weeks and hours have been invested in trying to find this compromise, but I know that a very substantial amount of time, whether it be through public hearings or private negotiations or meetings of the committee, meeting separately with Senator BRADLEY and Senator JOHNSTON, has been dedicated to trying to find a way to balance the diverse needs of my State.

I said I failed in that effort because we have pending on this floor a bill that came from a conference committee entitled H.R. 429. Why have I fought so hard, not only to find an acceptable compromise within the priorities I have laid out, but failing that, why have I fought so hard on the floor to oppose that bill? And the fight concluded over the last 48 hours or so when I joined with Senator D'AMATO on an unsuccessful filibuster that started at 8 p.m. on Monday evening and did not conclude until 1 p.m. the following day. And then beyond that filibuster, since I was prevented from having an opportunity to have my own filibuster, to have my own right to speak on this floor at that time, parliamentarily I asked for the reading of H.R. 429, the conference committee report, a bill that is some 375 pages long. Here it is, a bill that I contend will be an economic disaster to my State of California. That economic disaster has been defined by the California Department of Food and Agriculture as causing an economic loss annually of $4.5 billion and putting tens of thousands of farmworkers and farmers out of business.

Again, let me restate, Mr. President, that my priorities have been people and jobs first and then do whatever we can in every way possible to enhance fish and wildlife resources in our State. Clearly, I do not deny, I do not apologize, I do not take a half a step backward for those priorities.

So in this debate, I am sure we are going to hear that my priorities, although perhaps well meaning, really are not appropriately balanced; that, in fact, they do not address the needs of fish and wildlife to the degree they need to be addressed. Of course, I would argue, on the other hand, I have done the best I can. This bill before us right now outlines it and I will be talking about that. But, on the other hand, I do not deny that my number one priority has been and will continue to be.

So, after we completed the filibuster and I asked that this bill be read into the RECORD, that consumed approximately 26 hours I spent on this floor yesterday and the day before. I believe, as a result, we were able to hammer out a unanimous-consent agreement under which this bill is now being heard, wherein I have one more opportunity to send a bill to the House of Representatives that I think offers a balanced approach, keeping those priorities in mind. We did that once.

I introduced, on November 21, 1991, after long and hard negotiating sessions between farmers and urban water users, people, and industrial water users, jobs—after 9 months of hard negotiations, a bill which included a historic compromise. For the first time in the history of California, there was a compromise between farmers, urban water users, and industrial jobs needs.

That bill, Senate bill 2016, was passed by this body and sent to the House of Representatives. I cannot say, because I know it is not true, that the bill was embraced by 100 U.S. Senators. To the contrary; that is not true. In fact, if the distinguished Senator from New Jersey, Senator BRADLEY, and chairman of the committee, Senator BENNETT JOHNSTON, from Louisiana, had their way, that bill would not have gone to the House of Representatives. So I do not contend in any way that that bill represented all of the views of the Members of the U.S. Senate. But, nevertheless, it went, to be met in conference with the alternative bill, the one that is now in the water conference committee report, H.R. 429, that lies before this body and will be taken up tomorrow.

So late last night, we reached an agreement that I would have this opportunity. Provided I did not filibuster any more or delay the taking up of this bill, I would have the opportunity to send the bill that is now before us, which, quite frankly, is Senate bill 2016 with further modifications—and we will talk abut that—I would have the opportunity to send this bill to the House of Representatives over there. And on Thursday, tomorrow, this body will take up the water conference committee report to H.R. 429.

Let me say, Mr. President, for my part, that was a much less than satisfactory agreement, but I had no alternative. The time clock had begun to run on me, and it was a choice, relative to H.R. 429, the conference committee report, my attempts to amend, change, and finally my attempts to stop it, it was a choice of either dying on Thursday—"dying" meaning passage of that bill which I opposed—or dying on Saturday.

So faced with those choices, I agree that I would withdraw my attempts at a filibuster or delaying of action of other very important measures on this floor if I was provided this opportunity to introduce a further compromise, I think a balanced approach, debate it on this floor, and send it to the House of Representatives.

I can only hope—I can only hope—that the Members of the House of Representatives, and more specifically Congressman MILLER, will recognize in these closing hours of the session that if, in fact, we truly want to have a more balanced delivery of water in meeting the needs of thirsty Californians, that they would come back into session, consider this bill that we are about to send over there that deals with the Central Valley project and then vote it up or down. I feel fairly confident, if they were to do that, they would vote it up and they would send it to the President, because tomorrow, the Senate will approve—I do not have the votes, it will roll over me—they will approve the alternative H.R. 429,

and that will go to the President's desk.

Why have I not been able to convince, with logic, why have I not been able to convince other Members of this body, other Members of the House, as to the need to find a balanced approach? The reason I have not been able to do that is there is more in this water conference committee bill, H.R. 429, than what I have been talking about. A sound political strategy was used by Congressman MILLER, Senator BRADLEY, and Senator JOHNSTON in pushing this bill that reforms the CVP in California. Very simply, as so many times happens here, they put provisions in the bill which enough Senators cannot say no to and let them hold their nose and vote for the other provision. So that is what we have in this conference committee report.

What is in there that has caused Members of the House to pass it and what will cause tomorrow the Senate to pass it are water projects, important water projects. I am sure, for example, some time tomorrow on this floor Senator JAKE GARN, from the great State of Utah, a Senator whom I admire, a Senator whom I respect, and a Senator who has fought long and hard, will tell us tomorrow that for 25 years he has fought to get this water project for his own State of Utah. And it is true, he has, and it is tied up in this bill.

So what he will say to me, as he has said before is: "John, I hear you, I'm with you. I know that H.R. 429 as it impacts your State of California is something that you don't want and the people of California don't want. But I need this water project that I have fought for for 25 years."

(Mr. BYRD assumed the chair.)

Mr. SEYMOUR. That is an example of one Senator's—there are others with other water projects in the bill, and that is why, quite frankly, I have been less than successful in getting my point of view across. Some have said that this strategy was holding hostage those water projects, so that this CVP, Central Valley project, reform bill that is unpalatable to so many and will be such an economic disaster to my State of California can go through.

So this bill will go, the one we are discussing now, to the House of Representatives. If they choose to come back into session and consider it as a separate bill with no water projects in it, I think there is a chance it would pass, and it could go to the President's desk. And if it gets to the President's desk, I guarantee you he will sign it.

But I have to say, with all candor, that probably will not happen because probably the House of Representatives will not come back into session. And if they do, I know that Congressman GEORGE MILLER, who has been so committed to his idea of what the Central Valley project should be and how reallocation of water should take place, is a very strong and influential Member of the House of Representatives, and I respect that. He feels very strongly and passionately about his position. I respect that. But with that power, even if they were to come back, it would be a close battle. But standing alone and separate from the water projects that have been held hostage, I think it has a chance.

If that does not occur, then tomorrow, as I said, this House will vote out the water conference committee report. It will go to the President's desk. The Secretary of Agriculture, a member of his Cabinet, has advised him to veto it, should that happen. The Secretary of the Department of the Interior, a member of his Cabinet, has advised him to veto it, should that happen. The Secretary of the Department of Interior, a member of his Cabinet, has also advised that he should veto it. And the read I can get is he may veto it. I hope so. It is sad, but I hope so.

Somebody has to send a message to Congress that we are not going to play games of holding things hostage so that you can pour the caster oil down somebody else's throat, whether they want it or not. And so if that should be the ultimate conclusion, then it is my intention to continue to work as hard as I can to ensure a Presidential veto of that bill.

Let me proceed, Mr. President, if I can, to talk about why this project is important, the Central Valley project, to the great State of California. What are the dynamics of what we are trying to do, whether it is my measure that is before us now or this water conference committee report, H.R. 429, that will be up tomorrow.

Let me say that there were and are many areas of agreement between those two bills, many areas of agreement. There is no disagreement whatsoever, certainly not on my part, that what we need to do is take this precious resource—and let me describe it because I am going to talk about it a lot more, but let me describe this precious resource called water in its most simple terms.

We measure water by acre feet. More specifically, what that means is one foot of water covering an acre. One foot of water a foot deep on an acre of land.

