SENATE—*Tuesday, January 21, 1992*

(Legislative day of Friday, January 3, 1992)

The Senate met at 11:30 a.m., on the expiration of the recess, and was called to order by the Honorable JOSEPH I. LIEBERMAN, a Senator from the State of Connecticut.

PRAYER

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

Let us pray:

For I know the thoughts that I think toward you, saith the Lord, thoughts of peace, and not of evil, to give you a future and a hope.—Jeremiah 29:11.

Eternal God, Creator of Heaven and Earth, we are so conditioned to think materialistically, so immersed in secularism, so transitory in our views we can miss Your Word through Jeremiah. But we need to hear Your Word, especially now. A national election tends to obliterate everything else, absorbing all other issues in political exploitation. Political campaigns arouse the worst in us: negativism, egotism, factionalism, cynicism, anger. It fragmentizes national life, awakening animal instincts, confusion, pessimism.

Gracious Father in Heaven, help us hear Your Word which transcends by infinity our mundane preoccupations. Forgive our spiritual bankruptcy, our moral and ethical decay, our absence of vision and hope.

Lord of history, none of our desperate needs will dissolve in the heat of political debate. Dysfunctional families, alienation, violence, crime, drugs will not disappear as candidates try to destroy one another. Prevent critical issues from being pingpong balls batted back and forth on TV. Awaken us, mighty God, to Your promise of a future and a hope.

In the name of Yeshua who conquered by sacrificial love. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, January 21, 1992.

To the Senate:

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

ROBERT C. BYRD,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senate majority leader.

THE JOURNAL

Mr. MITCHELL. Mr. President, am I correct in stating that the Journal of the proceedings has been approved?

The ACTING PRESIDENT pro tempore. The Senator is correct.

RESERVATION OF LEADER TIME

Mr. MITCHELL. Mr. President, am I correct in stating that the time for the two leaders has been reserved?

The ACTING PRESIDENT pro tempore. Again the majority leader is correct.

SCHEDULE

Mr. MITCHELL. Mr. President, I now wish to use as much of my leader time as I may consume, and I ask unanimous consent that during the period for morning business Senators be permitted to speak for up to 10 minutes each; further, that following the cloture vote at 2:15 p.m. today, regardless of the outcome, it be in order for the Senate to consider two leadership resolutions notifying the President and the House of Representatives that the Senate is assembled and ready to transact business; and that upon conclusion of action on those resolutions, Senator HARRIS WOFFORD be sworn in as the junior Senator from the Commonwealth of Pennsylvania.

The ACTING PRESIDENT pro tempore. Is there objection?

Hearing none, it is so ordered.

RECOGNITION OF THE REPUBLICAN LEADER

The ACTING PRESIDENT pro tempore. The Chair recognizes the Republican leader.

Mr. DOLE. Mr. President, if the majority leader has no objection, I would like to reserve my time following the swearing in of Senator WOFFORD.

Mr. MITCHELL. I have no objection.

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

SCHEDULE

Mr. MITCHELL. Mr. President, when the period for morning business closes today at 12:30 p.m., the Senate will stand in recess until 2:15 p.m. in order to accommodate the regular party conference luncheons. Upon reconvening at 2:15 p.m., the Senate will vote on a motion to invoke cloture on the motion to proceed to S. 2, the Neighborhood Schools Improvement Act.

THE AGENDA OF THE 102D CONGRESS IN 1992

Mr. MITCHELL. Mr. President, the Senate faces a full and challenging year. We must complete some legislation begun last year and act on a new agenda this year.

In looking forward, I am particularly pleased to welcome back the Republican leader, Senator DOLE. His recovery is welcome and the workload awaiting him is large. I know he will, as he always does, give it his best attention and energy. I express in advance my gratitude for his cooperation in moving the Senate's business forward.

I welcome back all my colleagues on both sides of the aisle. The needs of the Nation are not partisan, and we will do best when we respond to those needs in a bipartisan manner.

The most urgent need is to respond to the recession. Unemployment is over 7 percent; incomes remain stagnant; the economic indicators are for a weak recovery.

The changes in the world last year were dramatic. Those changes left our Nation the preeminent world power. But to meet and discharge our role in the world with credibility and strength, we have to face and overcome the critical and demanding challenges we face at home.

We must move the economy out of recession and return to growth, job creation, and expansion. That is a prerequisite for every other policy goal at home and abroad.

We intend to do so.

We will work for a tax cut for middle-income working Americans; a temporary investment tax credit to speed up business investment; and a package of programs to revive the construction industry: A tax credit for firsttime home buyers; no-penalty use of IRA savings for the same purpose; a permanent low-income housing tax credit program; a permanent Mortgage Revenue Bond Program.

We will seek a one-time State and local assistance grant. State and local

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

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budget cuts and tax hikes driven by the recession are a $35 billion drag on the economy. A one-time grant will help offset that drag.

Job creation is not occurring quickly enough to counteract layoffs, so we will move to do what we have done in every other prolonged recession—provide a full 52 weeks of unemployment insurance. I hope that this year, unlike last year, President Bush will readily agree that long-term unemployment is not the fault of its victims and demands a prompt reaction.

We must reorder our budget priorities, including the budget agreement of 1990. Defense spending allocated in 1990 is no longer appropriate to the changed world. So the Senate will debate the size of the defense reduction and the purpose to which the savings are put.

I believe we can cut more than $100 billion over the next 5 years prudently and without endangering our security. Those funds should be used to reverse the domestic policies of drift and neglect which are the root cause of our economic problems.

We need a program of conversion from military to civilian purposes. Virtually every part of the country will feel the economic effects of job losses, base closings or canceled defense contracts over the next few years.

Without a plan to use the people and expertise that will become militarily redundant, we will waste immense human and economic resources.

The reservoir of skill and experience in the defense sector could give the civilian economy an enormous boost. A conversion plan will let us use these people and resources to invest in the new technologies and skills that will be the basis for future economic growth and prosperity.

Prosperity for the average American family is in jeopardy. Studies from every source today confirm what most Americans instinctively knew: For the last 10 years, working people have had to run twice as fast just to stay in place financially.

Income growth slowed dramatically during the 1980's. Eighty percent of two-parent families with children saw their income decline. Real hourly pay was either stagnant or actually fell for men in this group. Women worked a third more hours in 1989 than they did in 1979.

Income grew 8 percent from 1979 to 1989 for two-parent families, half the rate of growth in the 1970's, and a quarter of the rate of growth of the 1960's. What growth there was came exclusively from more hours worked: More spouses joined the workforce, more working people put in longer hours.

We have to respond to declining American income. There are three different but complementary fronts where action is needed.

The first is to lay the groundwork for long-term economic growth. That is our urgent need. The second is to improve the quality of life for middle class Americans through direct action now; the third is to correct those problems which threaten sustained growth in the future.

Long-term economic growth demands a revived civilian economy. That means investment in research. So we will work to make the research and development tax credit permanent. We will work to enact the package of bills to support industry-led research into the critical emerging technologies which will be the building blocks of a 21st-century economy.

Energy conservation and resource recovery programs are both opportunities for job creation and technological innovation. We will take up the energy bill and the Resource Conservation and Recovery Act this year.

Energy conservation makes every economic sector more competitive. Energy conservation and energy alternatives will promote growth in the future. We have shortchanged both far too long. This year, we will reverse that shortsighted policy.

An accelerated and intensive development of resource recovery techniques will make American production processes more cost-efficient over the long term and save businesses, governments and taxpayers millions of dollars in environmental cleanup costs.

What is true of health care for people is just as true for the health of the natural environment: Prevention is cheaper than cure.

Manufacturing technologies which use their own waste byproducts do not contribute to the pollution stream and they create added profit opportunities for manufacturers.

This year, the Senate will also turn to the long-range investment in human beings which lies at the heart of economic growth.

It is human intelligence and will which makes innovations possible and develops them for wider use. Human intelligence and will are intangibles, but they are not mysteries.

Well-educated employees are more efficient; well-trained researchers and scientists are more imaginative and inventive; skilled workers can readily turn their talents to new fields.

An economy which can speedily adapt to changing economic demands is an economy that grows with change instead of being overwhelmed by it.

The economic policies of the past 12 years did not produce the promised explosion of entrepreneurship, invention and prosperity. They encouraged the manipulation of existing wealth, not the production of new wealth. For 12 years, we have heard that there's a silver bullet—lower taxes for wealthy people—that will create effortless prosperity for all. But there is not and it has not.

The reality is that everything worthwhile has a price. An individual who wants a skill can get that skill only by being disciplined enough to learn and practice it. A society which wants economic growth and expansion can achieve it only if its policies increase productivity. Increased productivity is the essential prerequisite to a rising standard of living in any society.

That understanding is at the heart of our approach to the long-term investment needs of our economy. I have already mentioned the need for research and development and support for critical technologies.

But long-term means long-term. Education reform at the elementary and secondary level is a crucial ingredient of long-term economic growth.

Better schools, more highly trained and motivated teachers, increased parental involvement and focused funding are all needed to give the next generation the attitudes, skills, knowledge and outlook that preserve and strengthen traditional American values.

S. 2, the Neighborhood Schools Improvement Act, is geared toward this goal. It will be the first legislative issue taken up this year.

S. 2 does not pretend there is a simple or even a single solution for underfunded schools, poor texts or incoherent curricula. Instead it provides a way to measure and reach credible education goals. Goals are necessary. But goals do not achieve themselves. There has to be plan to reach them. S. 2 provides that plan.

The final element of long-term economic growth is to rescue the children who are today most at risk.

Head Start must be available to all eligible children—today it reaches a third of them. But it is a proven program to prevent school failure. It works. Millions of children need it now. They cannot afford to wait a few more years, because in a few more years they will already be in school and failing. This year we will focus on ways to fully fund Head Start.

We will also overhaul the Foster Care Program. Children living in abusive, neglectful, or dangerous homes have to be protected. That may demand family help or removal. But warehousing children, or passing them from one set of temporary caretakers to another is no answer. We need a foster care program to speed family reunion where that is possible, and terminate family custody where that is necessary.

As we invest in the future, we must face the neglected problems of the past.

None is more acute than health care. Too many people who need coverage cannot afford it. Too many who could afford it are locked out by insurers who will cover only the healthy. The system permits overuse by the well-insured, discourages preventive care for those most at risk, distorts our economy by locking people into jobs and

forcing businesses to make hiring decisions driven by health care costs.

We face a health care system that is not serving either private citizens or private business.

With a number of Democratic colleagues, last year I introduced Health America, a plan to build on the current employer-based health insurance system.

It is a plan that meets the three standards essential to real health care reform: First, access to affordable health insurance for every American; second, effective strategies to restrain runaway cost increases; and third, increased emphasis on preventive care.

Other neglected problems we will face this year are environmental, energy and infrastructure issues.

We passed a surface transportation bill last year. But the aviation sector is still operating from dangerously overcrowded airports. We will work to modernize and upgrade those facilities.

A year after the war in the Persian Gulf, the United States is dependent as ever on oil imports. Our energy use remains unchecked. We still consume twice as much energy per unit of output as our economic competitors.

We have to exploit the conservation technologies already developed. We have the technology to cut electric needs dramatically if we use high-efficiency lighting. Similar efficiencies and savings can be developed if we invest for that purpose.

We recognize that all choices involve costs.

The decision to save money by cutting alternative energy research just shifted the costs to the private sector: It makes our products and our businesses less competitive. The decision to remain dangerously dependent on imported oil means accepting the human and financial costs of defending foreign oil sources. This year we will work to change those outdated and costly policies.

By the end of next year, almost half the Nation's landfills will close. Half our cities and towns will have to spend far more money to ship trash to distant landfills. Some of their residents will pay higher taxes. Others will forego better schools, repaved sidewalks, and other services. Cities and towns which will not face this problem next year will face it soon enough.

That is why action on the Resource Recovery and Conservation Act is essential this year. State and local efforts to encourage recycling and reduce landfill use need the enhancement of a national effort to develop stable markets for recycled materials and incentives for business to reduce the waste stream in packaging and production.

We will also act on another bill that affects the local tax rates of most homeowners and the health of every American: The Clean Water Act reauthorization to continue the program of loans to localities for the construction of wastewater treatment.

While we work for the future, we cannot and will not neglect the standard of living and quality of life our society provides average American families.

That means an agenda which includes real street-level crime control and drug control.

Controlling crime has two sides. One is remedial—we can catch those who commit crimes and punish them, and we will do that. The other is preventive: Invest in the police manpower, the street lighting and security that reduces the opportunities for crime.

The Democratic crime bill passed last year includes tough penalties, funds for ten regional drug prisons, boot camps for youth offenders, and money for drug interdiction. But it also provides funds for the States and cities—where 90 percent of crime is committed, punished or prevented; it provides programs to curb teenage gang violence, and additional police manpower through the police corps. It is a substantial and tough crime bill.

Much of the quality of life for working people depends on the interaction of job demands with family responsibilities. That is why we have to enact a family leave bill. No one can live a decent life if torn between uncompromising workplaces and unavoidable personal responsibilities. Why should working Americans, of all the people in the world, have to turn week-old infants over to day care? Why do we expect our people, American families, to ignore the needs of frail parents for help and care?

We deeply regret the President's threatened veto of the family leave bill. We compete with countries that all pay for family leave, but the President says we cannot compete if we give Americans unpaid family leave. He is wrong. I hope he will reconsider.

We will also take up the housing reauthorization bill to broaden the options for low- and moderate-income families to become homeowners.

And we will take up the cable television reregulation bill right after the education bill.

And this year we will conclude work on campaign finance reform.

Congress is not now, has never been, and will never be a beloved institution in American life. It does not speak with a single voice. Like our democracy itself, it reflects a diversity of demands, ambitions, hopes, fears, and frustrations. What we can and must do is make certain that the process by which persons reach the Congress is a process that can command public respect. The current system does not. Reform is needed. The bill the Senate passed last year reforms the system. We will finalize the conference on that measure this year and send it to the President.

He has threatened to veto campaign finance reform. I hope he reconsiders.

Every elected official is a steward of the underlying values of the Constitution. We are all responsible for preserving the integrity of our institutions and passing them to the next generation uncorrupted and unimpaired. I hope the President will agree that campaign finance reform deserves to become law. Americans want reform. A majority of the Congress has voted for reform. There should be reform.

Our domestic agenda is a full one, but we cannot afford to ignore the world beyond our borders. Our security and our economic health are tied to the fate of the larger world.

The demise of the Soviet Union and the economic transition facing the new Commonwealth countries has created a vastly different international climate.

We must do our part in the world effort to ease that economic transition in a way that preserves the emerging democratic institutions of those new countries. This is a time of hardship for them. It will test the patience and will of their people severely. If we play our part wisely, we can assure our national security far more certainly than we could by increasing the number of our missiles.

But beyond the immediate challenge they face, there is opportunity—for them and for us.

The new Commonwealth nations are a potentially immense market whose civilian sector has stagnated for half a century. They need the technology of modern communications, financial services, efficient agriculture, construction, transportation, and industrial machinery, environmental cleanup and medical care—virtually every aspect of an advanced twentieth century economy. American companies can provide all of those commodities.

We should work to see that our businesses can share in the expansion that is inevitable as the transition to free market conditions succeeds.

We also face the important task of preserving and enforcing arms agreements with the former Soviet Union. The nucleus of highly proficient former Soviet physicists and other scientists should not be left adrift, to sell their expertise to the highest international bidder.

The fighting in what was Yugoslavia and the new Republic of Georgia is a sobering reminder that the end of communism is not the end of ethnic rivalries, historic hatreds, or the passions born of economic fear and deprivation.

Middle East peace talks are under way, thanks to the leadership of President Bush and Secretary of State Baker. Although success is not yet assured, I commend their effort.

But I disagree with the administration on China policy. The President's policy supports the existing regime, despite overwhelming evidence of unfair trade practices, a dismal human rights record and continuing political repres-

sion. A large and bipartisan majority of the Congress disagrees with the administration.

The issue of most-favored-nation trading status for China will be considered in the Senate again this year.

This June, the largest international environmental conference since the Stockholm conference two decades ago will convene in Brazil to deal with the issue of climate change.

The goal is international agreement to curb greenhouse gases. Our NATO allies have already undertaken to do so. The United States refuses to commit to reducing atmospheric carbon dioxide emissions. The United States is the world's largest energy consumer, and therefore one of the largest contributors to the buildup of carbon dioxide. The threat of climate change is as serious for us as for any other nation. Yet, despite our refusal to join our allies in combatting the problem, we still expect to be heard with respect and deference in the international community. The Senate will work to reverse that shortsighted policy.

The threat of climate change, no less than the changes in national boundaries in the former Soviet Union, is a stark reminder to all of us that the fate of the people of the United States is tied to the fate of the people of the larger world, as theirs is to us. We must discharge our share of global obligations responsibly and make sure that others do the same.

We have much to do. We will begin to do it today.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Chair recognizes the President pro tempore, the Senator from West Virginia [Mr. BYRD].

AMERICA'S SURVIVAL AS A WORLD ECONOMIC POWER

Mr. BYRD. Mr. President, I thank the Chair.

Mr. President, 1 week from today President Bush will address the Nation. It will be his fourth State of the Union Message. The President will speak to the Nation at a time of great uncertainty and anxiety among the American people. And there is every reason to be uncertain and pessimistic.

The President will make his fourth State of the Union Address in the midst of the longest recession since the 1930's. He will do so at a time when 8.9 million American men and women are unemployed; at a time when another 1.1 million men and women have become so discouraged that they have given up looking for work and are no longer counted officially among the unemployed; and at a time when another 6.3 million people who want full-time work can only find part-time employment.

So, taken together, 16.3 million people are either unemployed or underemployed. That amounts to 13 percent of the U.S. work force.

What will the President say to these discouraged Americans who look to him for hope?

As the President takes the podium to address the assembled Congress on Tuesday next, our collective responsibilities as leaders of this Nation will be very serious.

The U.S. Department of Agriculture, in its most recent report on food stamp participation, states that a record 24,160,000 Americans were enrolled in the Food Stamp Program for the month of October. That total is 400,000 more than the old record of 23.76 million set the previous month, and 3.23 million higher than October 1990. Nearly 1 in 10 Americans is now enrolled in the Food Stamp Program. That figure hardly corresponds to the American dream that we politicians all like to talk about.

Furthermore, according to the American Bankruptcy Institute, during the 12 months ending September 30, 1991, 73,519 businesses filed for bankruptcy, a 14-percent increase from the previous year. The surge in personal bankruptcies was even more dramatic, up 22 percent to 918,988 over the same 12-month period. Because of the dismal holiday season just past, Dunn and Bradstreet predicts that 1992 will be a record year for post-Christmas bankruptcies. The American people have every cause then to be uncertain and pessimistic.

Most troubling to many Americans is the sense that things will not improve even after the recession ends or certainly not improve much. General Motors recently announced layoffs of 74,000 workers, and IBM of 29,000. These layoffs are permanent. Those jobs will not return.

The President's recent trip to Japan only served to underscore how dependent we have become on that nation and how important a thriving economy is to the future of this Nation and the fate of our people.

We are losing our ability to compete in world markets, and, although the inflexibility of some of our trading partners is one cause, much of the blame lies right here at home.

America has reached a crossroads and our people look to the President and to the Congress to make decisions that will set the Nation on the right path again.

The people do not watch us with very easy eyes. The have lost confidence in our ability to put aside politics and to make the hard choices. They question our willingness to lead. And in this most political of all political years—a Presidential election year—the chances for real solutions to the ever-mounting problems of this vast Nation are likely to diminish as election day draws nearer.

I believe that time is running out on the American dream. Already it only shimmers over the horizon, just out of reach for millions of Americans. I believe that the time when that dream is beyond reach and only a distant memory is not far away. We must wake up and act quickly if we are to turn the tide, change the handwriting on the wall, and recapture the dream. We cannot afford the luxury of political posturing or finger pointing or delay.

The longer this recession drags on, the more our already weakened economy will be damaged. Some of the damage will not be recoverable. The longer we put off doing the things that must be done to make this once-thriving Nation thrive again, the more expensive and burdensome these tasks become.

In 1990, at the budget summit, I made the case for addressing this Nation's crumbling infrastructure. I urged the budgeteers to look at what was happening to our human and physical capital, and I showed that spending priorities in the 1980's were responsible for that decline. Between 1981 and 1990, domestic discretionary programs which are the backbone of our economy—our roads, our bridges, our education and training programs, our environmental cleanup, our ports and waterways, our nonmilitary research and development, our anticrime and antidrug programs, the money we invest in our Nation and its people—that money was cut $326 billion below inflation during that decade. We are decaying from within and this is one of the reasons. The leaders of this Nation for the past decade have made conscious decisions to starve our own economic engine. Political decisions have been made to pump dollars into defense and into foreign operations and to increase entitlement programs via direct spending of Federal tax dollars, while the care and feeding of the Nation's human and physical infrastructure have been left to the whim of private sector investment encouraged by rewriting the Tax Code.

But as we are so painfully learning today, a nation that does not invest adequately in its human and physical infrastructure will be unable to maintain its competitive posture and its standard of living. That nation is doomed to second-rate status unless something is done to reverse the decline.

At the budget summit, I argued that public investment spurs private investment. Our international competitors have outspent us on infrastructure for years and they are now reaping the benefits economically of a more skilled, better trained, better educated work force and more modern transportation systems.

We finally succeeded at the summit in securing increases for these critical priorities totaling $40 billion above the June 1990 baseline for fiscal years 1991 through 1993. That was $80 billion more than the administration wanted, but,

in the light of subsequent developments, it was plainly not enough.

We established caps for domestic discretionary spending, defense spending, and international spending. I believe that those caps and that budget agreement have served us well for 2 years.

But we did not know that the world would change so radically, and we could not know that we would be stalled in an 18-month-long recession. That agreement was not chiseled in stone. Times have changed, and the agreement must change.

We must respond to the dramatic shifts in our strategic situation in order now to allocate our national resources to other more pressing priorities. While I will always strongly support spending for our legitimate defense needs, substantial shifts of resources from defense to domestic programs are now possible, and there is no dispute about that. But there will be a dispute about the size of the shift. According to the CBO, the administration's projected defense budgets for fiscal years 1993 through 1995 will have to be cut by approximately $60 billion and the savings applied to domestic discretionary programs for these years just to avoid real cuts—just to avoid real cuts—in these vital domestic programs.

The practical question is whether we should remove the wall erected by the budget agreement to prevent shifting dollars from defense to domestic needs. That wall has outlived its usefulness and, like the Berlin Wall, must come down.

I hope that the Congress and the administration will work to alter the agreement in a controlled fashion which reflects our altered priorities.

Mr. President, on December 11, 1991, I wrote a letter to the President saying just that. I will read portions of that letter:

DEAR MR. PRESIDENT: As I am sure you are aware, during Congressional deliberations on the Fiscal Year 1992 Department of Defense Authorization and Appropriation Bills, there were a number of amendments offered in both Houses to cut back or eliminate funding for several long-term DoD procurements which many members feel are no longer required in light of changing world realities, particularly the recent events in the Soviet Union.

According to CBO's Mid-Session Review, the Administration's projected defense spending levels for Fiscal Years 1994 and 1995 of $295.5 billion and $298.5 billion, respectively, represent cuts below baseline of $8.4 billion, or 2.7 percent for Fiscal Year 1994, and $18.4 billion, or 5.8 percent for Fiscal Year 1995. In light of the tremendous backlog of unmet domestic needs in the areas of infrastructure, housing, education, environmental cleanup, health care, and research, and development, it is not realistic to expect reductions in domestic discretionary spending.

It is critical that these issues be addressed now; otherwise, we will find ourselves locked into spending scarce resources, in future years, on DoD procurements which may no longer have merit. I, therefore, urge you to work with the bipartisan leadership of Congress in the coming months in hopes of reaching a bipartisan agreement on changes in the BEA that will more closely reflect the changed world environment and will enable us to make rational and orderly judgments on these very important matters. If I can be helpful in such deliberations, I shall be glad to respond.

Mr. President, the President of the United States did not respond to my letter. I know that he has been very busy, and I do not quarrel with that. But I merely call attention to the fact that I did write to the President in early December and urged that there be a modification of the budget agreement and that the administration and the Congress work together on a bipartisan basis in a way that would bring that about in a reasonable and effective way.

Again, I say I have not received a response thereto. So, therefore, today I take the floor to say that I do believe there should be a modification of the agreement, and if the Congress and the administration will not work together to bring about that modification, the pressures will be so great here that we cannot withstand them and the agreement will be broken. I do not like to break the agreement unilaterally, but it is coming if the administration and the Congress will not be able to sit down together and work out a new agreement based on new realities, new circumstances that did not exist, of course, when the summit occurred.

Mr. President, I do not believe that any portion of the peace dividend should be used to offset tax cuts. I believe that the peace dividend should be used to invest directly in America and in the American people.

We simply can no longer put off investing in our people and in our infrastructure.

As leaders in a troubled time, we do not have the luxury of the standard election year fare—promising the people that a tax cut will solve everything.

What good is a tax cut, Mr. President, to a man who stands in the unemployment lines? What good is a tax cut to a single mother who has just lost her job?

The middle-class working families of this Nation certainly need some tax relief, but that should be done by shifting the burden within the Tax Code. It should not be paid for from cuts in defense. That is my judgment.

With all the critical, unmet needs which abound in this land, especially the need for some sort of affordable health care system for our people, this is, indeed, not a time when revenue-losing tax cuts are feasible or wise.

To claim that any sort of tax cut will be enough to jolt our ailing economy out of its catatonic state is shear folly. When the patient is hemorrhaging, one takes more serious measures than that of applying a Band-Aid.

World events have given this Nation a second chance—an opportunity to reverse a trend. The dissolution of a once powerful adversary has made it possible for us to reorder our priorities and redirect our energies.

We must not let this opportunity pass. The global marketplace has no tolerance for undereducated, undertrained workers.

We must improve our children's education and our workers' skills.

The world's trading bazaar has no use for outdated technology. We must finance civilian research and development to once again be competitive.

The global village has no trade for inefficient businesses.

We must repair our infrastructure to spur private investment and improve productivity.

Action is needed to provide the jolt to jump-start this sagging economy. I believe the long-term solution for America, which I proposed at the budget summit, is also the right short-term solution for America to pull herself out of the doldrums of this long recession.

Congress should quickly enact legislation to provide for short- and long-term infrastructure funding—both physical and human. This action would quickly create jobs for thousands of Americans. We are told that between 41,000 and 60,000 jobs per $1 billion of investment in physical infrastructure is the formula on which we can depend.

So this action would create jobs in public works projects that are ready right now to start, all over this country. Talk to any State administration, any county administration, any State highway commissioner and one will find that there are plans on the shelf gathering dust for which the environmental impact statements have already been made, the rights of way have already been taken care of, the plans are ready to go, and the dirt is ready to start flying if the funding can be provided.

We also need to appropriate funds for job training and retraining programs and for educational needs. The action will, I believe, not only help to bring the recession to an end, it will begin to provide the support that can improve our economic performance over the long term. If we cannot totally offset this funding now, that should not stay our hand.

Increased State and local taxes and layoffs as well as other factors have created a drag on the economy of up to $50 billion.

For this reason, economists tell us that a temporary increase in the deficit to fund such an economic stimulus package will not cause an increase in inflation or an increase in interest rates.

The reality is that this country has very little place to go but up. But we need to move quickly to relieve further pain and suffering for millions of

Americans and to begin to change the course for future generations.

Empty promises of a resurrection of prosperity through the mantra of election-year tax cuts are a sorry substitute for decisive and effective action now.

I hope that there is more meat to the President's proposal for economic recovery than press accounts would indicate, for if there is not, his plan is like offering a beggar a bone. There is no real nourishment—only something to chew on while hoping for better times.

Reversing the downward spiral we find ourselves in calls for bold action and leadership.

We cannot afford to waste time with Democrats and Republicans positioning themselves for political gain. I stand ready to work with the administration or anybody else to do what must be done for this Nation's survival as a world economic power.

Mr. President, I ask unanimous consent that my letter to the President be printed in the RECORD.

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

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
Washington, DC, December 11, 1991.

The President
The White House, Washington, DC.

DEAR MR. PRESIDENT: As I am sure you are aware, during Congressional deliberations on the Fiscal Year 1992 Department of Defense Authorization and Appropriation Bills, there were a number of amendments offered in both Houses to cut back or eliminate funding for several long-term DoD procurements which many members feel are no longer required in light of changing world realities, particularly the recent events in the Soviet Union.

The Budget Enforcement Act (BEA) set three discretionary spending caps for Fiscal Years 1991-1993: one for domestic, one for defense, and one for international. For Fiscal Years 1994 and 1995, these three caps are replaced by one overall cap for discretionary spending. I am concerned that, if we continue to fund defense in Fiscal Years 1992 and 1993 at the levels allowed in the BEA, we will face insurmountable difficulties in Fiscal Years 1994 and 1995 in meeting the discretionary spending caps called for in the Act. I applaud your recent decision to make unilateral reductions in certain tactical nuclear weapons. Nevertheless, it is my understanding that these reductions will result in no significant budgetary savings.

According to CBO's Mid-Session Review, the Administration's projected defense spending levels for Fiscal Years 1994 and 1995 of $295.5 billion and $298.5 billion, respectively, represent cuts below baseline of $8.4 billion, or 2.7 percent for Fiscal Year 1994, and $18.4 billion, or 5.8 percent for Fiscal Year 1995. However, for domestic discretionary spending, the projected requests of $200.4 billion for Fiscal Year 1994 and $204.3 billion for Fiscal Year 1995 represent far greater, and more severe, cuts below baseline. In fact, they would amount to real cuts below baseline for domestic discretionary spending of $14.9 billion, or 6.9 percent, for Fiscal Year 1994, and $21.9 billion, or 9.7 percent, for Fiscal Year 1995. In light of the tremendous backlog of unmet domestic needs in the areas of infrastructure, housing, education, environmental cleanup, health care, and research and development, it is not realistic to expect reductions in domestic discretionary spending.

It is critical that these issues be addressed now; otherwise, we will find ourselves, locked into spending scarce resources, in future years, on DoD procurements which may no longer have merit. I, therefore, urge you to work with the bipartisan leadership of Congress in the coming months in hopes of reaching a bipartisan agreement on changes in the BEA that will more closely reflect the changed world environment and will enable us to make rational and orderly judgments on these very important matters. If I can be helpful in such deliberations, I shall be glad to respond.

With kind regards, I am

Sincerely,

ROBERT C. BYRD,
Chairman.

Mr. BYRD. Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Montana [Mr. BAUCUS].

Mr. BAUCUS. Mr. President, I thank the Chair. I also thank the President pro tempore for that statement. I think he has put the agenda in perspective and I appreciate his remarks.

PRESIDENT BUSH'S TRIP TO JAPAN

Mr. BAUCUS. President's Bush's recent trip to Japan with a group of highly paid corporate executives has drawn a chorus of criticism both here and in Japan.

Some argue the executives on the trip bear more responsibility for the current recession than the Japanese.

Others object to what they see as scapegoating Japan.

Still others argue that it is unseemly for the President to act as a glorified salesman for American automobiles.

I have mixed feelings about the trip. On the one hand, it is good to see the President finally address himself to our trade problems with Japan. Such personal involvement is long overdue.

On the other hand, the entire trip smacks of a political quick fix to the Japanese trade problem. And such quick fixes almost always do more harm than good.

THE BUSH RECORD ON JAPAN

The trip to Japan and the Presidential rhetoric associated with it represents a sharp departure from the Bush administration's position on Japan over the last 3 years.

In the past, the Bush administration has repeatedly shied away from pursuing an aggressive trade policy toward Japan.

For example, in April 1990, the Bush administration declined to designate Japan an unfair trader under United States trade law.

Now, the administration opposes the efforts of myself and others to extend the so-called Super 301 provision of the 1988 Trade Act. It takes this position even though it concedes that a year earlier Super 301 opened the Japanese market to exports of wood products, supercomputers, and satellites.

The administration has generally opposed efforts to strengthen United States trade laws that are critical to United States efforts to open the Japanese markets. It has even agreed to positions in the Uruguay round that undermine these laws.

The administration has also blocked efforts to improve the competitiveness of United States industry vis-a-vis Japan.

In 1989, for example, the administration killed a Commerce Department initiative to make the United States the leader in the development of the next generation of consumer electronics—high definition television.

Just last year, the administration threatened to veto congressional efforts to invest Federal money in developing commercial technologies that would help United States industry compete with Japan.

The Bush administration has opposed these initiatives because of a misguided belief that our competitors play by the same free market trade principles as we do.

THE BUSH REVERSAL

But as the New Hampshire primary approaches and the trade deficit with Japan looms as a huge blot on the administration's economic record, President Bush has broken from this hands-off rhetoric largely and laid blame for the recession on Japan.

Unfortunately, the one lesson that is clear from three decades of trade disputes with Japan is that one-shot initiatives never pan out.

As a number of commentators are fond of noting, every United States President since President Nixon has declared victory over the Japanese trade problem. Indeed, the Bush administration has declared victory twice: First when he incorrectly declared the structural impediment initiative talks a success. And, more recently his claim of victory upon returning from Japan.

But history has shown these declarations premature and the victories hollow.

In fact, in the cases where we have made trade gains with Japan—beef, semiconductors, and forest products—the victories came only after years of sustained effort and a commitment by the United States industry to produce quality products.

A FORMULA FOR SUCCESS

Unfortunately, I fear the Bush administration has not made a long-term commitment to solving our trade problems with Japan.

I hope that the agreements with Japan on auto parts and computers will yield benefits. It appears that they will not. But I fear they will soon be

forgotten and the Bush administration will return to its tired free market rhetoric.

If the administration were truly committed to solving the Japanese trade problem, it would have worked with Congress to fashion a comprehensive trade and competitiveness policy.

It would have worked with Congress to identify key Japanese trade barriers and engaged in tough negotiations to eliminate them.

It would have worked with Congress and United States industry to build competitive products that could be sold in Japan, as well as in this country.

It would be willing to invest Federal funds in developing commercial technology and raising American educational standards.

Such a policy could make a real difference. Even though none of this could be completed before the Presidential primaries and the general election in November in the interests of saving our country and building a sound economy, we should start now.

Mr. President, I yield the floor.

Mr. BRYAN addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Nevada [Mr. BRYAN].

Mr. BRYAN. I thank the Chair.

SPEAKER SAKURAUCHI'S COMMENTS ON AMERICAN TRADE POLICY

Mr. BRYAN. Mr. President, I offer my comments this morning in the context of when will we learn?

Mr. President, I refer to the alleged comments by Speaker of the Japanese House, Yo-shio Sakurauchi. They are arrogant, they are offensive, and they are insulting. The Speaker is quoted as disparagingly saying that the United States is "Japan's subcontractor" and that the world may tell America "you're no good." Predictably, there are already reports of denying the comments, but there is acknowledgment of the sentiments behind the words.

The President should take heed that this is the kind of response his weak trade policies have evoked. Weakness and softness at the bargaining table, rather than eliciting concessions and meaningful agreements, has bred only contempt and vague agreements repudiated as soon as Air Force One leaves the Pacific time zone.

The President claimed that his recent journey had made real accomplishments in opening up the Japanese market. Now we are told by Mr. Bush's friend, the Japanese Prime Minister, that there are no "promises" on buying 20,000 American cars, just "targets."

The administration says this back peddling "may be"—I emphasize the words "may be"—"a sign of backing off from the stated goals that they have unilaterally set for themselves." What does it take, Mr. President, for the administration to learn.

This is not a sign; this is a billboard. A billboard of contempt for our economy, our businesses, our workers and most of all the administration.

Considering the weak advocacy of American business and industry it is no wonder the Japanese hold us in such contempt. President Bush went to Tokyo looking for a helping hand, instead he was turned away with soothing words and meaningless and vague agreements.

The Japanese Government is not the friend of American business or the American worker but rather the friend and ally of Japanese business and workers. This is not wrong, nor is it Japanese bashing to point that out. What is wrong, is terribly wrong, is that this administration cannot understand that their ideological purity to free trade, without defending America's interests has been a failure. The sooner we put our own house in order, the more respectful our international competitors will treat Americans with respect rather than contempt.

I yield the floor.

Mr. KENNEDY addressed the Chair.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Massachusetts.

Mr. KENNEDY. I see my friend and colleague from New York on the floor. I know he desires to speak. How much time remains before the time for recessing?

The ACTING PRESIDENT pro tempore. The Chair advises the Senator there are 3½ minutes remaining before the scheduled recess.

EXTENSION OF MORNING BUSINESS

Mr. KENNEDY. Mr. President, I ask unanimous consent that the time for morning business be extended until 12:45 under the same conditions and limitations as previously ordered.

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

The Senator from Massachusetts has the floor.

Mr. KENNEDY. I thank the Chair.