There is no disagreement, none whatsoever, on my part—as a matter of fact, I know we must transfer water from the Central Valley project to meet the needs of people and jobs, whether that is in northern California or whether it is in southern California where two-thirds of the population resides and works. I know we have to transfer that water. I know and the farmers know, as a matter of fact, that they have to conserve water. Now in the sixth year of a drought in California, they have not had much choice but to conserve water because there has not been much going around.

As a matter of fact, this year, Mr. President, the Central Valley project will deliver 4.5 million acre feet of water. Imagine the cup as a bucket.

Now, the question becomes, of this bucket that is limited in its resource—and right now it is under the control of the farmers in the Central Valley of California in this project—how much will be taken out and provided for people and their jobs in urban areas in the State of California and provided for fish and wildlife and the protection of animals and plants.

That is where the great debate is: How much do we take out of that bucket so that we can spread this limited resource around?

It is also important to add that it is not only the scooping out of the bucket that is important as to how much remains but also important is who gets to drink first. Who gets the first scoop? What happens in dry years such as we are in right now with only 4.5 million acre feet in the bucket?

And so there is no argument whatsoever that some of the bucket has to be spread around. Water has to be moved from farming to urban areas, to people and jobs, and, yes, we must deliver more water for fish and wildlife purposes, for animals and plants.

So therein lies one of the cornerstones of this debate: How much water do you take out of the bucket and move it elsewhere?

The other argument of reform of this Central Valley project—and I really only see two basic arguments. There are a lot ancillary arguments. I have made the first argument.

The second question is: How do we change or reform the relationship that was created in the days of FDR between the Federal Government, which built the Central Valley project, and the people who use the Central Valley project—not only the farmers in the Central Valley but the people who live and work in cities like Sacramento, people who live and work in Contra Costa County, up near the bay area? And so primarily it is farming interests in the Central Valley with some cities. How do we reform and change their relationship with the Federal Government, which built this project?

That has to do with the very critical issue, economically, if you are concerned about people and jobs, of contracts, contracts between the users of the water from the CVP and the Federal Government and taxpayers who built the Central Valley project. The question becomes: Shall you let the farmers continue to have 40-year contracts on water at a given price or should you change that?

I think we should change it. I know that Senator BRADLEY and Congressman MILLER and others want it changed, too. So the debate becomes how do you change it.

And so, Mr. President, what we have to remember in this is, No. 1, there is

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no doubt whatsoever that water needs to be reallocated. Everybody agrees to that. It is how you do it, and who gets what out of the bucket. And then, No. 2, how do you change and reform this contractual relationship that started historically back in the days of FDR?

Let me talk for a moment about the project itself because I think it is important to put it in perspective, get a little feel for this project. And I will tell you, Mr. President, in the last 21 months I have gotten more than a feel for the Central Valley project.

I am sure Senator BRADLEY when he has the opportunity to speak is going to tell you that he has had a similar experience, going out there looking at the project and the dams and reservoirs that were built, a very creative and imaginative canal system that transports their water. Truly, a historic accomplishment was the Central Valley project. Quite frankly, without FDR, and the creation of this project back in the early part of this century, the Central Valley of California would be a desert. There would be no water. So it was ingenious when it was created.

The Central Valley of California is almost completely enclosed by mountains with the only outlet through the Central Valley, through San Francisco Bay. That is a very important area. In fact, it is that area of San Francisco Bay and the delta that caused the rightful concern that we need to move more water out of the bucket for fish and wildlife purposes, and for water quality purposes for the people of San Francisco.

The valley itself is nearly 500 miles long. That is longer than most States, Mr. President. It averages about 120 miles in width, 500 miles long, 120 miles wide. The northern half of the Central Valley is drained by the Sacramento River, the southern portion of the valley by the San Joaquin River, the Tulare Basin tributary streams. That is how that water moves through the Central Valley of California. Those are its two outlets. It is almost like a pipe with a faucet at each end.

The climate of this valley is characterized by hot, dry summers and cool, moist winters, but severe floods and devastating droughts often occur.

If you live and work in this Central Valley, let me tell you, you are a gambler. You may even do better in Las Vegas. You may have better odds there. Because if you have to make a decision today as to what crop you are going to plant, you do not know what the water is going to be. You do not know how much is going to be in that bucket. We know this.

California currently is suffering from the sixth year of a drought. This Central Valley project has the capacity of filling a much bigger pail if it would rain—as I recall, 8½ million acre feet. That is a big bucket.

If it would rain, I would not be here talking about this. If it would rain, Senator BRADLEY would not have fought so hard over the last, he will tell us, 4 years. But it has not rained. Lord, we know that California is in the 6th year of a drought.

We take a look at people and their jobs and their water needs. We see California over the last 4 years, citizens having to cut back on their water supply, severely in some cases—take a shower, but put the bucket in the shower so you can catch the water from the shower, so you can take the bucket out to water your plants—severe.

When you turn that water on for the shower, do not let it run while you lather up. Turn it off.

Companies wanting to expand, hire people, and put people to work are faced with the dilemma that they cannot get the permit to create jobs from the government. Why? Not enough water.

So truly California faces a crisis. Again, there is no dispute as to the need to take this precious resource and spread it around, try to maximize and have utility of every drop of this precious resource.

Some might say why do you not just get a bigger bucket of water? Why do you not build some resources for water? Why do you let this water when it does rain and the snow melts in the Sierra Mountains and water runs off from these mountaintops, why do you let it run into the ocean? Why do you not stop that? Catch it in a reservoir. Save it for when you need it later in the year. That makes sense.

I do not know, however, Mr. President, when the last time it was that California was able to develop any new water resource. We, Senator BRADLEY and I, Senator JOHNSTON and I, talked about the development of a new resource. Let us get a bigger bucket instead of fighting over the limited amount of water in the bucket. We talked about the need to build new reservoirs like Los Banos Grande, like Las Vacaros, like expanding the Shasta Trinity Dam. If you did projects like that, you could have a bigger bucket of water.

In fact, I promised before, and let me promise here on the floor of the U.S. Senate. If the people who support this water conference committee report will join with me in committing new resource development, a bigger budget, they can have it for fish and wildlife purposes, for animals and plants, and let the Central Valley and the farmers, and let the people who live in our cities, work in our cities, let them share in this smaller bucket that we are fighting over. But, no, we do not have any commitment whatsoever to build any new resources.

You might say why is that? Because there are legitimate concerns that, if you build a new reservoir, if you expand Shasta Trinity Dam, you are invading the environment.

You may displace some animals or plants by digging a hole so you can catch some of that water coming off of the mountains, rushing into the sea. So we do not want to do that. Therefore, we must go back and fight over the smaller bucket of water, and make these very important, sometimes emotional but critical decisions as to what we do with the limited amount of water we have.

So therein lies the argument, Mr. President. The Central Valley project was really a creation of genius. In fact, as I said, it started back in the days of FDR. I think it is important to note that back then, what kind of deal did the Federal Government drive with the farmers in the Central Valley; what did they give up so that taxpayers' money could be used to construct this truly remarkable project?

Well, what they gave up is certain water rights. When you buy a piece of property, along with that property, you get water rights, the right to the water that is underneath that land. You may pump it. You may use it. It is as important as the title to the property itself.

I do not know too many people who are willing to invest dollars to buy land where you do not have water. And if you do not have water, or if your water is being cut off, the value of your property that you own obviously drops. So back when the Central Valley project was created, there was a deal struck, a bargain.

The deal was: The Federal Government will put up the money to build this fantastic project. But you people who are going to be getting water from this project have to give up certain rights—primarily farmers.

And so they did; they gave up their water rights. But they said: Look, I do not trust you, Federal Government; I do not trust you. If I give my water rights up now, they are gone. I do not get them back. Yes, you tell me you are going to build this project. But then, how do I know that you are not going to take that water away from me that you are telling me I am going to get for this project, in exchange for giving up my water rights?

The Government says: Do not worry; do not fret. We will give you a water contract, guaranteed as long as it rains. And the water comes through the Central Valley. You have a bona fide contract that you can count on your share of that water,

Well, the farmers went one step further and said: OK; now that is starting to sound better. But tell me, how long will this contract be?

So what they negotiated when this project was built is that farmers would have a 40-year contract. And those who have been involved in the reform of these contracts—as you recall, I said that is one of the very contentious points of this bill. See, they do not need 40-year contracts. I cannot even

get a 40-year mortgage on my house. I can get 30; I can get 20 or 25. Some people will go for 15. But you do not need 40. They are right: We do not need 40 years.