(The remarks of Mr. KENNEDY pertaining to the introduction of S. 2137 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. MOYNIHAN addressed the Chair.

The ACTING PRESIDENT pro tempore. The Chair recognizes the distinguished Senator from New York.

TRIBUTE TO ARTHUR OCHS SULZBERGER

Mr. MOYNIHAN. Mr. President, on this first day of the 2d session of the 102d Congress, I rise to record for the Senate what all of the world knows. After 29 years as publisher of the New York Times, Punch Sulzberger has retired.

This can only be an occasion for celebration. Celebration, that is, of a career of unequaled responsibility fulfilled with unequaled rigor and unexampled grace.

It would be some 205 years this January that Thomas Jefferson's letter to Col. Edward Carrington included this memorable passage.

> The basis of our government being the opinion of the people, the very first object should be to keep that right; and were it left to me to decide whether we should have a government without newspapers, or newspapers without a government, I should not hesitate a moment to prefer the latter.

Jefferson cannot have had the New York Times in mind. Who could: not even he. But something approaching its republican majesty? Yes, surely. His hopes for the Nation exceeding anyone's reach at that moment. Indeed, the New York Times was founded a scarce quarter century after Jefferson's death. Adolph S. Ochs became publisher not a half century later, and that lineage has continued ever since.

The New York Times is very simply the world's greatest newspaper. More: The greatest newspaper the world has ever known. It is described as the newspaper of record, and it is just that. Each year its mammoth Sunday edition—some three quarters of a million words—and its quarter million word daily edition—some 113 million words a year, almost twice that of the King James Bible—fix for all time the record of the age. Not, mind, anyone's opinion of that record; merely the events that the world will continuously reassess and reinterpret. The world has known no such achievement. The great ascent of the S curve is completed now; all else is consigned to the imitative and tedious destiny of the asymptotic.

How the Times has changed the world. The news story of January 17 reporting that Arthur Ochs Sulzberger had relinquished the publisher's title noted that he first became publisher in 1963 at a moment when "The Times and the city's other papers were still reeling from a prolonger strike." It happens that as an Assistant Secretary of Labor I accompanied the Secretary to New York City to help resolve that epic conflict. Weeks of negotiation followed, during which the only facts in circulation came by word of mouth. From the Rialto, as the old Italian saying has it. Save that they were not facts. Twenty minutes would serve to transmute the plainest event into the most fantastical invention. One learned to appreciate anew the printed word.

Having said all that, and mindful of the occasions on which Everett Dirksen, having eulogized the marigold, would turn to Margaret Chase Smith, bow most reverently, and assure his colleague that his remarks were not meant "To slight the rose," allow me to note that jointly with the Washing-

ton Post, the Times now publishes the International Herald Tribune. The old Paris Trib is a joy in itself and an institution of its own. But now more. It has become the first European newspaper. The premier journal of the New European Community. May the joint enterprise prosper far into the future.

It would be perhaps inappropriate on this occasion to speak too personally of Punch Sulzberger, save to say that he is loved, and deservedly so. On December 17 a year ago, I had occasion to be his guest at luncheon. With his characteristic grace, and urge to get the facts on record, he began by noting that that occasion marked the 25th year since I had first dined there. It is a quarter century I shall treasure.

It would be a daunting assignment even for our illustrious President pro tempore to record the number of other U.S. Senators who have also dined at that table. Surely, a third of our membership over more than two centuries have been there. All have been welcomed; in recent decades with this lovely "Grace before Meat" by John M. Finley.

O Lord, the Giver of all Good.
In whose just Hands are all our Times.
We thank Thee for our daily Food
Gathered (as News) from many Climes.
Bless All of Us around this Board
And All beneath this ample Roof:
What we find fit to print, O Lord,
Is, after all, the Pudding's Proof.
May Those we welcome come again
And Those who stay be glad. Amen.

And so, not goodbye, great friend, but on to other matters, including, of course, the management of the Times and its vast enterprises. May I also conclude by extending the Senate's most sincere felicitations to the incomparable Carol. Greetings also to the new publisher, Arthur Ochs Sulzberger, Jr. He began his career as a reporter in the Senate gallery, and alas, knows our ways. There could be no better time to mind them.

Mr. President, I ask unanimous consent that the Times account of Mr. Sulzberger's retirement, and his successor's editorial statement be printed in the RECORD at this point.

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

[From the New York Times, Jan. 17, 1992]

ARTHUR OCHS SULZBERGER PASSES TIMES PUBLISHER'S POST TO SON; FATHER REMAINS AS CHAIRMAN AND CHIEF EXECUTIVE

(By Alex S. Jones)

Arthur Ochs Sulzberger, chairman and chief executive officer of The New York Times Company and for 29 years publisher of The New York Times, relinquished the publisher's title yesterday to his son, Arthur Ochs Sulzberger, Jr.

As publisher Mr. Sulzberger, Jr. will oversee all aspects of the newspaper, including its editorial-page policy. He will report to the elder Mr. Sulzberger, 65 years old, who intends to continue active participation in the overall company day to day as chairman and chief executive.

Mr. Sulzberger, Jr., 40, has been deputy publisher since 1988. He represents the fourth generation of his family to head The New York Times, and he is the fifth member to serve as publisher in the 96 years since the family acquired the newspaper. Through several trusts, the family controls about 84 percent of the stock that elects 9 of the Times Company's 14 board members.

In a statement yesterday after a meeting of the board, the elder Mr. Sulzberger said: "This promotion is another important step in forming the management team that will lead The New York Times in the years ahead. The appointment will allow me more time to work directly with our other lines of business and to concentrate on the further development of the company."

In an interview, Mr. Sulzberger said: "If you believe in the process of an orderly transition, then you have to 'tran-*sit*.' It gives me great fatherly pride to turn the publishership over to someone not only qualified, but a son."

Mr. Sulzberger, Jr. has worked at The Times since 1978 in many departments, including news, advertising, production and strategic planning. His appointment has been expected throughout the industry as Mr. Sulzberger neared his 66th birthday, on Feb. 5.

PLANNING NEW PRINTING PLANT

In recent years, Mr. Sulzberger, Jr. has taken a leading role in shaping the paper's future—helping, for example, to plan the $450 million color printing and distribution plant in Edison, N.J., which is expected to open this year. Mr. Sulzberger, Jr. took part in creating the paper's redesigned sports and metropolitan news sections, and has been one of the newspaper industry's most outspoken advocates of diversity in the workplace.

In a letter to the paper's staff, Mr. Sulzberger, Jr. said, "I pledge my devotion to the precepts that make this paper great: the fairness and honesty of its journalism, the integrity of its business practices, and the decency of its treatment of all individuals."

Reporting to Mr. Sulzberger, Jr. will be Max Frankel, The Times's executive editor; Lance R. Primis, the paper's president and general manager, and Jack Rosenthal, editorial page editor.

Founded in 1851, The Times was on the verge of bankruptcy when it was acquired in 1886 by Adolph S. Ochs, a former printer in Tennessee who had become the successful proprietor of The Chattanooga Times. Mr. Ochs, at 38, became publisher of The New York Times and moved north, to live with his wife and daughter, Iphigene. Mr. Sulzberger, Jr. is Mr. Ochs's great-grandson.

Upon Mr. Ochs's death in 1935, Iphigene's 43-year-old husband, Arthur Hays Sulzberger, was named publisher; he served until 1961, when the publisher's chair passed to Orvil E. Dryfoos, 48, whose wife, Marian, was the oldest child of Arthur Hays and Iphigene Sulzberger. The Sulzbergers had four children; the youngest, and the only son, was Arthur Ochs Sulzberger.

In 1963 Mr. Dryfoos died. Arthur Ochs Sulzberger—known all his life by the nickname Punch—became the paper's president and, at age 37, its youngest publisher. He was elected chairman and chief executive of the paper's parent company in 1973.

In 1979, the company gave the title of president and chief operating officer to Walter E. Mattson. Mr. Mattson retains responsibility for the operating groups of the Times Company, which now includes numerous broadcast, magazine and newspaper properties, and will continue to report to Mr. Sulzberger.

STEERED THROUGH LANDMARK CASES

As publisher, Mr. Sulzberger has steered the paper through an era marked by some of the most significant journalistic achievements in the paper's history, including Times v. Sullivan, a landmark First Amendment decision by the United States Supreme Court shielding journalists against many libel suits by public officials. And it was Mr. Sulzberger who made the decision in 1971 to publish the secret Government history of the Vietnam War known as the Pentagon Papers, and who led the company's successful Supreme Court defense of that decision. He said he took particular pride in the 31 Pulitzer Prizes—out of the paper's 63—awarded during his tenure.

The Times has also expanded considerably as a business, with revenues of $1.7 billion in 1991, compared with $100 million in 1963. Weekday circulation is now 1.1 million, compared with 714,300 in 1963, and Sunday circulation grew to 1.7 million, from 1.4 million, making the Times the nation's largest Sunday paper.

Mr. Sulzberger has been a quiet but active force in the industry and served as chairman of the American Newspaper Publishers Association as well as on many other industry boards.

Yesterday, assessing Mr. Sulzberger's contribution to publishing, Katharine Graham, chairwomen of The Washington Post Company, said: "Above all, he took the quality of the product up to an entirely new level. I think he's been an outstanding publisher and a modest and wonderful man—and he's really funny."

Both those who worked closely with Mr. Sulzberger and members of his family cited as perhaps his greatest overall achievement a refusal to abuse the power that went with being publisher of The Times. While taking his responsibility seriously, they said, he also bore it with a lightness, warmth and and self-deprecating wit that made him a beloved figure throughout the paper.

"It was like inheriting the White House," said A.M. Rosenthal, who served as The Times's executive editor during much of Mr. Sulzberger's tenure, "and he has never used the paper for personal, family, political or financial advantage, ever. That's his monument."

TOOK CHARGE WHEN PAPER WAS REELING

Susan W. Dryfoos, daughter of Mr. Sulzberger's predecessor Orvil Dryfoos, said: "He is so modest, so understated and so wise. It never went to his head." She described the Sulzberger family as "bursting with pride" at Mr. Sulzberger's performance as steward of the family's great jewel.

When Mr. Sulzberger became publisher in 1963, the Times and the city's other papers were still reeling from a prolonged strike. And though Mr. Sulzberger was working as an executive at the Times, he was regarded even by some within the family as unprepared for such demanding responsibilities.

In an interview yesterday, Mr. Sulzberger recalled being "shellshocked" by having to assume the job.

"My sister Ruth called me after my first day as publisher and asked me how it had gone," he recalled, "and I said, "I've made my first executive decision. I've decided not to throw up.'" Gradually, Mr. Sulzberger negotiated critical agreements with unions that effectively opened the door to a new area of using high technology to make the

paper's operations more efficient, a process that continues today in the form of the new Edison plant.

But in the early 1970's, The Times faced a financial crisis that the company viewed as a threat to the paper's very existence.

EXPANDING PAPER, NOT SLASHING COSTS

The Arab oil embargo had plunged the nation into recession, and New York City, after years of free spending, was on the verge of bankruptcy. Advertising at The Times plunged by 25 percent from 1969 to 1974.

Mr. Sulzberger's predecessors had fought their way out of similar fiscal emergencies by investing in improvements and by expanding the paper rather than slashing costs in ways that damaged journalistic quality. During World War II, for example, when newsprint was rationed, newspapers had had to choose between reducing space for news or advertising. The Times elected to reduce advertising, which hurt immediate profits but attracted news-hungry readers who remained with the paper when rationing was lifted. The New York Herald Tribune, then The Time's main competitor, reduced its news coverage and never recovered the resulting loss of readership, ceasing publication in 1967.

Taking his family's example, Mr. Sulzberger elected to solve the paper's financial problems by attracting new readers—and thus advertisers—by investing heavily in new sections, to broaden the paper's appeal.

The daily paper went from two parts—a front section and a Metro section—to four. Each weekday edition was given its own special section: SportsMonday, Science on Tuesday, Living on Wednesday, Home on Thursday and Weekend on Friday. In addition, a daily business section—Business Day—was begun. Each of the sections not only had audience appeal, but offered a new environment for specialized advertising, like financial ads for the business section. Circulation and advertising—and profits—rose accordingly.

Mr. Sulzberger also accelerated the policy of acquiring compatible businesses to diversify the company's sources of income.

The Times Company, which he continues to direct, now includes 32 regional newspapers; a one-half interest in The International Herald Tribune, based in Paris; 17 consumer and trade magazines including McCall's, Family Circle and Golf Digest; five television stations; an AM and an FM radio station, WQXR in New York; a news service and other information services; and interests in two newsprint companies and one supercalendered mill.

Mr. Sulzberger, Jr. assumes the paper's helm at a time when the New York region is in deep recession and advertising has declined steadily for several years. The company has projected earnings of 55 cents to 60 cents a share for 1991 compared with 85 cents a share in 1990.

But in an interview, Mr. Sulzberger, Jr. said that the fundamental lesson in the paper's history was that "if you have quality information, profit will follow," and he pointed to the recent investments in expanded sports and metropolitan coverage as an indication of his approach.

While Mr. Sulzberger, Jr. said the paper would continue to evolve, he said he planned to make no executive changes in the near future and predicted that The Times would look essentially the same a year from now, except for color in some Sunday sections after the Edison printing plant opens.

As publisher, Mr. Sulzberger, Jr. plans to confer daily with Jack Rosenthal, the editorial page editor, as his father did.

IN ACCORD ON THE ISSUES

He said that he and his father were in virtually total agreement about the paper's editorial positions, and that he intended to consult with his father on editorial policy. Indeed, Mr. Sulzberger, Sr. said he would continue to write occasional editorials.

The new publisher was born in Mount Kisco, N.Y. While he was still a child, his parents divorced. He lived with his mother, the former Barbara Grant, and his stepfather.

At 14, with his mother's blessing, he elected to live with his father, who had since married Carol Fox Fuhrman.

Mr. Sulzberger, Jr. said he had made the change to come to know his father better, though their relationship was somewhat strained when the younger Sulzberger adopted the trappings of the 1960's, including wearing his father's old Marine Corps jacket on all occasions.

But he said his father's "civility of spirit" was such that he allowed his son to go his own way largely without criticism, and the two grew very close and remain so. For instance, in his statement on today's editorial page, Mr. Sulzberger, Jr. said of his father, "It gives me great comfort to know that his presence and counsel will continue for years to come."

In 1970, Mr. Sulzberger, Jr. entered Tufts University, outside Boston, where he studied political science and spent several vacations working at various newspapers, including The Boston Globe and The Vineyard Gazette.

He said he had already concluded that his essential life ambition was to follow his father's footsteps as publisher of The Times.

"I do not recall ever having that debate with myself, which I consider lucky," he said. "I was not pushed to do it either by myself or some strange sense of responsibility." He added, "It was something I wanted to do as long as I can recall."

Upon graduation in 1974, Mr. Sulzberger, Jr. took a job as a general assignment reporter at The Raleigh Times, an afternoon paper in North Carolina no longer in existence that was operated by the Daniels family, another newspaper dynasty that continues publish The News & Observer in Raleigh.

While in Raleigh, Mr. Sulzberger, Jr. married Gail Gregg, whom he met while visiting his mother in Topeka, who had moved there and which was Ms. Gregg's hometown. Ms. Gregg was also a journalist, and worked for The Associated Press at the time. The couple have two children.

JOINED TIMES IN 1978

After two years, Mr. Sulzberger, Jr. left Raleigh to become a correspondent for The Associated Press in London.

In 1978, when Mr. Sulzberger, Jr. finally joined The Times as a reporter in the Washington bureau, he said he felt he knew what he was doing.

"I wasn't the greatest reporter in the world, but I wasn't starting at zero," he said.

In Washington, Mr. Sulzberger worked on a wide array of articles, from the long-term impact of nuclear testing in the 1940's to a brief stint covering the Federal Trade Commission. He recalls with some pride an article he wrote about the Panama Canal Treaty that "led the paper," meaning that it appeared in the upper-right corner of the front page, the position reserved each day for the most important news article.

Shortly after Ronald Reagan became President, the family moved to the Upper West Side of Manhattan, the neighborhood where he has lived since then.

As a member of the metropolitan staff, Mr. Sulzberger, Jr. worked as a general assignment reporter and covered City Hall.

He then became an assignment editor for year, which he described as "the single most exhausting job I ever had."

This was his first management experience.

"I was not a great manager, but I walked around a lot, often without shoes on, and that walking around will cover a multitude of sins," he said, adding that he concluded that the fundamental role of a good manager is motivation.

"It's no different from now," he said, and, indeed, he still walks around a lot, speaking to people in the newsroom, but wearing shoes.

REFINED STYLE OF MANAGEMENT

In 1982, Mr. Sulzberger, Jr. transferred to the advertising department, where he sold advertising and supervised an advertising sales team.

Mr. Sulzberger, Jr. said it was during this period that he began to think carefully about his own management style, which he characterized as a belief in group decision-making that taps the energy and insight of a wide array of participants.

"I don't think leadership demands yes or no answers; I think leadership is providing the forum for making the right decision, which doesn't demand unanimity," he said.

This month, in keeping with his management views, he oversaw changes in the paper's business management organization intended to streamline decision-making and encourage innovation and individual accountability.

After advertising, Mr. Sulzberger, Jr. moved to corporate planning, where he was instructed in the analytical skills required in managing a sophisticated business, and there followed a period in production, including two nights each week as night production manager overseeing the presses at the paper's 43d Street headquarters.

When he was made assistant publisher and later deputy publisher, Mr. Sulzberger, Jr. said, the threads of his multifaceted training began to come together and are still coalescing.

While he said the paper would continue to have "the honesty of its journalism and the honesty of its business practices" as its guiding principle, he said he was not afraid of experimenting and making mistakes.

"If you don't occasionally make a mistake, you aren't trying hard enough," he said.

A GENERATION REMAINS CLOSE

As a child, during weekend visits with his father, Mr. Sulzberger, Jr., he often went to Hillandale, the Connecticut estate of his paternal grandparents—Arthur Hays and Iphigene Sulzberger, whom he and the other 13 Sulzberger grandchildren called Bumpy and Granny.

His generation of cousins remain close, Mr. Sulzberger, Jr., said, attributing the friendship in part to their time together as children at Hillandale, where the family's heritage was lightly but constantly present. That generation has created a charitable trust, the Hillandale Group, to which they all contribute.

Four of Mr. Sulzberger, Jr.'s first cousins also work at the Times Company: Stephen Golden, Ruth S. Holmberg's son, is vice president for forest products; his brother Michael Golden is senior vice president and general manager of the women's publishing division; Daniel Cohen, Judith Sulzberger's son, is director of sales development in the circulation department of The Times, and Susan W. Dryfoos, Marian S. Heiskell's daughter, is director of the Times History Project, a continuing video documentary of the paper and the company.

Speaking of his family generally, Mr. Sulzberger, Jr. said, "The New York Times is inherent in what we are, but not worn as "what we are'; it's important and crucial to all of us, but not something that was drilled in, in any specific ways."

[From the New York Times, Jan. 17, 1992]

FROM THE PUBLISHER

It has been four generations since Adolph S. Ochs laid down the precepts that have successfully guided The New York Times for 96 years. Those principles have been carried forward with distinction by my grandfather, Arthur Hays Sulzberger; my uncle, Orvil E. Dryfoos, and my father, Arthur Ochs Sulzberger.

Each of these men, in their message upon being named Publisher, quoted the pledge Mr. Ochs made when he took the helm of The Times: To give the news impartially, without fear or favor, regardless of any party, sect or interest involved.

Each remained faithful to those words and the spirit behind them.

To follow in such footsteps is both a great honor and a daunting challenge. I pledge that, with the aid of the men and women who make this great paper all it is, The Times will continue to adhere to the high standards of journalism and business to which it has always held itself.

In assuming the duties of this office, I remain grateful for the guidance that has been and will continue to be given to me by my father. While he relinquishes the title of Publisher, he retains that of Chairman and Chief Executive Officer of The New York Times Company. It gives me great comfort to know that his presence and counsel will continue for years to come.—Arthur Ochs Sulzberger, Jr.

Mr. PRESSLER addressed the Chair.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from South Dakota [Mr. PRESSLER].

NUCLEAR NONPROLIFERATION

Mr. PRESSLER. Mr. President, it was my pleasure to make a trip during the recess to India, Pakistan, and Sri Lanka. I am particularly interested in the issue of nuclear nonproliferation throughout the world, and I was looking into the effects of the amendment I sponsored some years ago that has resulted in the elimination of United States aid to Pakistan. The so-called Pressler amendment, which became law in 1985, states that if the President cannot certify to Congress on a yearly basis that Pakistan does not have a nuclear weapon, United States aid to that nation be cut off.

For several years, the Reagan administration was able to certify that Pakistan did not have a nuclear weapon. However, in 1990, the administration, with the technical information available to it, was unable to certify. Indeed, it is widely believed that Pakistan does have a nuclear weapon. It may keep it in two or three components, but it could assemble such a weapon very quickly. Thus, United States aid to Pakistan quite rightly has been shut off.

Mr. President, I think we need to make every effort to work toward the reduction of nuclear weapons in the world. Members of the Security Council are reducing their nuclear weapons. There are also reductions being made in conventional arms. However, certain small countries appear simultaneously to be acquiring nuclear weapons. This is a very dangerous development.

One example of this danger is that Islamic fundamentalism could take control in Pakistan very easily. The result would be a country ruled by Islamic fundamentalists in control of nuclear weapons.

Also, while in the region, I did a great deal of listening about some strategic changes that are occurring. One potential change, is that the Muslim states of the former Soviet Union which have now become independent, may well look to Pakistan and its warm, deepwater port at Karachi as an outlet for supplying their trading needs.

Traditionally, these former Soviet Republics have been forced, by the Soviet Union, to ship by rail to either the port at Vladivostok in the east or Minsk in the west as their major ports. Now, if they choose to come down through Afghanistan and the Khyber Pass into Pakistan, they can very easily use the deep, warmwater port at Karachi. There is a feeling on the part of many leaders with whom I visited during this trip that a confederation of eight or nine Muslim states could emerge as a new strategic force in the world. These are the five or six former Soviet Republics that are Muslims, Afghanistan, Pakistan, possibly Iran, and parts of Turkey. If all these states turn to Islamic fundamentalism and possess nuclear weapons, which some of them already do, it would be a very serious threat to world stability.

At least two or three of the Muslim states in the former Soviet Union have nuclear weapons. They are supposed to turn these over to Russia, but whether that actually will happen remains to be seen. Pakistan also has nuclear weapons. This could result in competition between Pakistan and Iran for leadership of any such confederation.

The point is that an entirely new strategic group of Islamic fundamentalist states with nuclear weapons may be emerging in that part of the world. As a result, the United States must be very careful about its policy regarding foreign aid. American taxpayers do not want to subsidize the building of nuclear bombs nor should they be in the position of indirectly supporting the buildup of conventional weapons.

There is now a shifting of used weapons to countries such as Pakistan and India and other countries in that region, in Africa and throughout the world. This, too, is a dangerous development.

I am working to develop new measures designed to reward countries for reducing nuclear arms, if they have them, and for reducing conventional arms. The great powers of the world should establish a regime that would facilitate the reduction of all types of armaments. The great powers are reducing their armaments, while many of the smaller countries are increasing theirs. It is almost incomprehensible to imagine the results in the Persian Gulf had Iraq had a nuclear bomb. Pakistan and other countries in this region could soon be in this very position.

During my trip, I also urged India to sign the Nuclear Nonproliferation Treaty. I also encouraged India to participate in the five-nation meeting that has been proposed as part of efforts to reduce the nuclear threat in South Asia.

Mr. President, this trip was taken in connection with my assignment to the Foreign Relations Committee. I found it very worthwhile and am certain it will help me do a better job both in that committee and in the Senate. As the result of this trip it has also become clear to me that the U.S. Government has taken the correct position concerning nuclear nonproliferation in South Asia and I urge that we maintain it.

Mr. President, I ask unanimous consent to place articles which appeared in the Hindustan Times on January 12, 1992, the Times of India on January 14, 1992, and the Pierre, SD, Capital Journal on January 17, 1992, in the RECORD.

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

[From the Hindustan Times, Jan. 12, 1992]

PRESSLER WARNS INDIA OF ISLAMIC "FEDERATION"

NEW DELHI, January 11.—American Senator Larry Pressler spoke of a danger of seven to nine Islamic "fundamentalist" nations, some of them possessing nuclear weapons capability, forming a "federation" to become a major force in this region in the late 1990s and, he felt, "this could cause a problem to India."

Addressing a Press conference here today, Mr. Pressler said the "fundamentalist belt" of the Muslim nations could include Pakistan, five central republics of the erstwhile Soviet Union, Afghanistan, Iran and parts of Turkey.

During his talks yesterday with the Indian leaders, including Prime Minister P.V. Narasimha Rao, External Affairs Minister Madhavsinh Solanki and Defence Minister Sharad Pawar, Mr. Pressler said he warned them of the danger of a new force of Islamic nations emerging in the 90s with them.

Mr. Pressler said he told the Indian leaders that such a scenario in the vicinity of India could pose a problem for it. "There was some concern when I told them about this possibility," he said, adding that they were, however, the best judge to analyze such a situation.

Mr. Pressler is the author of an American law, widely known as the "Pressler Amendment", under which U.S. military and economic aid has been denied to Pakistan in view of its nuclear weapons programme.

He is here as part of his 11-day official visit to South Asia. He is leaving for Islamabad tomorrow from where he will go to Sri

Lanka and possibly to Maldives on his way back home. The 49-year-old Mr. Pressler has represented the State of South Dakota in the U.S. Senate since 1979.

Before his election to the Senate, he served two terms (four years) as member of the U.S. House of Representatives.

Answering questions, Mr. Pressler said there was "no need to bring India within the ambit of the Pressler Amendment to deny it the U.S. aid on the nuclear issue."

In fact, Mr. Pressler suggested a "US sponsored" Camp David type summit between India and Pakistan to resolve the nuclear issue.

Mr. Pressler appreciated India's decision not to sign the Nuclear Non-Proliferation Treaty (NPT) and said there was "substantive evidence" to suggest Pakistan's involvement in terrorism in India's two border States—Jammu and Kashmir and Punjab.

A ranking Republican on the Senate's European Affairs Sub-Committee, Mr. Pressler is also on the Science, Technology and Space Sub-Committee and the Small Business Export Expansion Sub-Committee. He is also a member of both the Near Eastern and South Asian Affairs Sub-Committee and the Rural Economy and Family Farming Sub-Committee. The Senator is also an honorary chairman of the Washington based National Indian-American Chambers of Commerce.

With Islamic fundamentalism "on the rise in the world," Mr. Pressler said the group of seven to nine geographically continuous Muslim States, including Pakistan, could get together into a "confederation" and could be a major force in this part of the world causing problems for India.

In his opinion, pressure should be mounted on the Central Asian republics of the former Soviet Union to hand over their nuclear weapons to the Russian Federation.

About the possibility of a Camp David type summit of India and Pakistan, Mr. Pressler said during his talks with Mr. Narasimha Rao and the External Affairs and Defense Ministers he got the impression that New Delhi was willing to talk to Islamabad to iron out differences on contentious issues.

Although Mr. Pressler did not foresee the possibility of any immediate breakthrough, he said a summit could be held in a year's time to tackle the nuclear issue between India and Pakistan.

At the same time, Mr. Pressler supported Pakistan Prime Minister Nawaz Sharif's proposal for a five-nation meeting to settle the nuclear question with India on a regional basis.

Emphasizing the need to prevent Pakistan from becoming a nuclear power, Mr. Pressler said he was in favour of the proposal for a five-power agreement to make South Asia a nuclear weapons free zone.

Some way must be found to have an early meeting of the leaders of India, Pakistan, China, the USA and the erstwhile USSR in this connection, he suggested, "A Camp David type meeting can also be arranged with the U.S. assistance," he commented.

Regarding the possession of nuclear weapons by some of Central Asian republics of former Soviet Union, Mr. Pressler said some sort of conditionalities would have to be attached to the foreign economic aid to them "so that they hand over their weapons to the Russian Federation."

The Senator did not want India to retain its nuclear option in the face of the possible threat from Islamic States in the neighborhood. "I would rather like India to sign the Nuclear Non-Proliferation Treaty keeping in view the ultimate objective of a nuclear-free world by the 1990s," he observed.

"I am aware of India's opposition to signing the treaty," Mr. Pressler said, adding that the five-nuclear weapon States—the US, Russia, Britain, France and China—would gradually reduce their nuclear stockpile.

According to Mr. Pressler, the Bush administration had wanted the "Pressler Amendment" to be repealed in the U.S. Congress. But, he felt, the measures should be kept in the way as it was in view of overwhelming evidence of Pakistan's nuclear weapons programme.

As far as India was concerned, the Senator felt that the "Pressler Amendment" was not necessary as there was no evidence towards non-peaceful uses of nuclear energy, a fact which had been borne out by technical experts.

"However, the Pressler Amendment is very much needed to end nuclear proliferation and to give an opportunity for arms control", he maintained.

For better India-Pakistan relations, Mr. Pressler said that there was need for confidence-building measures in an effort to have a peaceful environment in the region. But, he pointed out, the Indian leaders had furnished evidence to show Islamabad's involvement in subversive activities in the border States.

[From the Times of India, Jan. 14, 1992]

PAKISTAN REFUSES TO CURTAIL N-PLAN

ISLAMABAD, January 13.—Pakistan has turned down suggestions by Washington to roll back its weapon-oriented nuclear programme and has declined to unilaterally sign the nuclear nonproliferation treaty, report PTI and Reuter.

Islamabad's position was conveyed to the U.S. senator, Mr. Larry Pressler, during his meetings with the federal finance minister, Mr. Sartaz Aziz, the minister of state for foreign affairs, Mr. Siddique Khan Kanju, and the senate chairman, Mr. Wasim Sajjad.

Responding to questions at a press conference at the end of his two-day visit to Pakistan today, Mr. Pressler said he had not received any indication from Islamabad that it was willing to roll back its nuclear programme.

Pakistan, he said, should take overt steps to dismantle its nuclear weapon capability. The Bush administration would be in a position to issue the necessary certification under the Pressler amendment only after Islamabad takes such a measure, he said.

The U.S. administration is convinced Pakistan has gone beyond a theoretical nuclear capability and has developed a nuclear bomb, "The Bush administration has determined that Pakistan has a nuclear device it could use," Mr. Pressler said.

"The Bush administration made a determination, and I cannot talk for the Bush administration, that Pakistan has the capability to have a nuclear bomb which may have to be put together. It is in two pieces or something, but it is there," he said.

"It may not be a bomb that we can look at or touch or so forth," he said.

Pakistan denies developing nuclear weapons, but President George Bush halted all military or new economic aid in October 1990 after refusing to certify under a law introduced by Pressler that Pakistan was not developing nuclear weapons.

U.S. sources said then that Pakistan had stepped up efforts to make weapons-grade uranium. Mr. Pressler made it clear that Washington believed Pakistan's nuclear programme had gone much further.

The U.S. Senator said more amendments were in the offing later this month to enhance U.S. relations with those countries which were not only reducing nuclear weapons but also cutting down their conventional weapons.

He said there was considerable apprehension of the emerging "Islamic bloc" possessing nuclear bombs and fears of growing Islamic fundamentalism.

The new strategic group, he said, could get access to the warm water port in Karachi.

He said there was no evidence that India has a nuclear bomb. Technical experts in the U.S. had suggested that India had abandoned is programme in this regard while Pakistan was going ahead with it, he said.

The visiting U.S. senator, who during his recent New Delhi visit had criticised Pakistan's involvement in secessionist and terrorist activities in Jammu and Kashmir and Punjab, was given a cold reception by Pakistani leaders. The customary calls on the President, Mr. Ghulam Ishaq Khan, and the Prime Minister, Mr. Nawaz Sharif, did not materialise.

Most of the Pakistani dailies today led its front page reports on the Pressler visit with the news of the President and the Prime Minister refusing to meet him. Official sources however claimed that there were no scheduled meetings.

Political analysts feel that Pakistan's relations with the United States had touched a low ebb in the wake of the senator's visit.

Yesterday, Pakistani authorities dismissed as unfounded Mr. Pressler's statement that he feared the creation of a nuclear-armed Islamic federation stretching from Turkey to Pakistan.

"Such baseless apprehensions hardly need any comment," Mr. Siddiq Khan Kanju said after meeting Mr. Pressler in Islamabad yesterday.

The official APP news agency quoted Mr. Kanju as saying he had made clear to Mr. Pressler that Pakistan's nuclear programme was peaceful.

Meanwhile, Pakistan today denied Indian charges that it was sponsoring secessionist activities in Jammu and Kashmir and Punjab and instead accused New Delhi of fomenting subversive activities in Pakistan.

A Pakistan government release quoted Mr. Pressler as having told Mr. Sajjad that his statement in Delhi had been reported "out of context".

While in the Indian capital, he was informed about Pakistan's involvement in the terrorist activities, but, he had categorically stated that he can give his opinion only after hearing the Pakistani side, the official release said.

Mr. Kanju termed as "wild and baseless", Indian charges of Islamabad's involvement in terrorist activities in the two Indian border states.

[From the Pierre, SD, Capital Journal, Jan. 17, 1992]

FOREIGN RELATIONS STILL IMPORTANT TASK

President Bush faces harsh criticism for paying too much attention to foreign affairs and not spending enough time on domestic issues. There should be a lesson in that for our representatives in Washington, yet, Sen. Larry Pressler, R-S.D., is off in Islamabad, Pakistan, on what seems to be a trip designed to insult Islamic fundamentalists everywhere.

While in New Delhi, India, earlier this week, Pressler said the U.S. is worried about a confederation of Islamic fundamentalist states including Pakistan, Iran, Afghanistan, Turkey and central Asian republics of the former Soviet Union. Pressler said there is a

fear that these Islamic states would develop a nuclear bomb, forming a threat to India and the rest of the world.

This is the first we've heard of such a threat, but then Sen. Pressler serves on the Senate Foreign Relations Committee and travels in circles that should know about such things. The question remains, however, what's the Senator doing in Pakistan when things are so tough here at home.

The answer's quite simple—he's doing his job.

As a member of the Senate Foreign Relations Committee, Pressler is charged with watching out for America's interests in foreign affairs. With the dismantling of the Soviet Union and its nuclear threat, the Senate committee may not have the clout it once did, but that doesn't change the fact that this country exists in a world where nuclear threats are still quite real.

Americans know from their painful experience with Iraq that the friction between smaller nations can have a profound effect on this country. And, while this country keeps searching for a peace dividend, other nations are still trying to increase the amount of foreign aid they receive from the United States.

As angered as the Pakistanis are with Pressler, they still see fit to say that this nation's policies discriminate against Pakistan which, through its insistence on nuclear proliferation, is denied U.S. aid through a law called the Pressler Amendment. Despite what the Pakistanis say, this nation has every right to reward its allies and keep potential nuclear threats at bay.

While we like to see our leaders giving their best efforts to solving problems here at home, we have to realize that the United States does not exist in a vacuum. We'll have no part in establishing a new world order unless we're paying close attention to the rest of the world.

DANA HESS,
City Editor.

REGISTRATION OF MASS MAILINGS

The filing date for 1991 fourth quarter mass mailings is January 24, 1992. If your office did no mass mailings during this period, please submit a letter to that effect.

Mass mailing registrations, or negative reports, should be submitted to the Senate Office of Public Records, 232 Hart Building, Washington, DC 20510–7116.

The Public Records Office will be open from 8 a.m. to 6 p.m. on the filing date to accept these filings. For further information, please contact the Public Records Office on (202) 224–0322.

TRIBUTE TO JUDGE CLARENCE ALLGOOD

Mr. HEFLIN. Mr. President, Clarence Allgood, a U.S. district judge from Alabama, died November 30 at his home in Birmingham after 55 years on the bench. Appointed to the Federal bench by President Kennedy in 1961, Clarence first became a judge in 1938, when he began serving in bankruptcy court, then called "debtor's court."

Judge Allgood was always described as the kind of person who would literally give a stranger the clothes off his back. In fact, there is a story recounted in his aptly named biography, "Judge Clarence Allgood: His Brother's Keeper," describing an incident when the judge gave his coat to a defendant who needed one.

As his long-time secretary, Virginia Tidwell, relates the story:

> Dressed only in a short-sleeved shirt and trousers, the man appeared to be suffering from a chill and was shivering. Allgood motioned to his bailiff, Walter Jones, and whispered to him. Jones disappeared into the judge's chambers and emerged with Allgood's favorite, old, green-checkered sport coat. * * * The bailiff helped the defendant put on the jacket. Then the trial continued.

This story speaks volumes about the character of Judge Clarence Allgood, who was known as a man who displayed deep compassion for people whether on or off the bench. Friends and colleagues say that even the people on whom he imposed punishment respected him; they thought he was fair and that they got a fair shake. As a close associate for many years says, "They didn't get off, but they got justice, kindness, and consideration."

Judge Allgood, who may have been a judge longer than any other Federal jurist, was frequently called upon to fill in for Federal judges in other districts, most of them outside Alabama. He had a reputation for getting in and making the system work.

Clarence lost both his legs at age 18 in a train accident, but most people who met him were unaware of it since he learned to use his artificial ones so well. When his wife, Marie, died 10 years ago, he insisted on a heavier caseload upon returning to work as a way to adjust to life as a widower. Despite these personal hardships, as well as numerous health problems, Judge Allgood persevered, serving up until his death last week at age 89.

In paying tribute to such a distinguished jurist as Judge Clarence W. Allgood, one cannot help but realize and acknowledge that this man did, indeed, epitomize and practice the American ideal of jurisprudence, "Justice tempered with mercy." I commend Judge Allgood on a long life of professional and personal achievement in the name of public service, and extend my sincerest condolences to Judge Allgood's family, including a son, Clarence Allgood, Jr., and sister, Mrs. Helen Hedon.

I ask unanimous consent that an article from the Birmingham News on the judge's career and biography, published earlier this year, be included in the RECORD.

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

[From the Birmingham News, Apr. 17, 1991]

JUDGE ALLGOOD FIRST IN SERIES OF LOCAL BIOS

(By Elma Bell)

After 55 years on the bench, Judge Clarence Allgood still looks forward to going to work each day.

"I like people and I like working with lawyers" Allgood explains. "As a senior judge, I can choose my cases. I like criminal cases and I like people, and I learn something every day. If I get to the place where I am not doing a good job, I believe my fellow judges and friends will have the good sense to tell me, and then I will retire."

Allgood's life story is the first in a series of books called Birmingham Portraits which feature prominent Birminghamians and are being published by the Birmingham Historical Society.

The title of this first book is Judge Clarence W. Allgood, His Brothers' Keeper. Authors are Stephen B. Coleman Jr., and Judge Stephen B. Coleman, a longtime friend. Publication of the book is being celebrated Friday night at a party at South Trust Tower, hosted by a group of Allgood's former law clerks and by the historical society.

George McMillan, who is called the dean of the Allgood law clerks, says those former clerks are now enjoying careers as lawyers and judges in cities spread all over the country.

"And they are coming here from all directions to pay tribute to Judge Allgood," McMillan says.

Talking with Allgood, it becomes obvious why the Colemans report that practically everyone who came in contact with Allgood admired and respected him, even those people who appeared before him as defendants.

"You have to have a compassion." Allgood says. "I don't crusade and I don't lecture. I never did. Those people appearing before you feel bad enough already about being there, without you jumping on them."

His compassion even extended to lawyers, who sometimes could try the patience of a saint.

"You have to understand they have to make a living too." Allgood says. "In all these years, I never issued a contempt citation—but I came close a few times.

He calls the time a lawyer infuriated him by dishonesty during a meeting in his chambers.

"I lost my temper to the extent that I told him I was tempted to ask him out into the hall so I could knock his brains out." Allgood says.

He recalls another time when he was as close as he ever came to issuing a citation. It was many years ago, and he says he has been thankful all those years that he reconsidered.

"This young lawyer did some strange things. I tried to help him, and the opposing council even tried to help him, but he seemed to tell himself that we were lined up against him," Allgood says. "He did some things in the open courtroom that caused me to make up my mind that he had mental problems, so I called a recess and talked with him in my chambers."

The young man admitted that he had been treated for some problems, and Allgood asked him to bring his attorney and come to his chambers to talk with him.

"They came, and I said if they would agree that the young man go to a doctor of his choice for treatment, and keep me advised periodically on his progress, I would not issue a contempt citation."

They agreed to Allgood's suggestion.

"That young man went on to a successful career, and is still practicing law today," Allgood says. "And there is no contempt citation on his record."

In their book, the Colemans tell about Allgood's reputation for "getting down to business." Appointed in 1938 as Referee in Bankruptcy over what was then called Debtor's Court, Allgood quickly established a reputation for believing the court had a duty both to the debtor and to the creditor to work out a feasible plan of payment, and "to get things going."

President Kennedy appointed Allgood the third judge in the Northern District of Alabama in 1961. At the investiture ceremonies, Clifford Fulford represented the Birmingham Bar Association and said, "Your life has demonstrated that you will listen and consider before you pass judgment, and perhaps most important of all that you will judge with an understanding heart."

The Colemans point out that this did not indicate a "bleeding heart" approach to the law. "Allgood found satisfaction in bringing swift justice to criminals," they write.

The book follows Allgood from 1902 when he was born in Avondale, on through what is called his "stormy" youth, when he and his young friends found fishing, hunting and catching rides on freight trains more interesting than school. One of those train rides resulted in Allgood losing both legs when he fell beneath the train. As he lay in the hospital, convinced he would never walk again, Fred Herps came into the disheartened boy's room, deftly jumped up onto a chair, jumped down and suggested he teach Allgood to jump. When Allgood turned his face to the wall, Herps rolled up his pants to reveal two artificial limbs. Allgood left the hospital walking on two artificial limbs and crutches, and it wasn't long before he threw the crutches away.

Splendidly written, the book keeps even the reader with no special interest in law fascinated as it recounts Allgood's part in the trials of public officials Richmond Flowers and Jim Garrison and his involvement in civil rights cases.

The book can be ordered from the Birmingham Historical Society, #1 Sloss Quarters, Birmingham, Ala. 35222, for $15, which includes handling and shipping. It will be available later at local bookstores for $12.95.

PHILIP J. MEATHE

Mr. LEVIN. Mr. President, on January 24, 1992, Philip J. Meathe will mark the end of a very remarkable career with Smith, Hinchman & Grylls, the Nation's oldest architectural, engineering and planning firm. SH&G has been part of the Detroit landscape for 139 years.

Phil Meathe came to the firm in 1969 and in 1971 was named president and chief executive officer. In 1974 he became chairman. During his years at the helm of SH&G, the firm pioneered a construction management system that substantially reduces the time and cost of designing and building major projects. The company expanded to other cities in the United States and then took on contracts around the world. SH&G specializes in designing industrial complexes, medical facilities, and research, office, and educational buildings.

During Phil Meathe's career, he has been honored by his alma mater, the University of Michigan, architectural societies, and civic organizations. He always found the time to involve himself in the vital activities of his community as a volunteer even while watching over the growth and development of his firm.

He has an enthusiasm that is contagious and a wonderful way in his dealings with people.

Mr. President, Phil Meathe will be missed as the guiding force at Smith, Hinchman & Grylls, but now he will have even more time to contribute his expertise to the many organizations on whose boards he serves.

I want to wish my friend Phil Meathe good luck, good health, and a productive retirement.

MARY BALL

Mr. LEVIN. Mr. President, on February 1, 1992, one of the most dedicated and respected members of the Detroit community will retire from her position as executive director of the International Institute of Metropolitan Detroit. The name Mary Ball is synonymous with ethnic heritage and cultural diversity.

I have known Mary Ball for many years. She worked in an executive capacity for six Detroit mayors and initiated Detroit's Riverfront Ethnic Festivals, one of summertime's popular activities for the entire metropolitan area.

And since 1978, Mary has been at the helm of the International Institute, and it has become the central address for the many ethnic groups which are part of the rich fabric of our great community.

On January 13, the community honored Mary in the building she called home for 13 years. Hundreds and hundreds of people from every facet of our community came to say "thank you" and "we love you." It was a magnificent tribute.

I sent Mary a letter, and I believe it expresses how so many of us feel about her. Let me share that letter with my colleagues:

DEAR MARY: I wish I could join with other friends at the celebration on the 13th.

If I could be there, I would tell you how much you have meant to our community and to me.

You are as tightly woven into the fabric of Detroit as anyone I know. You have uniquely and vastly enriched the texture of that fabric by your love of ethnicity and by your passionate devotion to the preservation and sharing of diverse cultures.

You have strengthened that fabric with your contagious enthusiasm and constant outreach to include more and more people in the exciting experiment that is America.

The International Institute and a host of other community organizations have benefited from your commitment.

A lot of us in public life have also.

The International Institute is only an institute—you, Mary Ball, are an institution.

Mr. President, I know that Mary Ball will have a creative and fruitful retirement and that her life will continue to touch the lives of her myriads of friends and associates.

TRIBUTE TO AARON ARONOV

Mr. HEFLIN. Mr. President, on December 12 of last year, the State of Alabama lost a long-time friend when Aaron Aronov died at his home after an extended illness. A close personal friend of mine, Aaron was a commercial developer with projects in 14 States. He got his start by selling inexpensive homes and property to returning World War II veterans.

Aaron was the son of a Ukrainian immigrant who arrived in the United States in 1912 from what is now Kiev. As a young man, he worked for a time in his father's auto and tire business, but soon found his niche in real estate development. He founded Aronov Realty Co. in 1952 as a one-man operation and built it into a diversified company operating primarily in the Southeast. Aaron remained its chairman up until his death.

His first development was Normandale, built on a tract of land in South Montgomery, AL. Built in 1952, the mixed-use development featured what was at that time the largest planned regional shopping center in the Southeast.

Aaron was appointed to the University of Alabama Board of Trustees in 1983, on which he served for 7 years. He was a major donor to the university's various scholarship programs, and the school named its chair of Judaic studies after him. Throughout his life, he showed great loyalty to his friends and his causes, particularly the University of Alabama.

Those of us fortunate enough to have known him personally knew him as a very unique and kind individual who shared his success in many humanitarian ways, often anonymously. He was a great friend to the poor and the unfortunate.

Mr. President, I am happy that Aaron lived to see independence and the emerging democratic freedoms in the land of his ancestry; it must have been deeply gratifying to witness long dormant forces at work there that he had cultivated so richly in America. Alabama benefited immensely from his leadership and entrepreneurial spirit, and he will be sorely missed. As the mayor of Aaron's hometown said, he was one of Montgomery's greatest citizens. He was involved in everything that was good in Montgomery. This simple, yet revealing, characterization is perhaps the best and most fitting that can be attributed to a man of such dimension, one who truly lived the American dream.

I extend my sincerest condolences to Aaron's wife, Marjorie, and their children, Jake, Owen, and Teri.

TRIBUTE TO COL. SAM P. McCLURKIN

Mr. HEFLIN. Mr. President, my close friend and former administrative assistant, Sam P. McClurkin, a retired Air Force colonel, died on Christmas Day last year. His first Air Force mission came in 1953, when as a captain he lead a fighter/reconnaissance squadron of over 500 men and 30 F-80 type aircraft, the first jet fighter/reconnaissance aircraft in the Air Force—a rare feat for a captain.

Born in Birmingham, AL, and graduated from the public schools there, Sam won a football scholarship to Auburn University in 1942. His college career was interrupted by World War II, during which he served as a fighter pilot. He eventually returned to Auburn, where he was elected captain of the football team and was awarded a degree in aeronautical administration.

Upon graduating from Auburn, Sam joined the Alabama Air National Guard 160th Tactical Fighter Squadron, flying six different types of aircraft. The 160th became one of the top Air National Guard combat squadrons in the country and was among the first to be called to active duty when the Korean conflict began. He was awarded a regular Air Force commission in 1952 and decided to make the Air Force his career. He later was graduated from the Air War College, the Air Force's highest school for its senior officers.

During his illustrious Air Force career, Colonel McClurkin earned 22 medals, 11 awarded for successful combat missions. These include the Distinguished Flying Cross with one leaf cluster; the Legion of Merit with one oak leaf cluster; the Air Medal with seven oak leaf clusters; two Unit Citations for the best Wing in combat; the Meritorious Service Medal; and the Joint Service Commendation Medal with one oak leaf cluster, among others. Upon his retirement, Sam was awarded the Alabama Distinguished Service Medal presented by the Governor for his accomplishments at Craig Air Force Base, which he commanded during the early 1970's.

I came to work closely with Sam during my term as chief justice of the Alabama Supreme Court, when he came on board to assist the Department of Court Management with establishing training programs used by judges throughout the State. Later, he served on my Senate staff in Montgomery. His capable leadership skills, outstanding military service record, extraordinary work ethic, and winning personality made him a valuable asset to both my staffs.

I extend my sincere condolences to Sam's wife, Marjorie, and their children, Marcia, Janet, and Sam. He will be sorely missed by those of us who knew and worked with him over the years.

Before his death, Sam was asked what he would change about his life if given the opportunity. He quickly replied:

> The only thing I'd change would be trying to negate the losses of pilots we had over the years. However, you're going to lose a few pilots both in peace and wars in the fighter business if you're in it 20 to 30 years like I was. It's a high risk occupation but you can't convince them of that and you don't try.
>
> They are the greatest professionals in the world and I was lucky and honored to be a part of it. My survival was primarily the result of the Lord flying with me. Any fighter pilot will tell you that. And why change anything if you were fortunate to have the best wife and family in the world, fly in the greatest Air Force in the world, and attend the greatest school in the world.* * *

These are comforting words from a dear friend and dedicated public servant who we will forever remember as a true credit to his Nation, State, community, and profession.

EXCESSIVE REGULATION KILLING SMALL BUSINESS

Mr. HELMS. Mr. President, Murray Weidenbaum, the distinguished economist and former Chairman of the Council of Economic Advisers under President Reagan, said recently that—

> It took a lot of stupid government actions to produce a sluggish American economy * * * those who wonder why the economy has not responded more swiftly to successive doses of monetary stimulus should consider a development over-looked by most analysts of the macro-economy: any U.S. company brave enough to consider embarking on a new capital investment faces a thicket of obstacles in the form of expanded environmental and other social regulations.

Professor Weidenbaum found that environmental regulations alone cost each American family more than $1,000 a year. The cost of environmental compliance costs $110 billion each year, but the Government doesn't worry about it because those costs are borne by the private sector.

More regulations—in the form of the Clean Air Act, the Americans with Disabilities Act, the Civil Rights Act, and various OSHA rewrites—have been passed on to business in the last 3 years than in all of the previous 10. The 1992 Federal budget provides for 122,400 environmental, and social regulators, the most in history.

On January 16, I received a letter from the president of the National Roofing Contractors of America, Richard Rosenow. Mr. Rosenow—who speaks for over 3,000 small companies employing an average of 40 people per business—detailed the regulatory nightmare his members must endure to put a simple roof on a family garage.

I ask Senators to take note of the hoops that the small businessmen in its basic industry must jump through in order to appease the bureaucrats and social engineers in Washington. Mr. Rosenow points out that, thanks to the Federal Government, the most dangerous act performed by an American roofer is handing his neighbor a bill and trying to explain why the costs have increased so dramatically in the last 3 years.

Mr. President, I ask unanimous consent that the letter and enclosure from the National Roofing Contractors of America to White House Counsel C. Boyden Gray be placed in the RECORD at the conclusion of my remarks.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

NATIONAL ROOFING CONTRACTORS ASSOCIATION,
Washington, DC, January 15, 1992.

C. BOYDEN GRAY,
Counsel to the President, The White House, Washington, DC.

DEAR MR. GRAY: There is speculation that President Bush will unveil far reaching proposals for regulatory reform in his State of the Union address. NRCA President Richard Rosenow wrote to him on October 31, 1991, urging relief for small businesses from the explosion of federal regulations.

In that letter, Mr. Rosenow stated that a list would be forthcoming of federal regulations that a roofing contractor must labor under when repairing a roof. Enclosed is a scenario that details how burdensome these have become for something as simple as fixing the roof on your neighbor's garage.

On behalf of NRCA, please consider the absurdity of this industry-specific situation and its negative economic parallel to all small businesses. We would be happy to provide more information on this matter and eagerly await your reply.

Sincerely,

CRAIG S. BRIGHTUP,
Director of Government Relations.

January 1992.

Theories abound as to why the economy is at a standstill. There can be little doubt that one of the contributing factors is the avalanche of regulations that has put a drag on American business. The following scenario will demonstrate just how pervasive the web of regulations has become, even for something as simple as fixing the roof on your neighbor's garage.

Suppose you own a roofing business, and one morning you get a call from your neighbor, whose garage roof is leaking. He tells you that the roof is asphalt-based, and you agree to send a repair crew to try to fix it. In order to fully comply with federal regulations that are in effect today, you would have to:

First examine the roof to determine whether asbestos is present. There is a good chance that an asphalt roof will at least include asbestos-containing base flashings and cements; if they do, EPA regulations will apply, and OSHA regulations may apply.

It is very likely that you won't know from a visual examination whether asbestos is present. In that case, you will have to cut a sample from the roof, and patch it to avoid leaks at the point of the sample cut. You will then send the sample, after you have bagged it properly, to an accredited laboratory, and delay your repair work until the sample is analyzed. (In some states, only a certified abatement contractor is allowed to make this test cut.)

If you discover that asbestos is contained in the roof: Notify the owner (your neighbor) in writing. Notify the EPA Regional Office (10 days prior to beginning work, which will mean your neighbor's roof will continue to

leak). Be sure that at least one person on your repair crew is trained to satisfy EPA requirements. Conduct air monitoring on the job, once you are able to start work, to determine whether emissions of asbestos will exceed OSHA's action level. You can't do this, of course, until the 10-day EPA notification period has passed. Once you begin any repair work, you will have to "adequately wet" the materials. EPA defines this as "thoroughly penetrating" the asbestos-containing material, which is an interesting concept for a waterproof material like asphalt. EPA also stipulates that there be no "visible emissions" on the job, even if you can demonstrate that the emissions contain no asbestos fibers. You will then have to vacuum the dust generated by any "cutting" that you do, put it in double bags, and take it to an approved landfill. You will also be responsible for prohibiting smoking on the job site, and are subject to fine if one of your employees lights up. You will probably wonder why your neighbor will be asked to absorb all of the costs associated with these steps, since hundreds of test samples have shown no asbestos exposures above acceptable limits in roofing operations.

Ensure that your crew is trained about any hazardous materials that they may encounter. (These will include the gasoline you use to power the pump on your roofing kettle). You will also have to be sure that copies of the appropriate Material Safety Data Sheets are present at the work site, and that all containers are properly labelled.

Your crew must also be thoroughly trained in handling these materials. This will be determined not by what steps you have taken to train them, but by what your employees tell the OSHA inspector who asks them what they have been taught.

Because you are transporting asphalt at a temperature above 212 degrees, so that your crew won't have to wait two or three hours at your neighbor's home for the asphalt to heat, you must: Mark the side of your roofing kettle with a sticker that says "HOT" in Gothic letters; complete shipping papers before the truck leaves your yard; have emergency response procedures developed in the event the kettle should turn over en route to your neighbor's home; be sure that your driver has been drug-tested, and has a commercial driver's license; be sure that the driver completes his log sheets for the day, and stops 25 miles after he leaves your yard to see if the load has shifted; and be sure that your kettle has a hazardous material palacard, in addition to the "HOT" sticker mentioned above.

Because your vehicle is being driven for work-related matters, you must be sure that the driver wears his seat belt, and has received driver training. If he does not wear his seat belt, you, of course, will be fined.

Assuming you have met other OSHA safety standards, and are satisfied you will be in compliance with local and state regulations, it is now safe for you to begin. Your most dangerous act, however, is yet to come; presenting your neighbor with his bill, and explaining why your costs increased so dramatically in the three years since these regulations have been promulgated.

HONORING DR. MARTIN LUTHER KING, JR.

Mr. RIEGLE. Mr. President. Yesterday, Americans observed our national holiday honoring Dr. Martin Luther King, Jr. Each year when we honor the memory of Dr. King, we gain new appreciation for his tremendous personal courage and for his deep conviction that our country could become a better place for all citizens.

Dr. King lifted our Nation through his eloquence and gave voice to the millions of Americans who had been denied their most basic human rights. He moved us forward by asking us to look deep within ourselves and consider the meaning of freedom, justice, and equality in our society. Through nonviolent protest he exposed the contradictions between our ideals and the extremely unjust conditions in which millions of Americans were forced to live. In his work, Dr. King took a nation that was largely complacent about civil rights and brought it forward in ways that have enriched all of our lives.

Dr. King was a young minister in 1954 when he was asked to lead the effort to integrate the Montgomery, AL, bus system. This effort, which was sparked by Rosa Parks' refusal to give up her seat on the bus, set in motion a movement for freedom that would sweep through the South and the rest of the country over more than a decade.

Dr. King deeply believed that people would be moved to change by appealing to the good qualities within them. He believed that the best way to defeat an enemy was to make him a friend. His adoption of peaceful, nonviolent means of protest were effective weapons of change.

Dr. King and the thousands of Americans who actively worked for civil rights in the 1950's and 1960's unmasked the brutality of a system that prevented millions of Americans from enjoying the full measure of their citizenship. Few things burn so fiercely in our memory as the sight of peaceful Americans being beaten, hosed, and jailed by individuals who would not recognize their basic rights. For millions of Americans, these scenes symbolized the years of violence and suppression directed towards blacks in our country, and illustrated the long distance that we had to travel in order to fulfill the promises of our democracy.

A great deal of courage was required by Dr. King and the thousands of Americans who actively challenged the shameful system of segregation and injustice. These men and women faced brutal force and a society that would not easily reform itself. The bravery of the Americans who fought for freedom set a clear example and encouraged millions of citizens to confront the racism and injustice that they encountered in their own lives. Dr. King forced America to face racism and intolerance and inspired us to move forward.

When Dr. King was awarded the Nobel Peace Prize in 1964 for his work, he spoke of a prize that has not yet been achieved. And despite much progress, that prize—true equality and justice for all Americans—has not been fully won. Today, 24 years after Dr. King's death, too many American feel the sting of racism.

Our national holiday honoring Dr. King is important because it reminds us that our Nation must continue to move forward. It helps us to maintain our awareness that his fight for racial justice, tolerance, and opportunity must continue to be our fight—the fight of each and every American citizen. And we must continue to confront injustice and help to expand the freedom of all members of our society.

BRIG. GEN. CARSON TO RECEIVE "MINUTEMAN" AWARD

Mr. PACKWOOD. Mr. President, I rise to honor Brig. Gen. Wallace P. Carson, Jr., who has been chosen by the enlisted members of Oregon Air National Guard as the recipient of Oregon's Order of the Minuteman.

General Carson achieved his high rank through long and dedicated service in both the U.S. Air Force and the Oregon Air National Guard. His outstanding professionalism and exemplary leadership skills resulted in the increased effectiveness of the Guard in Oregon. He contributed greatly to the success of the Guard in Oregon and earned the deep respect of his men.

While guiding the Guard forward, General Carson pursued his civilian career in the Oregon judiciary, eventually becoming Chief Justice of the Oregon Supreme Court. In these endeavors, General Carson epitomizes the concept of the Minuteman—an individual who is always ready to respond to the needs of our great Nation.

The Order of the Minuteman was established to recognize and honor military volunteers and civilians for their significant contributions to both the welfare and prestige of the enlisted forces of the Oregon Air National Guard. General Carson's enviable record has earned him this honor, and I am pleased to be able to acknowledge his achievement.

RECESS UNTIL 2:15 P.M.

The PRESIDING OFFICER (Mr. BREAUX). Under the previous order, the Senate will now stand in recess until the hour of 2:15 p.m. this afternoon.

Thereupon, at 12:46 p.m. the Senate recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the President pro tempore [Mr. BYRD].

STRENGTHENING EDUCATION FOR AMERICAN FAMILIES ACT—CLOTURE MOTION

The PRESIDENT pro tempore. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate

the pending cloture motion, which the clerk will state.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to S. 2, a bill to strengthen education for American families.

George Mitchell, Daniel K. Akaka, Paul Simon, Christopher Dodd, Pat Leahy, Jeff Bingaman, Carl Levin, Dennis DeConcini, Claiborne Pell, Paul Wellstone, Albert Gore, Jr., John Glenn, Kent Conrad, David Pryor, Harris Wofford, Wyche Fowler, Jr.

CALL OF THE ROLL

The PRESIDENT pro tempore. By unanimous consent, the quorum call has been waived.

VOTE

The PRESIDENT pro tempore. The question is, Is it the sense of the Senate that debate on the motion to proceed to the consideration of S. 2, the national education goals bill, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Texas [Mr. BENTSEN], the Senator from Iowa [Mr. HARKIN], and the Senator from Nebraska [Mr. KERREY] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Missouri [Mr. BOND], the Senator from Idaho [Mr. CRAIG, the Senator from Texas [Mr. GRAMM], and the Senator from Idaho [Mr. SYMMS] are necessarily absent.

The PRESIDENT pro tempore. Are there any other Senators in the Chamber who desire to vote?

The yeas and nays resulted—yeas 93, nays 0, as follows:

{Rollcall Vote No. 1 Leg.}

YEAS—93

Adams	Dixon	Kennedy
Akaka	Dodd	Kerry
Baucus	Dole	Kohl
Biden	Domenici	Lautenberg
Bingaman	Durenberger	Leahy
Boren	Exon	Levin
Bradley	Ford	Lieberman
Breaux	Fowler	Lott
Brown	Garn	Lugar
Bryan	Glenn	Mack
Bumpers	Gore	McCain
Burdick	Gorton	McConnell
Burns	Graham	Metzenbaum
Byrd	Grassley	Mikulski
Chafee	Hatch	Mitchell
Coats	Hatfield	Moynihan
Cochran	Heflin	Murkowski
Cohen	Helms	Nickles
Conrad	Hollings	Nunn
Cranston	Inouye	Packwood
D'Amato	Jeffords	Pell
Danforth	Johnston	Pressler
Daschle	Kassebaum	Pryor
DeConcini	Kasten	Reid
Riegle	Sasser	Stevens
Robb	Seymour	Thurmond
Rockefeller	Shelby	Wallop
Roth	Simon	Warner
Rudman	Simpson	Wellstone
Sanford	Smith	Wirth
Sarbanes	Specter	Wofford

NAYS—0

NOT VOTING—7

Bentsen	Gramm	Symms
Bond	Harkin	
Craig	Kerrey	

The PRESIDENT pro tempore. On this vote, the yeas are 93, the nays are none. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The majority leader is recognized.

NOTIFICATION TO THE HOUSE

Mr. MITCHELL. Mr. President, pursuant to a prior agreement, I send a resolution to the desk and ask that it be read and immediately considered.

The PRESIDENT pro tempore. The clerk will state the resolution.

The assistant legislative clerk read as follows:

A resolution (S. Res. 242) informing the House of Representatives that a quorum of the Senate is assembled.

The PRESIDENT pro tempore. Is there objection to the immediate consideration of the resolution?

There being no objection, the resolution (S. Res. 242) was considered and agreed to, as follows:

S. RES. 242

Resolved, That the Secretary inform the House of Representatives that a quorum of the Senate is assembled and that the Senate is ready to proceed to business.

NOTIFICATION TO THE PRESIDENT

Mr. MITCHELL. Mr. President, I send another resolution to the desk and ask that it be read and immediately considered.

The PRESIDENT pro tempore. The clerk will report the resolution.

The assistant legislative clerk read as follows:

A resolution (S. Res. 243) informing the President of the United States that a quorum of each House is assembled.

The PRESIDENT pro tempore. Is there objection to the immediate consideration of the resolution?

There being no objection, the resolution (S. Res. 243) was considered and agreed to, as follows:

S. RES. 243

Resolved, That a committee consisting of two Senators be appointed to join such committee as may be appointed by the House of Representatives to wait upon the President of the United States and inform him that a quorum of each House is assembled and that the Congress is ready to receive any communication he may be pleased to make.

The PRESIDENT pro tempore. Pursuant to the resolution, the majority and minority leaders are appointed as members of the committee.

The majority leader is recognized.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that following disposition of S. 2, the Neighborhood Schools Improvement Act, but not earlier than Monday, January 27, at 3 p.m., the Senate proceed to the consideration of Calendar No. 138, S. 12, the cable television regulatory reform bill; and that, if the Senate proceeds to consider S. 12 on Monday, January 27, it be for the sole purpose of Senators making opening remarks on the legislation that no amendments or motions may be proposed with respect to the legislation on Monday, January 27.

The PRESIDENT pro tempore. Is there objection to the request? The Chair hears no objection. That will be the order.

ADMINISTRATION OF OATH TO HARRIS WOFFORD, SENATOR FROM PENNSYLVANIA

The PRESIDENT pro tempore. Under the previous order, the Chair lays before the Senate a certificate of election for an unexpired term. If there is no objection, the reading of the certificate will be waived and it will be printed in full in the Journal.

The certificate of appointment is as follows:

COMMONWEALTH OF PENNSYLVANIA,
GOVERNOR'S OFFICE

To the President of the Senate of the United States:

This is to certify that on the fifth day of November, Anno Domini, one thousand nine hundred and ninety-one, Harris Wofford was duly elected by the qualified electors of the Commonwealth of Pennsylvania as a United States Senator for the unexpired term ending at noon on the third day of January, Anno Domini, one thousand nine hundred and ninety-five, to fill the vacancy in the representation for said Commonwealth in the Senate of the United States caused by the death of H. John Heinz, III.

Given under my hand and the Great Seal of the Commonwealth of Pennsylvania, at the City of Harrisburg, this eighteenth day of December in the year of our Lord one thousand nine hundred and ninety-one and of the Commonwealth the two hundred and sixteenth.

ROBERT CASEY,
Governor.

The PRESIDENT pro tempore. If the Senator to be sworn will now present himself at the desk, the Chair will administer the oath of office.

Mr. WOFFORD, of Pennsylvania, escorted by Mr. MITCHELL, of Maine, and Robert Casey, Governor of Pennsylvania, advanced to the desk of the Vice President; the oath prescribed by law was administered to him by the President pro tempore; and he subscribed to the oath in the official Oath Book.

[Applause, Senators rising.]

The PRESIDING OFFICER (Mr. ADAMS). The Senate will come to order.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

SENATOR HARRIS WOFFORD

Mr. MITCHELL. Mr. President, in behalf of all Senators, it is a real pleasure to welcome back our colleague from Pennsylvania, Senator HARRIS WOFFORD.

[Applause.]

Mr. MITCHELL. May we have order?

The PRESIDING OFFICER. The Senate will come to order.

All those conversing in the aisles will please retire to their seats.

The majority leader.

Mr. MITCHELL. Mr. President, in behalf of all Senators, it is a pleasure to welcome back our colleague from Pennsylvania.

The swearing in ceremony of Senator WOFFORD today is the formal acknowledgment of what the people of Pennsylvania told the Nation so dramatically last November, that Senator HARRIS WOFFORD is their choice to represent their State in the U.S. Senate and to work for the future of their State and our Nation.

The people of Pennsylvania made a wise decision. HARRIS WOFFORD spoke clearly and plainly to them last year of the needs our Nation faces.

I congratulate Senator WOFFORD on his success, and look forward to his help and advice as we begin this 2d session of the 102d Congress.

Mr. WOFFORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

SERVING IN THE U.S. SENATE

Mr. WOFFORD. Mr. President, Senator MITCHELL, Senator DOLE, Governor Casey, my friend Senator SPECTER, my partner in fighting for things for Pennsylvania, I want to thank my majority leader and teacher here for his warm words.

This year has transpired to give me an extraordinary opportunity. When I first stood before you in this Chamber 8 months ago, I was determined to make something good come out of the tragedy of John Heinz' death. Now, thanks to the people of Pennsylvania, I have a chance to make good on that pledge.

To my Democratic colleagues, you know how I appreciate the help you gave me in coming back here. To my friends on the other side of the aisle, I know how surprised you must have been to see me come back. But here I am.

I am looking forward to working with you, to getting to know you, and to making something good happen for our country. I means that very seriously because if there was one message from Pennsylvania, it was that they are tired of politics as usual, and the bottom line of the Pennsylvania election was that it is time for us Republicans and Democrats to bring homeward and to tap anew what Lincoln called the "better angels of our nature," to take effective action on the problems pressing down upon the people of this country, for action to get our economy moving again, for action to achieve a universal health care system in this country, and for action to give tax equity for all Americans, and especially the middle class.

You all have heard, all of you, that same frustration, anxiety, and impatience. So let us together turn the heat that we feel and we felt in these last weeks back in our districts, in our States—let us turn that heat into new energy and light because Americans, however, skeptical they are about politics and politicians, still look to us and to Government to make a difference in their lives.

I assure you that this is the greatest honor of my life: to represent the people of Pennsylvania in this Chamber and to work with my colleagues on both sides of this aisle.

I look forward to turning the trust and the hopes of the people in Pennsylvania that have been vested in me into a reality, and into rolling up my sleeves and getting to work with you.

Thank you.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania [Mr. SPECTER] is recognized.

WELCOMING SENATOR WOFFORD

Mr. SPECTER. I thank the Chair.

Mr. President, I join all my colleagues in welcoming again our distinguished colleague, Senator WOFFORD, who has graced this Chamber and done outstanding work, and has now embarked on the balance of the term.

I recall, not too many days ago, Senator WOFFORD was appointed by the Governor on a Wednesday, sworn in on a Thursday, and most of the Friday morning was in my office talking over the legislation I have on the agenda. And at that time—he can confirm this—I promised him my full support on every single issue except one, that was his election campaign, and he did not need my help on that. And he is back today and has already tackled the very important problems of our State.

I welcome our distinguished Governor, Robert Casey, who is present in the Senate Chamber again today, as he was on the occasion when Senator WOFFORD was sworn in initially.

I had an opportunity on the Metroliner to get to know Senator WOFFORD much better in the intervening months since his appointment last spring. We have already worked together on a number of important items—the Philadelphia Navy Yard. We held joint announcement conferences on the transportation bill. And I look forward to working very closely with him in the days ahead.

I think that our joint activities and efforts will be replicated by cooperation on both sides of this aisle as the Senate begins its business today in the 2d session of the 102d Congress with the very important work which confronts the Senate and Congress in tackling the Nation's business.

Again, I congratulate my distinguished colleague.

I thank the Chair. I yield the floor.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The distinguished Republican leader is recognized.

CONGRATULATIONS TO SENATOR WOFFORD

Mr. DOLE. Mr. President, first let me extend my congratulations to Senator WOFFORD. I will confess I was surprised to see him elected. But I also remember what he said to me after the election. He said now we will have time to become acquainted and work together. I certainly accept that in the spirit in which it was conveyed to me by the junior Senator from Pennsylvania.

I look forward to working with Senator WOFFORD and getting to know him better. I think he is exactly right: the American people are frustrated—whether they live in Kansas, Pennsylvania, or somewhere else. They are taking names. They are concerned about a lot of issues.

So I think it is incumbent upon all of us to heed the message we received from the State of Pennsylvania which, in my view, is sort of a bipartisan, nonpartisan message. The people were speaking. I think that message will not be lost by Senators on either side of the aisle.

Again, I extend my congratulations to Senator WOFFORD. Welcome.

THE 102D CONGRESS: NO MORE BUSINESS AS USUAL—END POLITICAL GAMES TO SOLVE AMERICA'S PROBLEMS; PEOPLE ARE DISILLUSIONED

Mr. DOLE. Mr. President, Congress is back in town. It is another year, another session, with another State of the Union just around the corner. But before anyone starts believing that all these facts add up to business as usual, let me tell you how dead wrong that assumption would be.

There are just too many issues—too many problems—demanding our attention for us to begin this session of Congress with a business-as-usual attitude.

Whether it is the economy, health care, drugs and crime, tax relief, agriculture, or whatever, this Congress has one simple assignment: Do something, and do it quickly for a change.

Let us face it, the American people will not stand for business-as-usual.

They are fed up, frustrated, and frankly disillusioned with what we are doing or not doing here in Washington.

The American people are demanding action. They will simply not accept the same old partisan posturing, political games, and congressional gridlock that we have been giving them for too long now.

You can't go anywhere these days without hearing the people and hearing them loudly and clearly: "Do something, and do it quickly for a change," they are telling us.

Well, it is time to listen to the people—even on Capitol Hill, even in the White House, and yes, even in an election year.

Oh, the temptation will be great, what with election day only 288 days away. The temptation will be great, indeed, to block anything the President might want to do, or play games with some Democrat or Republican initiative.

I know a lot of attention is being paid these days to polls and Presidential popularity. No doubt about it, the President is the biggest target in town; no one understands this better than George Bush; he knows it comes with the territory.

So let's be honest. It's pretty easy to criticize the President for the Nation's problems, but his critics cannot have it both ways: They cannot block every Presidential initiative and then blame him for not getting the job done; they cannot dismiss every Presidential initiative as inadequate when their only response is to see how many taxpayers' dollars they can spend; and no critic—no party—can claim a monopoly on compassion for the American people.

The people understand that Congress is just as accountable as the President of the United States, and they see Congress as part of the problem, not the solution—and they will be taking names.

It is no wonder they are fed up with the business-as-usual congressional agenda.

So, if the American people are to believe all the rhetoric and all the speeches they have been hearing since Congress left town a month-and-a-half ago about the economy and health care and all the other challenges facing us this year, then we had better start delivering instead of just complaining, or promising.