What does a farmer use his contract for, anyhow? Why does he have to have a contract at all? Well, how would you like, if you were a farmer, to go down to your local bank and say: Mr. Banker, I want to buy some new equipment for my farm. In fact, what I really want to do is buy another 50 acres. I want to expand the farming operation. So I want you to make me a loan to either buy equipment or expand my farming operation.

And the banker wisely says: OK; you have run a pretty solid operation, very productive. I have looked at your books and your financial statements, and it sounds like a pretty good deal to me. But wait a minute, before I give you the loan. Without water, you do not have an operation; you are dry; you are fallow. So what kind of guarantee do I have as a banker that you are going to have the water to grow your crops, so you can sell the crops and pay me back?

Can you imagine the farmer having to say: Well, the best contract I have is 2 or 3 years.

The banker would say: Well, wait a minute. You want me to make you this loan to expand your operation, and you want this loan to be a 10-year loan, or 7-year loan, and you can only tell me that you have water for 2 or 3 years? Sorry; I cannot do it.

On the other hand, in all fairness, the banker does not need a 40-year water contract, and the farmer does not need one, either. So we should reduce the length of those contracts.

In fact, this bill that is before the House right now cuts the length of those water contracts from 40 years to 25 years. Senator BRADLEY and Congressman MILLER have come a long way in trying to find a compromise—a long way. I think they started out with no contract—no, no, no; it was not that. They started out with legislation that said you get a 1-year contract, and for every additional year you want, up to 10 years, you have to give up 1 percent of your water for fish and wildlife purposes.

And so you can get a maximum contract of 10 years. But, in exchange, you must provide 10 percent of the water off the top of your little bucket for fish and wildlife purposes.

Well, that has been changed. On water, as Senator BRADLEY will tell you, they have become flexible on that point. They now provide for 25-year water contracts. But there is a little catch, and I will talk about that.

Getting back to my analogy of length of contract, if you have too short a contract, or if the contract is uncertain that you will get water, even though it may be a dry year, the banker is willing to say: OK; you are going to get less water, and I will live with whether it rains or not. But I have to be guaranteed you will get some water. Otherwise, you may not pay my loan.

I have compared this crucial position of the farmer in water contracts to somebody who might be interested in buying a home. Let us say you find the home of your dreams. I mean, it is something you have just wanted. And you go through it and say: This is it. The family and kids say: What a place. I love it; I want to buy it.

Well, I do not have the cash to buy it, so I have to get a mortgage. Everybody does.

How would you like to be in the position of going to the banker and saying: I want to buy this home, and I want a mortgage.

The banker says: OK; you have it. I will give you a 2-year mortgage. If things are OK 2 years from now, come back and I will refinance it for another 2 years, or I will give you a 3-year mortgage. If things are OK 3 years from now, come back and I will give you another mortgage.

Boy, if you go for that deal, I have a bridge I want to sell you. It is a bad deal. Just like the contract provisions in the bill we will take up tomorrow is a bad deal.

That is one of the reasons why the California Department of Food and Agriculture has said, if the bill we take up tomorrow becomes law, then tens of thousands of farm workers and farmers are going to join the unemployment lines, and the economy of the State of California, which is already on its back suffering from the worst recession since the Great Depression, will lose $4.5 billion a year out of their economy. Those are not my numbers; those are the numbers from the California Department of Food and Agriculture.

Let us talk a minute about these farmers because they have been much maligned. They have been described as greedy. They have been described as wasteful people. They flood their fields, they grow rice, they flood the fields. What a waste of water. Many of these farmers, small as they might be, have not put in drip irrigation systems yet. They are bad folks. And we who live in urban areas, work in urban areas, and we who are concerned about the very valuable resource of fish and wildlife and the need to enhance that resource and protect it, why should it not be right, since these farmers have the water, let us just take 18 percent of the water from them. They can get by with much much less.

I want to talk for a moment, Mr. President, about these farmers who have been so maligned, who have been described as being so greedy, so unreasonable, so let us just take their water.

It is hard for me or anyone else who was raised in the city, who never farmed for a living to really appreciate what it is like to live the life of a farmer. Earlier I said farmers are the greatest gamblers in the world. They should go to Las Vegas. I think maybe they would have better odds there, because they gamble every year, a huge gamble. They decide what crop they are going to grow, not knowing tomorrow what the rain is going to do, what the pests are going to do. Right now in California in Imperial County—that is down near the southern border of California—there has been severe crop loss as a result of the white fly. And how many around this country have laughed at California's plight over the medfly, helicopters coming over residential areas spraying to kill the medfly?

So they fight pestilence, they fight water, these farmers, and they do not even know, when they have to make these decisions, what the market is going to be like for the crop. This year, for an example, has been a horrible year for lettuce. There is a glut of lettuce on the market. Too many of these farmers sat down separately and individually and said, "I am growing lettuce this year; it is going to be a good market." So here comes this glut of lettuce on the market and, instead of being able to sell that lettuce here, they have to sell it there.

Tell me, Mr. President, these farmers are not gambling. Most of these farmers are little people. I have met them, I have talked to them, I have seen their families. They are small farmers. They are family farmers. They grew up in that Central Valley. "Grandma and Grandpa farmed here, Mom and Dad farmed here, and I am going to farm here." That is their way of life. They could give it up, I guess, and go to the city, but this is a way of life for these people.

During this last 21 months, Mr. President, I have been privileged to be a United States Senator representing these people and all Californians, I have grown to respect them, to love them, and, thank goodness, I have had the opportunity to begin to understand them and their plight.

But forget that. Forget that. Let us talk about dollars and cents. Forget the family side of what these greedy water users are, these people who waste this water forget that. Let us forget about the trials and tribulations they face in their daily life in taking the risk they take.

Let us talk about the dollars and cents. Why should we care whether or not we take this bucket, this limited bucket, and scoop off the top 17 percent of the water and redistribute it, leaving them with 82 percent of what they had? What does that mean to the economy? And what will happen to these tens of thousand of farm workers and small farmers who either will be out of work or out of the farming business? What about the importance of $4.5 bil-

lion a year out of the economy of the State of California?

Let me tell you a little I have learned about the farmers and how important agriculture is to the State of California. That is a laugher, is it not—agriculture? Important to the State of California? I mean, California is not agriculture. California is Hollywood. In my case, it is Disneyland where millions of people come every year not only to enjoy themselves but to spend their money. California is aerospace. We build more and bigger and better airplanes than anyone else in the world. California is high technology. California is biotechnology. It is the venture capital of the world. And California is the defense industry. It receives 20 cents out of every defense contract dollar spent in this country. California is the center of financial institutions on the west coast. California really is a nation-state. It is the sixth largest economy in the entire world. That is big.

But how about agriculture? How about it?

Mr. President, a little unknown fact about agriculture in this hustling, bustling metropolis of 30 million people: Agriculture is California's No. 1 industry. It is the single largest industry in the entire State of 30 million people. It is the Nation's bread basket.

So let me tell you a little bit about these little people we call farmers and what they do in this No. 1 industry in the State of California.

Each California farmer produces enough food and fiber for 128 people. One farmer produces enough food and fiber for 128 people. If my math is somewhere correct, Mr. President, three and a half farmers produce enough food and fiber for the Members of the House of Representatives. Some have said maybe they are too well fed.

Fresno County. Fresno. Boy, I have gotten to know Fresno. This Central Valley, interestingly enough, talk about problems, when I took office in January 1991, the Central Valley was suffering from a disaster of a freeze. It was not pestilence, it was not drought. It was a freeze that destroyed millions of dollars worth of crops.

Fresno got particularly hard hit. They recovered from that. I would like to believe I gave them a little help in restoring some jobs and their life and their livelihood.

They recovered from that only to be faced at that time with a 5-year drought. Tell me that farming is not a high-risk and a gambling kind of business.

But Fresno County, that one county, is the leading farm county in the State of California. It produces $2.9 billion, that one county, $2.9 billion in total production. Now there are 39 other counties in that valley, in addition to Fresno, and each one of these produce at least $100 million or more in value of produce and product.