It is time to make the people's agenda our No. 1 priority around here instead of our next election.

My guess is that anyone ignoring this advice could well be looking for another line of work come 1993.

I reserve the remainder of my time.

The PRESIDING OFFICER. The pending question is the motion to proceed to S. 2. The question is on agreeing to the motion.

The motion was agreed to.

STRENGTHENING EDUCATION FOR AMERICAN FAMILIES ACT

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 2) to provide the achievement of national education goals, to establish a National Council on Education Goals and an Academic Report Card to measure progress on the goals, and to promote literacy in the United States, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Labor and Human Resources, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Strengthening Education for American Families Act".

TITLE I—NATIONAL GOALS

SEC. 101. PURPOSE.

It is the purpose of this title to establish a plan of action for the initial steps that the Federal Government must take in order to assist State and local governments, organizations, and institutions in the joint effort of achieving the national education goals as outlined in this title.

SEC. 102. SCHOOL READINESS.

(a) FINDINGS.—The Congress finds that the Federal Government has a long-standing commitment to ensuring that all physically and economically disadvantaged children are ready and able to begin school by providing them with the same opportunities to develop physically and mentally as their more advantaged peers.

(b) POLICY.—It is the goal of the United States that, by the year 2000, all children in America will start school ready to learn. As part of the joint effort of Federal, State, and local governments, organizations, and institutions in achieving this goal, it is the policy of the Federal Government to take consistent steps—

(1) to provide Head Start services to every eligible child who needs such services;

(2) to provide sufficient funding for the special supplemental food program for women, infants, and children so that all potentially eligible women, infants, and children have access to the services provided by the program; and

(3) to expand funding for Even Start to allow programs to reach all parts of the United States and to allow each State to fund a sufficient number of programs throughout the State so that approaches are available for local educational agencies, the State educational agency, and other organizations to adopt and implement.

SEC. 103. SCHOOL COMPLETION.

(a) FINDINGS.—The Congress finds that in order for the Nation to regain its economic competitiveness, each individual in the United States must be educated to his or her greatest potential and must be encouraged to finish secondary school.

(b) POLICY.—It is the goal of the United States that, by the year 2000, the high school graduation rate will increase to at least 90 percent. As part of the joint effort of Federal, State, and local governments, organizations, and institutions in achieving this goal, it is the policy of the Federal Government to take consistent steps—

(1) to expand funding for secondary school dropout prevention and reentry programs and basic skills programs to allow programs to reach all parts of the United States and to allow each State to fund a sufficient number of programs throughout the State so that approaches are available for local educational agencies, the State educational agency, and other organizations to adopt and implement; and

(2) to collect uniform, reliable data from the States with respect to school completion rates.

SEC. 104. STUDENT ACHIEVEMENT.

(a) FINDINGS.—The Congress finds that—

(1) American students are falling behind students in other industrialized nations on tests measuring abilities in all academic subject areas; and

(2) the United States, in seeking to increase student ability and achievement, has traditionally served special populations, such as disadvantaged individuals and individuals with disabilities.

(b) POLICY.—It is the goal of the United States that, by the year 2000, American students will leave grades 4, 8, and 12 having demonstrated competency over challenging subject matter including English, mathematics, science, foreign languages, history, and geography, and every school in America will ensure that all students learn to use their minds well, so they may be prepared for responsible citizenship, further learning, and productive employment in our modern economy. As part of the joint effort of Federal, State, and local governments, organizations, and institutions in achieving this goal, it is the policy of the Federal Government to take consistent steps—

(1) to provide remedial assistance for all disadvantaged children in the United States by increasing the participation of eligible children in programs under chapter 1 of title I of the Elementary and Secondary Education Act of 1965;

(2) to fulfill the commitment made by the United States in 1975 to provide 40 percent of the costs of educating children with disabilities;

(3) to reward successful programs in schools with concentrations of disadvantaged children; and

(4) to promote efforts that encourage all students to be involved in activities that promote and demonstrate good citizenship, community service, and personal responsibility.

SEC. 105. MATHEMATICS AND SCIENCE.

(a) FINDINGS.—The Congress finds that—

(1) students in the United States are falling behind students from other industrialized nations on tests measuring achievement in mathematics and science;

(2) the Federal Government has a significant role in promoting the study of mathematics and science in elementary and secondary schools by providing financial assistance to local educational agencies to improve the general quality of programs for the study of mathematics and science through authorized math and science education programs; and

(3) the Federal Government has indirectly assisted in the postsecondary study of mathematics and science by providing future scientists, mathematicians, and engineers with financial assistance to attend postsecondary institutions, but more incentives are needed to attract high-achieving students into these areas of study.

(b) POLICY.—It is the goal of the United States that, by the year 2000, United States students will be first in the world in mathematics and science achievement. As part of the joint effort of Federal, State, and local governments, organizations, and institutions in achieving this goal, it is the policy of the Federal Government to take consistent steps—

(1) to expand funding for the Excellence in Mathematics, Science, and Engineering Act of 1990 to increase the number of individuals, particularly women and minorities, in graduate and undergraduate programs in mathematics, science, and engineering;

(2) to expand funding for the Dwight D. Eisenhower Mathematics and Science Education Act so that all elementary teachers and all sec-

ondary teachers of mathematics and science will have an opportunity for updating and improving their mathematics and science education skills;

(3) to expand funding for such Act so that all elementary school teachers have an opportunity for skill improvement; and

(4) to award scholarships to high-achieving students to pursue the study of mathematics, science, and related subjects at postsecondary institutions.

SEC. 106. FAMILY LITERACY AND LIFELONG LEARNING.

(a) FINDINGS.—The Congress finds that—

(1) nearly 30,000,000 adults in the United States are lacking literacy skills which limits their ability to read, write, or speak in English or to compute or solve problems effectively; and

(2) the Federal Government has a responsibility to assist State and local governments in providing literacy services to those individuals in need of such services so that they may be full participants in society.

(b) POLICY.—It is the goal of the United States that, by the year 2000, every American will be literate and will possess the knowledge and skills necessary to compete in a global economy and exercise the rights and responsibilities of citizenship. As part of the joint effort of Federal, State, and local governments, organizations, and institutions in achieving this goal, it is the policy of the Federal Government to take consistent steps—

(1) to provide increased funding for the Adult Education Act so that all eligible individuals who seek such services under such Act will receive such services; and

(2) to expand Federal assistance for literacy programs in order to assist State and local governments, public libraries, organizations and volunteers in providing all individuals lacking literacy skills the opportunity to acquire skills needed to function in society.

SEC. 107. SAFE, DISCIPLINED, AND DRUG-FREE SCHOOLS.

(a) FINDINGS.—The Congress finds that—

(1) use of illicit drugs and alcohol by the youths of the Nation continues to be a major problem that threatens the safety of the children of the Nation and impedes their ability to succeed in school and in their lives; and

(2) more Federal efforts are urgently needed in the areas of drug and alcohol abuse education and prevention.

(b) POLICY.—It is the goal of the United States that, by the year 2000, every school in America will be free of drugs and violence and will offer a disciplined environment conducive to learning. As part of the joint effort of Federal, State, and local governments, organizations, and institutions in achieving this goal, it is the policy of the Federal Government to take steps to ensure that all students receive drug abuse prevention education and counseling services.

SEC. 108. TEACHER RECRUITMENT AND RETENTION.

(a) FINDINGS.—The Congress finds that—

(1) the success of America's schools depends most heavily on the Nation's teachers;

(2) when teachers have the necessary skills to be highly motivated and committed to excellence, they succeed in not only imparting subject matter knowledge, but also in instilling in their students an appreciation of the value and importance of education;

(3) teachers are significant role models for our Nation's diverse student population; and

(4) teachers, and a diverse teaching faculty, are instrumental in the education of the children of the United States and are key to achieving the national education goals described in section 2(a)(8).

(b) POLICY.—It is the goal of the United States, that by the year 2000, there will be a well qualified and diverse teaching faculty in every school in the Nation. As part of the joint effort of Federal, State, and local governments, organizations, and institutions in achieving this goal, it is the policy of the Federal Government to take consistent steps—

(1) to eliminate nationally identified areas of teacher shortages by assuring access to high quality education and training to individuals desiring to pursue a career in the teaching profession; and

(2) to expand Federal assistance for teacher training and other professional development programs in order to improve the skills of the teaching force and enhance the recruitment and retention of well-qualified professionals in the classroom.

SEC. 109. EQUAL OPPORTUNITY FOR POST-SECONDARY EDUCATION.

(a) FINDINGS.—The Congress finds that—

(1) it is essential to the economic well-being of the United States that all Americans be educated to their fullest potential;

(2) to bring this about, it is necessary to increase college participation by all Americans, especially minorities, and to reduce the imbalance between grants and loans in financing a college education, so that all Americans with the desire and the ability have an equal opportunity to participate in postsecondary education and training, from the undergraduate to the postgraduate level.

(b) POLICY.—It is the goal of the United States that, by the year 2000, no qualified student shall be denied the opportunity for postsecondary education because of financial or other barriers. As part of the joint effort of Federal, State, and local governments, organizations, and institutions in achieving this goal, it is the policy of the Federal Government to take consistent steps—

(1) to increase the participation of low-income, first-generation-in-college, and minority students in postsecondary education;

(2) to expand college assistance to middle income families;

(3) to reduce the reliance on loans as the principal means of financing postsecondary education for students and their parents by increasing the annual appropriations for the Pell Grant program so that the maximum grant provides substantial assistance towards the cost of attending an institution of higher education; and

(4) to enhance the capacity of postsecondary institutions to recruit and retain low-income, first-generation-in-college, and minority students, including graduate students, and to provide those students with a quality education, by increasing the annual appropriations for the TRIO programs to expand the percentage of eligible students served and to more effectively serve the students receiving services from these programs.

TITLE II—NATIONAL COUNCIL ON EDUCATIONAL GOALS

SEC. 201. SHORT TITLE.

This title may be cited as the "National Academic Report Card Act of 1991".

SEC. 202. FINDINGS AND PURPOSE.

Congress finds that—

(1) the social well-being, economic stability, and national security of the United States depend on a strong educational system that provides all citizens with the skills necessary to become active members of a productive work force;

(2) despite the many reforms of the educational system that have been implemented since the National Council on Excellence in Education declared our Nation "at risk" in 1983, the United States remains at risk for educational failure;

(3) United States children and youth leave school unprepared to participate productively in the work force, suffer high rates of functional illiteracy, and often display a lack of understanding about the United States and the world, in both a historical and futuristic context;

(4) United States students currently rank far below students of many other countries in educational achievement, particularly in mathematics and the sciences;

(5) although States and localities bear the primary responsibility for elementary and secondary education, rapidly increasing international competitiveness requires that the United States increase efforts to make education a national priority;

(6) the Federal Government has played a vital, leading role in funding important educational programs and research activities and should continue to play the role;

(7) accurate and reliable mechanisms must be available to assess and monitor educational progress;

(8) many schools have shown considerable progress and success in improving achievement, including model schools and schools that have implemented innovative approaches to school structure;

(9) the mechanisms to assess and monitor educational progress, and the national information infrastructure needed to support the mechanisms, do not exist or must be strengthened;

(10) many factors contribute to the performance of a school, including school finance, resources, teaching conditions, and parental involvement, and an analysis of the factors, along with educational achievement, should be included in reports on school performance;

(11) there should be established an independent Council of highly respected, bipartisan, diverse experts to—

(A) study, make recommendations regarding, and monitor progress on meeting national goals for education; and

(B) make recommendations on the educational assessment and information system of the United States;

(12) the Council described in paragraph (11) should have the authority to—

(A) make such recommendations as the Council determines to be necessary to the President, Congress, and the States; and

(B) issue annual reports in the form of a national report card; and

(13) States require Federal assistance to conduct State Summits on Education.

(b) PURPOSE.—Pursuant to the establishment of the national education goals, it is the purpose of this title to establish a bipartisan independent council of highly respected and diverse experts to develop and implement methods to measure progress in attaining the national goals, to make recommendations concerning further progress in attaining such goals, and to annually report on the progress made in reaching such goals.

SEC. 203. NATIONAL COUNCIL ON EDUCATIONAL GOALS.

(a) ESTABLISHMENT.—There is established a National Council on Educational Goals (referred to in this Act as the "Council").

(b) COMPOSITION.—The Council shall be composed of 18 members (referred to in this title as "members"), including—

(1) two members appointed by the President;

(2) six members, not more than three of whom shall be from the same political party, nominated by the Chairperson of the National Governor's Association in consultation with the Vice Chairperson of the Association, and appointed by the President;

(3) five members appointed by the Speaker of the House of Representatives in consultation with the Minority Leader of the House of Representatives; and

(4) five members appointed by the President Pro Tempore of the Senate on the recommenda-

tion of the Majority Leader and Minority Leader of the Senate.

(c) QUALIFICATIONS.—

(1) CONGRESSIONAL APPOINTEES.—Members appointed under paragraph (3) or (4) of subsection (b)—

(A) shall be appointed on the basis of—

(i) widely recognized experience in, knowledge of, and commitment to, education and educational excellence; and

(ii) training or experience in analyzing educational data;

(B) shall not include elected Federal public officials; and

(C) shall be appointed from among—

(i) individuals who are engaged in the professions of teaching and research;

(ii) individuals with experience in analyzing school performance data who are—

(I) engaged in school administration;

(II) members of school boards;

(III) parents; or

(IV) representatives of parents or parent organizations;

(iii) individuals who are representatives of nonprofit organizations or foundations and businesses that have demonstrated a commitment to the improvement of United States education; and

(iv) other individuals determined to be appropriate by the person appointing the individuals under subsection (b).

(2) NATIONAL GOVERNOR'S ASSOCIATION NOMINEES.—Members nominated under subsection (b)(2) shall be nominated from among—

(A) the Governors; or

(B) individuals with the qualifications described in paragraph (1), or other qualifications as determined to be appropriate by the Chairperson of the National Governor's Association.

(d) TERM.—

(1) PRESIDENTIAL APPOINTEES.—The President shall designate one of the members appointed under subsection (b)(1) to serve a 4-year term, and one to serve a 6-year term.

(2) NATIONAL GOVERNOR'S ASSOCIATION NOMINEES.—Among the members appointed under subsection (b)(2), the Chairperson and the Vice Chairperson of the National Governor's Association shall each designate one appointee to serve a 6-year term, one to serve a 4-year term, and one to serve a 2-year term.

(3) HOUSE APPOINTEES.—Among the members appointed by the Speaker of the House under subsection (b)(3)—

(A) the Speaker shall designate one appointee to serve a 6-year term, one to serve a 4-year term, and one to serve a 2-year term; and

(B) the Minority Leader shall designate one appointee to serve a 4-year term, and one to serve a 2-year term.

(4) SENATE APPOINTEES.—Among the members appointed by the President Pro Tempore of the Senate, under subsection (b)(4)—

(A) the President Pro Tempore of the Senate, in consultation with the Majority Leader of the Senate, shall designate one appointee to serve a 6-year term, one to serve a 4-year term, and one to serve a 2-year term; and

(B) the President Pro Tempore of the Senate, in consultation with the Minority Leader of the Senate, shall designate one appointee to serve a 4-year term, and one to serve a 2-year term.

(5) DATE OF APPOINTMENT.—The initial members shall be appointed not later than 60 days after the date of enactment of this Act.

(6) RETENTION.—In order to retain an appointment to the Council, a member must attend at least 50 percent of the scheduled meetings of the Council in any given year.

(d) CHAIRPERSON.—

(1) INITIAL SELECTION.—During the first 60 days after the date of the enactment of this Act, the members appointed under subsection (b)(2) shall select a Chairperson from among the members appointed under subsection (b)(2).

(2) SUBSEQUENT SELECTION.—If no individual described in paragraph (1) assumes the position of Chairperson of the Council within 60 days of the date of the enactment of this Act, the members shall select a Chairperson from among the members.

(e) VACANCIES.—A vacancy on the Council shall not affect the powers of the Council, but shall be filled in the same manner as the original appointment.

(f) COMPENSATION AND TRAVEL.—Members shall serve without compensation, but each member shall be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for each day the member is engaged in the performance of duties away from the home or regular place of business of the member.

(g) INITIATION.—The Council may begin to carry out the duties of the Council under this title when—

(1) nine members have been appointed; or

(2) six members have been appointed under paragraph (3) or (4) of subsection (b).

SEC. 204. FUNCTIONS.

(a) FUNCTIONS.—The Council shall—

(1) compile, inventory, and analyze existing information regarding the educational achievement of United States students and schools, including public and private elementary, secondary, and post-secondary schools;

(2) monitor and report on progress toward meeting national goals and the objectives of the goals, using appropriate and recognized indicators;

(3) establish benchmarks to meet long-term national goals by the year 2000;

(4) identify the information that would best advise the public about the state of schools in the United States;

(5) develop consensus about the indicators on which data will be collected and analyzed for the Report Card described in section 206, and identify data bases that provide the needed information;

(6) make recommendations about additional data that will be needed;

(7) through the interim Council report described in section 205 and the annual Report Card described in section 206, identify gaps in existing educational data and make recommendations for improvements in the methods and procedures of assessing attainment or realization of goals by the Department of Education and any other Federal governmental entity, including suggestions for such changes in laws and regulations as may be required to improve the assessment process, procedures, and organization of the Federal Government; and

(8) through information obtained in the hearing process described in section 207, develop recommendations regarding Federal, State, and local policymaking for meeting the national goals.

(b) PERFORMANCE OF FUNCTIONS.—In carrying out subsection (a)(2), the Council shall—

(1) consider the goals already set forth or recommended by the National Education Summit and other governmental and nongovernmental organizations;

(2) consider the goals of the States developed through the State Summits described in section 209;

(3) report on the progress toward achieving the goals at the national level, including appropriate comparisons of the educational achievement of the United States with other nations;

(4) consider relevant data that affect student performance, including data on—

(A) school readiness;

(B) student achievement in elementary, secondary, and post-secondary education;

(C) school financing and equalization;

(D) the degree and quality of parental involvement;

(E) availability of instructional resources;

(F) the degree of involvement of social service agencies;

(G) school and student performance, including—

(i) attendance and completion rates;

(ii) climate (vandalism, crime, and drugs);

(iii) conditions of teaching including salary and professional development training;

(iv) parent participation; and

(v) school financing;

(H) work force literacy and skills; and

(I) areas of teacher shortages, such as mathematics and science;

(5) report on progress comparing skill attainment or progress within similar bands of school resources; and

(6) consider alternative assessment instruments emphasizing mastery over skill areas rather than specific information.

(c) DATA COLLECTION.—

(1) CONTRACTS.—On the development of the timetable described in section 205(1), the Council shall contract with an eligible entity to generate or collect such data as may be necessary to appropriately assess progress toward the national goals, based on the recommendations of the Council.

(2) ELIGIBLE ENTITIES.—Entities eligible to enter into contracts under paragraph (1) include the National Center for Education Statistics and any entities that meet such eligibility criteria as the Council may establish.

SEC. 205. INTERIM COUNCIL REPORT.

Not later than 1 year after the Council concludes the first meeting of the Council, the Council shall prepare and submit a report to the President, the appropriate committees of Congress, the National Education Goals Panel, and the Governor of each State, that—

(1) establishes a timetable for reporting on progress toward achieving national education goals by the year 2000; and

(2) includes a series of reasonable steps for measuring the implementation and success of each recommendation of the Council.

SEC. 206. ANNUAL REPORT CARD.

(a) IN GENERAL.—Not later than 2 years after the date the Council concludes its first meeting of members, the Council shall prepare and submit to the President, the appropriate committees of Congress, and the Governor of each State a National Report Card, that—

(1) shall set forth an analysis of the progress of the United States toward achieving the national education goals; and

(2) may, as determined necessary by the Council based on the findings of the Council and an analysis of the views and comments of all interested parties, including the National Summit on Education and the State Summits, all relevant Federal entities, the National Governor's Association, Congress, and private organizations and citizens—

(A) describe modifications to existing goals;

(B) identify continuing gaps in existing educational data; and

(C) make recommendations for improvement in the methods and procedures of assessing educational attainment and strengthening the national educational assessment and information system by the Department of Education or any other appropriate Federal Government entity.

(b) CONTINUATION.—Based on the timetable established in section 205, the Council shall continue to issue a National Report Card on an annual basis for the duration of the existence of the Council.

(c) FORMAT.—National Report Cards shall be presented in a form that is understandable to parents and the general public.

SEC. 207. POWERS OF THE COUNCIL.

(a) HEARINGS.—

(1) IN GENERAL.—The Council may, for the purpose of carrying out this title, conduct such hearings, sit and act at such times and places, take such testimony and receive such evidence, as the Council considers appropriate.

(2) CONDUCT.—In carrying out this title, the Council shall—

(A) conduct public hearings in different geographic areas of the country, both urban and rural, to receive the reports, views, and analyses of a broad spectrum of experts and the public on—

(i) the status and goals of the current educational system of the United States;

(ii) the need to redefine and redirect educational goals;

(iii) policy recommendations for pursuing the goals at the Federal, State, and local levels; and

(iv) methods that could be implemented to foster higher levels of educational attainment in United States schools; and

(B) receive testimony from—

(i) individuals such as practicing educators, parents, business persons, and elected and appointed public officials; and

(ii) representatives of public and private organizations and institutions with an expertise or interest in improving the quality of the educational system of the United States.

(b) INFORMATION.—The Council may secure directly from any Federal agency such information as may be necessary to enable the Council to carry out this title. On the request of the Chairperson of the Council, the head of the agency shall furnish the information to the Council.

(c) GIFTS.—The Council may accept, use, and dispose of gifts or donations of services or property.

(d) POSTAL SERVICES.—The Council may use the United States mail in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(e) ADMINISTRATIVE AND SUPPORTIVE SERVICES.—The Administrator of the General Services Administration shall provide to the Council on a reimbursable basis such administrative and support service as the Council may request.

SEC. 208. ADMINISTRATIVE PROVISIONS.

(a) MEETINGS.—The Council shall meet on a regular basis, as necessary, at the call of the Chairperson of the Council or a majority of its members.

(b) QUORUM.—Nine members shall constitute a quorum for the transaction of business.

(c) VOTING.—The Council shall take all action of the Council by a majority vote of the members attending a duly called and constituted meeting of the Council. No individual may vote or exercise any of the powers of a member by proxy.

(d) OFFICE OF CHAIRPERSON AND VICE CHAIRPERSON.—The Chairperson and Vice Chairperson of the Council shall serve as Chairperson and Vice Chairperson until the expiration of the terms of the Chairperson and Vice Chairperson as members, or until resignation or removal by a majority of the members.

(e) STAFF.—The Chairperson of the Council, in consultation with the Vice Chairperson, shall appoint and fix the compensation of a staff administrator and such support personnel as may be reasonable and necessary to enable the Council to carry out the functions of the Council. The rate of compensation for each staff member shall not exceed the daily equivalent of the rate specified for GS-18 of the General Schedule under section 5332 of title 5, United States Code for each day the staff member is engaged in the performance of duties for the Task Force. The Chairperson of the Council may otherwise appoint and determine the compensation of staff without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title, or of any other provision of law, relating to the number, classification, and General Schedule rates.

(f) PERSONNEL DETAIL AUTHORIZED.—On the request of the Chairperson of the Council, the head of any Federal agency is authorized to detail, without reimbursement, any of the personnel of the agency to the Council to assist the Council in carrying out the duties of the Council. The detail shall be without interruption or loss of civil service status or privilege.

SEC. 209. STATE SUMMITS ON EDUCATION.

(a) ESTABLISHMENT.—The Secretary of Education shall make grants to States to pay for the Federal share of—

(1) conducting State Summits on Education;

(2) evaluating progress made toward implementing national goals; and

(3) evaluating the implementation process.

(b) APPLICATION.—To be eligible to receive a grant under subsection (a), a State shall submit an application to the Secretary of Education at such time, in such manner, and containing such information as the Secretary of Education may require.

(c) FEDERAL SHARE.—The Federal share of grants made under this section shall be not more than 50 percent.

(d) REPORT.—Each State receiving a grant under this section shall, on completion of the State Summit, prepare and submit to the Council a report describing—

(1) the educational goals of the State, including changes or additions to the national goals;

(2) a plan for meeting the goals and a timetable for carrying out the plan; and

(3) a plan for evaluating the progress of the State in meeting the goals according to the timetable.

SEC. 210. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out sections 202 through 208 $2,000,000 for fiscal year 1992 and such sums as may be necessary for each of the fiscal years 1993 through 2001.

(b) STATE SUMMITS.—There are authorized to be appropriated to carry out section 209 $5,000,000 for the fiscal year 1992 and such sums as may be necessary for each of the fiscal years 1993 through 2001.

TITLE III—LITERACY

SEC. 301. SHORT TITLE.

This title may be cited as the "National Literacy Act of 1991".

SEC. 302. FINDINGS.

The Congress finds that—

(1) nearly 30,000,000 adults in the United States have serious problems with literacy;

(2) literacy problems are intergenerational and closely associated with poverty and pose a major threat to the economic well-being of the United States;

(3) present public and private literacy programs reach only a small portion of the population in need and often result in only minimal learning gains;

(4) the prevention of illiteracy is essential to stem further growth in national illiteracy rates;

(5) literacy programs generally lack adequate funding, adequate coordination with other literacy programs, and an adequate investment in teacher training and technology;

(6) access to better information about the best practices in the literacy field and more research in order to provide better diagnostic and instructional tools are essential for the improvement of literacy and employability in the United States;

(7) as many as 50,000,000 workers may have to be trained or retrained before the year 2000;

(8) the supply of unskilled workers is increasing while the demand for unskilled labor is decreasing;

(9) programs under the Adult Education Act, which are the largest Federal source of direct literacy services in the United States, serve only 10 percent of eligible participants; and

(10) all public and private literacy programs serve only about 19 percent of those who need help.

SEC. 303. DEFINITION.

For purposes of this title the term "literacy" means an individual's ability to read, write, and speak in English, and compute and solve problems at levels of proficiency necessary to function on the job and in society, to achieve one's goals, and develop one's knowledge and potential.

PART A—LITERACY: STRATEGIC PLANNING, RESEARCH, AND COORDINATION

SEC. 311. LITERACY RELATED PROGRAMS IN THE DEPARTMENT OF EDUCATION.

Section 202 of the Department of Education Organization Act (20 U.S.C. 3412) is amended by adding at the end the following:

"(h) The Assistant Secretary for Vocational and Adult Education, in addition to performing such functions as the Secretary may prescribe, shall have responsibility for coordination of all literacy related programs and policy initiatives in the Department. The Assistant Secretary for Vocational and Adult Education shall assist in coordinating the related activities and programs of other Federal departments and agencies.".

SEC. 312. NATIONAL INSTITUTE FOR LITERACY.

(a) PURPOSE.—It is the purpose of the amendment made by this section to enhance the national effort to eliminate the problem of illiteracy by the year 2000 by improving research, development and information dissemination through a national research center.

(b) FINDINGS.—The Congress finds that—

(1) much too little is known about how to improve access to, and enhance the effectiveness of, adult literacy programs, assessment tools, and evaluation efforts;

(2) there is neither a reliable nor a central source of information about the knowledge base in the area of literacy;

(3) a national institute for literacy would—

(A) provide a national focal point for research, technical assistance and research dissemination, policy analysis, and program evaluation in the area of literacy; and

(B) facilitate a pooling of ideas and expertise across fragmented programs and research efforts.

(c) AMENDMENT TO THE ADULT EDUCATION ACT.—Section 384 of the Adult Education Act (20 U.S.C. 1213c) is amended—

(1) in the second sentence of subsection (a), by inserting after "shall include" the following: "the operation of the Institute established by subsection (c) and"; and

(2) by adding at the end the following:

"(c) ESTABLISHMENT.—(1) There is established the National Institute for Literacy (in this section referred to as the 'Institute'). The Institute shall be administered under the terms of an interagency agreement entered into by the Secretary with the Secretary of Labor and the Secretary of Health and Human Services (in this section referred to as the 'Interagency Group'). The head of any other agency designated by the President may be involved in the operation of the Institute as fits the involvement of such agency in accomplishing the purposes of the Institute. The Secretary may include in the Institute any research and development center supported under section 405(d)(4)(A)(ii) of the General Education Provisions Act and any other center, institute, or clearinghouse established within the Department of Education whose pur-

pose is determined by the Secretary to be related to the purpose of the Institute.

"(2) The Institute shall have offices separate from the offices of any agency or department involved in the operation of the Institute.

"(3) The Interagency Group shall consider the Board's recommendations in planning the goals of the Institute and in the implementation of any programs to achieve such goals. The daily operations of the Institute shall be carried out by the Director. If the Board's recommendations are not followed, the Interagency Group shall provide a written explanation to the Board concerning actions the Interagency Group has taken that includes the Interagency Group's reasons for not following the Board's recommendations with respect to such actions. The Board may also request a meeting with the Interagency Group to discuss the Board's recommendations.

"(d) DUTIES.—(1) The Institute is authorized, in order to improve and expand the system for delivery of literacy services, to—

"(A) assist appropriate Federal agencies in setting specific objectives and strategies for meeting the goals of this title and in measuring the progress of such agencies in meeting such goals;

"(B) conduct basic and applied research and demonstrations on literacy, including—

"(i) how adults learn to read and write and acquire other skills;

"(ii) how the literacy skills of parents affect the ability of children to learn literacy skills;

"(iii) the assessment of literacy skills and the development of instructional techniques;

"(iv) the best methods for assisting adults and families to acquire literacy skills, including the use of technology;

"(v) the special literacy needs of individuals with learning disabilities and individuals with limited English proficiency;

"(vi) how to effectively reach and teach the most educationally disadvantaged individuals;

"(vii) the use of technology and other studies which will increase the literacy knowledge base, use but not duplicate the work of other research services, and build on the efforts of such other research services; and

"(viii) how to attract, train, and retrain professional and volunteer teachers of literacy;

"(C) assist Federal, State, and local agencies in the development, implementation, and evaluation of policy with respect to literacy by—

"(i) establishing a national data base with respect to—

"(I) literacy and basic skills programs, including programs in Federal departments, State agencies, and local agencies, and programs that are privately supported through nonprofit entities and for profit entities;

"(II) assessment tools and outcome measures;

"(III) the amount and quality of basic education provided in the workplace by businesses and industries; and

"(IV) progress made toward the national literacy goals; and

"(ii) providing technical and policy assistance to government entities for the improvement of policy and programs relating to literacy and the development of model systems for implementing and coordinating Federal literacy programs that can be replicated at the State and local level;

"(D) provide program assistance, training, and technical assistance for literacy programs throughout the United States in order to improve the effectiveness of such programs and to increase the number of such programs, which assistance and training shall—

"(i) be based on the best available research and knowledge; and

"(ii) be coordinated with activities conducted by—

"(I) regional educational laboratories supported under section 405(d)(4)(A)(i) of the General Education Provisions Act;

"(II) curriculum centers assisted under section 251(a)(8) of the Carl D. Perkins Vocational and Applied Technology Education Act; and

"(III) other educational and training entities that provide relevant technical assistance;

"(E) collect and disseminate information to Federal, State, and local entities with respect to literacy methods that show great promise (including effective methods of assessment, effective literacy programs, and other information obtained through research or practice relating to adult and family learning that would increase the capacity and quality of literacy programs in the United States), using a variety of methods to ensure that the best information is received by State and local providers of literacy services;

"(F) review and make recommendations regarding—

"(i) ways to achieve uniformity among reporting requirements;

"(ii) the development of performance measures; and

"(iii) the development of standards for program effectiveness of literacy-related Federal programs; and

"(G) provide a toll-free long-distance telephone line for literacy providers and volunteers.

"(2) The Institute may enter into contracts or cooperative agreements with, or make grants to, individuals, public or private nonprofit institutions, agencies, organizations, or consortia of such institutions, agencies, or organizations to carry out the activities of the Institute. Such grants, contracts, or agreements shall be subject to the laws and regulations that generally apply to grants, contracts, or agreements entered into by Federal agencies.

"(e) LITERACY LEADERSHIP.—(1) The Institute is, in consultation with the Board, authorized to award fellowships, with such stipends and allowances that the Director considers necessary, to outstanding individuals pursuing careers in adult education or literacy in the areas of instruction, management, research, or innovation.

"(2) Fellowships awarded under this subsection shall be used, under the auspices of the Institute, to engage in research, education, training, technical assistance, or other activities to advance the field of adult education or literacy, including the training of volunteer literacy providers at the national, State, or local level.

"(3) Individuals receiving fellowships pursuant to this subsection shall be known as 'Literacy Leader Fellows'.

"(f) NATIONAL INSTITUTE BOARD.—(1)(A) There is established the National Institute Board (in this section referred to as the 'Board'). The Board shall consist of 10 individuals appointed by the President with the advice and consent of the Senate from individuals who—

"(i) are not otherwise officers or employees of the Federal Government;

"(ii) are representative of entities or groups described in subparagraph (B); and

"(iii) are chosen from recommendations made to the President by individuals who represent such entities or groups.

"(B) Entities or groups described in this subparagraph are—

"(i) literacy organizations and providers of literacy services, including—

"(I) providers of literacy services receiving assistance under this Act; and

"(II) nonprofit providers of literacy services;

"(ii) businesses that have demonstrated interest in literacy programs;

"(iii) literacy students;

"(iv) experts in the area of literacy research;

"(v) State and local governments; and

"(vi) organized labor.

"(2) The Board shall—

"(A) make recommendations concerning the appointment of the Director and staff of the Institute;

"(B) provide independent advice on the operation of the Institute; and

"(C) receive reports from the Interagency Group and the Director.

"(3) The Interagency Group may carry out the duties of the Board until the expiration of the 180-day period beginning on the date of the enactment of the National Literacy Act of 1991.

"(4) Except as otherwise provided, the Board established by this subsection shall be subject to the provisions of the Federal Advisory Committee Act.

"(5)(A) Each member of the Board shall be appointed for a term of 3 years. Any such member may be appointed for not more than 2 consecutive terms.

"(B) Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that members' term until a successor has taken office. A vacancy in the Board shall be filled in the manner in which the original appointment was made. A vacancy in the Board shall not affect the powers of the Board.

"(6) A majority of the members of the Board shall constitute a quorum but a lesser number may hold hearings. Any recommendation may be passed only by a majority of its members present.

"(7) The Chairperson and Vice Chairperson of the Board shall be elected by the members. The term of office of the Chairperson and Vice Chairperson shall be 2 years.

"(8) The Board shall meet at the call of the Chairperson or a majority of its members.

"(g) GIFTS, BEQUESTS, AND DEVISES.—The Institute and the Board may accept (but not solicit), use, and dispose of gifts, bequests, or devises of services or property, both real and personal, for the purpose of aiding or facilitating the work of the Institute or the Board, respectively. Gifts, bequests, or devises of money and proceeds from sales of other property received as gifts, bequests, or devises shall be deposited in the Treasury and shall be available for disbursement upon order of the Institute or the Board, respectively.

"(h) MAILS.—The Board and the Institute may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

"(i) STAFF.—The Interagency Group, after considering recommendations made by the Board, shall appoint and fix the pay of a Director.

"(j) APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—The Director and staff of the Institute may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, except that an individual so appointed may not receive pay in excess of the annual rate of basic pay payable for GS-18 of the General Schedule.

"(k) EXPERTS AND CONSULTANTS.—The Board and the Institute may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

"(l) REPORT.—The Institute shall submit a report to the Congress in each of the first 2 years in which it receives assistance under this section, and shall submit a report biennially thereafter. Each report submitted under this subsection shall include—

"(1) a comprehensive and detailed description of the Institute's operations, activities, financial

condition, and accomplishments in the field of literacy for such fiscal year;

"(2) a description of how plans for the operation of the Institute for the succeeding fiscal year will facilitate achievement of the goals of the Institute and the goals of the literacy programs within the Department of Education, the Department of Labor, and the Department of Health and Human Services; and

"(3) any additional minority, or dissenting views submitted by members of the Board.

"(m) NONDUPLICATION.—The Institute shall not duplicate any functions carried out by the Secretary pursuant to subsection (a) or (b). This subsection shall not be construed to prohibit the Secretary from delegating such functions to the Institute.

"(n) AUTHORIZATION OF APPROPRIATIONS.—(1) There are authorized to be appropriated for purposes of operating the Institute established by subsection (c) $15,000,000 for each of the fiscal years 1992, 1993, 1994, and 1995.

"(2) Any amounts appropriated to the Secretary, the Secretary of Labor, the Secretary of Health and Human Services, or any other department that participates in the Institute for purposes that the Institute is authorized to perform under this section may be provided to the Institute for such purposes.".

SEC. 313. STATE LITERACY RESOURCE CENTERS.

Part B of the Adult Education Act (20 U.S.C. 1203 et seq.) is amended—

(1) by redesignating subpart 7 as subpart 8; and

(2) by inserting after subpart 6 the following:

"Subpart 7—State Literacy Resource Centers

"SEC. 356. STATE LITERACY RESOURCE CENTERS.

"(a) PURPOSE.—It is the purpose of this section to assist State and local public and private nonprofit efforts to eliminate illiteracy through a program of State literacy resource center grants to—

"(1) stimulate the coordination of literacy services,

"(2) enhance the capacity of State and local organizations to provide literacy services, and

"(3) serve as a reciprocal link between the National Institute for Literacy and service providers for the purpose of sharing information, data, research, and expertise and literacy resources.

"(b) ESTABLISHMENT.—From amounts appropriated pursuant to subsection (k), the Secretary is authorized to make grants for purposes of establishing a network of State or regional adult literacy resource centers.

"(c) ALLOTMENT.—(1) From sums available for purposes of making grants under this section for any fiscal year, the Secretary shall allot to each State having an approved application under subsection (h) an amount that bears the same ratio to such sums as the amount allotted to such State under section 313(b) for the purpose of making grants under section 321 bears to the aggregate amount allotted to all States under such section for such purpose.

"(2) The chief executive officer of each State that receives its allotment under this section shall contract on a competitive basis with the State educational agency, 1 or more local educational agencies, a State office on literacy, a volunteer organization, a community-based organization, institution of higher education, or other nonprofit entity to operate a State literacy resource center. No applicant participating in a competition pursuant to the preceding sentence shall participate in the review of its own application.

"(d) USE OF FUNDS.—Funds provided to each State under subsection (c)(1) to carry out this section shall be used to conduct activities to—

"(1) improve and promote the diffusion and adoption of state-of-the-art teaching methods, technologies and program evaluations;

"(2) develop innovative approaches to the coordination of literacy services within and among States and with the Federal Government;

"(3) assist public and private agencies in coordinating the delivery of literacy services;

"(4) encourage government and industry partnerships, including partnerships with small businesses, private nonprofit organizations, and community-based organizations;

"(5) encourage innovation and experimentation in literacy activities that will enhance the delivery of literacy services and address emerging problems;

"(6) provide technical and policy assistance to State and local governments and service providers to improve literacy policy and programs and access to such programs;

"(7) provide training and technical assistance to literacy instructors in reading instruction and in—

"(A) selecting and making the most effective use of state-of-the-art methodologies, instructional materials, and technologies such as—

"(i) computer assisted instruction;

"(ii) video tapes;

"(iii) interactive systems; and

"(iv) data link systems; or

"(B) assessing learning style, screening for learning disabilities, and providing individualized remedial reading instruction; or

"(8) encourage and facilitate the training of full-time professional adult educators.

"(e) ALTERNATIVE USES OF EQUIPMENT.—Equipment purchases pursuant to this section, when not being used to carry out the provisions of this section, may be used for other instructional purposes if—

"(1) the acquisition of the equipment was reasonable and necessary for the purpose of conducting a properly designed project or activity under this section;

"(2) the equipment is used after regular program hours or on weekends; and

"(3) such other use is—

"(A) incidental to the use of the equipment under this section;

"(B) does not interfere with the use of the equipment under this section; and

"(C) does not add to the cost of using the equipment under this section.

"(f) LIMITATION.—Not more than 10 percent of amounts received under any grant received under this section shall be used to purchase computer hardware or software.

"(g) SPECIAL RULE.—(1) Each State receiving funds pursuant to this section may not use more than 5 percent of such funds to establish a State advisory council on adult education and literacy (in this section referred to as the 'State council') pursuant to section 332.

"(2) Each State receiving funds pursuant to this section may use such funds to support an established State council to the extent that such State council meets the requirements of section 332.

"(3) Each State receiving funds pursuant to this paragraph to establish or support a State council pursuant to section 332 shall provide matching funds on a dollar-for-dollar basis.

"(h) APPLICATIONS.—Each State or group of States, as appropriate, that desires to receive a grant under this section for a regional adult literacy resource center, a State adult literacy resource center, or both shall submit to the Secretary an application that has been reviewed and commented on by the State council, where appropriate, and that describes how the State or group of States will—

"(1) develop a literacy resource center or expand an existing literacy resource center;

"(2) provide services and activities with the assistance provided under this section;

"(3) assure access to services of the center for the maximum participation of all public and private programs and organizations providing or seeking to provide basic skills instruction, including local educational agencies, agencies responsible for corrections education, service delivery areas under the Job Training Partnership Act, welfare agencies, labor organizations, businesses, volunteer groups, and community-based organizations;

"(4) address the measurable goals for improving literacy levels as set forth in the plan submitted pursuant to section 342; and

"(5) develop procedures for the coordination of literacy activities for statewide and local literacy efforts conducted by public and private organizations, and for enhancing the systems of service delivery.

"(i) PAYMENTS; FEDERAL SHARE.—(1) The Secretary shall pay to each State having an application approved pursuant to subsection (h) the Federal share of the cost of the activities described in the application.

"(2) The Federal share—

"(A) for each of the first 2 fiscal years in which the State receives funds under this section shall not exceed 80 percent;

"(B) for each of the third and fourth fiscal years in which the State receives funds under this section shall not exceed 70 percent; and

"(C) for the fifth and each succeeding fiscal year in which the State receives funds under this section shall not exceed 60 percent.

"(3) The non-Federal share of payments under this section may be in cash or in kind, fairly evaluated, including plant, equipment, or services.

"(j) REGIONAL CENTERS.—(1) A group of States may enter into an interstate agreement to develop and operate a regional adult literacy resource center for purposes of receiving assistance under this section if the States determine that a regional approach is more appropriate for their situation.

"(2) Any State that receives assistance under this section as part of a regional center shall only be required to provide under subsection (i) 50 percent of the funds such State would otherwise be required to provide under such subsection.

"(3) In any fiscal year in which the amount a State will receive under this section is less than $100,000, the Secretary may designate the State to receive assistance under this section only as part of a regional center.

"(4) The provisions of paragraph (3) shall not apply to any State that can demonstrate to the Secretary that the total amount of Federal, State, local and private funds expended to carry out the purposes of this section would equal or exceed $100,000.

"(5) In any fiscal year in which paragraph (2) applies, the Secretary may allow certain States that receive assistance as part of a regional center to reserve a portion of such assistance for a State adult literacy resource center pursuant to this section.

"(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out the provisions of this section $25,000,000 for each of the fiscal years 1992 and 1993, and such sums as may be necessary for each of the fiscal years 1994 and 1995.".

PART B—WORKFORCE LITERACY

SEC. 321. NATIONAL WORKFORCE LITERACY ASSISTANCE COLLABORATIVE.

(a) ESTABLISHMENT.—There is established in the Department of Labor a National Workforce Literacy Assistance Collaborative (in this subsection referred to as the "Collaborative") to improve the basic skills of individuals, especially those individuals who are marginally employed or unemployed with low basic skills and limited opportunity for long-term employment and advancement, by assisting small- and medium-sized businesses, business associations that represent small- and medium-sized businesses, and labor organizations to develop and implement literacy programs tailored to the needs of the workforce.

(b) FUNCTIONS.—The Collaborative shall—

(1) develop and implement a plan for providing small- and medium-sized businesses with the technical assistance required to address the literacy needs of their workforce;

(2) monitor the development of workforce literacy training programs and identify best practices and successful small- and medium-sized business program models;

(3) inform businesses and unions of research findings and best practices regarding exemplary curricula, instructional techniques, training models, and the use of technology as a training tool in the workplace;

(4) provide technical assistance to help businesses assess individual worker literacy skill needs, implement workforce literacy training programs, and evaluate training program effectiveness;

(5) promote cooperation and coordination among State and local agencies and the private sector to obtain maximum uses of existing literacy and basic skills training resources;

(6) conduct regional and State small business workforce literacy meetings to increase program effectiveness and accountability;

(7) establish cooperative arrangements with the National Institute for Literacy and other centers involved in literacy and basic skills research and development activities; and

(8) prepare and produce written and video materials necessary to support technical assistance and information dissemination efforts.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for purposes of carrying out this section $5,000,000 for each of the fiscal years 1992, 1993, 1994, and 1995.

SEC. 322. GRANTS FOR NATIONAL WORKFORCE LITERACY STRATEGIES.

Section 371 of the Adult Education Act (20 U.S.C. 1211) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting after "Secretary" the following: ", in consultation with the Secretary of Labor and the Administrator of the Small Business Administration,";

(B) in subparagraph (B) of paragraph (2)—

(i) by striking "and" and inserting a comma; and

(ii) by inserting after "local educational agencies" the following: ", and other entities described in paragraph (1) that receive grants under this subsection"; and

(C) by adding at the end the following:

"(5) In awarding grants under this section, the Secretary shall give priority to applications from partnerships that include small businesses.

"(6) The Secretary is authorized to award grants under this section for a period not to exceed 3 years.";

(2) in subsection (b)—

(A) in paragraph (1), by striking "subsection (c)" and inserting "subsection (e)";

(B) in subparagraph (B) of paragraph (2)—

(i) by striking "and" the first place it appears and inserting a comma; and

(ii) by inserting after "local educational agencies" the following: ", and other entities described in paragraph (1) that receive grants under this subsection"; and

(C) in paragraph (7), by amending subparagraph (B) to read as follows:

"(B) From the sum appropriated for each fiscal year under subsection (c) for any fiscal year in which appropriations equal or exceed $50,000,000, the Secretary shall allot to each State (as defined in section 312(7)) an amount proportionate to the amount such State receives under section 313.";

(3) by redesignating subsection (c) as subsection (e);

(4) by inserting after subsection (b) the following:

"(c) GRANT FOR NATIONAL WORKFORCE LITERACY STRATEGIES.—(1) In any fiscal year in which amounts appropriated pursuant to the authorization contained in subsection (e) equal or exceed $25,000,000, the Secretary shall reserve not more than $5,000,000 to establish a program of grants to facilitate the design and implementation of national strategies to assist unions, unions in collaboration with programs eligible for assistance under this Act and businesses, and small- and medium-sized businesses to effectively provide literacy and basic skills training to workers.

"(2) Grants awarded under this subsection shall pay the Federal share of the cost of programs to establish large-scale national strategies in workforce literacy, which may include the following activities:

"(A) Basic skills training that is—

"(i) cost-effective;

"(ii) needed by employees; and

"(iii) required by employers to establish a trainable workforce that can take advantage of further job specific training and advance the productivity of the labor force on an individual, industry, or national level.

"(B) Specific program offerings, which may include—

"(i) English as a second language instruction;

"(ii) communications skill building;

"(iii) interpersonal skill building;

"(iv) reading and writing skill building; and

"(v) computation and problem solving.

"(C) Appropriate assessments of the literacy and basic skills needs of individual workers and the skill levels required by business.

"(D) Cooperative arrangements with other organizations involved in providing literacy and basic skills training, including adult education organizations, vocational education organizations, community and junior colleges, community-based organizations, State level agencies, and private industry councils.

"(E) The establishment as appropriate of technology-based learning environments, such as computer-based learning centers.

"(3) Any partnership described in subsection (a)(1) that desires to receive a grant under this subsection shall submit a proposal to the Secretary. The proposal shall contain a plan specifying a strategy for designing and implementing workforce literacy and basic skills training for workers, and justifying the national, statewide, or industry-wide importance of this strategy. The proposal shall include—

"(A) a demonstration of need for literacy and basic skills training;

"(B) a description of the business or industry for which the strategy is to be established;

"(C) a statement of specific, measurable goals and participant outcomes;

"(D) a strategy for achieving the goals, including a description of the process to identify literacy and basic skills required by employers and the skills of individual workers, and a description of the specific services to be provided; and

"(E) a description of the costs of the activities to be undertaken.

"(4) The Secretary shall develop a formal process for the submission of proposals and publish an announcement in the Federal Register with respect to that process and the availability of grants under this subsection.

"(5) The Federal share of the cost of a program assisted under this subsection shall not exceed 70 percent.

"(6) The Secretary shall give priority for grants under this subsection to proposals to carry out activities described in paragraph (2)(D).

"(7) In awarding grants under this subsection, the Secretary may consider geographic factors, such as rural and urban areas and national distribution.

"(8) Of the grants awarded under this subsection each year, not less than 5 shall each be for an amount that is not less than $500,000.

"(d) EVALUATION.—The Secretary shall reserve not more than 2 percent of any amount appropriated pursuant to the authorization contained in subsection (e) for the purpose of carrying out an independent evaluation of the effectiveness of programs assisted under this section in improving the literacy and basic skills of workers and the productivity of employees, including potential for the replicability or adaption of such programs."; and

(5) in subsection (e) (as redesignated by paragraph (3)) by striking paragraph (1) and inserting the following:

"(1) There are authorized to be appropriated for purposes of carrying out this section such sums as may be necessary for the fiscal year 1991, $60,000,000 for the fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993, 1994, and 1995.".

PART C—INVESTMENT IN LITERACY

SEC. 331. AMENDMENTS TO THE ADULT EDUCATION ACT.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 313 of the Adult Education Act (20 U.S.C. 1201b) is amended in subsection (a) by striking "$200,000,000" and all that follows through "1993" and inserting the following: "such sums as may be necessary for the fiscal year 1991, $260,000,000 for the fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993, 1994, and 1995".

(b) USE OF FUNDS.—Subsection (a) of section 322 of the Adult Education Act (20 U.S.C. 1203b(a)) is amended—

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

"(1) Grants to States under this subpart shall be used in accordance with State plans (and amendments thereto) approved under sections 341 and 351, to pay the Federal share of the cost of the establishment or expansion of adult education programs to be carried out by local educational agencies, correctional education agencies, community-based organizations, public or private nonprofit agencies, postsecondary educational institutions, and other institutions that have the ability to provide literacy services to adults and families. Each State educational agency receiving financial assistance under this subpart shall provide assurance that local educational agencies, public or private nonprofit agencies, community-based organizations, correctional education agencies, postsecondary educational institutions, and institutions which serve educationally disadvantaged adults will be provided direct and equitable access to all Federal funds provided under this subpart. Failure to provide the assurance required by the preceding sentence shall disqualify a State from receiving its allotment under this title. In determining which programs shall receive assistance under this paragraph, the State shall consider—

"(A) the past effectiveness of applicants in providing services (especially with respect to recruitment and retention of educationally disadvantaged adults and the learning gains demonstrated by such adults);

"(B) the degree to which the applicant will coordinate and utilize other literacy and social services available in the community; and

"(C) the commitment of the applicant to serve individuals in the community that are most in need of literacy services.";

(2) in paragraph (3)—

(A) by striking the first sentence;

(B) by inserting after "sources;" the following: "the projected goals of the applicant with respect to participant recruitment, retention, and educational achievement and how the applicant will measure and report progress in meeting its goals;";

(C) by striking "the Carl D. Perkins Vocational Education Act" and inserting "the Carl D. Perkins Vocational and Applied Technology Education Act"; and

(D) by striking "the Education of the Handicapped Act" and inserting "the Individuals with Disabilities Education Act";

(3) in paragraph (4)—

(A) by striking "(A)";

(B) by inserting after "adults" the following: ", particularly in areas with a high proportion of adults who do not have a certificate of graduation from a school providing secondary education or its equivalent"; and

(C) by striking subparagraph (B);

(4) by redesignating paragraphs (3) and (4) (as amended by paragraphs (2) and (3) of this subsection) as paragraphs (4) and (5), respectively; and

(5) by inserting after paragraph (2) the following:

"(3)(A) Grants to States provided under this section shall also be used for competitive 2-year grants to public housing authorities for literacy programs and related activities. Any public housing authority that receives a grant under this subparagraph shall consult with local adult education providers in conducting programs and activities with assistance provided under the grant. Any grant provided under this subparagraph shall be referred to as a 'Gateway Grant'.

"(B) The Secretary shall, not less often than every 2 years, evaluate any grants made under this paragraph and report the results of such evaluation to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate.".

(c) STATE ADMINISTRATION.—Section 331(a) of the Adult Education Act (20 U.S.C. 1205(a)) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

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

"(2) within 2 years of the enactment of the National Literacy Act of 1991, the development and implementation, in consultation with a widely representative group of appropriate experts, educators, and administrators, of indicators of program quality to be used to evaluate programs assisted under this title, as required by section 352, to determine whether such programs are effective, including whether such programs are successfully recruiting, retaining, and improving the literacy skills of the individuals served in such programs;".

(d) STATE ADVISORY COUNCIL.—(1) The heading for section 332 of the Adult Education Act is amended to read as follows:

"SEC. 332. STATE ADVISORY COUNCIL ON ADULT EDUCATION AND LITERACY.".

(2) Section 332 of the Adult Education Act (20 U.S.C. 1205a) is amended—

(A) in the first sentence of subsection (a)(1), by striking "adult education, appointed by the Governor" and inserting "adult education and literacy, appointed by, and responsible to, the Governor";

(B) in the second sentence of subsection (a)(1)—

(i) by inserting "and literacy" after "adult education"; and

(ii) by striking "consist" and all that follows through the period at the end and inserting the following: "consist of—

"(i) representatives of public education;

"(ii) representatives of public and private sector employment;

"(iii) representatives of recognized State labor organizations;

"(iv) representatives of private literacy organizations, voluntary literacy organizations, and community-based literacy organizations;

"(v) the chief administrative officer of a State, or the designee of such officer;

"(vi) representatives of—

"(I) the State educational agency;

"(II) the State job training agency;

"(III) the State human services agency;

"(IV) the State public assistance agency;

"(V) the State library program; and

"(VI) the State economic development agency;

"(vii) officers of the State government whose agencies provide funding for literacy services or who may be designated by the Governor or the Chairperson of the council to serve whenever matters within the jurisdiction of the agency headed by such an officer are to be considered by the council; and

"(viii) classroom teachers who have demonstrated outstanding results in teaching children or adults to read.";

(C) by amending subsection (d) to read as follows:

"(d) PROCEDURES.—(1) Subject to paragraphs (2) and (3), the State advisory council shall determine its own procedures, staffing needs (subject to funding levels authorized by the chief executive officer of the State), and the number, time, place, and conduct of meetings.

"(2) The State advisory council shall meet at least 4 times each year. At least 1 such meeting shall provide an opportunity for the general public to express views concerning adult education in the State.

"(3) One member more than one-half± of the members on the council shall constitute a quorum for the purpose of transmitting recommendations and proposals to the chief executive officer of the State, but a lesser number of members may constitute a quorum for other purposes.";

(D) in subsection (f)—

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

"(1) meet with the State agencies responsible for literacy training during the planning year to advise on the development of a State plan for literacy and for adult education that fulfills the literacy and adult education needs of the State, especially with respect to the needs of the labor market, economic development goals, and the needs of the individuals in the State;";

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

"(2) advise the Governor, the State educational agency, and other State agencies concerning—

"(A) the development and implementation of measurable State literacy and adult education goals consistent with section 342(c)(2), especially with respect to—

"(i) improving levels of literacy in the State by ensuring that all appropriate State agencies have specific objectives and strategies for such goals in a comprehensive approach;

"(ii) improving literacy programs in the State; and

"(iii) fulfilling the long-term literacy goals of the State;

"(B) the coordination and monitoring of State literacy training programs in order to progress toward the long-term literacy goals of the State;

"(C) the improvement of the quality of literacy programs in the State by supporting the integration of services, staff training, and technology-based learning and the integration of resources of literacy programs conducted by various agencies of State government; and

"(D) private sector initiatives that would improve adult education programs and literacy programs, especially through public-private partnerships;";

(iii) by redesignating paragraph (3) as paragraph (7); and

(iv) by inserting after paragraph (2) the following:

"(3) review and comment on the plan submitted pursuant to section 356(h) and submit such comments to the Secretary;

"(4) measure progress on meeting the goals and objectives established pursuant to paragraph (2)(A);

"(5) recommend model systems for implementing and coordinating State literacy programs for replication at the local level;

"(6) develop reporting requirements, standards for outcomes, performance measures, and program effectiveness in State programs, that are consistent with those proposed by the Interagency Task Force on Literacy; and".

(e) STATE PLAN.—Subsection (c) of section 342 of the Adult Education Act (20 U.S.C. 1206a) is amended—

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

"(1) describe and provide for the fulfillment of the literacy needs of individuals in the State;";

(2) by striking paragraph (9);

(3) by redesignating paragraphs (2) through (8) as paragraphs (3) through (9), respectively;

(4) by inserting after paragraph (1) the following:

"(2) set forth measurable goals for improving literacy levels, retention in literacy programs, and long-term learning gains of individuals in the State and describe a comprehensive approach for achieving such goals, including the development of indicators of program quality as required by section 331(a)(2);";

(5) in paragraph (4) (as redesignated by paragraph (3) of this section)—

(A) by striking "the use of" and inserting "coordination by";

(B) by striking "other than" and inserting "including"; and

(C) by striking "such as" the second place such term appears;

(6) by striking "and" at the end of paragraph (12);

(7) by striking the period at the end of paragraph (13) and inserting a semicolon; and

(8) by adding at the end the following:

"(14) report the amount of administrative funds spent on program improvements; and

"(15) contain assurances that financial assistance provided pursuant to this title shall be used to assist and expand existing programs and to develop new programs for adults whose lack of basic skills—

"(A) renders them unemployable;

"(B) keeps them, whether employed or unemployed, from functioning independently in society; and

"(C) severely reduces their ability to have a positive effect on the literacy of their children.".

(f) EVALUATION.—Section 352 of the Adult Education Act (20 U.S.C. 1207a) is amended—

(1) in paragraph 1—

(A) by striking "data to the Secretary" and inserting the following: "to the Secretary and make public within the State data";

(B) by inserting before the semicolon the following: ", including—

"(A) the number and percentage of local educational agencies, community-based organizations, volunteer groups, and other organizations that are grant recipients; and

"(B) results of the evaluations carried out as required by paragraph (2) in the year preceding the year for which the data is submitted";

(2) in paragraph (2)—

(A) by striking "before the end" and all that follows through "shall consider" and inserting the following: "evaluate 20 percent of the grant recipients each year so that at the end of such period 80 percent of all grant recipients shall have been evaluated once and such evaluations shall consider, at a minimum";

(B) by redesignating subparagraphs (A) through (D) as subparagraphs (B) through (E), respectively;

(C) by inserting before subparagraph (B) (as redesignated by subparagraph (B) of this paragraph) the following:

"(A) the projected goals of the grant recipient as described in its application pursuant to section 322(a)(3);";

(D) by amending subparagraph (D) (as redesignated by subparagraph (B) of this paragraph) to read as follows:

"(D) the success of the grant recipient in meeting the State's indicators of program quality after such indicators are developed as required by section 331(a)(2); and"; and

(E) by striking "and" at the end.

(g) TEACHER TRAINING.—(1) Subsection (a) of section 353 of the Adult Education Act (20 U.S.C. 1208(a)) is amended—

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

(B) by striking the period at the end of paragraph (2) and inserting "; and"; and

(C) by adding at the end the following:

"(3) training professional teachers, volunteers, and administrators, with particular emphasis on—

"(A) training—

"(i) full-time professional adult educators;

"(ii) minority adult educators;

"(iii) educators of adults with limited English proficiency; and

"(B) training teachers to recognize and more effectively serve illiterate individuals with learning disabilities and individuals who have a reading ability below the fifth grade level.".

(2) Section 353 of the Adult Education Act (as amended by paragraph (1) of this subsection) (20 U.S.C. 1208) is amended—

(A) in subsection (a), by striking "10" and inserting "15"; and

(B) by amending subsection (b) to read as follows:

"(b) SPECIAL RULE.—At least two-thirds of the 15 percent reserved pursuant to subsection (a) shall be used to carry out the provisions of paragraphs (2) and (3) of subsection (a).".

(h) FEDERAL RESPONSIBILITY.—Section 361 of the Adult Education Act (20 U.S.C. 1209) is amended by adding at the end the following:

"(c) FEDERAL RESPONSIBILITY.—Within 1 year after the enactment of the National Literacy Act of 1991, the Secretary, in consultation with appropriate experts, educators, and administrators, shall develop indicators of program quality that may be used by State and local programs receiving assistance under this title as models by which to judge the success of such programs, including success in recruitment and retention of students and improvement in the literacy skills of students. Such indicators shall take into account different conditions under which programs operate and shall be modified as better means of assessing program quality are developed.".

SEC. 332. TARGETED ASSISTANCE.

Section 1531(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2941) is amended by—

(1) redesignating paragraphs (5) and (6) as paragraphs (6) and (7), respectively; and

(2) inserting the following new paragraph (5) after paragraph (4):

"(5) programs of training to enhance the ability of teachers and school counselors to identify, particularly in the early grades, students with reading and reading-related problems that place such students at risk for illiteracy in their adult years;".

SEC. 333. AMENDMENTS TO THE EVEN START PROGRAM.

(a) AMENDMENT TO PART HEADING.—The heading for part B of chapter 1 of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2741 et seq.) is amended to read as follows:

"PART B—EVEN START FAMILY LITERACY PROGRAMS".

(b) STATE GRANT PROGRAM.—Section 1052 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2742) is amended—

(1) in subsection (a), by striking "local educational agencies or consortia of such agencies" and inserting "eligible entities";

(2) in subsection (b)—

(A) by inserting "(1)" before "In"; and

(B) by adding at the end the following:

"(2) In any fiscal year in which this subsection applies, no State shall award a grant under this part for an amount less than $75,000.

"(3) In any year in which this subsection applies, each State that receives a grant under this part may use not more than 5 percent of assistance provided under the grant for costs of—

"(A) administration; and

"(B) the provision, through grant or contract, of technical assistance for program improvement and replication to eligible entities that receive grants under this part.";

(3) by redesignating subsection (c) as subsection (d);

(4) by inserting after subsection (b) the following new subsection:

"(c) RESERVATION.—From amounts appropriated for purposes of carrying out this part, the Secretary may reserve an amount equal to not more than 2 percent of such amounts or the amount reserved for such purposes in the fiscal year 1991, whichever is greater, for purposes of—

"(1) carrying out the evaluation required by section 1058; and

"(2) providing, through grant or contract, technical assistance for program improvement and replication to eligible entities that receive grants under this part."; and

(5) by amending subsection (d) (as redesignated by paragraph (3)) to read as follows:

"(d) DEFINITIONS.—For the purpose of this part:

"(1) The term 'eligible entity' means—

"(A) a local educational agency applying in collaboration with a community-based organization, public agency, institution of higher education, or other nonprofit organization; or

"(B) a community-based organization, or other nonprofit organization of demonstrated quality applying in collaboration with a local educational agency.

"(2) The terms 'Indian tribe' and 'tribal organization' have the respective meanings given such terms in section 4 of the Indian Self-Determination and Education Assistance Act.

"(3) The term 'State' includes each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.".

(c) ALLOCATION.—Subsection (a) of section 1053 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2743) is amended to read as follows:

"(a) RESERVATION FOR MIGRANT PROGRAMS AND TERRITORIES.—(1) In each fiscal year in which section 1052(a) applies, the Secretary shall first reserve for programs consistent with the purpose of this part—

"(A) for programs for migrant children, which shall be conducted through the Office of Migrant Education, an amount equal to 3 percent of the amount appropriated for purposes of carrying out this part; and

"(B) for allocations to Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, and Palau (until the Compact of Free Association with Palau takes effect pursuant to section 101(a) of Public Law 99-658), and to Indian tribes and tribal organizations, an amount comparable to their relative need.

"(2) In each fiscal year in which section 1052(b) applies, the Secretary shall first reserve for programs consistent with the purpose of this part, an amount equal to 5 percent of the amount appropriated for purposes of carrying out this part, of which—

"(A) amounts shall be allocated for programs for migrant children, Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, and Palau (until the Compact of Free Association with Palau takes effect pursuant to section 101(a) of Public Law 99-658), and Indian tribes and tribal organizations, according to their relative need; but

"(B) in no case shall the amount reserved for programs for migrant children be less than the amount reserved for such programs in the preceding fiscal year.".

(d) FEDERAL SHARE LIMITATION.—Section 1054 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2744) is amended—

(1) in subsection (a), by striking "local educational agencies" and all that follows through "nonprofit organizations," and inserting "an eligible entity";

(2) in paragraph (2) of subsection (b), by inserting after "counseling," the following: "other developmental and support services,"; and

(3) in subsection (c)—

(A) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), respectively;

(B) by inserting "(1)" before "The Federal share";

(C) in subparagraph (A) (as redesignated by subparagraph (A) of this paragraph), by striking "local educational agency" and inserting "eligible entity";

(D) by striking the last sentence and inserting the following: "The remaining cost may be provided in cash or in kind, fairly evaluated, and may be obtained from any source other than funds made available for programs under this chapter."; and

(E) by adding at the end the following:

"(2) The Secretary (in any fiscal year in which section 1052(a) applies) or the State educational agency (in any fiscal year in which section 1052(b) applies) may waive, in whole or in part, the requirement that all or part of the remaining cost described in paragraph (1) be obtained from sources other than funds made available under this chapter if an eligible entity—

"(A) demonstrates that it otherwise would not be able to participate in the program under this part; and

"(B) negotiates an agreement with the Secretary or the State educational agency, as appropriate, with respect to the amount of the remaining cost to which the waiver would be applicable.".

(e) ELIGIBLE PARTICIPANTS.—Section 1055 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2745) is amended—

(1) by striking "Eligible" and inserting the following: "(a) IN GENERAL.—Except as provided in subsection (b), eligible";

(2) in paragraph (2) of subsection (a) (as designated by paragraph (1)), by striking "(aged 1 to 7," and inserting "(from birth to age 7,"; and

(3) by adding at the end the following:

"(b) CONTINUATION OF ELIGIBILITY FOR CERTAIN PARTICIPANTS.—Any family participating in the program under this part that becomes ineligible for such participation as a result of 1 or more members of the family becoming ineligible for such participation, may continue to participate in the program until all members of the family become ineligible for participation, which—

"(1) in the case of a family in which ineligibility was due to the child or children of such family attaining the age of 8, shall be when the parent or parents become ineligible due to educational advancement; and

"(2) in the case of a family in which ineligibility was due to the educational advancement of the parent or parents of such family, shall be when all children in the family attain the age of 8.".

(f) APPLICATIONS.—Section 1056 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2746) is amended—

(1) in subsection (a), by striking "a local educational agency" and inserting "an eligible entity"; and

(2) in subsection (b), by striking "the local educational agency" and inserting "the eligible entity".

(g) SELECTION PROCESS.—Section 1057 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2747) is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (1) through (7) as subparagraphs (A) through (G), respectively;

(B) by inserting "(1)" before "The";

(C) in paragraph (1) (as designated by subparagraph (B) of this paragraph)—

(i) by amending subparagraph (B) (as redesignated by subparagraph (A) of this paragraph) to read as follows:

"(B) demonstrate that the area to be served by such program has a high percentage or a large number of children and adults who are in need of such services as indicated by high levels of poverty, illiteracy, unemployment, limited English proficiency, or other need-related indicators;";

(ii) in subparagraph (E) (as redesignated by subparagraph (A) of this paragraph), by striking "the local educational agency's" and inserting "the eligible entity's"; and

(iii) by adding at the end the following:

"(2) The review panel shall give priority for grants under this subsection to proposals which—

"(A) make the demonstration described in paragraph (1)(B); and

"(B) demonstrate an ability to operate an effective program.";

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

"(c) DISTRIBUTION OF ASSISTANCE.—(1) In approving grants under this part pursuant to section 1052(a), the Secretary shall ensure a representative distribution of assistance among the States and among urban and rural areas of the United States.

"(2) In approving grants under this part pursuant to section 1052(b), the review panel shall ensure a representative distribution of assistance between urban and rural areas of the State."; and

(3) in paragraph (1) of subsection (d)—

(A) by striking "a local educational agency" and inserting "an eligible entity"; and

(B) by striking "such local educational agency" and inserting "such eligible entity".

(h) AUTHORIZATION OF APPROPRIATIONS.—Section 1059 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2749) is amended to read as follows:

"SEC. 1059. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated for purposes of carrying out this part such sums as may be necessary for the fiscal year 1991, $60,000,000 for the fiscal year 1992, and such sums as may be necessary for the fiscal year 1993.".

SEC. 334. FAMILY LITERACY PUBLIC BROADCASTING PROGRAM.

(a) PROGRAM AUTHORIZED.—(1) The Secretary is authorized, subject to the availability of appropriations, to enter into a contract with the Corporation for Public Broadcasting to arrange for the production and dissemination of family literacy programming and accompanying materials which would assist parents in improving family literacy skills and language development. In producing and developing such programming, the Corporation for Public Broadcasting shall work in cooperation with local public broadcasting stations to avoid duplication of efforts.

(2) After the program described in paragraph (1) is produced, the Corporation for Public Broadcasting shall arrange to have audio and video instructional media materials for distribution at sites chosen from among—

(A) State and local libraries operating literacy programs, and

(B) nonprofit entities serving hard-to-serve populations as defined in section 304(b)(2), including community-based organizations, volunteer organizations and other nongovernmental entities.

(3) The audio and video instructional media materials described in paragraph (2) shall be used at sites described in paragraph (2), and on a loan basis, distributed to families.

(4) One year after distribution of the audio and video instructional media materials, the Corporation for Public Broadcasting shall report to the Congress on the distribution and use of the audio and video instructional media materials produced pursuant to this subsection and such audio and video instructional media materials' contribution in promoting literacy.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $2,000,000 for fiscal year 1992 to carry out the provisions of subsection (i), of which $100,000 shall be reserved for reproducing and distributing programming or audio and video instructional media materials.

PART D—BUSINESS LEADERSHIP FOR EMPLOYMENT SKILLS

SEC. 341. EDUCATION PROGRAMS FOR COMMERCIAL DRIVERS.

(a) IN GENERAL.—Part C of the Adult Education Act (20 U.S.C. 1211 et seq.) is amended by adding at the end the following:

"SEC. 373. EDUCATION PROGRAMS FOR COMMERCIAL DRIVERS.

"(a) PROGRAM AUTHORIZED.—The Secretary is authorized to make grants on a competitive basis to pay the Federal share of the costs of establishing and operating adult education programs which increase the literacy skills of eligible commercial drivers so that such drivers may successfully complete the knowledge test requirements under the Commercial Motor Vehicle Safety Act of 1986.

"(b) FEDERAL SHARE.—The Federal share of the costs of the adult education programs authorized under subsection (a) shall be 50 percent. Nothing in this subsection shall be construed to require States to meet the non-Federal share from State funds.

"(c) ELIGIBLE ENTITIES.—Entities eligible to receive a grant under this section include—

"(1) private employers employing commercial drivers in partnership with agencies, colleges, or universities described in paragraph (2);

"(2) local educational agencies, State educational agencies, colleges, universities, or community colleges;

"(3) approved apprentice training programs; and

"(4) labor organizations, the memberships of which include commercial drivers.

"(d) REFERRAL PROGRAM.—Grantees shall refer to appropriate adult education programs as authorized under this title individuals who are identified as having literacy skill problems other than or beyond those which prevent them from successfully completing the knowledge test requirements under the Commercial Motor Vehicle Safety Act of 1986.

"(e) DEFINITIONS.—For purposes of this section:

"(1) The term 'approved apprentice training programs' has the meaning given such term in the National Apprenticeship Act of 1937.

"(2) The term 'eligible commercial driver' means a driver licensed prior to the requirements of the Commercial Motor Vehicle Safety Act of 1986.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for purposes of carrying out this section $3,000,000 for each of the fiscal years 1991, 1992, and 1993.".

(b) AVOIDANCE OF DUPLICATE ENACTMENT.—The amendment made by subsection (a) shall not take effect if the Higher Education Amendments of 1991 are enacted before the enactment of this Act.

PART E—BOOKS FOR FAMILIES

SEC. 351. INEXPENSIVE BOOK DISTRIBUTION PROGRAM.

(a) PRIORITY.—Section 1563(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2963) is amended by—

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

(2) by redesignating paragraph (3) as paragraph (4); and

(3) by inserting after paragraph (2) the following:

"(3) in the fiscal year 1991 and each succeeding fiscal year, the contractor will give priority in the selection of additional local programs to programs and projects which serve children and students with special needs including, at a minimum—

"(A) low-income children (particularly such children in high poverty areas);

"(B) children at risk for school failure;

"(C) children with disabilities;

"(D) emotionally disturbed children;

"(E) foster children;

"(F) homeless children;

"(G) migrant children;

"(H) children without access to libraries;

"(I) institutionalized or incarcerated children; and

"(J) children whose parents are institutionalized or incarcerated; and".

(b) STUDY.—The contractor shall report to the Secretary of Education annually regarding the number and description of the additional programs funded under subsection 1563(a)(3) of the Elementary and Secondary Education Act of 1965.

SEC. 352. LIBRARY LITERACY PROGRAMS.