In fact, if we want to talk about California's farmers collectively, there are 85,000 farms, Mr. President, 85,000 farms—that produce $18.3 billion in farm commodities.

Do you want to compare that to something? Let us compare it to the great State of Texas. Everything is bigger and better in Texas, at least that is what my colleagues here from Texas tell me.

Well, you can compare California's agriculture to Texas agriculture. Texas leads the Nation in the number of farms. It has 186,000 compared to California's 85,000. But it comes in second to California in its production of $11.8 billion in Texas, compared to $18.3 billion in California.

Now you think they are big farmers in California, megabuck agri-operations to those who do not have particular empathy for these. Well, I would like to share with them that more than 60 percent of California's farms are less than 50 acres in size. Mr. President, 50 acres is not much to farm. I would call that a small farm.

Yes, California leads the Nation in the production of crops. If we want to talk about the land—I was talking about earlier land and water, and water making land valuable.

As thousands and tens of thousands of acres go fallow, they dry up. As a result of the bill that we will be taking up tomorrow and, sad to say, will pass the U.S. Senate, think about what that fallow land, dry land, is going to be worth. Because land of any kind, whether it is farm, or agriculture, or residential, is important.

More important are the people that own that, the people that own their own homes, the small farmer who owns 50 acres or less and farms it as a family business. How about the land, their investment? What is going to happen to that?

Well, let me share with you, relative to that land, the market value of farm land in this Central Valley. For range land—that is grazing land for cattle primarily—that is worth $600 an acre.

Now, other farmland goes up. If you want to get over into another very important industry within the agriculture industry, it is the production of wine. I believe it is the highest quality wine in the world. And I know there are those from France who would argue that.

But I have some economic numbers to show them how important the California wine industry is. That land in the wine industry could be worth $22,000 per acre. So what we are talking about bottom line is some land for grazing that is, at the low end of the scale, $600 an acre to the upper end of the scale where we have a vineyard, probably $22,000 an acre value in that.

Now how long has California agriculture been so important? Well, Mr. President, California has been the No. 1 ranking agriculture State in the United States for 43 years. California's 30 million acres of farmland accounts for only 4 percent of the United States farmland.

But talk about efficiency—30 million acres, it accounts for 4 percent of the countries entire farmland. But, do you know what? With just 4 percent of the country's farmland, California produces 50 percent, one-half, of the Nation's fruit, nuts, and vegetables.

Well, let me get back to water.

Let me talk about water and food. Water and food. Before I got this job, I would go into a market, I guess, like most, go to the fresh vegetables, and, oh, there is a good-looking orange. Maybe an orange from California, maybe from Florida. Gee, there is a watermelon. My kids love watermelon. Put that in the cart. I like apples. Give me some apples. I want some of those apples. Need some lettuce. Let us have some lettuce.

Then you go to the meat department. Let us have chicken tonight. Let us have steak. And you put these things in your basket and you go and check them out and you go home and you enjoy them.

But have you ever stopped to think what it takes to get it there in the market in the first place? Has anybody ever stopped to think how much water it takes to put that food in the market and on our tables. I do not think so.

And if I seem a little angry about the fact that we do not understand that, I am. I am sick and tired of hearing: The farmers have the water. Let us just scoop it out and take it without intellectualizing what that means to the food that every one of the Members of this body eat, and their families eat, and every American family eats.

Let me just take a few examples. Apples. I love apples. For one apple, one apple, it takes 16 gallons of water to produce one apple.

You like beef? Want to put some beef in your cart, your grocery shopping cart, next time you go to the market? As you put that beef into the cart think: One steak, one serving of steak, takes 2,607 gallons of water.

How about chicken? For one serving, chicken on your plate takes 408 gallons of water.

Milk, a glass of milk. A glass of milk. How much to get one glass of milk? Sixty-six gallons of water. And how about that watermelon that I threw in my cart because my kids love watermelon? That watermelon, as I take it off the counter, put it in the cart, because the family loves watermelon, 100 gallons of water to grow that one watermelon.

Let me put it all in perspective on the water and what it takes to eat. On the average, it takes 4,533 gallons of water to produce the food consumed by one human being in 1 day; 4,533 gallons of water per day to feed me, to feed

you, to feed every Member in this Senate, to feed their families and to feed every human being in the United States. That is a lot of water.

And so as we think and we proceed to take the water out of that bucket—and we should take the water out of that bucket; the question is how much—but as we take the water out of that bucket, we should think very carefully about us and what impact it is going to have on our ability today—and I think it is wonderful, I never want to see it change—to push cart down the aisle in the store and grab that watermelon, grab that steak, grab that chicken, and get those apples. We should think about that.

Let me share, Mr. President, a little bit about my involvement in this most emotional and contentious debate over water in the Central Valley of California and what we should do about reallocating. And again, there is no question that we need to reallocate. We need to reallocate it, as I said earlier, to people and jobs, to put people back to work, and we need to do everything we can secondarily to enhance the environment and protect fish and wildlife.

Back in March 1991, Mr. President, we had a hearing, and I want to thank, by the way, Senator BRADLEY. Senator BRADLEY has been working on this issue for, as I said earlier, 4 or 5 years. When I came to the Senate, I said, "Senator BRADLEY, let's have some hearings in California. Let's go out and see what the people think about your legislation because they are the ones who are going to be impacted." And he very graciously—very graciously—agreed to a number of hearings.

I think he would agree with me that we heard all sides of this debate in question. So anybody who says, "Senator BRADLEY, really didn't hold any hearings; you didn't care about what the people of California really thought, "I will stand up there and tell them they are wrong; he did. He was very gracious about providing hearings in California. I might dispute whether he heard it all or not, but he held the hearings, and I thank him for that. He did not have to do that.

That hearing of March 1991 was a hearing held in Los Angeles. It was the first opportunity we had to review what became known as Senator BRADLEY's proposal, Senate bill 484.

Without going into a long dissertation of the whys and the wherefores of that hearing, let me merely say, Mr. President, that I expressed my concerns at that time with Senator BRADLEY's bill. That was the bill we were discussing at that time. So I made comments as follows in talking about what the needs of California are:

Mr. Chairman, what California needs is flexibility from the Federal Government. What we need in California is a Federal Government willing to work with us to assist us but not preempt us.

I talked about the fact that we were in the fifth year of a drought and that we had a need to reallocate the State's water at the Federal Government's request and the need to do that within California.

I had thanked him for his willingness not only to hold that hearing but to hold further hearings in California.

I also said that what California does not need is legislation from the banks of the Potomac and the wisdom of the Potomac imposing on Californians how they should use their water, how they should allocate this resource, but rather the people of California and those who represent them in California ought to make that decision.

I said in that statement:

My basic concern with Senator Bradley's legislation is that it would have substituted the wisdom of the Potomac and control of the Federal Government for the political will of the citizens of the State of California. California does not need the Federal Government to dictate how it should use its scarce water resources.

I said, however, as much as I may agree with the objectives—which is a redistribution of water—but if we let the Federal Government do that for us, do it to us rather than have it done by ourselves in California, that is fact we would have sold our birthright or we would have had it stolen from us. I, quite frankly, think it is about to be stolen tomorrow as we proceed to the conference report.

Senator BRADLEY held another hearing. This one in Washington, DC, on May 8, 1991. Again, I raised concerns about many of the components of his bill. I raised concerns that his bill would place limitations on contracting for the unallocated yield to the project and it would specifically prohibit the Secretary of Interior from entering into any contract—water contracts—or other agreements to sell or deliver water on any basis for any purpose other than fish and wildlife until a list of conditions had been met.

Then another hearing Senator BRADLEY held was on May 30, 1991. That one was held in Sacramento, CA. I said then, as I said again today, that I applauded his willingness to hold such a meeting. But again I raised my concerns about the provisions of his bill, many of which are in this bill which we will vote on tomorrow. I said that the fact that that bill made many promises for fish and wildlife refuges, those promises would actually run counter to one another and that the promise that was extended, in my opinion, promised unreal things, things that would not happen.

In that hearing and other hearings, we had experts testify that the bill preempted States' rights, California's right to determine their own water policy.

I said at that particular time that in addition to the human and economic cost, or as I have described it earlier, people and jobs cost, a $4.5 billion hit on the economy and tens of thousands of jobs, I said that I was also concerned about environmental costs because the bill ended water diversions from the Trinity River, for example. I said that would have a significant impact on the fisheries of Sacramento Bay and the delta areas.