Section 601 of the Library Services and Construction Act (20 U.S.C. 375) is amended by inserting at the end thereof the following new subsection:

"(f) In awarding grants under this section the Secretary shall give priority to programs and services which—

"(1) will be delivered in areas of greatest need which have highest concentrations of adults who do not have a secondary education or its equivalent, and which—

"(A) have few community or financial resources to establish the program described under this section without Federal assistance, or

"(B) have low per capita income, unemployment or underemployment; and

"(2) coordinate with literacy organizations and community based organizations providing literacy services.".

PART F—LITERACY FOR INCARCERATED INDIVIDUALS

SEC. 361. MANDATORY EDUCATION FOR INCARCERATED ADULTS.

Subpart 1 of part B of the Adult Education Act (20 U.S.C. 1203 et seq.) is amended by adding at the end the following:

"SEC. 324. MANDATORY LITERACY PROGRAM.

"(a) INITIAL REQUIREMENT.—Before the expiration of the 2-year period beginning on the date of the enactment of the National Literacy Act of 1991, each State correctional system shall have in effect a mandatory functional literacy program in at least 1 major correctional facility.

"(b) SUBSEQUENT REQUIREMENT.—Before the expiration of the 5-year period beginning on the date of the enactment of the National Literacy Act of 1991, each State correctional system and each local jail or detention center with a population of more than 150 inmates shall have in effect a mandatory functional literacy program where funds are available to operate such a program.

"(c) PROGRAM REQUIREMENTS.—Each mandatory functional literacy program required by subsections (a) and (b) shall include—

"(1) a requirement that each individual incarcerated in such system, jail, or detention center who is not functionally literate shall participate in such program until such individual—

"(A) achieves functional literacy;

"(B) is granted parole;

"(C) completes his or her sentence; or

"(D) is released pursuant to a court order;

"(2) a prohibition on granting parole to any individual described in paragraph (1) who refuses to participate in such program;

"(3) adequate opportunities for appropriate educational services and testing all inmates for functional literacy upon reception; and

"(4) an inmate participation incentive program which may include—

"(A) better housing opportunities;

"(B) monetary incentives for achievement; and

"(C) positive reports from the education department to the parole authorities for inmates who participate and progress in the literacy program.

"(d) FUNCTIONAL LITERACY.—For purposes of this section, the term 'functional literacy' means—

"(1) an eighth grade equivalence in reading on a nationally recognized standardized test;

"(2) functional competency or literacy on a nationally recognized criterion-referenced test; or

"(3) both.

"(e) EXCEPTED INDIVIDUALS.—Any individual who is serving a life sentence without parole, is terminally ill, or is under a sentence of death shall not be required to participate in a mandatory functional literacy program.

"(f) EARLY RELEASE WAIVER.—Subsection (c)(2) shall not apply in any case in which a court order requires early release of an individual due to a constitutional consideration.

"(g) ANNUAL REPORT.—Each State correctional education agency shall submit a report annually to the Secretary with respect to its program under this section. Such report shall include—

"(1) the number of individuals tested for eligibility;

"(2) the number of individuals eligible for the program;

"(3) the number of individuals participating in the program;

"(4) the numbers of hours of instruction per week;

"(5) sample data on achievement of students; and

"(6) data on the costs of the program.

"(h) EDUCATIONAL RECOMMENDATIONS.—Parole agencies are encouraged to make educational recommendations for those being released who do not have a marketable job skill or a high school diploma.

"(i) NON-MANDATORY PROGRAMS.—Jails and detention centers with a population of 150 inmates or less are encouraged to develop mandatory functional literacy programs as described in subsection (c).".

SEC. 362. BLUE RIBBON AWARDS FOR CORRECTIONAL EDUCATION PROGRAMS.

(a) IN GENERAL.—Section 1566 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2966) is amended—

(1) in subsection (a), by striking "The" and inserting "Subject to subsection (d), the"; and

(2) by adding at the end the following:

"(d) BLUE RIBBON AWARDS FOR CORRECTIONAL EDUCATION PROGRAMS.—The Secretary, through nominations provided by the Office on Correctional Education after consultation with representatives of correctional education organizations and others active in literacy education, shall annually make 1 or more awards under this section to effective and innovative programs for inmate education and literacy.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1992.

PART G—VOLUNTEERS FOR LITERACY

SEC. 371. LITERACY CHALLENGE GRANTS.

(a) GENERAL AUTHORITY.—

(1) PROGRAM AUTHORIZED.—Part C of title I of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4991 et seq.) is amended by adding at the end the following:

"LITERACY CHALLENGE GRANTS

"SEC. 125. (a) The Director is authorized to award challenge grants to eligible public agencies and private organizations to pay the Federal share of the costs of establishing, operating or expanding community or employee literacy programs or projects that include the use of full-time or part-time volunteers as one method of addressing illiteracy.

"(b) Each eligible organization desiring a grant under this section shall submit to the ACTION Agency an application in such form and accompanied by such information as the Director may reasonably require. Each such application shall—

"(1) describe the activities for which assistance is sought,

"(2) contain assurances that the eligible organization will provide from non-Federal sources the non-Federal share of the cost of the program or project,

"(3) provide assurances, satisfactory to the Director, that the literacy project will be operated in cooperation with other public and private agencies and organizations interested in, and qualified to, combat illiteracy in the community where the project is to be conducted, and

"(4) contain such other information and assurances as the Director may reasonably require.

"(c)(1)(A) The Federal share of the cost of a program or project authorized by this section administered by a public agency, a nonprofit organization other than an organization described in paragraph (2), or a private, for-profit organization shall not exceed—

"(i) 80 percent in the first fiscal year;

"(ii) 70 percent in the second fiscal year; and

"(iii) 60 percent in the third fiscal year.

"(B) The non-Federal share paid by a private, for-profit organization shall be in cash.

"(2) The Federal share of the cost of a program or project administered by a nonprofit or community-based organization shall not exceed—

"(A) 90 percent in the first fiscal year;

"(B) 80 percent in the second fiscal year; and

"(C) 70 percent in the third fiscal year.

"(3) The non-Federal share provided by a public agency or a nonprofit or community-based organization may be provided in cash, or in kind, fairly evaluated, and may include the use of plant, equipment, and services.".

(2) CONFORMING AMENDMENT.—The table of contents contained in the first section of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 note) is amended by inserting after the item relating to section 124 the following new item.

"Sec. 125. Literacy challenge grants.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 501(c) of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5081(c)) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) by inserting "(1)" after the subsection designation; and

(3) by inserting at the end the following:

"(2) Except as provided in paragraph (3) and in addition to the amounts authorized to be appropriated pursuant to paragraph (1) there is authorized to be appropriated $2,500,000 for the fiscal year 1992 and such sums as may be necessary for 1993 for Literacy Challenge Grants under section 125.

"(3) No funds shall be appropriated pursuant to paragraph (2) in any fiscal year unless—

"(A) the funds available in such fiscal year for the VISTA Program under part A of title I are sufficient to provide the years of volunteer service specified for such fiscal year under section 501(d)(1) for the VISTA Program; and

"(B) the funds available in such fiscal year for the VISTA Literacy Corps under part A of title I are sufficient to provide at least the same years of volunteer service as were provided in the fiscal year preceding such fiscal year.".

TITLE IV—EDUCATION FOR THE FUTURE

PART A—SCHOOL BASED MANAGEMENT/SHARED DECISIONMAKING AND FLEXIBILITY INCENTIVE

SEC. 411. SHORT TITLE.

This part may be cited as the "School Based Management/Shared Decisionmaking and Flexibility Incentive Act".

SEC. 412. FINDINGS.

The Congress finds that—

(1) schools may be more effective when individuals who are held responsible for the outcomes of decisions are also responsible for making such decisions;

(2) the needs of students vary from one school building to the next and faculty and administrators of a school need sufficient flexibility to use resources in the way that will best meet students' needs;

(3) school based management/shared decisionmaking provides flexibility for teachers and school based administrators to create a school environment which meets the specific needs of students attending such school; and

(4) school based management/shared decisionmaking provides an opportunity for parents and the community to play a larger role in the operation of a school.

SEC. 413. PROGRAM ESTABLISHED.

(a) IN GENERAL.—The Fund for the Improvement and Reform of Schools and Teaching Act (20 U.S.C. 4801 et seq.) is amended by—

(1) redesignating subparts 3 and 4 as subparts 4 and 5, respectively;

(2) redesignating sections 3231, 3232 and 3233 as sections 3241, 3242, and 3243, respectively;

(3) redesignating sections 3241, 3242 and 3243 as sections 3251, 3252 and 3253, respectively; and

(4) inserting the following new subpart after subpart 2:

"Subpart 3—School Based Management/Shared Decisionmaking

"SEC. 3231. PROGRAM AUTHORIZED.

"(a) GENERAL AUTHORITY.—The Secretary is authorized to make grants to local educational agencies whose applications are approved under this subpart, to provide incentives to test school based management/shared decisionmaking programs at school sites within the local educational agency, and to evaluate and disseminate results of such evaluation.

"(b) PROFESSIONAL DEVELOPMENT ACADEMY.—Each recipient of a grant under this subpart, who also receives Federal financial assistance under the Professional Development Academy Establishment Act established pursuant to title II of the Teacher Recruitment, Training and Professionalism Act of 1989 shall either pro-

vide in-service training programs developed under this subpart through a professional development academy, or coordinate programs funded under this subpart with programs operated by such professional development academies.

"SEC. 3232. SCHOOL BASED MANAGEMENT/SHARED DECISIONMAKING.

"(a) IN GENERAL.—As used in this subpart the term "school based management/shared decisionmaking" means a process by which a team of individuals is formed at a school site to make decisions regarding the management of the school. Such a team may include—

"(1) teachers, including representatives of professional teachers associations or organizations, where applicable;

"(2) the school principal;

"(3) school administrators;

"(4) parents;

"(5) community representatives;

"(6) school employees; and

"(7) students.

"(b) RESPONSIBILITIES.—(1) The school based management/shared decisionmaking team is responsible for decisions, determined by the team, which affect the school and classroom environment. Such decisions may include decisions such as—

"(A) curriculum and instruction priorities which meet priorities and goals of the local educational agency, including materials and activities, organization, evaluation and assessment, while taking into account the special needs of students;

"(B) student grouping, promotion, and tracking;

"(C) school rules and discipline policies;

"(D) the scheduling, and structure of the school day;

"(E) the school environment;

"(F) the physical structure of school facilities;

"(G) the administrative structure of the school;

"(H) the use of funds available to the school;

"(I) establishing standards for the hiring and evaluation of teachers and administrators;

"(J) professional development programs which will meet faculty needs; and

"(K) relationships with parents and community.

"(2) The school superintendent and school board of each local educational agency receiving assistance under this subpart shall encourage school individuality while also ensuring sufficient coordination and linkages to allow student mobility.

"SEC. 3233. USES OF FUNDS.

"Funds provided pursuant to the provisions of this subpart may be used to—

"(1) establish training programs for teachers, principals, administrators, superintendents, school board members and members of the school based management/shared decisionmaking team regarding the implementation of school based management/shared decisionmaking, including—

"(A) use of decisionmaking skills, concensus building, creative problem solving, and group dynamics;

"(B) ways to establish a school mission which responds to the needs of students attending the school;

"(C) use of staff resources to implement school based management/shared decisionmaking; and

"(D) use of nonprofessional staff, including paraprofessionals, volunteers, peer tutors, and instructional technologies, so that an individual teachers' time can be used most productively; and

"(2) evaluate the effectiveness of school based management/shared decisionmaking in improving student performance, and teacher recruitment and retention.

"SEC. 3234. APPLICATION.

"(a) IN GENERAL.—Each local educational agency desiring to receive a grant under this subpart shall submit an application to the Secretary, at such time and in such manner, and containing such additional information as the Secretary may reasonably require.

"(b) CONTENTS OF APPLICATION.—The Secretary shall only approve applications which meet the requirements of this subpart and contain—

"(1) a description of the school based management/shared decisionmaking program to be tested with funds provided under this subpart;

"(2) if available, a list of schools chosen to participate in school based management/shared decisionmaking, and a description of the school based management/shared decisionmaking teams established or to be established;

"(3) a description of the training programs to be established or expanded with funds provided under this subpart; and

"(4) assurances that the administrative and teaching staff of the local educational agency has participated in the development of the application.

"(c) PRIORITY.—In approving applications under this subpart, the Secretary shall give priority to applications which seek to implement school based management/shared decisionmaking programs on a local educational agencywide basis within 5 years of application.

"SEC. 3235. EVALUATIONS.

"(a) RECIPIENT INFORMATION.—Each recipient of a grant under this subpart shall annually submit to the Secretary such information regarding the program as the Secretary may require. Such information shall include a description of—

"(1) how support was achieved for the program;

"(2) what decisions were transferred to the school based management/shared decisionmaking teams;

"(3) any resulting changes in teacher attitude and staff turnover; and

"(4) any resulting changes in student performance.

"(b) EVALUATION BY THE SECRETARY.—The Secretary shall—

"(1) within 1 year of the date of enactment of this subpart, compile and analyze the information received pursuant to subsection (a) and submit such analysis to the appropriate committees of the Congress; and

"(2) within 2 years of the date of enactment of this subpart, conduct an evaluation of school based management/shared decisionmaking programs funded under this subpart as well as other school based management/shared decisionmaking programs to determine the effectiveness of such programs in improving school performance.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 3252 of the Fund for the Improvement and Reform of Schools and Teaching Act (as redesignated in subsection (a)(3)) is amended—

(1) in subsection (a), by striking "$30,000,000" and inserting "$55,100,000"; and

(2) in subsection (b), by inserting at the end thereof the following new paragraph (3):

"(3) The Secretary may reserve not more than $25,100,000 from funds appropriated for activities authorized in subpart 3.".

PART B—MODEL SCHOOLS OF EXCELLENCE

SEC. 421. MODEL SCHOOLS OF EXCELLENCE.

The Elementary and Secondary Education Act of 165 (20 U.S.C. 2701 et seq.) is amended—

(1) by inserting at the end of title I the following new chapter:

"CHAPTER 3—MODEL SCHOOLS OF EXCELLENCE

"SEC 1601. STATEMENT OF PURPOSE.

"It is the purpose of this chapter to assist—

"(1) local educational agencies;

"(2) consortia of such agencies; and

"(3) intermediate educational units;

which have significant percentages of economically disadvantaged students to establish and conduct programs to strengthen the knowledge of elementary and secondary school students in academic subjects.

"SEC. 1602. PROGRAM AUTHORIZATION.

"(a) GRANTS BY THE SECRETARY.—In any fiscal year in which the appropriations for this chapter do not equal or exceed $50,000,000, the Secretary is authorized, in accordance with the provisions of this chapter which are not inconsistent with the provisions of this subsection, to make grants to local educational agencies, consortia of such agencies or intermediate educational units to carry out model school programs.

"(b) STATE GRANT PROGRAM.—(1) In any fiscal year in which the appropriations for this chapter equal or exceed $50,000,000, the Secretary is authorized, in accordance with the provisions of this part, to make allocations to States in accordance with section 1603.

"(2) Allocations received pursuant to paragraph (1) shall be used by States to award grants to local educational agencies, consortia of such agencies or intermediate educational units within the State to enable such agencies, consortia or units to carry out model school programs.

"SEC. 1603. ALLOCATION.

"(a) ALLOCATION.—Except as provided in section 1602(a) each State shall be eligible to receive a grant under this part in each fiscal year that bears the same ratio to the amount appropriated under section 1608 as the school-age population of the State bears to the school-age population of all States, except that no State shall receive less than one-half of 1 percent of such amount.

"(b) DEFINITIONS.—For purposes of this section—

"(1) the term 'school-age population' means the population aged 5 through 17; and

"(2) the term 'States' includes the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

"SEC. 1604. ELIGIBILITY.

"A local educational agency, consortium of such agencies, or intermediate educational unit, is eligible to receive a grant under this chapter if such agency, consortium or unit submits an application which contains evidence of collaborative arrangements between the applicant and an institution of higher education, a community-based organization, another local educational agency, an appropriate State educational agency, or any combination of such institutions, organizations, or agencies.

"SEC. 1605. USES OF FUNDS.

"Grants under this chapter may be used for—

"(1) planning and outreach activities directly related to expansion and enhancement of academic programs and services in the model school;

"(2) the acquisition of books, materials, and equipment (including computers and the maintenance and operation thereof) necessary for the conduct of educational programs in the model school; and

"(3) the payment, or subsidization of the compensation, of elementary and secondary school teachers who are certified or licensed by the State and who are necessary for the conduct of educational programs in the model school,

whenever such assistance is directly related to improving the knowledge of mathematics, science, history, English, foreign languages, art, or music, or to improving the vocational skills of elementary and secondary school students.

"SEC. 1606. APPLICATIONS.

"(a) IN GENERAL.—To be eligible to receive a grant under this chapter a local educational

agency, consortium of such agencies, or intermediate educational unit shall submit an application to the Secretary under section 1602(a) and to the State educational agency under section 1602(b) in such form and containing or accompanied by such information as the Secretary or the State educational agency, as the case may be, may require.

"(b) CONTENTS.—Each application submitted pursuant to subsection (a) shall—

"(1) provide assurances that the assistance will be used for the purposes described in section 1605;

"(2) provide assurances that the local educational agency, consortium of such agencies, or intermediate educational unit has a significant percentage or enrollment of economically disadvantaged students, or in the case of a consortium, that at least one local educational agency participating in such consortium has a significant percentage or enrollment of economically disadvantaged students;

"(3) provide assurances that the students served in the model school established reflect a significant percentage or enrollment of economically disadvantaged students;

"(4) demonstrate the extent to which the model school will contribute to the improvements of the academic quality of the education offered by schools throughout the local educational agency;

"(5) describe the collaborative efforts required by section 1604;

"(6) provide assurances that teachers will be employed in the courses of instruction assisted under this chapter who are certified or licensed by the State to teach the subject matter of the courses of instruction;

"(7) provide assurances that the applicant will not engage in discrimination based upon race, religion, color, national origin, sex, or handicapping conditions in—

"(A) hiring, promotion, or assignment of employees of the applicant or other personnel for whom the applicant has any administrative responsibility;

"(B) the mandatory assignment of students to schools or to courses of instruction within schools of such applicant, except as is necessary to carry out an approved desegregation plan; and

"(C) designing or operating extracurricular activities for students;

"(8) describe how funds made available under this chapter will be used to promote integration and provide a high quality education program for local educational agencies with significant concentrations of economically disadvantaged students;

"(9) describe how such applicant will devote its resources to continuing the program when funds made available to it under this chapter may no longer be made available; and

"(10) provide such other assurances as the Secretary determines necessary.

"SEC. 1607. SPECIAL EVIDENTIARY RULE.

"Notwithstanding any other provision of law, the award of funds under this chapter may not be used in any cause of action or administrative proceeding as evidence relating to the issue of desegregation of a public school of a local educational agency receiving such an award.

"SEC. 1608. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated $100,000,000 for the fiscal year 1992 and such sums as may be necessary for each of the fiscal years 1993, 1994, 1995, and 1996 to carry out the provisions of this chapter.";

(2) by repealing section 4606;

(3) by redesignating section 4608 (as renumbered by Public Law 100-569) as section 4609; and

(4) in section 4609 (as redesignated in paragraph (3))—

(A) in subsection (a), by striking "(other than section 4606)"; and

(B) by striking subsection (b).

PART C—MATHEMATICS AND SCIENCE EXCELLENCE

Subpart 1—Dwight D. Eisenhower Mathematics and Science Education Act

SEC. 431. DWIGHT D. EISENHOWER MATHEMATICS AND SCIENCE EDUCATION ACT.

Subsection (b) of section 2003 of the Dwight D. Eisenhower Education Act (20 U.S.C. 2983(b)) is amended—

(1) by striking "and such" and inserting ", such";

(2) by striking "4" and inserting "2"; and

(3) by striking the period at the end thereof and inserting "$300,000,000 for fiscal year 1992 and such sums as may be necessary for fiscal year 1993.".

Subpart 2—Star Schools Program

SEC. 436. STAR SCHOOLS PROGRAM.

Subsection (b) of section 903 of the Star Schools Program Assistance Act (20 U.S.C. 4082(b)) is amended by inserting at the end thereof the following new paragraph:

"(4) There are authorized to be appropriated $50,000,000 for each of the fiscal years 1992, 1993, 1994, 1995, and 1996 to carry out the provisions of this Act.".

Subpart 3—Classrooms For The Future

SEC. 441. SHORT TITLE.

This subpart may be cited as the "Classroom of the Future Act".

SEC. 442. PURPOSE.

It is the purpose of this subpart to develop mathematics and science curricula using state-of-the-art learning technology and techniques which are developed to increase the mathematics and science achievement levels of underachieving students.

SEC. 443. GRANTS AUTHORIZED.

(a) IN GENERAL.—The Secretary shall award grants to local educational agencies, State educational agencies, institutions of higher education, public or private nonprofit agencies, or consortia thereof to enable such entities to conduct programs to develop curricula that combine classroom teaching strategies with state-of-the-art learning technologies for underachieving mathematics and science students in elementary, secondary and vocational educational schools.

(b) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to applications describing programs that—

(1) are developed so that the program may be applied nationally; and

(2) serve a large number or percentage of disadvantaged students.

(c) APPLICATION.—

(1) IN GENERAL.—Each entity desiring a grant under this subpart shall submit an application to the Secretary at such time, in such manner and accompanied by such information as the Secretary may prescribe.

(2) CONTENTS.—Each application submitted pursuant to paragraph (1) shall include—

(A) a description of the degree to which the program addresses the needs of underachieving students to increase such student's mathematics and science achievement;

(B) a description of the degree to which the program is coordinated with teacher training programs;

(C) an assurance that the program serves a large number or percentage of economically disadvantaged students; and

(D) a description of the degree to which funds received under this subpart shall be coordinated with funds received under other Federal teacher training programs and Federal technology programs, such as the Star Schools Program Assistance Act.

SEC. 444. USE OF GRANT FUNDS.

Grants awarded under this subpart may be used for the development, implementation and operation of innovative learning strategies which may include—

(1) the development of curricula that combine classroom teaching strategies with computerized artificial intelligence and other technologies;

(2) video-assisted instructional materials, such as video disk technology;

(3) the development of educational television or educational radio programming for use in the classroom;

(4) teacher training programs in elementary, secondary and vocational schools that are designed to improve the quality of mathematics and science instruction through learning strategies which employ innovative technology;

(5) the acquisition of instructional materials including laboratory equipment; and

(6) the dissemination of information and research regarding innovative learning strategies.

SEC. 445. DEFINITIONS.

For the purpose of this subpart—

(1) the term "institution of higher education" has the meaning given to such term by section 1201(a) of the Higher Education Act of 1965;

(2) the term "local educational agency" has the meaning given to such term by section 1471(12) of the Elementary and Secondary Education Act of 1965;

(3) the term "Secretary" means the Secretary of Education; and

(4) the term "State educational agency" has the meaning given to such term by section 1471(23) of the Elementary and Secondary Education Act of 1965.

SEC. 446. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $50,000,000 for the fiscal year 1992 and such sums as may be necessary for each of the fiscal years 1993, 1994, 1995, and 1996 to carry out the provisions of this subpart.

PART D—SCHOOL DROPOUT DEMONSTRATION ASSISTANCE

SEC. 451. AUTHORIZATION OF APPROPRIATIONS.

Subsection (a) of section 6003 of the School Dropout Demonstration Assistance Act (20 U.S.C. 3243(a)) is amended by striking "1989, 1990 and 1991" and inserting "1992, 1993, 1994, 1995, and 1996".

Mr. KENNEDY. Mr. President, American education needs substantial improvements, and this legislation is the place to begin. Few, if any, issues are more important to the future of the country than the quality of our schools. Their problems are great, their needs are enormous, and the solutions are complex.

According to a recent study by the Carnegie Foundation for the Advancement of Teaching, far too many young children—about 35 percent, over one in every three students—do not start school ready to learn. Most of these students will never catch up with their peers and many will drop out of school.

Student achievement is too low. According to the National Assessment of Educational Progress, fewer than one out of every five pupils in grades 4, 8, and 12 can demonstrate competency in mathematics. Scores on the Scholastic Achievement Test have fallen significantly over the last 20 years. The decline in the number of high-scoring students on the SAT verbal exam is especially serious.

The shortcomings of American students in comparison with those from

other countries have been widely documented. The bottom line is clear. We need to improve all schools so that all students will have access to high quality education. This will take time and a great deal of effort. It will require hard work by Federal, State, and local governments, as well as by business and community groups.

The Federal Government has an essential role to play in helping to improve America's schools. Action on several different fronts is required:

First, we must take steps to see that all children start school ready to learn. The best way to achieve this goal is by ensuring that all eligible children are served by the Head Start Program. The education and social services provided by Head Start are proven cost-effective—every dollar spent in Head Start saves almost $5 in later costs for welfare, unemployment, and crime.

S. 911, legislation which I introduced and which was reported by the Senate Labor Committee in the last session, is now on the Senate calendar. It would assure that all Head Start students are served. The President today announced his Head Start proposal.

America's children need more than an election year hand out, they need a long term commitment to their school readiness and their future. This budget proposal ensures that nearly 40 percent of eligible children will receive Head Start services in 1993, but falls far short of putting this landmark program on a guaranteed path to full funding.

What we ought to do, Mr. President, is to ensure that Head Start is fully funded. I favored an entitlement. We have made Social Security an entitlement, and I favor it. We have made the cost of living for improvements in Social Security effectively an entitlement, and I support that.

I think it is about time that this country said what we all know, and that is the investment that we provide with prenatal care, early education programs, from the earliest of times—certainly from the third, fourth, and fifth years of age—is absolutely essential if we are going to see an educated population for the future. That has been proven time in and time out.

We welcome, certainly, the increase over last year's request of the administration—$100 million. That would have taken to the year 2058, I believe, to have the Head Start fully funded. Now we have $600 million. And, Mr. President, there are few priorities before this Nation which are higher than investing in our young people and our children, and I hope that during this session of the Congress, when we come to the debate on priorities for this Nation, and we come to do the reassessment in terms of our overall investments, that we recognize that the cold war is over, and that we are going to be able to find those few billions of dollars—a lot of resource, but a few billions of dollars to make sure Head Start is fully funded.

Second, we must provide new resources to improve the quality of America's public schools. Our goal must be to encourage as many schools as possible to take the steps needed to achieve reform. The leadership to do so—the ideas, the plans, and the commitment—must be supplied by the local schools. They are the ones who know what it will take to succeed. The legislation that we consider today provides substantial resources to help local schools design and implement school restructuring plans.

Third, we must take steps to expand access to postsecondary education. Higher education is America's best hope for long-term economic growth and social progress. Yet, far too many students find the doors to higher education closed because they lack the resources to attend. The most important step the Federal Government can take to help open the doors of higher education is to expand eligibility for student aid, and to increase the amount of assistance that students can receive.

The Senate Labor Committee has also approved legislation (S. 1150) to achieve this goal, and I hope that the Senate will have the opportunity to consider it in the near future.

Fourth, we must take steps to improve the school-to-work transition. Many high school students do not go on to college or do not consider college. These students become the front-line workers upon whom the Nation's future productivity and competitiveness depend. Yet we do very little to assist them or train them for work—much less than our competitors do. The Nation faces an important choice. Either we make the investment in human capital necessary to train these workers while they are still in high school and throughout their working lives, or we consign ourselves to an irreversible future as a low-wage society with a declining standard of living.

Legislation to accomplish this goal, S. 1790, was introduced late last year. I intend to make this bill one of the Labor Committee's top priorities in 1992.

It was introduced in a bipartisan fashion with Senator HATFIELD. It basically reflects the recommendation of the excellent Commission chaired by Ray Marshall, the former Secretary of Labor under President Carter, and Senator Bill Brock, a former colleague of ours from Tennessee, former chairman of the Republican National Committee, that strongly urged action in this area of moving from school to work.

It is really a result not only of their own experience, which is considerable, but also having reviewed what our principal competitors in Europe, France, Germany, other European countries, and Japan are doing in this area, where, as a matter of national objective and priority, these countries have determined that they are going to pay high wages and be internationally competitive. And they found the area of moving from school to work a key area in terms of helping and assisting young people in those nations.

I think we have taken a number of the lessons that have been learned from that experience and hopefully have adopted our own, the excellence of our own Ray Marshall and Bill Brock, in a proposal which hopefully we will have a chance to debate and enact into law later in the session.

Today, Mr. President, we consider one key aspect of this four-part strategy for education reform—S. 2, the Neighborhood Schools Improvement Act, whose goal is to improve the quality of the Nation's elementary and secondary schools.

Under this legislation, the Federal Government will provide funds to State agencies to encourage educational reform at the neighborhood school level.

In the first year, the States will use the funds to develop a State school improvement plan to reach the national education goals. In the following years, the States will use the funds to make competitive grants to neighborhood public schools to undertake comprehensive restructuring projects to improve academic achievement.

Local school officials, in concert with the local community and the local school district, will decide what is needed to improve their schools and will submit an application to the State for a grant. The State will decide which projects to fund.

Local schools may undertake whatever initiatives they feel will best improve academic achievement at their schools. For example, they may implement comprehensive and continuous early childhood education programs, enhanced academic programs, school-based management programs, or programs to increase the knowledge and skills of teachers and school leaders, to strengthen parental involvement, to expand the use of educational technology, or to reduce the number of dropouts.

A wide range of alternative plans will be funded. The key feature is that the decision on what to implement, and how to implement it, will be made by the schools themselves and the local community, a key difference with the administration's proposal.

Mr. President, in the legislation, we outline even in more graphic terms those types of programs that we have seen have been successful in local schools around this country. That is not an exhaustive list. Every day we are finding innovative, creative, and imaginative programs that are being initiated at the local school district. And there is no reason that we have to restrict ourselves even to this list.

But what we have done in the legislation is to make a series of recommendations based upon what the hearing record has demonstrated as to areas which have proved to be effective in enhancing academic achievement and accomplishment. And a key element, Mr. President, is accountability—accountability—for those various programs, so that we will have meaningful examination of those programs to demonstrate the effectiveness in terms of strengthening academic achievement and accomplishment.

Funds will be available to the schools for an extended period of time—5 years. Continued funding, however, will depend on successful implementation of the program in the first 3 years, and on genuine academic improvement in the fourth and fifth years. Grants may be renewed for a second 5-year period, based on continued gains in academic achievement.

The bill authorizes $850 million in fiscal year 1992, and such sums as may be necessary in future years.

Seventy-five percent of the funds made available are earmarked for schools with the lowest levels of student achievement or the highest levels of student poverty.

The advantages of this approach are substantial:

It will benefit several thousand schools.

It will focus money on the schools that need help the most.

States and local communities will make the key decisions, not the Federal Government.

It recognizes that school reform requires a sustained financial commitment.

Funds are restricted to public schools. This legislation will not divert tax dollars to support private schools.

It includes strict accountability provisions.

We have worked as closely as possible with the administration in preparing this legislation, but we have not been able to resolve all our differences. In my view, the legislation corrects several major shortcomings in the administration's proposals.

First, the administration's plan would help only 535 schools, one in each congressional district plus two more for each State. Obviously, many more schools than that number need help. It makes no sense to help only this drastically limited number of schools, chosen because Congress consists of 435 Representatives and 100 Senators.

Second, the administration's plan proposed only a one-time infusion of a large amount of Federal funds to this small number of schools, when what is needed most is a sustained, long-term commitment to steady educational improvement for all schools.

Third, the administration's plan emphasized the creation of new schools, rather than the reform of existing schools.

Fourth, the administration's plan gave the Secretary of Education, rather than State or local officials, the authority to decide which schools to help.

Fifth, the administration's plan placed an excessive emphasis on so-called choice schemes, including the use of public tax dollars for this support of private schools. This legislation encourages choice among public schools but it draws a clear line against diverting scarce tax dollars to private schools.

We face many challenges today, but one of the best ways to ensure a brighter future for the Nation is by commiting ourselves now to excellence within those four walls in every community in America.

The reform we need is not superficial, cosmetic change developed by bureaucrats, public relations experts, or policymakers in Washington. It cannot be administered from above, or inspired from the top down. "One size fits all" is the wrong approach and could well be a disastrous prescription for continuing decline.

True education reform must be developed by teachers who work in the schools, by parents whose children attend the schools, and by the communities served by the schools. To be real, meaningful and effective, reform must take place parent by parent, student by student, school by school, community by community, State by State. It must be directed specifically at local needs. And it must be bold enough to succeed.

At a recent Labor Committee hearing, Shirley Rau, a teacher at Nampa High School in Nampa, ID, gave this eloquent description of a school—it is a building, she said, that has "four walls with the future inside."

Mr. President, I will have more to say as we begin the debate on this extremely important legislation. I welcome the fact that the majority leader has identified this legislation to begin the debate of this session of the Congress. Few public policy issues are more important.

I pay tribute to the chairman of our Education Subcommittee, Senator PELL, for all of the work that he has done as chairman of the Education Subcommittee for a number of years. I again thank all of the members of the committee on both sides of the aisle. We have worked together. Although we have some important differences, those differences should not overshadow many of the areas that we have worked very closely together on to develop this legislation.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER (Mr. SIMON). The Senator from Utah is recognized.

Mr. HATCH. Mr. President, both sides of the aisle can and should work together to develop a strategy to improve education in this country. We have done it before, and I think we should do it again.

On our committee, generally we agree on education matters before they come to the floor. In this particular case, we have not agreed. I think education should not become a political issue, at least among ourselves.

My home State of Utah has done some excellent things in the area of education. Through the years they have tried many experiments to try to improve the education of children, despite rather limited resources in our State. Some of these experiments have been very successful and have been adopted by other schools, while others have not worked as well and have been terminated. In most cases, these changes were ideas of individual teachers working with the children assigned to them. I believe in teachers and I know that by working with them, we can do what is best for our children.

Last spring, the Bush administration proposed a bold new strategy to upgrade and reform schools in this country. Many of the ideas presented by President Bush and Secretary Alexander are ideas that I strongly endorse. I also can support many of the ideas outlined by the majority in this particular bill, S. 2. But I am very sorry that, after spending many hours trying to work with both the administration and the majority, we do not have a bipartisan bill before us which incorporates the ideas of both the administration and the majority.

It seems that all that effort went down the drain and with it went our hope for the kind of bipartisan compromise that has been the hallmark of education policy and the hallmark of our committee through the years.

Mr. President, this is the son of S. 2. The committee has reported this bill out twice, once early last spring when the bill was developed without input from the administration or the Republican members of the Labor and Human Resources Committee. The second time this bill was reported out the Republicans agreed to vote for the bill with a commitment that there would be a serious effort to meet the needs of the administration and the Republican members of the committee. Unfortunately the second S. 2 has met the same fate as the first S. 2, because there has been no willingness to incorporate any of the major ideas of the President in the bill.

Let me read to you the concerns of the minority regarding the bill after the initial markup.

> We are ready and willing to be full participants in a process of developing constructive legislation which will move toward the common goal of a better-educated America.
>
> We all want the best possible education for the children and adults of our nation. To make the most effective use of the federal resources devoted to this cause, it is important that Congress work closely with the

President and the new Secretary of Education to develop and implement an education program which has broad bipartisan support.

Those concerns are even more true today. I was hopeful that the process of revising S. 2 would have reflected the same collaborative effort as we just made on the higher education measure.

I support many of the provisions in this bill, but there is obvious omission of several key elements of the President's America 2000 Program. The President has proposed meaningful reforms in education and these ideas deserve to be incorporated in this bill.

School choice, including private schools, is certainly one of those. It is an idea whose time has come. It deserves a fair test. It is currently receiving a lot of support from the public. I agree that there are questions that need to be answered, but a demonstration program will help us answer those questions. Such an experiment in education will serve particularly as an invaluable alternative in our inner cities, where there are so many problems with dropouts and low achievement levels. It seems to me that we need to look at this new idea. Let us not just throw out a promising local option without testing it, especially since it is only six areas selected by the Secretary. It is limited to those students who are at or below 185 percent of poverty. It is a testing ground for those who, qualify for the Free School Lunch Program or the Reduced Price School Lunch Program. It gives these families a choice in both private and public schools that otherwise they will not have.

We will debate that more fully as we bring up the amendment, and I hope my colleagues will look upon that amendment favorably.

New American Schools is another program which needs to be included in this bill, with funding available in 1992. This is one of the most innovative education programs we have seen in a long time. It should not be confined to the public sector. Private schools, too, should be encouraged to make changes to accommodate the needs in modern society.

We have a new Secretary of Education. He is a great human being. He was not only considered an education Governor because of the innovative approaches that he took when he was Governor of Tennessee, but he became the president of the University of Tennessee. He has been very seriously concerned with education the whole time he has been in Government and, even, before. He is an impressive Secretary of Education. These requests that he is making are not out of line. They are certainly not too difficult to give, and I think we ought to give Secretary Alexander the tools he needs to do his job. He has outlined the program he must have to be effective as our country's education leader. Unfortunately, this bill does not include much of that program. This bill continues our old tradition of business as usual.

I regret that the only way we can get any of the President's programs in this bill are through the process of amendment, rather than through the normal process of bipartisan negotiations. I plan to work with my colleagues to try to make some needed changes in this bill.

But let nobody miss the major point here. S. 2 is a bill that will perpetuate business as usual. It is a block grant for everybody who likes the system as it currently is. That is what it is, nothing more, nothing less. If you like the current system and you think our kids are getting a fair break, that we have all the innovations we need, that everything is going just fine and we are being competitive with other nations, especially Japan, then you ought to vote for this bill without change. Because that is what you are going to get. You are going to get some money dribbled out to school districts, throughout this country, with the same group of people deciding how to spend that money.

Our choice proposal is a block grant for families so they can spend this money on any school they wish. Poor kids will have the same opportunity as rich kids to choose private or public schools that are different from the ones that they currently have. This is a reasonable proposal. It is not going to be a great big program across the board. It is six locations in the country. It is a demonstration program that basically will allow us to look for the pitfalls in the program, to look for the good things in the program, and to see if this idea really does work.

We have some indications that choice is working in some areas of the country. There are 11 areas that have some modified versions of choice. One in particular has full choice. I believe, where it has been properly implemented, it has been proving efficacious, innovative and good for students.

Our New Americans Schools proposal, which will be an amendment here, as a block grant to communities to create break-the-mold schools. If there is anything we need in this country right now it is to break the mold and get out of the ruts we have been in these last few years.

The New Americans Schools amendment, will do exactly that. Senator COCHRAN will bring up that amendment later and we will support him in every way we can.

Our flexibility proposal is a block grant to teachers and schools to spend the Federal money the way they think will help their students the most. It is innovative. It is creative. It is a good thing to do.

The President does not want, in our schools, business as usual. But that is what this bill will do unless we can get some changes.

S. 2 is based upon the belief that the U.S. school system is fundamentally OK and that the best thing for Congress to do is to dribble a little more money out there, to solve every problem. That is what this bill does. That is about all it does.

The President believes that the U.S. school system has a lot of good people in it—most of whom are working hard. But that the system does need fundamental change to help our children get where we want them to go. We must achieve the six national education goals as outlined by the President and Secretary Alexander.

Congress should focus its money on communities, teachers, and citizens trying to change the system by giving families choice, giving teachers flexibility, and giving communities money to help create new break-the-mold schools.

I think it is awfully hard to waste money on children but this bill comes close. And unless we can put some of these programs of the President into it, then we are just dribbling money down the drain.

S. 2 spreads money across a system that is not working very well. I think it is called the peanut butter theory, just spread a little bit all over everywhere to solve the problems. This bill cannot change a system by distributing $100 million widely across our 83,000 public schools in 1992.

S. 2 also creates new councils, new plans, and new bureaucracies that are not needed. It seems like we never learn our lessons here. I am unhappy with these bills that dribble out money and then eat it all up in bureaucracy, in paperwork, and in other approaches that basically do not get the money to the schools.

Mr. President, there is a lot more I have to say about this bill. I think, unless we can get it amended, the American people are not going to put up with something that is business as usual. It dribbles a few dollars here, a few there. The bill eats up the money by creating new bureaucracies and does not make the creative, innovative and flexible changes we need in our schools at this time.

We are not happy on this side with this bill as it currently stands. Perhaps we can amend it on the floor. If we can, maybe there will be bipartisan support for the bill. Then maybe we can do the educational work of America and do what really has been needed these last few decades while our kids have struggled in our schools.

I hope that my colleagues on both sides will work very closely together to try to amend this bill, to correct it, to create something that really will break the mold and help us develop a better system than we have today. If we do not, then I worry about what our future really is going to be. I worry about the young people who have to

continue in the same system and those who have to continue to work in the same system without any further incentives for new ideas.

I think we ought to support this education President. I have never been as enthused about an education Secretary as I am about Secretary Alexander. He has his head screwed on right. He wants to do what is best for the schools. He would like to make major changes so that we can get running in this country rather than continuing to plod ahead with the status quo that this bill, unamended, would create.

Having said all that, I have high hope that the distinguished chairman of this committee, Senator KENNEDY, and the distinguished chairman of the subcommittee, Senator PELL, will work with us to try and resolve these problems and put some of the President's programs into this bill. Maybe that way we can develop a bill that everybody is enthusiastic about.

We were able to do it on civil rights. Before we finally came up with the final solution last year, there were going to be at least 35 votes against that bill. As it was, there were eight. I would like to see all civil rights bills passed with that kind of majority. I think education bills ought to pass 100 to zip. That does not mean we cannot differ or that we won't have language in the bill that one or the rest of us does not really care for. But it does mean we ought to work together, to get an overwhelming, if not a unanimous vote, as we usually do, on many of these educational bills.

I hope that our colleagues will work with us. We are going to try and be constructive on this side. I hope we can have fair debate and have up-and-down votes on some of these amendments—I think it is important we do so, especially on the choice amendment—then let the chips fall where they may. I am prepared to do that, and I hope my colleagues on the other side are prepared to do that.

With that, I yield the floor and look forward to working with my colleagues over the next day or so.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. PELL. I thank the Senator from Washington for his courtesy.

Mr. President, I rise in support of the modifications that have been made to S. 2, and want to commend the chairman of the Labor and Human Resources Committee, Mr. KENNEDY, for the leadership he has provided on this important and vital legislation. It is without question that the changes that have been made to the original S. 2 will strengthen its impact on educational improvement nationwide.

First, the modification streamlines the bill. It would establish a single new program, the Neighborhood Schools Improvement Act. I have always held that we achieve the best results by directing Federal assistance through a rifle shot rather than a shotgun. The focus of one program would insure that the assistance will have a direct and solid impact on school reform, and not be frittered away through several smaller programs.

The initial year authorization of $850 million is most certainly a modest one given the need for educational reform in virtually every school district in the Nation. My own personal view is that we should be investing even more resources in educational reform. Yet, I am sensitive to the fact that there are those who would criticize a higher amount as "throwing money at a problem" and that it is more important that we get Federal assistance in place than subjecting it to a protracted spending debate.

Second, unlike the President's bill, which would help only 535 schools, this bill sets our sights on bringing excellence to every American school. We seek not only to aid more schools, 4,000 or 5,000 of them, but also to make sure that the programs developed are spread to other schools so that reform will not be an isolated occurrence. Our goal is to reach out to every American family and to provide a public education that is second to none.

Third, the legislation places a priority on helping schools that have the lowest educational achievement levels and the deepest levels of poverty. This would include schools in a district experiencing extreme financial distress, such as bankruptcy or State takeover, or districts undergoing consolidation. These provisions speak directly to the very serious situation in my home State of Rhode Island, where several school districts find themselves in extreme financial difficulty and where school district consolidation is an issue of major concern.

Mr. President, this is a solid piece of legislation. It not only builds upon but improves the legislation the administration submitted last year. It sets our schools on the path to achieving the national goals set forth by the President and the Governors and amplified in this bill. Most important, its thrust is educational reform and not political gimmicks and code words. It is a bill we should pass and a bill the President should sign.

Finally, as evidenced by the need for education reform and education legislation, there is a Pell test that anyone of my colleagues can carry out themselves when they speak to high school classes. I have been doing it in my State for several years. That is, I ask all of them, put up your hands if you feel you are studying to capacity, working to capacity. I am lucky if 10 percent of the kids throw up their hands. They know they are not working to capacity. It is up to us to make sure they do.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. ADAMS. Mr. President, I rise today to renew my commitment to achieving excellence in the Nation's public schools. This bill would provide aid to some 6,000 public schools, to build on the experiences that they are having, and to create new experiences for all of our children—all of our children, and particularly those of the middle-class families from which many of us came—to have an opportunity to have an improvement in education which we all agree must be achieved.

The vast majority of Americans learn their ABC's in the public schools. Public schools are the lifeblood of learning in this country. I know that firsthand. Without public education, I would have had a tough time learning my ABC's. I would never have had an opportunity to leave high school. I would have never had an opportunity to go to a university. I learned all of this in a working class neighborhood, in a working class school and a working class city. I am proud of it, and I know all the other members of my class are too. I know that my experience is shared by many, many in this Chamber.

We have good teachers in our system and willing students in our public schools. Yes, we have some bad ones also. We understand that. But the good teachers and the good schools need our help to reach their full potential and that is what S. 2 does. It provides $850 million of additional funding to public schools to develop plans to raise student achievement. It is directed to all of our children, not an elitist group, but all of our children who are in those public schools. It will take the best of the best ideas. These schools will work with parents, teachers, and educators to determine what will work best for their students. This will vary community to community and very often school district to school district. And an urban school district, as we all know, is very different from a rural school district or a suburban school district. Under S. 2, schools will have the support of local education agencies in doing better. And this bill will make schools accountable. We will look to see what exactly happens with the grant that is made to the public school. Did it improve the schools that received these grants? Will it show that their students are making progress in order to continue to receive funds over a 5-year grant period? Otherwise they will not receive the remaining funds.

Right now, we only spend 6 percent of our total national budget on children's education. Our children cannot afford any further diversion of funds away from the public schools. That is what this program proposed by the administration would do. The time to invest in our children and youth is now because

we will end up paying tomorrow for our failure to invest in public education today.

Just consider this: A class of school dropouts will earn about $237 billion less in their lifetime than their peers who graduate.

Employers complain that students graduating from high school cannot read well enough, cannot compute well enough, and cannot think for themselves. Today's educational failures are tomorrow's unemployed. That is the group we are trying to reach with this bill.

Teachers and principals are ready and need better materials, training, and school environments to help children learn. Parents, students, and teachers deserve more resources to make public schools centers of excellence. This legislation can help do that.

There are many, many innovative schools in the public school system, ones that have created systems that work. But they need funding. There are others which already have in place systems that are working but are underfunded and cannot be spread to other schools in their district. So that is what we are trying to do with this bill. We are trying to take the best education ideas that we have in this country, apply funds to it, and make it better. Then we can spread them throughout the entire system.

Let us contrast this with the Bush administration and what they have given us in terms of their elitist rhetoric on education. And it really concerns me. It concerns me because it looks like the re-creation of the old English schoolboy system. The President wants to spend money—any additional money on private schools—not public schools. He wants to ignore existing public schools and create new American schools, one school in each congressional district. That is not education policy. That is election year politics.

The Republicans' New American Schools would benefit less than 1 percent of the schools in my State. It would not reach those young people who are not going to school. It would not give discipline to those who are causing trouble in school. And it would not help schools that are having a tough time with students who are having learning problems, either because of language difficulties, because their families have not had opportunities, or because where they started in school did not give them the opportunity to compete with those who got a better start in school.

I also oppose the President's idea of using scarce Federal dollars for private school vouchers. Under that plan, a select few students will receive taxpayer money to attend private schools. The rest of the public school students will be left behind with even fewer resources than they now have. Private school vouchers give all the choices to the private schools. Private schools will choose the students they will admit or reject or send home because they do not like the way they act. This is the same choice private schools exercise today. We have this system already. Public schools cannot do that. Public schools have a commitment and a requirement to educate all of the public. That is the magic of the American public school system and what has made this country great. The public school system needs to be improved, not attacked.

Private schools are freer to reject students who are slower learners. Give us the opportunity, the Chair and myself, a lot of money, and the ability to select whatever students we want and we will produce a magnificent group of students that can pass any kind of tests and can compete any place in the world. But what a small group, and what a small effort in such a large Nation. What will we have when we are finished? Another Eton, another Andover, another Exeter? Wonderful schools, cost a lot of money, turn out some very good students, but it is not the total American public. It is not the public that is working in our industrial plants trying to compete with the Japanese and Germans.

Private schools may refuse admission to disabled children, to children of a particular religion, or just to children they do not like. A voucher will not change the choice that private schools now enjoy and it will not increase a parent's real choice except for a very few. Rich parents are already exercising that choice.

It is especially true—and I want to speak now to my friends from rural areas—that there are very few private schools in the rural areas of the United States that are not boarding schools. In order to use a voucher, a poor child would have to travel miles and miles from their own community. That is not good policy. It is done now in certain cases with gifted students who can go to a boarding school or have an athletic ability. That does not change any of this. It just simply pours Federal money, money from middle-class families that want their child in a public school to be educated, into the hands of a few who would do very well anyway. It does not help the rural districts in my State. We should be promoting Star Schools and not schools for stars.

Who has the real choice in education today? Real choice lies with parents. In public school systems, they elect school boards. They pay taxes for those schools. In my State of Washington, they elect the chief education officer as well as elect the school boards. The choice should remain with the parents and not be turned over to private school administration.

More than 800,000 children attend over 1,500 public elementary and secondary schools in the State of Washington. That is a large number. Many of these schools are doing a terrific job of educating our children. All of them would like to do better. This bill will help many of them do better. It will give public schools the resources and flexibility to allow teachers to teach and students to learn. But even this bill will not cover all of them. But it will build on the best of what we have. I wish it contained more funds, much more in the way of funds so we could create comprehensive services for students and families at school sites and other programs that I favor.

I urge my colleagues to act favorably on this bill before another day passes because it would be another day in which we did not help the children of this country. This is a very fundamental choice that is being given to us between private school vouchers and very selective type schools and the public school system of the United States. The public school system has good and bad in it, but most important of all, it has nearly all of our children. It needs our help.

I thank the Chair. I yield the floor.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. COCHRAN. Mr. President, the first observation I would like to make is that the vote we took a moment ago on cloture, on the motion to proceed to consider this legislation, was unanimous. Every Republican and every Democrat in the Senate who voted on that issue today voted to end the debate on whether or not we should proceed to the consideration of this legislation and to try to come up with a bill that could be passed by this body, enacted into law, signed by the President, that will do something effective about education reform.

So I think the debate here today is not about whether we all have our hearts in the right place. We are all in favor of moving forward. We have all had a chance to consider many of the options that have been suggested. The Nation's Governors met 28 months ago with the President to outline six goals on which they could all agree that would serve as national goals for our country and for our communities, so that we could move ahead in concert with a unity of purpose to deal with the problem that we all consider to be one of the most important which our country faces today.

I am disturbed, Mr. President, frankly, with the fact that the bill that is before us falls far short of what we ought to do in terms of stimulating reform, encouraging innovation, and rewarding experiments that are working. We need to demonstrate the new technologies that are working to bring classroom instruction across distances, where teachers may not be eligible to teach hear-to-teach subjects.

There are many areas—computer technology, telecommunications—where we ought to be focusing attention and supporting with Federal resources some of the efforts being made by local communities to harness these new technologies and new techniques for education programs.

S. 2 just provides some money to the same applicants through the existing education establishment to carry out the same old programs. If you like the system the way it is, you do not want to change it. And S. 2 does not change it. S. 2 does not encourage change. It rewards sameness; the system we had last year, 10 years ago, and 20 years ago.

You can apply for and qualify for grants under S. 2 without doing anything really new. You can say you will try some new things; you can allocate some funds to existing programs that are not fully funded now. Providing more money for some of the same old tried-and-failed programs is not what America wants right now from this Congress on this issue.

The other day, the President had an opportunity to speak to a group—1 week ago today, January 14—on the subject of education reform. And after outlining what his administration is trying to do, trying to encourage the Congress to do, for reform in education, the President made this statement about this bill that is before the Senate now, and I quote:

> While Americans across this Nation are working to spark a revolution for the future, the Senate regrettably remains riveted on the past.

I agree with the President. I think he is absolutely right when he characterizes this legislation as business as usual.

Today I heard Secretary Lamar Alexander in a discussion with some members of the press answering questions that they were putting to him about this bill and what the administration would prefer. He said, and I quote:

> It is awfully hard to waste money on children, but this comes close.

Mr. President, I think we can do better than this, and the Senate will have an opportunity to improve this legislation when amendments will be offered later. And I hope the Senate will adopt some of these amendments.

S. 2 can correctly be characterized as a grant to everybody who likes the system the way it is. It does not include the Governors in the grant process, as some amendments that will be offered will do, even though the Governors were involved with the President in establishing the national goals, and in challenging communities to adopt those goals and to take steps to implement a strategy for the attainment of those goals at the local level.

It bothers me, Mr. President, that some here continue to be locked in the mindset that the Congress ought to be the goal setter; Congress ought to dictate to the local communities how to use the Federal money. That is what S. 2 frankly does. It suggests that there can be changes made by local schools and local school officials, but it does not include anybody else in the process.

I am hoping that the Senate will carefully consider an amendment that I intend to offer later in this debate. It will be called the New American Schools amendment. It is a proposal to provide a block grant not to school officials, not to the education establishment, but to communities—directly to communities—which come up with new and better ways of instructing and teaching the Nation's children.

But it is aimed at the local needs. It builds on the local strengths that exist in each community. It identifies the special weaknesses that exist in each community. It is designed to address more competently the problems of education in that community. It is a community-based program. That is why to me it is a more attractive alternative than the Kennedy bill.

I am hoping the Senators who received a letter that I sent on January 10 will take another look at that Dear Colleague letter. At the conclusion of my remarks, I will ask that a copy be included in the RECORD.

In essence, if the amendment is adopted, it will help communities in every State begin the design and implementation of thousands of new break-the-old-mold schools. It will encourage the schools to teach to world-class standards, and it will seek to meet the needs of children today, the way children are growing up today. And it will challenge everybody—parents, local administrators, businesses, education officials, and teachers—to work together to come up with a new and better way to bring education and information to the students of their community.

Mr. President, I am convinced that if we do reach out and involve more people in this process, as this particular amendment will do and as some others will do as well, the results are necessarily going to be better.

In my judgment, one of the missing ingredients right now in the entire education process is a successful effort to bring a student through the process who has a higher regard for himself or herself as a competent individual, better able to deal with the problems of this complex world, able to get a job, to hold a job, to know what it means to come to work every day, to work a full day, to devote energies and intellect to solving a problem that is complicated, and that takes a lot of effort; a person that is not so easily persuaded to give up on himself and take an easy way out, get hooked on drugs, or just drop out of society.

It is my hope that we can reinvigorate our Nation's schools and those who work in the schools, the teachers and the administrators, with the resolve that we are going to insist that students learn a higher degree of self-discipline; we are going to insist on a higher degree of individual responsibility and respect for each other than we now see in our schools and in our communities.

I may be naive, but I really think that is possible for us to do in America today, even though it is harder today to be a student or to be a teacher or to be a parent than ever before. It certainly is not so hard that we cannot succeed at it, and do better than we are doing now.

But, adopting the Kennedy bill as it now is written and saying to the people of this country that we are responding to the needs of our students and teachers and parents by passing this bill I think falls far short of the challenge that is before us, and falls far short of what we ought to be doing.

Even though the Republican President has proposed with the Governors the adoption of these goals, and I am a Republican Senator offering this New American Schools amendment that is being supported strongly by the Republican Secretary of Education, I hope that does not necessarily mean that all the Democrats will vote against it just because it may be characterized as the speaker before me did—a Republican amendment.

I hope Senators will look at each amendment and judge each amendment on its merits, rather than on a partisan basis, as has been suggested by the Senator from Washington. I do not think the Republicans have all the right answers, but I do not think the Democrats do either. And from the looks of this bill that came out of committee back in April of 1991 it was a partisan bill. All of the Democrats voted for it; all of the Republicans voted against it. I would hate to see us bogged down now in a partisan fight over this legislation. It, of course, would mean that the Democrats would win, because there are more Democrats in the Senate than there are Republicans. I hope we will try to work together to see if there is a way to reach an accommodation and pass a bill that has some Republican suggestions in it, and we are not just stiff-armed by the Democratic majority, which is what I am beginning to worry about more and more, Mr. President.

I do not think the pathway to reform or the pathway to better schools and a better education system will be found if we spend our time arguing on a partisan basis about something as fundamentally important as education reform. So I hope the Senate will set aside its partisan interests to some extent. I know it is an election year, and I am not unaware of what that means to everybody; but I do hope that we can have a chance at least to have some of

59-059 O—96 Vol. 138 (Pt. 1) 4

these amendments considered on their merits.

Mr. DIXON. Mr. President, this body just voted on the motion to invoke cloture on S. 2, the Neighborhood Schools Improvement Act, the Senate Democratic education initiative. This legislation provides a real opportunity to our hard-presssed elementary and secondary school systems, giving them the chance to initiate real reforms.

Progress reports on our neighborhood schools, and reports that continue to come in from colleges and universities nationwide, make it all too clear that an increasing number of freshmen simply do not have the basic skills necessary to do successful college-level work. The fact that our primary and secondary school systems have failed so many of our Nation's children leaves me deeply troubled.

The 1983 report from the U.S. Department of Education entitled, "A Nation At Risk," depicted a crisis in our Nation's education system. Now here we are today, 9 years later, Mr. President, and the education of our children continues to be at risk.

Early on during his Presidency, President Bush pledged to be the "Education President." I lauded this announcement. However, the administration's actions have not matched its rhetoric. It was not until this year that the administration offered any real education proposal.

Almost 3 years ago, the President and the 50 Governors agreed on 6 national education goals to be achieved by the year 2000. I was one to praise this initiative. However, last year when the first report card on the goals was issued, this country learned that progress had been made in only a few areas.

Over the years, the administration has proposed to shift more financial responsibilities to State and local governments, to private industry, and to individual taxpayers. Like the previous administration, this administration has proposed a federally funded voucher program, available to both private or public schools, as its solution to the problems facing our neighborhood school system.

In addition, the administration's recent education reform initiative proposes to authorize the Secretary of Education to provide grants so that communities may establish 535 new schools, one in each congressional district and one for each Senator.

These are not education reforms, Mr. President. Instead, this is education pork barrel politics.

Today, I join with my Democratic colleagues in presenting a package that will make a real difference—a package that will help make possible a brighter future for our children.

This bill proposes higher national education goals, tougher education standards, increased student, teacher, and school system accountability, and given the budget problems facing State and local governments, additional financial assistance.

To achieve significant education reform, I believe that we must reorder our national priorities as this bill so eloquently proposes.

These goals are simple, sensible, and straightforward. The bill proposes that, by the year 2000:

First, all children will start school ready to learn;

Second, high school graduation rate will increase to at least 90 percent;

Third, students will leave grades 4, 8, and 12 with competency in basic subjects;

Fourth, American students will be first in the world in mathematics and science;

Fifth, every American will be literate. My distinguished colleague in the chair has been a great national advocate of that goal.

Sixth, every school will be free of drugs and violence and offer an environment conducive to learning.

There are more than 80,000 public schools in this country. Rather than creating new schools, as is proposed by the administration, S. 2 provides grants to help revitalize thousands of existing public schools nationwide, taking into account those in greatest need. The bill does not drain funds from the vast majority of public schools in order to provide funding for the administration's 535 new schools.

The Democratic proposal recognizes that school reform occurs at the local level. For that reason, S. 2 offers seed money to States and neighborhood schools that are willing to implement "comprehensive, schoolwide education reforms." Additionally, S. 2 offers parents the option of sending their children to the public school of their choice. Like the Federal budget, public school budgets at the State and local levels are being severely cut. I do not believe that the Federal Government can afford to offer federally financed certificates or vouchers for students to attend private schools. This could only weaken our public school system by taking resources from already underfunded programs. Therefore, I will vote against any certificate or voucher legislative proposal.

Mr. President, the bill before us today is a demonstration of our commitment to provide a better education for all Americans.

Of course, more needs to be done. I continue to support increasing the Head Start Program, which is cost effective and has a demonstrated record of success in preparing children for school.

I also strongly support and will continue to fight for the School Dropout Program, the National Literacy Program, and other education reform programs.

I urge my colleagues to support this bill without major amendment.

Our children need our help. Our priority must be to provide that help.

I yield the floor.

Mrs. KASSEBAUM. Mr. President, as we begin the consideration of S. 2, I think it is very important that we keep foremost in mind a goal that unites us, and that is the well-being of our schoolchildren and the importance that we should give to this effort. We all want to see reforms in our school system which assure that our children meet the standards that they need and expect and that we need and expect.

In debating this measure, we are delivering the message that education matters. I do not think there is any disagreement on that. As the Senator from Mississippi [Mr. COCHRAN] pointed out, we were all united in a vote to move forward to the consideration of S. 2.

But in the absence of a respect for learning and a respect for those who transmit knowledge, no reform efforts will bear fruit. In far too many cases, we do not place the demands upon students that we should. I think our Nation's students are ready and willing to accept more challenging work and more rigorous knowledge. Unfortunately, we have an ample supply of data demonstrating that our school system is not living up to the standards that we need and expect. Moreover, we are being challenged in ways we have not had to address before. We have heard that many times in debates here on the Senate floor.

The world has changed dramatically, and we are having to compete in areas where the United States once stood alone. At a time when one's business competitor can just as easily be located across the ocean as across the street, a diploma alone does not guarantee success. Rather, it is the acquisition of the skills which that diploma should represent which will make the difference.

I cannot tell you, Mr. President, how important I believe that is.

The solutions are what they have always been: Hard work, discipline, respect for learning, high standards, self-confidence, and effective instruction. The challenge which faces each of us is finding effective means to encourage development of these qualities.

Money alone is not the answer. Certainly, we all would hope that the funds authorized by this legislation will be helpful in moving us in the right direction. Providing block grant funds focusing on statewide systematic reform is a positive step, as is the focus of S. 2 on the improvement of neighborhood schools. Later in this debate, we will be considering other proposals designed to encourage schools to undertake new initiatives, which I think will prove useful.

Nevertheless, there is no way that we in Washington can wave a magic wand

or a huge bag of Federal dollars, and cure our education problems overnight. We also cannot and should not displace local and State controls over schools, but we can provide leadership and support for innovative thinking and experimentation.

This point has not been lost on President Bush or his Secretary of Education, Lamar Alexander, who have consistently emphasized that America 2000 is a broad education strategy. The themes underlying this initiative—high standards, accountability, and innovation—transcend specific Government programs to speak to the fundamental goals which each of us must pursue.

The President has, I believe, done a great service by elevating national attention to education. He has stirred the populace of this country to a debate on what matters in education. He has provided vigorous and energetic leadership in focusing on its importance. He has also made it clear that fundamental reform will be accomplished only by strengthening the connection between communities and their schools and in renewing the absolutely vital partnership among parents, teachers, and students. Our vision for education must be national in scope but its delivery rests squarely in hands at the local level.

Our education system is one of our Nation's original private-public partnerships. We have guaranteed a free public education to all students—honoring that commitment through substantial State and local support over the decades. That support has been embellished more recently through Federal assistance and private business involvement.

It is a system, Mr. President, which relies not only on the financial support of Government but also upon the voluntary involvement of parents, school board members, and community leaders. Without that, it would fail. And, as we all know, the foundation for successful education is laid in the home—at a point before formal schooling begins.

President Bush acknowledged that just today, by announcing that in his new budget he will call for funds that will guarantee that all 4-year-olds have access to Head Start programs in preparation for their formal schooling.

The importance of State and local efforts is recognized both by the President and by the crafters of S. 2. The people of Kansas and other States across the Nation do not particularly care whether specific reform proposals are put forward by Democrats or by Republicans.

As a matter of fact, Mr. President, I think some of the calls for partisanship, again as the Senator from Mississippi pointed out, are really ridiculous. Education is not a partisan battle. It is something we care about. We want to develop the best legislation possible to support the needs of our educational system.

The people of Kansas and States all across the country do not really care about partisanship with respect to this issue. What concerns them is that their children get the best possible education that our collective energy, dedication, and resources can provide.

They know as well that many of the answers lie at their own doorsteps. In Kansas, their are many examples of innovative education reforms. Last year, the Kansas State Board of Education adopted a performance accreditation system designed to measure school outcomes in terms of student performance rather than focusing on inputs which may or may not affect achievement. Several schools in Topeka and Leavenworth have adopted James Comer's model for school improvement, which focuses on parental involvement, staff development, and student assessment.

The New Stanley Elementary School in the Kansas City, KS, school district has received support from the RJR Nabisco Foundation for an experimental program which entails a longer school year and an emphasis on what students actually learn.

The McPherson, KS, school district joined forces with McPherson College to provide a reading improvement clinic for 418 elementary students. Other special reading programs are supported by groups such as El Dorado's Partners in Education Foundation.

The list goes on and on. Mr. President, I am sure that there are similar lists in Illinois or Massachusetts or Mississippi or in every other State. What I think is very exciting, being a former school board member, is to realize that really the essence of democracy is represented in our school districts, and that a school board, with its own energy and dedication, can do so much to be innovative and be creative.

Our purpose here today is to assist and encourage States and localities in advancing the cause of education reform. Be it existing neighborhood schools or New American Schools, we must all work toward a better future.

Mr. President, I yield the floor.

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER (Mr. ROBB). The Chair recognizes the Senator from Illinois [Mr. SIMON].

Mr. SIMON. Mr. President, I rise in support of the legislation. I commend Senator KENNEDY and Senator PELL for their leadership on this, as well as the interests of our colleagues on the other side.

Let me just add, those of us who followed the news and saw that Senator PELL was in an automobile accident while in a taxi in New York City, we are glad to see him back here on the floor and in reasonably good shape—a little battered up in his face but otherwise in excellent shape.

I think it is extremely important that we move ahead. I regret it has become somewhat partisan. I am not sure of the reason for that. I think part of it is in past times, whether we have had Terrel Bell as Secretary of Education or a Democratic Secretary of Education, we had working together, or else we had, frankly, under a couple of Secretaries of Education, almost no interest in working with us.

And so you had the distinguished Senator from Vermont, Senator STAFFORD, Senator PELL, and Senator KENNEDY, and our colleagues on their own kind of working things out.

But it has become unnecessarily partisan. I hope, before this is all over, we can be pulling together.

We face a basic choice in this country, Mr. President. We are talking about economics a great deal, as you look at the front page of the newspaper. We are either going to become a nation that competes by lower wages or we are going to become a nation that competes because we have higher skills. One or the other. And if we decide we are going to become a higher skilled nation, that means our standard of living will increase. If we take the other course, our standard of living goes down.

I wish we had a bill here that we knew the President could sign, that went much further than where we are going right now. And Senator KENNEDY has indicated he would like the same. But we have to face some of the political realities right now. Part of this—and I do not want to add to the partisanship here now—but I think part of the blame has to rest with the President and with the Secretary of Education. We had a meeting calling the Governors together. We have yet to have a meeting calling Democrats and Republicans here on the Hill who work in the field of education together, and say what can we do to move this Nation ahead.

When my friend from Mississippi—and he is my friend and respected colleague with whom I served in the House—said this just means business as usual, when my colleague from Utah said the same, I do not think that is the case at all. As a matter of fact, this provides innovation for a great many more schools than does the President's New American Schools Program. This gives us a chance to try many things out, not just for the elite, not just for 1 percent at the most, of our schools. But at least a little broader base.

I visited one school on the west side of Chicago, the McNair Academic Center. They wanted to get away from even using the term elementary school. It is an all-black area; 97 percent of the students come from families below the poverty level. There is a principal by the name of Dr. Holloway who was in charge, an African-American woman, who had that neighborhood and that school excited. She had parents involved. I went and visited every class-

room in that little elementary school and these young people, where you might expect to come away really depressed, I came away exhilarated.

What is the difference? Part of the difference is clearly the leadership of Dr. Holloway. But how can we replicate that? I do not know the answer. But it does seem to me that this legislation moves us in the direction of giving us a chance of doing that.

Senator KENNEDY has outlined the details. I do not need to go over that. It at least nudges us in the right direction.

Education is going to have to become a much greater priority in this country. I read a story in this morning's paper about the trade deficit. You have to pay for a trade deficit just like you have to pay for every other debt. And you will pay for a trade deficit in one of two ways: reduce our standard of living or increase our productivity. Much the better way is to increase our productivity. And we can do that, I think, in great part through the field of education. Not alone. It also means savings, it means getting hold of the deficit so we get long-term interest rates down so we have industrial investment. It involves other things. But there is no question that a key ingredient is this area of education.

After all the amendments and we go through the fights, I hope we will not end up with just a political battle but that we can get something the President can sign and everyone can brag a little politically. But that is really kind of incidental. Much more important, we will have done what is essential for the future of our country.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Massachusetts [Mr. KENNEDY.].

Mr. KENNEDY. Mr. President, I express my appreciation to our colleagues who indicated support for our particular program and proposal and would like, at this part of the debate, to at least correct the record about some of the representations of our legislation.

I have been around here for a fair amount of time and one of the techniques which are used is to describe a piece of legislation in a certain way that is not related to really what the legislation is before us, and then to differ with it.

I am sure it was not intentional by any of those who made representations about our particular legislation. But, quite frankly, in terms of those who were attempting to describe the legislation, as one of the authors of the legislation, I could not really follow the application of their description to what is actually the legislation which is being proposed. So I will take just a few moments to address that feature of the description of the legislation.

Second, I have been around here long enough to hear that if you agree with a certain group over here in the Senate—sometimes the statement is made by the Democrats, sometimes by our friends the Republicans—if you agree with them you are a statesman and if you are different you are a partisan. We hear that all the time around here. I hope we are not going to start that particular debate on that issue. It is used more and more frequently, I find, around here in recent times. Perhaps we are going to hear about it during the course of this debate.

But I hope that those who are serious about following this legislation would really not give great heed to that particular suggestion because it is not really what we have been involved with, even though I know those who have differed with our legislation have made a number of very useful suggestions in terms of trying to make it more effective. They differ with it. I understand it. I respect it. But they have been very constructive even though they favor another way of approaching it, and we very much appreciate those recommendations and suggestions.

Mr. President, I will outline very briefly what I think are the principal differences between the legislation which is sponsored by the administration, the President's legislation, and that which is before us today.

First of all, we have 80,000 schools in this country. The administration is going to help 535 schools. When the initial announcement was made about the President's proposal, it was all going to be new schools. None of the existing schools. Nothing that is going to take place in any school community in this country. No, none of them. Five hundred and thirty-five new schools.

So for all those parents who have their children going to the neighborhood school and are troubled by it, they are not going to benefit by the administration's proposal, the proposal by Secretary Lamar Alexander. It has been altered now. The break-the-mold school now not only applies to new schools but can also qualify for existing schools. But there will be 35 out of 80,000.

So for all of the parents around this country who are listening to how the administration's proposal is going to be break-the-mold schools, with the problems that we have in our elementary and secondary education, you just go ahead and support the administration's proposal and you are really going to see the kinds of changes take place with one grant, a $1 million grant. You make the application, you get the grant.

I do not know how long we have been listening for accountability around here. Why are we not getting accountability around here? Why are we not finding out how Federal taxpayer's money is being spent around here? That is why we insist, on each and every grant, that there is going to be accountability built into it; and why we take the recommendations of those who have been the most thoughtful and have made the biggest difference in the number of the school areas in this country where there has been growth in academic achievement and accomplishment, and say do not just make it an one-shot deal. Give us consistency, give us certainty, give us predictability, give us accountability; do not just single shot us. Give us something that is going to have a sense of continuity.

We have 5-year grants. But you have to start to produce after the second year. You have to demonstrate that there is an improvement in academic achievement and accomplishment or that grant stops.

But not under the administration's proposal. You get the grant and that is it: A $1 million grant to you, new school; $1 million grant. Lord only knows what happens to that $1 million. What we are finding out is that in most school districts they can use the money, they can spend the money, but for the innovative and creative programs that are taking place, a few thousand dollars, $50,000, $100,000, $200,000, will make a great deal of difference in the areas which have been outlined in our legislative proposals and recommended. Not that this is all inclusive but it is a good starting point. So you help out 535 schools.

Second, who makes this? How is the Secretary of Education going to know all about all those programs that are taking place in Kansas?

I listened with great interest to Senator KASSEBAUM describing the very innovative, creative programs that are taking place at the local level. How in the world is one individual going to know what is taking place in every small community around this country in order to give some enhancement to it, encouragement to it, life to it? Who is making the ultimate judgment? One individual. Where? In your local community? Absolutely not. Right here in Washington, DC.

How many times have I heard from that side of the aisle that all knowledge does not reside in Washington, DC? There is a lot of information back there in local communities. Not with this administration's education program. It is right here. One individual is going to know what is happening in all those small towns and communities across this country. That defies understanding or logic or reason or rationality, Mr. President.

I was going to list some of the very creative things that have been done in school districts all across this country that have made a difference in academic achievement. Maybe later in the debate I will have that opportunity.

How is this Secretary going to know about it? I listened to our good friend,

Senator SIMON, from Illinois, one of those individuals who has really spent his public career, both in the House of Representatives and in the Senate, in the area of education, describe new programs that he has been seeing back in the State of Illinois. I went through my own State over the past recess, into a number of new communities and a number of old communities that have new ideas. Later in this debate, I will describe some extraordinary, incredible, creative, unique ideas that are having some real impact in terms of academic achievement.