And then as we proceeded through these hearings, Mr. President, and after 9 months of negotiations, hard negotiations with Californians, not with people from the banks of the Potomac, there was concluded in California, and I think it was September or October of 1991, a historic compromise on what we should do relative to dipping out of the limited pail of water, who is going to get it and how it should be spread among people and jobs and animals and plants.

That historic compromise was not mine, although it became the bill I introduced, Senate bill 2016, a lot of which is in the bill that is pending today and at the conclusion of our debate will go over to the House of Representatives. That bill was a historic compromise. Quite frankly, in the 9 months that it was negotiated, I never thought it would happen. There were times when I gave up and just walked away shaking my head.

I did not think it would be possible. I did not think it would be possible that the farmers, these so-called greedy water users, could ever possibly reach an agreement with the water needs of urban interests—people and jobs, particularly—in southern California. But I was wrong. They found a way, without me and without any Senator from the banks of the Potomac saying: Here is how you should do it; I know better.

They found a way to do it themselves, in this historic compromise between the farmers of the Central Valley, and specifically the Metropolitan water district, that represents over 16 million water consumers in California. That is over half the population.

So the Met, as we call it, the metropolitan water district and the farmers of the Central Valley reached an agreement: Here is how we will use the limited resources in this pail, and here is how much water we will dip out of it, right off the top, and provide for fish and wildlife purposes.

That compromise became a bill that I introduced on November 21, 1991, almost 1 year ago.

It was for the first time in California's history that one interest, representing over half of the people of the State of California, the metropolitan water district, sat down and hammered out an agreement with the farmers.

(Mr. CONRAD assumed the chair.)

Mr. SEYMOUR. Mr. President, when I stood on the floor on November 21, 1991, I said:

Mr. President, I rise today to introduce the Central Valley Project Fish and Wildlife Act

of 1991. Mr. President, this bill is but a beginning. It is the product of California groups—urban, agricultural, and conservation organizations working together to develop legislation to address the fish and wildlife needs in the Central Valley.

This is a first step in an attempt to resolve the water dilemma, which has torn at the State of California for decades. Specifically, the bill provides a mechanism for water transfers—

Get it out of the bucket, redistribute it.

from agricultural to urban use, and it also includes actions for the restoration of fish and wildlife and mandates firm water supplies—

Firm means you get it. Nobody else may get any water but you have a firm water supply, so you can count on it—

for wildlife refuges and fishery habitat.

And I said:

This bill preserves the agricultural economy which is so vital to our State.

What we have before us today is that bill, Senate bill 2016, yet compromised again and again and again. I guess what the bill before us now represents is the best, the very best I could do through the entire process in trying to find a balance. All I ever wanted was a balanced approach, something where we could have a transfer of water to people in jobs in urban areas, somewhere where we could have a reasonable transfer of water to protect fish and wildlife resources and wildlife refuges; but a balanced approach, one that had its priorities based in people and jobs first, and then do whatever we can to enhance our environment and fish and wildlife that is so important to all of us.

I said in that statement that that bill was the beginning of a responsible and equitable solution. And I also said that I was willing to consider any ideas on how to improve it, and we sure have. As that bill rests before us today, to be passed out of here later today, let me say that from my view it embodies plenty of compromise relative to the needs of fish and wildlife. One of the most contentious areas of disagreement between the proponents of H.R. 429 and myself is in this area of fish and wildlife.

When I introduced the bill back in November 1991, I said that it was important that:

We restore the north coast and river fisheries, and that the bill include several provisions to try to address that, such as the rehabilitation of the Coleman National Fish Hatchery, the installation of a temperature control device at Shasta Dam, and a program for replenishing of river gravels for spawning.

I said:

While these projects will help restore the fisheries, I realize that any restoration bill will not be complete without increased water supplies.

So I am not saying, as we take the first scoop of water out of that small bucket, that some of it should not go directly to fish and wildlife. In fact, let me go to the bottom line on that one. We will talk more about it later.

The question is, Mr. President, how much is in that first scoop, and who gets it? Well, for fish and wildlife, that first scoop, some might say—in fact, I know they will say—"Not enough, Seymour, not enough," but the first scoop is 246,000 acre feet of water. And then the bill provided that that would grow to 525,000 acre feet of water in 10 years, water that they could count on, water that they knew they could depend on. But that was not enough, not nearly enough.

So we introduced Senate bill 2016.

That bill went before the committee, and was passed out of the committee. As I said earlier, it was not a bill that was embraced, by any stretch of the imagination, by all. But the statement I made before the committee when that bill was passed out—and, as I said, it was not a bill that everybody was happy with.

As a matter of fact, Senator BRADLEY—again I commend him for his willingness to try to negotiate a fair compromise between the bill I have been talking about and his bill, Senate bill S. 484. When that bill passed, it was not embraced by all. It was sent over to the House of Representatives where it met up with H.R. 429.

Let me now turn, Mr. President, to what others think and have to say about this alternative to the bill that is before us now. I am speaking of the water conference bill that will pass tomorrow and go to the President.

Let me read, Mr. President, a letter signed by the Secretary of the Interior, Secretary Lujan, a long letter. I am not going to read it all, but I will read some important components, I think.

The letter was sent to every member of the committee. It had to do with the water conference committee bill that dealt with S. 2106 and H.R. 429. The letter is dated October 5 of this year, just a little more than 2 days ago.

It was sent to the chairman, directed to Senator BENNETT JOHNSTON, chairman of the Energy and Natural Resources Committee.

It says:

DEAR MR. CHAIRMAN: On September 15, I sent you a letter expressing the administration's position on provisions in H.R. 429 which were then being considered by a House-Senate conference committee with the exception of the National Historic Preservation Act Amendments, title XI of the Senate-passed version.

On September 25, 1992 Assistant Secretary Hayden communicated the administration's concern. In these letters, we expressed the administration's strong and fundamental opposition to both the House and Senate-passed versions of H.R. 429 because of objectionable provisions which should be deleted, or amended, in order that a modified bill at much less Federal expense could be sent to the President.

Unfortunately, the conference report of H.R. 429 still includes many of the objectionable provisions of the earlier House and Senate passed versions.

Then he goes on to cite his concerns relative to various portions of the bill. But relating to the Central Valley project, he includes the following objections.

The portion relating to the Central Valley project includes many objectionable provisions, including the following:

It provides for a number of expensive measures many of which have not been subjected to feasibility analysis and would be largely financed at Federal expense.

It affects the State of California's authority in matters of water allocation, distribution, and use. And,

It conflicts with the equitable distribution of responsibilities embodied in the coordinated operations agreement, the management of the CVP.

Contrary to one of its stated purposes, the title of the bill reduces the operational flexibility needed to achieve increased multiple uses of water including the ability to provide water for wildlife refuges.

I believe what he is referring to there is Project Purpose. We will talk about Project Purpose. It is an important portion of this bill, a portion of the bill that I say gets the priorities distorted. If your priorities are people and jobs first, and protection of fish and wildlife for animals and plants second, then that is what you ought to state in the bill. The bill does not state that.

Frankly, what the bill states is it is all equal. People and their jobs have no more rights than fish and wildlife, animals and plants—no more rights. They are all equal.

So what is left in that bucket we divvy up? Everybody gets an equal share. Some would say "I am an antienvironmentalist. Why don't you care more for plants and animals?" I do. In fact, the bill we have before us today has 22 different, separate provisions to improve fish, the resource, wildlife, wildlife refuges. So I do.

But let me make one thing clear. I do not take a step back for anybody on this. I think people and jobs are the most important thing. Suppose we double the fish resource. That is what I want to see done. I think that is what Senator BRADLEY wants to see done. How we get there are two different ways. But suppose we achieve our goal and double it. Great. I want it. But suppose you do not have a job. That is little solace for somebody who cannot feed their family.

So I do not apologize to anybody. But I put people and jobs first.

In addition to the letter of opposition from the Secretary of the Interior, I would like to share, Mr. President, with the Members, a letter from the Governor of the State of California. The Governor of the State of California has been opposed to this water conference committee report from day 1.

Quite honestly, although when he read my version, he said "yes, I think California can live with that, John." He did not even want that. The Gov-

ernor of California said "John, it is not the answer. It is a good bill. But it is not the answer. The answer to California's water problems are found in California."

So what the Governor wanted from day 1—and I support him on this—he wants the State of California to either buy the Central Valley project from the Federal Government, except I am afraid, quite honestly, the price tag would be so high and the more California offered for the project, the higher the price would go, I am afraid, that Californians could not pay it.

So as an alternative to that, what the Governor wants and what I support him on is that California be permitted to manage, to run the Central Valley project. The bottom line of that is let California decide how to allocate their water between people and jobs, animals, and plants. Let them decide.

So the Governor on October 4 wrote every Member of Congress. He said about this bill that will come up tomorrow:

DEAR MEMBER OF CONGRESS: This letter is to state in no uncertain terms that the Western water package, H.R. 429, is completely unacceptable to the State of California.

Our objections are exclusively directed to the provisions affecting California and in no way relate to the projects proposed in other States.

Mr. President, you will recall that I said earlier that this bill has water projects for Western States that I believe have been held hostage, to pour the castor oil down the throat of Californians to reform the CVP. The Governor, like myself, says, "Let those hostages go, let those Western water projects stand on their own, and let the CVP stand on its own. Change it, amend it, but let us not tie the two together."

He says:

Our objections are exclusively directed to the provisions affecting California and in no way relate to the projects proposed in other States.

Indeed, the California provisions are unrelated to the other projects in the bill and should not be linked to them. The California provisions should be served from H.R. 429.

The bill before us today, that will pass at the conclusion of my allotted time and Senator BRADLEY's allotted time, is a stand-alone bill that deals only with the Central Valley project. It does not have any Western State projects in it. That is what I said earlier. We should have that bill over in the House. If they are going to act responsibly, they should vote it up or down. I think it would have a good change of passage. They should have the opportunity to vote it up or down.

The Governor says:

This 30-title measure includes a provision that would dramatically reallocate 20 percent of our State's water.

There is the bucket. We are going to take 20 percent right out of the bucket. It would strike a vicious economic blow to California, and create a second century of California water wars, whose only winners—

When you get into a legal war, who wins? The attorneys? You got it. The Governor of California says:

a second century of California water wars, whose only winners will be the litigators—

And he goes on. Governor Wilson says:

Senator Seymour and other members of California's congressional delegation were excluded from the negotiations over the Central Valley reform proposal that was pushed upon the conferees. A back room deal, hastily negotiated in the final days of session, with no analysis to explain its impacts, is no substitute for the care and fairness needed to make the policy that will allocate California's critically important water supply.

Such political maneuvering is unconscionable given the grave harm this measure threatens to California. Anyone who has been even casually involved with this issue knows that lasting and beneficial reform of the Central Valley Project can be achieved only through solutions that take into consideration and effectively balance the needs of all the California water user groups, metropolitan, industrial, or, as I have called it, people in jobs, agricultural and environmental.

Sadly, the measure currently before you is so skewed that, far from solving the problem of water allocation, it instead will drive a wedge between environmental, agricultural, and urban water interests, making the needed and possible consensus for solution all the more difficult to achieve, despite all of our hard work in the State to do so.

The Governor goes on by saying:

As California struggles to deal with almost 10 percent unemployment and the loss of over 700,000 jobs during the current recession, it is simply inexcusable to cripple our agricultural sector, and threaten the loss of the hundred of thousands of jobs in the processing, packaging, distribution, and marketing of California product—

Remember, it is an $18 billion annual industry we are talking about.

by the cavalier passage of this measure.

The Governor goes on:

Water is California's life blood. There can be no justification for Members of Congress to exclude California's elected representatives and arrogate this decisionmaking process that will determine California's water future to those from other States. Doing so will set a dangerous and indefensible precedent. Decisions that should be taken up in the Statehouses will be made in the closed hearing room of the Congress, closed even to the representatives of the State whose future is being decided, closed even to that State's conferees.

That is what happened. He says:

There can be no justification for this result. Those who know better and who would object strenuously were they and their states subjected to this treatment should not succumb to extortion.

That is a strong word. I talked about hostages. He talks about extortion. He says:

They should instead insist upon the decoupling of the authorizations for needed water projects in other States from the provisions of H.R. 429 that threaten to inflict on California such grave harm and such great inequity. I cannot urge too strongly either to decouple and sever the California provisions, or do whatever is required to refuse passage to H.R. 429 as presently drafted.

Sincerely, Peter Wilson, Governor of the State of California.

As I said earlier, this conference report I have been talking about and that has in it the water projects and reform of the CVP will be voted on in this house tomorrow. It will go the President's desk, and although we have had some indications that he will veto it, there is no certainty in that. I say we have had indications he will veto it because, as I have shared with you the letter from the Secretary of the Interior, I am about to share with you a letter from the Secretary of Agriculture, Ed Madigan. He is recommending a veto as well. This is a short letter, sent to Congressman GEORGE MILLER, chairman of the Committee on Interior and Insular Affairs.

DEAR GEORGE: On May 20, 1992, I sent a letter outlining briefly my objections to provisions of legislation on the Central Valley Project. Then, on September 15, 1992, Secretary of the Interior Lujan expressed my continuing concerns in a letter concerning H.R. 429. Secretary Lujan has also sent a letter today stressing that the full conference report continues to warrant a veto by the President.

The conference report on H.R. 429 contains language that remains unnecessarily detrimental to agriculture. Title XXXIV severely reduces water availability for agriculture, causes substantial increases in water prices for agricultural users, restricts the renewal of contracts—

Remember, I talked about contracts, comparing them to the home mortgage, the mortgage on your home.

restricts the renewal of contracts to 2 or 3 years for the foreseeable future—until a new and extremely broad environmental impact statement is finally completed, assesses a $50 million surcharge on water and power users, taxes renewal of water contracts in a way that may well be prohibitive for agricultural contractors, and places unwarranted restrictions on water transfers.

I want to repeat that.

and places unwarranted restrictions on water transfers.

What we talked about at the outset and what we all want is to transfer water from the Central Valley to urban and industrial uses, people and jobs, and also transfer water to fish and wildlife, animals and plants.

Why do we want to restrict that? Why do we want to tie it up? That is why I have said if that conference committee report becomes law, the one we will pass out of here tomorrow, if that becomes law all it will ensure is that the scoop coming out for environmental purposes that will go on that will take place, but as far as transferring water to people and jobs that is going to be tied up in a decade of litigation. The only people who are going to get rich off that one are the attorneys on both sides.

Some might say, well, John Seymour, you are standing there all alone on the floor of the U.S. Senate. Obviously, there are not a great number of your colleagues that feel as strongly as you do.

And I can understand that. By the way, they do not represent California. I represent California in the U.S. Senate, and Senator ALAN CRANSTON who is on the other side of this issue is our other Senator.

But how about over in the House of Representatives? How does California's congressional delegation feel about this water conference committee report?

Let me share with you a letter signed by 18 Members of the California congressional delegation, and it was sent to their colleagues in the House of Representatives, to all 435. It says:

DEAR COLLEAGUE: We urge you to support a motion to recommit the conference report for H.R. 429—

Recommit, and in referencing that as we all know is a way of saying we do not like it, send it back and do it over.

They said we want you to support this motion to recommit.

If the recommittal fails, we urge you to vote No on the conference report.

We are not opposed to reforming the CVP to make it more responsive to the needs of the environment, agriculture and California's growing cities, but the conference report doesn't do that. It seeks to solve environmental problems by severely and arbitrarily reducing CVP water deliveries to Central Valley farms and urban areas.

The Department of the Interior states that if H.R. 429 were law, farms and cities in the southern part of the Central Valley would have received no water at all from the CVP during 1990, 1991, and 1992.

No water at all. That's not "sharing." That's not compromise. That's not acceptable.

H.R 429 also would drastically increase the price of water for both farmers and urban areas while removing the certainty of future supplies.

In a letter to all members of Congress, California Governor Pete Wilson has said that the CVP provisions of H.R. 429 are "Completely unacceptable to the State of California" because they will "strike a vicious economic blow to California, and create a second century of California water wars whose only winners will be the litigators."

The Secretaries of Interior and Agriculture have said that they will recommend a veto of H.R. 429 because of the CVP title.

We don't oppose the other worthy projects in H.R. 429, and we regret that they have been held hostage to this misguided effort to "reform" the Central Valley Project. But we cannot sit back and allow the livelihoods of our constituents to be destroyed.

If you support the other projects in H.R. 429 and want to bring about an equitable solution to California's water problems, vote yes on the recommittal motion to remove the CVP title from the conference report.

If the CVP title isn't removed, vote No on the conference report.

You might add, well, that was the letter asking the Members to vote in a certain fashion. How did they vote? And particularly important, how did Californians vote? This project is not about New Jersey. Although I know the Senator from New Jersey has a very deep sincere and abiding interest relative to the reform of California's Central Valley project. This is not about the State of Louisiana, although I know the chairman of our committee, Senator BENNETT JOHNSTON has a very sincere and deep abiding interest in the Central Valley project. This is about California.

And the fact that this Senator who is a member not only of the committee not only participated in the process, not only was a member of the conference committee itself, this Senator from California when it came to California's interest, the Central Valley project, was totally excluded from the conference process.

We did have one meeting. We did have one meeting, and I was there. The chairman of the meeting we decided at that meeting would be Congressman GEORGE MILLER. That was action we took. Nobody opposed that. I did not oppose that.

And then in that meeting, that one meeting that I was permitted in, and the public was permitted in that one meeting, Congressman MILLER laid out his proposal. He said: "Here it is. I have talked to a lot of folks, talked to Senator JOHNSTON from Louisiana and Senator BRADLEY from New Jersey. I also talked with one or two Members from California of the House." I do not know who they were. They were not named. I suspect one of them was Congressman VIC FAZIO who has also tried very diligently to find a compromise. But they did not talk to any other Californians on the conference committee.

He never talked to me. I only had one conversation with Congressman MILLER in the 21 months I have been working on this. That occurred on an airplane flight from Washington, DC back to California. We were both going home and it occurred, as I best recall, it was either spring or summer of 1991.

Congressman MILLER said: "We really should work this out."

I said: "You are right. I want to work it out, GEORGE."

He said: "Well, you know agriculture has just got to give up some water."

I said: "You are right, they do. I want to work that out. But," I said, "you know your demands for water for fish and wildlife purposes, animals and plants, are too severe. You are going to hurt people. You are going to hurt jobs. We need to have a better balance."

He said: "Well, John, you just do not understand."

I said: "Maybe I do not." I said: "I will tell you what, let us have a bigger bucket of water. Let us develop some water resources in California. If we can develop some water resource in California, some new real water, so they have millions of acre feet runoff into the ocean and do not catch it, I will be happy to go along with the 2 million acre-feet of water you want scooped off the top for animals and plant, fish and wildlife. I will be happy to do that."

The fact is, as I said earlier today, I said to Senator BRADLEY who at that time he wanted 2 million acre-feet, I said you can have it all. You can have every drop of water, new water that we can put into the bucket.

That conversation I had with Congressman MILLER back on that flight to California was the only time that I was ever permitted an opportunity to be in the process.

I was plenty in the process with Senator BRADLEY and Senator JOHNSTON. I will just share with you that they had one public meeting that I was invited to and I attended. We selected Congressman MILLER as the chairman. Congressman MILLER then laid out this proposal and it was like a take it or leave it. I had not even seen it much less been a part of the process of developing it. I also know that members of the conference committee who represent the human beings and jobs in the Central Valley were excluded from this process.

They did not get to go to the meetings either. So why, then, wouldn't the members of the California delegation of the House of Representatives, or at least 18 of the Members, sign this letter that says send that conference committee report back and let them sever the other water projects away from the California Central Valley project?

Well, how did they vote? I mean that is what is important. We all do a lot of talking around here, but what really counts is how you vote. You can talk all day, but how do you vote?

I have done business here in the U.S. Senate with my colleagues, did it for 8 years in the California State Legislature as a State senator, and so many times I have had members say, "John, I'm with you," until the rollcall. Then they are not with you.

And so the important thing is how do you vote? Well, here is how the California delegation voted. Against the bill were 25 California Members of the House of Representatives. For the bill were 19 Members.

Well, I have been going on for some time now. My distinguished colleague, Senator BRADLEY, who represents the other side of this debate and argument, has asked that he might debate for an hour, and then I would be recognized to pick up on the remainder of my time according to the unanimous-consent agreement which afforded me a total of 4 hours.

And so at this particular time, Mr. President, I yield the floor to Senator BRADLEY, reserving my right to the remainder of my time.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. BRADLEY. Mr. President, let me begin by expressing to my colleague from California that I was very pleased with his agreement to the procedure that we would follow. I think this is an important debate for us to have. I think the issue is a very important one. I do think there is a difference of opinion. I think we have worked well together and I respect the way the junior Senator from California works.

I hope this issue will be resolved in such a way that, over time, he will agree with its resolution.

Let me begin by making an obvious point. California is a desert State, a fact that is often forgotten in the rush for development and for growth.

California is home to nearly 28 million people, with as many as 800,000 people arriving there each year. In other words, the State of California grows each year by a size the equivalent of the city of San Francisco. A new San Francisco arrives in California each year.

Water has shaped the growth and the culture of California in ways that are obvious to all. Water comes from two main sources: one is ground water, which is obtained by sticking a pipe or a well into the ground and pumping the water out.

The second source is surface water, mainly obtained from rivers that are frequently dammed to create reservoirs. These supplies allow for the availability of water to people who live in a desert. Without the dams and reservoirs, people would not be able to live in a desert.

In California, about one-third of the State's water supply comes from surface water: the reservoirs, lakes and dams. Twenty percent of all California water comes from the Central Valley project.

The Central Valley project is a massive public works project. Until you have flown over the Central Valley project, as I have, and had the opportunity to see it in its entirety, there is no ability to comprehend the size of this project.

As the distinguished Senator from California said, the valley is 500 miles long and 120 miles wide. This project spans the length of the valley from the Shasta Dam in the north, continuing all the way down to the southern end of the valley. It is a remarkable, remarkable public works project.

The Central Valley project is really a collection of numerous individual project units that Congress has authorized over a period of 50 years .

Generally, what the Central Valley project does is collect and distribute waters from north of the San Francisco Bay Sacramento-San Joaquin Delta, and transmit that water south through the tracey pumping station, into the valley. It supplies about 7 million acre-feet a year, about 20 percent of California's water. In dry years, the project supplies a little less.

Initial elements of the Bureau of Reclamation's Central Valley project were authorized in 1935. Shasta Dam on the Sacramento River and Friant Dam on the San Joaquin River are diverted to the Madera and Friant-Kern Canals; the Delta-Mendota Canal; the Contra Costa Canal. All of these features flowed from that initial decision.

In 1949, Congress authorized the American River Division of the CVP, and in 1950, the Sacramento Canal Unit; in 1960, the San Luis Unit; 1962, the New Melones Unit; 1965 the Auburn-Folsom South Unit; and 1967, the San Felipe Unit.

Mr. President, this is a public works project that was built with U.S. taxpayer dollars. The present value of the Central Valley project is about $3.7 billion in terms of construction costs alone. By the year 2030, a little over $200 million of that debt will have been repaid. This translates into a Federal subsidy in this project of 95 percent—A 95-percent Federal subsidy. As you can see it is clear why we have an interest in this project.

In California as a whole, the way water is used is also very important for us to understand—80 to 85 percent of the water is used in agriculture. If agriculture simply saved 10 percent of its water, you would double the amount of water available for the residential and commercial sectors of California. Water prices vary greatly in the State of California even for agriculture. If you are a farmer in San Diego County, you will pay as much as $400 an acre-foot. An acre-foot contains approximately 325,000 gallons. If you are a farmer in the area serviced by this project, however you pay in the neighborhood of $16 to $20 an acre-foot. The breakdown is from $400 an acre-foot if you are in San Diego to $16 to $20 an acre-foot if you are in the Central Valley.

There are, in fact, four crops—rice, cotton, irrigated pasture and hay—that represent 11 percent of the crop value in California but consume 50 percent of the water. In the Central Valley, it is the low value crop that is produced primarily in large part because the water is so cheap, $16 to $18 an acre-foot, versus $400 an acre-foot in San Diego. In San Diego, the farmers produce a higher value product. The farmers in the Central Valley, a low value product. Again, this disparity is best illustrated by the fact that rice, cotton, hay, and irrigated pasture, the major commodities in the Central Valley, use 50 percent of the water and produce 11 percent of the crop value.

What is also important to remember is that California is not simply an agricultural State. California has a gross State economic product of over $760 billion. Of that State product, agriculture respresents, as the distinguished Senator from California has stated on the floor today, about $18.5 billion. Therefore, out of a State economic product of $760 billion, agriculture accounts for $18.5 billion of that $760 billion while using 80 to 85 percent of all the water in California.

The price for water in the State, varies more dramatically from the $10 an acre-foot you pay as a preproject user of the CVP, that is someone who had a water right prior to the project being built and a price as high as $1,700 to $1,800 an acre-foot for those residents of Santa Barbara, for example, who have to contemplate desalination for their water supply.

California is now in the sixth year of a drought. There are first graders in California who have never seen a green lawn, and yet every year 800,000 more people move into the State; another San Francisco every year. If the drought continues and the people keep coming, the message is going to be clear; bring your own water because there will not be enough water in California. That implies water has to be used differently and more efficiently.

In addition to questions of what is the nature of the agricultural economy and what is the composition of the total economy, the question of what is the role of the environment is relevant when one thinks about water in California. The environment in California is diverse and rich and is directly related to water. It is in peril because of the shortage of water.

There were once 4 million acres of wetlands in the Central Valley—4 million. That now seems like a long time ago. There are now about 300,000 acres of wetland in the Central Valley; 100,000 acres have disappeared since 1950 due to the operations of the CVP alone. There were once 6,000 miles of spawning streams for salmon in California. Now there are 300 miles. Eighty million juvenile striped bass every year are sucked through the delta pumps. Salmon are headed toward the endangered species list in many places. Only 200 Chinook moved up the Sacramento River just a short time ago.

In addition to fish being a potentially endangered species, there is the Pacific flyway where waterfowl populations are affected by the loss of wetlands, where birds fly from South of Mexico to Alaska and rest and feed in the wetlands. Because of the operation of the CVP, the Pacific flyway now wasteland with selenium contamination of increasing toxicity.

The point to be made in this brief opening is that when you talk about water in California, you are talking about the lifeblood of the State.

(Mr. BINGAMAN assumed the chair.)

Mr. BRADLEY. It affects every citizen whose home is in California. It affects agriculture, an $18.5 billion industry. It affects consumers, industry, business, the environment—the economic well-being of the whole State. It affects the future in a very real way.

The key concept for California's future when it comes to water is balance—balance among the competing interests, balance in use, balance in efficiency. Balance is also important in the transfer and allocation of water among the competing needs of the State of California.

As the distinguished Senator from California has mentioned, this is an issue which the Water and Power Subcommittee, of which I am chairman, has studied carefully over the last 4 years. I held my first hearing in California in August of 1989, in Sacramento, sitting through 7 or 8 hours of hearing. Subsequently, we have had hearings in Los Angeles and San Francisco, back in Sacramento, and here in Washington.

I have visited farms in the valley and farms in San Diego County. I have talked with fishermen whose livelihoods have been endangered by the drought and the way water is allocated. I have talked to businesses that need the water desperately for their own industrial processes and now have difficulty getting it because 80 to 85 percent of the water is used for agriculture. I have talked to farmers concerned about their livelihood, worried about any change and how it might affect that livelihood. I have talked to community leaders in cities in the valley, who have concerns that need to be addressed. I have talked to environmentalists, friends of the environment, people who care about California's natural resources. I have talked to politicians, to local politicians, to State politicians, to Federal politicians. I have tried to listen.

In our hearings, we have had testimony from over 75 witnesses, but that total does not count the hundreds who have moved through my office in this meeting and that meeting, in California and in Washington, to talk about California water. It is after these many years of listening that I came forward with the bill that was modified by the chairman further modified by the bill we sent out of the Senate, and then still later modified by an initial conference agreement, and then finally brought together in the CVP title that we have in this omnibus water bill, H.R. 429.

There are really three elements in dealing with the problem of water in California. One is you are not going to solve the problems without using water more efficiently. You cannot have two farmers growing the same crops in the same water district 3 miles from each other with the same soils and yet one farmer is using two, three, four times more water than the other farmer. You have to use water more efficiently.

You need to solve the problems that come from the fact that California is a desert State and water is a scarce quantity. There are competing needs, and every competing need grows with another passing year, with another 800,000 people coming into the State, with a giant economy of which agriculture is only $18.5 billion although it continues to get 80 to 85 percent of all of California's water. What you need is water. You cannot solve endangered species problems with air. You need water. You cannot solve the problems of electronics firms that need water to create new jobs without water. You cannot solve the problem of fishermen who have lost their livelihood because the streams have been depleted without water. The first thing you need is water.

The second thing you need is money. There has been an incredible deterioration of the resources of the valley which needs to be mitigated. That takes money.

Finally you need flexibility, flexibility for the State of California to begin to address the competing demands of water in the State.

The Central Valley project represents 20 percent of all California water, 20 percent of all California water which is totally off limits for California. When Governor Wilson established the water bank a few years ago, he could only draw from the State water project, a little over 3 million acre-feet he could tell the farmers that use it, "Sell your water to the water bank and then we will reallocate it the way California would like to see it used." He could not touch 7 million, 8 million acre-feet of water that is the Central Valley project. It was not a flexible system. Flexibility is the third principle.

As you think about the principles, it is also important to think what happens if we do nothing, if business continues as usual. If this bill is not signed, what happens? You can probably count on the extinction of several species, not the least of which might be California fishermen. The demise of the fishing industry will be followed by the collapse of many northern California coastal towns. During the next drought, people, just average people, will end up paying hundreds of dollars for every acre-foot of water they use, and they will watch their lawns and their gardens die while just over the hill in the Central Valley hundreds of thousands of acres of subsidized cotton and rice will flourish in the desert.

They will see Federal courts and State courts which will soon be running the Central Valley project, and every other water project which takes its water from the rivers of the Central Valley. The courts will be running not just the Central Valley but also the State water project and maybe even the San Francisco system. The Delta smelt could become to California what the spotted owl has become to Oregon and Washington. Silicon Valley electronics firms and other businesses will begin to flee California, more jobs being lost in search of clean, reliable water supplies in other areas. The ports of San Francisco and Oakland will lose a significant part of their shipping business as thousands of jobs go to other ports without dredging restrictions, dredging restrictions due in large part to the absence of an adequate flow through the San Francisco Bay/Sacramento-San Joaquin Valley Delta.

The Bureau of Reclamation and Central Valley agribusiness will, however, under a world where nothing happens, still be sitting on 20 percent of the State's water and running it as they choose. Parched communities throughout the State will be left with no choice but to beg for water from irrigation districts under a system in which the growers and others will not be able to provide that much needed water.

The farmers—not the small farmers, but the big farmers—will continue to force small family farms out of business, and continue to take subsidized water originally intended for those small farms.

This bill does not deal with the issue of reclamation reform. But make no mistake; the Central Valley is not all small farmers. Some farms are over 20,000 acres, through interlocking ownerships, and they will continue to get the benefit of subsidized water as well as subsidized crops.

The California cities unable to get ready access to new water through voluntary transfer will be left with no obvious choice but to spend billions of dollars on polluting and expensive desalination plants, or lobbying for the construction of the Peripheral Canal or the Auburn Dam, or diversion of wild north coast rivers.

If nothing happens, Canada and Mexico and the Confederation of Independent States will confront the World Court, arguing that the Central Valley farmers and the Bureau of Reclamation have engaged in a calculated effort to exterminate the waterfowl on the Pacific flyway.

The Central Valley itself, if no action is taken, will be dotted with thousands of acres of agricultural drainage ponds, each one of which will be a mini-Kesterson, laden with toxic runoff and the carcasses of dead waterfowl.

Mr. President, what we are faced with is nothing less than the decision whether the next generation of Californians will see this State's water shared fairly, or whether the State's economy and environment will be sacrificed to the demands of a very few. It is a question of whether the water of the Central Valley should be for the many, or for the few. It is a very basic question.

So I would argue, as I have throughout, that to do nothing is to bring about the possibility, if not the reality, of all the things that I just talked about. That is unacceptable. It should