Nonetheless, we have the administration's program, only 535 schools. Now we have the Cochran amendment to add $200 million, $300 million more. It is going to be another 200 schools. Maybe we will get up to 1,000. None of the existing 80,000, but some new schools—maybe a few hundred of the existing schools—are going to be impacted by the administration's proposal, and they talk about business as usual.

Next, as I mentioned, the federally directed program is going to be biased toward new schools. It has virtually no accountability provisions, and it authorizes use of public funds for private and religious schools. Many of the private schools need additional help and assistance. We have a lot of very good private schools in my own State of Massachusetts. We have a lot of preparatory schools—St. Marks, Andover, Milton. Maybe they need taxpayers' money.

But we have seen in real dollars—real dollars—the decline of the Federal commitment in its innovative programs and supporting programs for local school districts reduced in effectiveness by a third over the period of the last 10 years. I will give examples of what the impact has been in many areas of the country, particularly in the southern part of this country; about school districts now, because of the reductions in support, which are considering going to 4-day-a-week schools and other kinds of significant cutbacks in the various academic programs.

Mr. President, on the other hand, our program is attempting to help thousands of schools—thousands of schools. Take, say, $200,000 grants. You are talking about 6,000 schools, maybe talking 5,000 of the 80,000 schools in the first year, but not doing as much as I would like to do. Hopefully, if we are able to have the debate and discussion and change the budget, we will be able to build that up to a lot more.

I hope and I think it is the general intention of many of us on this side of the aisle, but it was at least our belief, that rather than getting into the debate in terms of total numbers, what we ought to do is make a decision in terms of direction, and then once we get that on track, begin to enhance it with additional resources.

The State education agency picks the local schools to receive the grants on the basis of competition. I do not know where this Secretary of Education gets the idea that we are going to give $1,000 to every school district in the country. It is a gross distortion, misrepresentation, misinformation, and from a Secretary of Education? I hope that this Secretary may differ with us, but not distort and misrepresent.

I defy anyone who differs with us to find and point out in this legislation where we provide $1,000 per school district. It does not exist there, Mr. President. We are talking about grants developed at the local school level that are going to be considered in a competitive way by the State educational agency, half appointed by the Governor, half by the State Education Commissioner. In some States, that individual is appointed; in States like California, they are elected.

We did not try and trisect this kind of proposal, but they will be making the judgments. They will have to obviously include in the advisory groups parents and others who will be part of this particular proposal. But it will be based on competition, competition within the State that will hopefully include the kinds of recommendations or suggestions, at least, that are being included in this legislation from pages 51, 52, and 53. We do not make it all inclusive, but these are at least some of the suggestions, and they have to build in there the accountability.

And there are no public funds for the private schools: Scarce resources. There are those who would like to privatize the whole education system and abandon the public education system. I am not one of them. I do not believe that those who support our particular proposal are prepared to do that. We are not. We believe that that is the wrong way to go, Mr. President.

And so, Mr. President, I hope that we will be able to, during the course of this debate, get into some of the kinds of proposals, the kinds of areas that we have mentioned in terms, for example, of the school-based management concept, a proposal that is very strongly supported by Mr. Boyer, the head of the Carnegie Commission, and former Commissioner on Education. Some schools have accepted it. Others have not. But at least it does permit teachers who virtually have no time today to consider curriculum, have a voice in terms of the size of the classroom, and are virtually without any voice about the kinds of textbooks that can be used and have to comply with various textbook proposals.

It might have a different organization and a different structure. I have had the good opportunity to see down in Dade County, FL, just about a year ago, when the superintendent of schools, Mr. Fernandez, was the director—he is now Superintendent of Schools in New York—what was being done with that school-based management. It was enormously creative and imaginative: Raising the salaries, reducing the number of teachers, raising the salaries of those in those schools. And also reaching out into the community, including 22,000 senior retired people who are involved in the Dade County school system, individuals who are teaching photography, who are involved in art courses, in drama, in a variety of other areas, coming in there and volunteering.

Do you know what they are getting paid? They have the opportunity to go to productions, to enjoy lunch with the students in the cafeteria. It is real involvement in their community, which they are drawn into. It is not decided in Washington, DC; it is decided in Dade County, with the parents involved. Prior to the time they began that program, when they were doing applications for teachers in Dade County, the superintendent had a choice. One out of two.

Do you know what happened after 5 years of developing this program with follow-on training for teachers, so that teachers themselves could upgrade their skills, so that teachers themselves had a voice and decision in terms of the kinds of textbooks, new computers, new technology in that local school district? They made decisions to teach K-4 in private businesses, in 22 different sites, including the Miami Airport today, K-4 down there, where the only thing that is being provided is the teacher and the books, saving the taxpayers money down there for building more schools because they have been flooded with all kinds of populations down there.

This idea of going K through 4, as Superintendent Fernandez said, "If we did not have the science and lab requirements, I would do it K through 12 in those areas." That is going to be an idea that is going to originate at the Department of Education? Where has it been? I have a lot of respect for Lamar Alexander. He has been a very creative, imaginative leader in education; he was as a Governor, but I do not hear that kind of imagination and creativity and making it work being decided by the Department of Education. Where are the ideas now that they find out with respect to schools with high pupil ratios, basically over 750 students—many of the schools that were built in the 1950's and 1960's—went to large public schools so they would get a variety of different courses that would be available, curriculum in terms of the students themselves. We have a number of them in my own State. Brockton High School is one of the large schools, one of the finest in terms of athletics in the country, quite frankly, but has had a troubled experience in many ways. What you are finding out is that schools which run above

750 or about 1,000, generally in this country, have twice the dropout rate, with some exceptions. But the experimentation they are doing in communities is to form in the larger schools families, effectively, to try to make small schools out of big ones. That is an idea that is generated here at the Department of Education and has had a dramatic impact in reducing dropout rates, cutting them in half and even more in certain areas when they are supplemented by other areas.

In my own home State of Massachusetts, I went up to Lowell. For 60 percent of the parents of students, English is not their first language, and that happens to be true of the students that are going there. I do not know how many Secretaries of Education would understand that Lowell, MA, has the fourth largest Cambodian population in the world. As individuals were settled in the United States through various church agencies, after a period of time they started moving to where other Cambodians were. They have temples up there, Cambodian temples. Many of them have the Khmer language, but it is virtually impossible to find books under Pol Pot. It takes a long time to get teachers up there with any kind of bilingual experience. And the experience they have in terms of getting the parents involved in programs with the children seems to be something that most of us would say makes a lot of sense. But what they are finding out is using the adult literacies in terms of trying to find that particular Cambodian effort and targeting those programs in very specialized ways in that community is now tipping over and having a significant effect in terms of academic achievements. Is the Secretary of Education supposed to know that? We had a difficult time getting the former Secretary of Education to understand it. He did. He came up to Lowell, traveled up there, had an eye-opening experience as to the various challenges which exist in that community.

I can tell you about one of the really fascinating education programs developed in one of those school districts, one of the neediest school communities in our State. What they have done under this school-based management is to effectively replicate the community in the school. What do I mean? They have third graders who commit some infringement in the school being tried by other third graders with judges that are third graders and a jury of third graders. Or if it is a 4th grader, a 4th grader. They have involved the local bar association coming down and working with those kids. You go sit in that little courtroom where they are trying to find out about different kinds of infractions and listen to both the discussion and the questioning and see the attentiveness of the jury, the judges, the children in that room. It is extraordinary. They have their own little bank tellers, their print shop. They borrow; they pay taxes. They are totally involved. They do that 1½ hours a day, and it is so incredibly popular. It is run by the teachers themselves who are teaching the other courses. It is so incredibly popular that the children themselves do not want to be excluded from that kind of involvement, who pay more and more attention to the teachers. The problems in terms of discipline have been reduced dramatically. The academic achievement in terms of doing homework, attentiveness in class, being on time, has changed dramatically.

That is an idea which came out of that community in Lowell, MA.

Now, is the Secretary of Education supposed to have those kinds of ideas? Is he supposed to have that kind of imagination? What we are trying to say with this kind of program is to try not just those ideas but the thousands of ideas out there across this country that exist in the parents and among teachers and principals and superintendents who have not had a real voice. The reason they have not had a real voice is because they have been stifled, by and large, by State higher-up admonition, requirements, rules, and regulations. They have been smothered.

There are other problems clearly in balancing finances and many others we can get into. But for the discussion in this particular debate on S. 2, which does not involve equalizing that is going to be expended in different districts, but in the policy matter about how we encourage those kinds of creative aspects, I daresay, Mr. President, that no Secretary of Education would be able to have been exposed. Maybe they would. Maybe one individual in this city could be able to absorb all of those different kinds of innovative programs. I can mention hundreds of others that are taking place. Maybe they could absorb them and say, well, we can make that decision and here it is, $1 million—$1 million for that program without knowing what is going to happen.

We want to see those programs continue if they are demonstrating academic achievement and accomplishment. We want to be able to show that they continue so that they are being tried, they are being evaluated, they are making a difference in that third year, a difference in the fourth and fifth year, and then they are going to be shared with other communities around this country.

That is really what we are attempting to achieve and accomplish. That is why we have listed in our legislation the kinds of things which at least come to our attention and are illustrative of not only the points, Senator KASSEBAUM and others have made, but it is our belief that those elements ought to be encouraged to make a proposal and that they be examined at the State level.

I wish there was a better way of doing it. We do not know how. But that they be examined on a State basis, on a competitive basis as to who will receive these grants. Some will be grants for a few thousand dollars, $50,000 maybe, $100,000 or $200,000 over that period of time with that accountability. And the State will make a determination on the basis of competition. That every district will get grants with no accountability, just a matter of procedure, is poppycock. It is not the way this legislation is fashioned. It is competition to get it; accountability when you get it. And we believe that that is the way to go.

I see my friend from Kansas on her feet.

Mrs. KASSEBAUM. I would like the Senator to yield for a question when he finishes.

Mr. KENNEDY. I will be glad to. A final point.

Mr. President, I had talked with members of our committee and our colleagues on our side and to the Secretary. As far as I am concerned, if we want to put an allocation of the money that goes to the State—I had described how the money from the State would go into the local communities with 75 percent to the neediest school districts and 25 percent flexibility. The money goes to the State split 50 percent chapter I and 50 percent chapter II.

One measures the disadvantaged children and other population. Then when it gets there, it goes in terms of the areas of need but provides some degree of flexibility. We provide 10 percent for the administrative costs. There will be some who say you will do it for 5, 7, or 10. I think if we are really going to provide technical help and assistance to the neediest school districts that are already hard pressed, that seems to be a fair allocation. Maybe others can come up with a more exact way of doing it. It seems to me to be a fair way of doing it.

We want to make sure the neediest are going to get the technical help and assistance, and they are going to be involved within those local communities as broad-based representation of the communities as much as possible. But as far as I am concerned, I would support an additional allocation of 10 or 15 percent—maybe others would want 20 percent or even more.

I welcome the opportunity to see if we could find some common ground in permitting that 20 percent to be used if it is the decision of the States after examining the variety of different local kinds of requests—if it is the decision of the State to make some kinds of judgment in terms of a new American school in the State. If they want to make that judgment, I would support it.

If they want to use those resources in terms of trying to give some support for what some people here have talked about—charter schools within certain kinds of protections so that we guarantee, which I can spell out in terms of assuring that they are not going to just be grants. I would have to spell that out. But as a concept—as long as it is for the public, not the private—then I, for one, am open to those kinds of discussions.

We are going to probably increase that part which can be retained to the State. The concept of charter school is a new concept. If it is going to be supported, it ought to be supported by the States rather than Federal, initially. But if it is a consensus, it is my own view that we can try to work and recognize that there may be circumstances where States want to try and do this. But if it is the State's decision after evaluating what comes in at the local level, then I, for one, would certainly welcome the opportunity to discuss that further with those who are interested.

So, in a perfect world, what we would have is the basic reliance upon the local application—judgments made on a competitive basis with the accountability at the State. If the State makes a judgment and decision for some form of new American schools that we could make some accommodation for, or even in the charter schools, as I stated I have my own concerns about it. But if we are able to reach a broader support for it, I, for one, would be willing to at least entertain those ideas.

But what we will not entertain on that is the use at least of public funds for the support for private, preparatory schools.

I am glad to yield.

Mrs. KASSEBAUM. Mr. President, I appreciate the comments of the chairman of the Labor Committee and particularly his suggestion that there could be a means of coming to some agreement. But I would like to correct what I think is a misperception of the New American Schools' concept. The Senator from Mississippi is going to offer that amendment. Perhaps he can address it better than I.

On the chart that the Senator exhibited, he showed that only five Pennsylvania schools will be receiving funds. The New American Schools amendment would create a separate title. It does not take away from the neighborhood school moneys and guidelines that are in another title of the bill. So it is in addition to that title. I think that chart would be very misleading to those who are following this debate.

Mr. KENNEDY. That takes $535 million right off the top out of what, $640 million? If each gets $1 million, and there are 535, that is $535 million right off the top of it. I do not know what the rest of the money will be used for, but it will be virtually de minimis—whatever is leftover between the 535; setting up that whole process in the selection.

I grant you after they do the 535, that if there is a difference between 535 and what is actually appropriated, there would be some additional resources.

Mrs. KASSEBAUM. It does authorize the additional resources.

Mr. KENNEDY. What is the intention? What is the Senator going to use those resources for?

The point I want to make is the thrust of the administration's proposal has been the New American Schools. I mean that is the central point, the break-the-mold schools. All we have to do is read the press conference of the Secretary of Education here today. If the Senator wants to point out the advantages of the other money outside of what will be allocated for those new schools and how valuable that will be in terms of reform of education, I would welcome it.

Mrs. KASSEBAUM. I am a strong supporter of neighborhood schools and the neighborhood school concept. The innovations that the Senator was talking about was in schools in Massachusetts, that I was talking about in Kansas, are the very examples that I think we want to encourage. I think they are encouraged, as a matter of fact, by the neighborhood school concept that is laid out in S. 2. I think they are further encouraged by the examples given by the Secretary of Education regarding New American Schools.

Senator COCHRAN might want to address this.

Further, you ask how grants are going to be awarded and whether the Secretary of Education knows somehow how to make this award? Grant applications come through the Governor of the State. The Governor makes the recommendation to the Secretary of Education, who then consults with a panel of experts.

To repeat, however, I think it is misleading to say the New American Schools Program would make up the entire bill. Rather, it is in addition to, and really a way to encourage that innovation that the Senator was addressing and that I was addressing. Such innovation, I believe, is very important. Also, I would like to touch on the mention of school-based management. I think there is strong support for school-based management. I do not believe this is an issue that has ever been a divisive one.

Mr. KENNEDY. I say in response to the Senator, according to the administration's own proposal on the New American Schools, page 9, beginning no later than January 1, 1993, the Secretary would devise the panel of experts established under section 308 which shall approve some or all of the eligible recipients nominated by the Governors to receive the new American grants in behalf of the community based on the Secretary's determination that such approval will be fully consistent with the purpose and requirements of the title.

I read that based on the Secretary's determination such approval would be fully consistent. I am sure he would intend that it be consistent. But it is his judgment finally, ultimately his judgment, one individual's judgment instead of what we have established, and that is at least in the 50 States' judgment in terms of that particular panel that is supposed to be more reflective. I mean you really cannot have it both ways, I do not believe.

Under the administration, it is one individual, the Secretary of Education located here in Washington, DC. I am sure he will be getting out and getting around. But he has a lot of things that he has to worry about, this Secretary of Education, a lot of things that he has responsibility for. But he is going to be making that judgment about which new schools or perhaps even the existing schools, is going to get it—one individual.

It seems to me that the chances of innovative and creative energy and ideas to strengthen our educational system are more enhanced at the local level through the State rather than just the Secretary of Education, in spite of how well he is or she is advised.

Mrs. KASSEBAUM. Does the Senator discount the Governor's role in this? I mean the Governor will make that recommendation first.

Mr. KENNEDY. It is clear that the Secretary makes the determination. When you have one individual accountable, he is going to be accountable. Either he is accountable or I do not know who is accountable. It says right here it is the Secretary's determination. I am sure that he is going to be looking for advice or guidance.

I am sure, for example, that in Republican States where there are Republican Governors that the Republicans will say, "Look, I want it here in this congressional district. Put it here rather than over here." I am sure that probably will come about. I am sure that following that someone will call it a recovery bill. I sat next to a Republican Governor yesterday morning at a Martin Luther King breakfast.

And I was talking to him. He had been visiting with Lamar Alexander, because he is interested in education. Bill will be calling up, I am sure, and say, on that Cape Cod district, you know, we have a hot race down there against GERRY STUDDS, and we have a real potential—I hope he would not, but this is the kind of thing that it lends itself to that it says finally where that is going to go. You come up and down here—down to Duxbury and Scituate. We have a nice Marshfield. We have a winner down there, rather than in New Bedford and Fall River.

Mr. COCHRAN. Will the Senator yield? Before we get too carried away——

Mr. KENNEDY. Just before doing that, I do not want to interrupt——

Mr. COCHRAN. If the Senator will yield a minute.

Mrs. KASSEBAUM. I am happy to yield.

Mr. KENNEDY. I am glad to yield.

Mrs. KASSEBAUM. I think we have gotten mired down here.

Mr. COCHRAN. One observation, if the Senator will agree, is that the wording of the amendment that will be offered provides that no grant can be made, no announcement can be made about any grant until January 1993. That is after the congressional elections, and that congressional district, or the Presidential election, and so we have intentionally tried to move the dates to a point where there cannot be any suspicion that the decisions are going to be based on what is good for which candidate in these elections coming up this year.

I further ask the Senator if he would not agree also that there is a provision in the amendment to be offered that will involve a panel of education officials, of private sector advisers, people who are looked to for leadership in education, people from out in the grassroots areas of the country who have had experience in these matters, to advise the Secretary of Education. Of course, he cannot be everywhere and know everything about every application and about the quality of the people and their experience, who have decided to make application for these grants. That is why at the local level the first thing that is done is that the chief education officer in each State makes a recommendation to the Governor, and that is where it all starts. It starts with the community first, then goes up through the elected or appointed highest education official in the State. It has to clear those hurdles first before it is ever considered by even the Governor or the Secretary of Education. I hope the Senator will notice that those are provisions that will be a part of this amendment.

Mr. KENNEDY. Well, I appreciate that fact. I know that Secretary Alexander has called a lot of our colleagues about how they are going to make these announcements after the election. Let us look at what the process is.

First of all, the President designates an America 2000 community. So they are going to get the grant after the election. But here comes our Secretary who says that Marshfield has been designated an America 2000 community because it has adopted the six national education goals. It is developing a communitywide strategy and designing a report card, and it has a plan for support of new American schools. They have not received the grant yet.

But here is Scituate, Marshfield, you are an America 2000 community, says Secretary Alexander. So they say that is good. This is the first press release.

Second, you have sponsor groups from your community made up of the agencies, organizations, institutions, and developments, including evidence of their commitment to meet the national education goals of the description to be taken to receive State accreditation.

We were up here in Marshfield 3 months ago. We are back here today to tell you we have all these community agencies, and they are getting their award today and recognition because this second point has been achieved. Then the Governor, in conjunction with the chief of state, shall make nominations from the applications. So Marshfield gets one. Maybe Scituate gets one. They submit them to the Secretary. This is education. This is even before you come down and give that grant. And then the Secretary will be making the selection using the various criteria and under the restriction of only one.

Well, what is this? Why is this not a serious kind of business of finding out that you have a qualified kind of applicant that is done in a businesslike way; if Marshfield has it, it has worked out in a technical way, and it goes right up to the statewide agency that is appointed by the Governor. The Governor is cut out of this program.

The interesting fact is that we have lessened the role of the Governor at the request of a number of our colleagues on that side of the aisle. They wanted less of a role. We tried to balance that between a panel on behalf of the Governor and on behalf of State educational agencies. As I say, they come from different traditions in different States. We feel that is the best way.

We understand there is going to be at least a group up there, but they are going to draw from a lot of different teachers and principals and parents, and then have them make the decision. And then have them go out, if the Governor wants to make that announcement. But what they will have is a local community who knows they won it on the basis of the merits. It is not that we are going to pin a star on you because you have adopted the national education goals.

Second, you developed the communitywide strategy to achieve them.

I wonder what criteria the administration is going to use for school readiness when in their own report they said there is not adequate criteria available to be able to set up any standard for school readiness. What is the community going to do? I think the kind that has been described by Ernie Boyer, adequate criteria—if a child has been a part of an early education experience and the child has been immunized and it has seen the doctor in the last year, as well as other criteria. You get at least some impact. But the administration does not even know. They have not set a criteria for what is school readiness.

Look at their last report. They cannot do it. If you are certified, if you say you will adopt school readiness and you are able to get some kind of bouquet for it, I just do not know what it really means.

It seems to me that the kind of criteria which are outlined in this proposal—I mentioned some of those earlier. I know others want to speak. People understand what school-based management is. They may have different ways of trying to do it, but it has a frame within which people can make some judgment, and that local community is going to spell out what they will do with regards to school-based management. In terms of the training of teachers, they have an idea; they know what that means; and in upgrading teachers so they are able to use advanced resource books and new technologies. People can describe that. But it seems to me, Mr. President, that ought to be done in a businesslike way on the basis of competition with accountability, rather than with a whole series of different announcements, and ultimately be made by one individual.

I thank the Chair.

Mr. THURMOND. Mr. President, 9 months ago, President Bush announced a bold, long-range plan to reform education in this country. Known as America 2000, this forward-looking plan was introduced in May of last year as S. 1141. I was pleased to be an original cosponsor of that bill which encompassed four key concepts of education reform: First, make existing schools better and more accountable for results; second, establish 535 New American Schools—one in each congressional district and two for each State in addition—which break the mold and set aside traditional assumptions about schooling; third, promote lifelong learning for those already out of school and in the force; and fourth, involve communities and families directly in education reform.

Mr. President, today we begin debate on S. 2, the Neighborhood Schools Improvement Act. My preference would have been that the Senate consider the more far-reaching S. 1141, the bill which President Bush put forth and which I previously outlined. Yet, reality is that the alternative, S. 2, is before this body.

S. 2, among other things, takes the approach of a block grant to the States. While that represents a step forward in improving schools in this country, I am concerned that S. 2 does not include any of the far-reaching reform proposals included in America 2000, such as break-the-mold New American Schools, and private school choice. In addition, I am concerned

that the bill as reported from committee contains authorization for a National Council on Education Goals, which would be duplicative of the education goals panel already established by the President and the Governors.

Mr. President, I look forward to the debate and to consideration of amendments which will address some of these concerns.

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. KENNEDY. Mr. President, there were some Senators who wanted to make comments. I wish to pursue that briefly and then come back and indicate to the Members what I find, at least from this side of the aisle, and if there are any others who want to speak from that side of the aisle.

So I will suggest the absence of a quorum, and then come back to the floor and indicate what will be the course of action for this evening.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Ms. MIKULSKI). Without objection, it is so ordered.

Mr. MURKOWSKI. Madam President, I ask unanimous consent that I may be allowed to speak for not more than 5 minutes as if in morning business.

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

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. MURKOWSKI. I thank the Chair.

(The remarks of Mr. MURKOWSKI pertaining to the introduction of S. 2140 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. DIXON. Madam President, I ask unanimous consent to proceed as though in morning business very briefly on another topic to submit a resolution.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator may proceed.

Mr. DIXON. Thank you, Madam President.

(The remarks of Mr. DIXON pertaining to the submission of Senate Resolution 245 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

Mr. DIXON. I yield the floor. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. KENNEDY. Madam President, I ask unanimous consent that when the Senate resumes consideration of S. 2 tomorrow at 12 noon that I be recognized to offer a committee modification and that immediately thereafter Senator COCHRAN be recognized to offer an amendment.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. AKAKA). Without objection, it is so ordered.

MORNING BUSINESS

Mr. COCHRAN. Mr. President, I ask unanimous consent that there be a period for the transaction of routine morning business, with Senators permitted to speak therein.

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

APPOINTMENTS ON BEHALF OF THE MAJORITY LEADER

The PRESIDING OFFICER. The Chair, on behalf of the majority leader, pursuant to Public Law 102-138, appoints the following individuals as members of the Commission on Broadcasting to the People's Republic of China: Dr. Merle Goldman, of Massachusetts; and Mr. Gene Mater, of Virginia.

APPOINTMENTS ON BEHALF OF THE PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore and upon the recommendation of the majority leader and the Republican leader, pursuant to Public Law 100-297, appoints 78 individuals as delegates to the White House Conference on Indian Education and submits a list of their names for the RECORD.

The appointees are as follows:

Julie Abeyta of New Mexico.
Susan Adair of Oklahoma.
Joan Ainslie of California.
Andrew L. Anderoli of California.
Richard W. Arnold of Nevada.
Vivian L. Arviso of Arizona.
Katherine J. Bancroft of California.
Lionel Bordeaux of South Dakota.
Marilyn K. Bread of Kansas.
Mary Ann Brittan of Oklahoma.
Joe Byrd of Oklahoma.
Howard Chavez of California.
Robert K. Chiago of Kansas.
Julie Clouse of Kansas.
Shirley Cogswell of Maine.
Pete G. Coser of Oklahoma.
Cheryl Crazy Bull of South Dakota.
Carol Ann Davis of North Dakota.
James L. Davis of North Dakota.
William Demmert of California.
Carl Downing of Oklahoma.
Joyce Dugan of North Carolina.
Lloyd Elm of New York.
Ruth Frazier of New Mexico.
Nora Garcia of California.
Lillian Garnett of Alaska.
Pat Goggles of Wyoming.
Mary Helen Haney of Oklahoma.
Marcelle Sharron Ahtone Harjo of Oklahoma.
Lawrence H. Hart of Oklahoma.
Earl Havatone of Arizona.
Victoria Higgins of Maine.
John Hornbrook of Indiana.
Cindy Huston of Oklahoma.
Pat Jagiel of Florida.
Stephen Lewis of California.
Patrica Locke of South Dakota.
Dwight D. Lowry of California.
Ronnie Lupe of Arizona.
Oren Lyons of New York.
Wilma Mankiller of Oklahoma.
Bob G. Martin of Kansas.
Twila Martin-Kekahbah of North Dakota.
Vernon Masayesva of Arizona.
Sylvia J. McCloud of Nevada.
Sharon McLane of Kansas.
William Mehojah of Washington, D.C.
Ted Mitchell of Maine.
Josiah Newton Moore of Arizona.
James Nageak of Alaska.
Patty Nelson-Bourdeaux of South Dakota.
Karen Onco of Oklahoma.
Reginal Pasqual of New Mexico.
Luanne Pelagio of Alaska.
Levi Pesata of New Mexico.
Paul Plume of South Dakota.
Marshall Plummer of New Mexico.
Edwin Stronglegs Richardson of Washington, D.C.
Donna Rhodes of Oklahoma.
M. Grace Roderick of Maine.
Nell Allen Rogers of Mississippi.
Ernie C. Salgado, Jr. of California.
Ruth Sampson of Alaska.
Ivan L. Sidney of Arizona.
J. Brian Smith of Maine.
Kiamichi Stairs-Camp of Oklahoma.
Loren "Bum" Stiffarm of Montana.
Robert J. Swan of Montana.
Carmen Cornelia Taylor of New Mexico.
Virginia Thomas of Alaska.
Alice M. Tonemah of Oklahoma.
Daniel Tso of Arizona.
Delores R. Twohatchet of Oklahoma.
Mary Margaret Willson of Nevada.
Ruth Dial Woods of North Carolina.
Sydna Yellowfish of Oklahoma.
Bernadine Young Bird of North Dakota.
Peterson Zah of Arizona.

MEASURE READ THE SECOND TIME—H.R. 2092

The PRESIDING OFFICER. The clerk will read H.R. 2092 for the second time.

The assistant legislative clerk read as follows:

A bill (H.R. 2092) to carry out obligations of the United States under the United Nations Charter and other international agreements pertaining to the protection of human rights by establishing a civil action for recovery of damages from an individual who engages in torture or extrajudicial killing.

Mr. COCHRAN. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard. The bill will be placed on the Calendar.

PRESIDENTIAL APPROVALS

Under the authority of the order of the Senate of January 3, 1991, the Secretary of the Senate, on January 10, 1992, during the recess of the Senate, received a message from the President of the United States announcing that he had approved and signed the following enrolled bills and joint resolutions:

On October 18, 1991:

S.J. Res. 107. Joint resolution to designate October 15, 1991, as "National Law Enforcement Memorial Dedication Day."

On October 28, 1991:

S.J. Res. 131. Joint resolution designating October 1991 as "National Down Syndrome Awareness Month" and

S.J. Res. 192. Joint resolution designating October 30, 1991, as "Refugee Day."

On October 30, 1991:

S.J. Res. 160. Joint resolution designating the week beginning October 20, 1991, as "World Population Awareness Week."

On November 5, 1991:

S. 1823. An act to amend the Veterans' Benefit and Services Act of 1988 to authorize the Department of Veterans Affairs to use for the operation and maintenance of the National Memorial Cemetery of Arizona funds appropriated during fiscal year 1992 for the National Cemetery System.

On November 13, 1991:

S. 1848. An act to restore the authority of the Secretary of Education to make certain preliminary payments to local educational agencies, and for other purposes;

S.J. Res. 36. Joint resolution to designate the months of November 1991, and November 1992, as "National Alzheimer's Disease Month";

S.J. Res. 145. Joint resolution designating the week beginning November 10, 1991, as "National Women Veterans Recognition Week"; and

S.J. Res. 188. Joint resolution designating November 1991 as "National Red Ribbon Month."

On November 21, 1991:

S. 1745. An act to amend the Civil Rights Act of 1964 to strengthen and improve Federal civil rights laws, to provide for damages in cases of intentional employment discrimination, to clarify provisions regarding disparate impact actions, and for other purposes.

On November 26, 1991:

S. 374. An act to settle all claims of the Aroostook Band of Micmacs resulting from the Band's omission from the Maine Indian Claims Settlement Act of 1980, and for other purposes.

On November 27, 1991:

S. 1475. An act to amend the Protection and Advocacy for Mentally Ill Individuals Act of 1986 to reauthorize programs under such act, and for other purposes and

S.J. Res. 207. Joint resolution to designate the period commencing on November 24, 1991, and ending on November 30, 1991, and the period commencing on November 22, 1992, and ending on November 28, 1992, each as "National Adoption Week."

On December 2, 1991:

S. 1568. An act to amend the act incorporating the American Legion so as to redefine eligibility for membership therein and

S. 1720. An act to amend Public Law 93-531 (25 U.S.C. 640d et seq.) to reauthorize appropriations for the Navajo-Hopi Relocation Housing Program for fiscal years 1992, 1993, 1994, and 1995.

On December 4, 1991:

S. 1663. An act to authorize appropriations to carry out the National Sea Grant College Program Act, and for other purposes;

S.J. Res. 187. An act to make a technical correction to Public Law 101-549; and

S.J. Res. 217. Joint resolution to authorize and request the President to proclaim 1992 as the "Year of the American Indian."

On December 5, 1991:

S.J. Res. 184. Joint resolution designating the month of November 1991, as "National Accessible Housing Month."

On December 9, 1991:

S. 272. An act to provide for a coordinated Federal program to ensure continued U.S. leadership in high-performance computing, and

S. 1284. An act to make certain technical corrections in the Judicial Improvements Act of 1990 and other provisions of law relating to the courts.

On December 11, 1991:

S. 159. An act for the relief of Maria Erica Bartski;

S. 2050. An act to ensure that the ceiling with respect to health education assistance loans does not prohibit the provision of Federal loan insurance to new and previous borrowers under such program, and for other purposes;

S. 2098. An act to authorize the President to appoint Maj. Gen. Jerry Ralph Curry to the Office of Administrator of the Federal Aviation Administration; and

S.J. Res. 198, Joint resolution to recognize contributions Federal civilian employees provided during the attack on Pearl Harbor and during World War II.

On December 12, 1991:

S. 367. An act to amend the Job Training Partnership Act to encourage a broader range of training and job placement for women, and for other purposes and

S. 1532. An act to revise and extend the programs under the Abandoned Infants Assistance Act of 1988.

On December 17, 1991:

S. 1193. An act to make technical amendments to various Indian laws and

S. 1891. An act to permit the Secretary of Health and Human Services to waive certain recovery requirements with respect to the construction or remodeling of facilities, and for other purposes.

On December 19, 1991:

S. 543. An act to require the least-cost resolution of insured depository institutions, to improve supervision and examinations, to provide additional resources to the bank insurance fund, and for other purposes.

On December 20, 1991:

S. 1462. An act to amend the Communications Act of 1934 to prohibit certain practices involving the use of telephone equipment.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time and placed on the calendar:

H.R. 2092. An act to carry out obligations of the United States under the United Nations Charter and other international agreements pertaining to the protection of human rights by establishing a civil action or recovery of damages from an individual who engages in torture or extrajudicial killing.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2211. A communication from the Architect of the Capitol, transmitting, pursuant to law, a report of all expenditures during the period April 1, 1991 through September 30, 1991 from moneys appropriated to the Architect of the Capitol; to the Committee on Appropriations.

EC-2212. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, the report of the Defense Environmental Response Task Force; to the Committee on Armed Services.

EC-2213. A communication from the President of the Oversight Board, Resolution Trust Corporation, transmitting, pursuant to law, a report on the number of savings associations for which the Director has determined grounds exist, or are likely to exist in the current fiscal year, for appointment of a conservator or receiver under the Home Owners' Loan Act; to the Committee on Banking, Housing, and Urban Affairs.

EC-2214. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Financial Audit: Bank Insurance Fund's 1990 and 1989 Financial Statements"; to the Committee on Banking, Housing, and Urban Affairs.

EC-2215. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, a report on the capitalization of the Federal National Mortgage Association and the Federal Home Loan Mortgage Association; to the Committee on Banking, Housing, and Urban Affairs.

EC-2216. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, reports on the Departments of Health and Human Services, and Education, and Related Agencies Appropriations Act for fiscal year 1992 and the Department of Defense Appropriations Act for fiscal year 1992; to the Committee on the Budget.

EC-2217. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, a report on the proposed use of certain construction of facilities funds for the construction of an addition to the Avionics Systems Laboratory Building 16 at the Johnson Space Center; to the Committee on Commerce, Science, and Transportation.

EC-2218. A communication from the Secretary of Energy, transmitting, pursuant to law, a report entitled "Limiting Net Greenhouse Gas Emissions in the United States"; to the Committee on Energy and Natural Resources.

EC-2219. A communication from the Acting Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-2220. A communication from the Acting Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-2221. A communication from the Acting Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-2222. A communication from the Acting Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-2223. A communication from the Acting Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-2224. A communication from the Acting Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-2225. A communication from the Assistant Secretary of Energy (Conservation and Renewable Energy), transmitting, pursuant to law, notice that a report on the progress of the implementation of the Automotive Propulsion Research and Development Act of 1978 will be forthcoming; to the Committee on Energy and Natural Resources.

EC-2226. A communication from the Inspector General of the Department of the Interior, transmitting, pursuant to law, a report entitled "Accounting for Reimbursable Expenditures of Environmental Protection Agency Superfund Money, Office of Environmental Affairs, Office of the Secretary"; to the Committee on Environment and Public Works.

EC-2227. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, two documents related to the Treaty Between the United States and the Union of Soviet Socialist Republics on the Reduction and Limitation of Strategic Offensive Weapons; to the Committee on Foreign Relations.

EC-2228. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, a report on a long-term plan for acquiring secure permanent facilities for the United States mission in Kiev; to the Committee on Foreign Relations.

EC-2229. A communication from the Chairman of the National Endowment for the Arts, transmitting, pursuant to law, the semiannual report of the Office of Inspector General and the semiannual report on the status of Management Decisions and Final Actions Regarding Audit Recommendations for the National Endowment for the Arts for the period April 1 through September 30, 1991; to the Committee on Governmental Affairs.

EC-2230. A communication from the Director of the United States Information Agency, transmitting, pursuant to law, the semiannual report of the Office of Inspector General for the period April 1 through September 30, 1991; to the Committee on Governmental Affairs.

EC-2231. A communication from the Chairman of the National Endowment for the Humanities, transmitting, pursuant to law, the semiannual report of the Office of Inspector General, National Endowment for the Humanities, for the period April 1 through September 30, 1991; to the Committee on Governmental Affairs.

EC-2232. A communication from the Chairman of the National Science Board, transmitting, pursuant to law, the semiannual report of the Office of Inspector General, National Science Board, for the period April 1 through September 30, 1991; to the Committee on Governmental Affairs.

EC-2233. A communication from the Secretary of Energy, transmitting, pursuant to law, the semiannual report of the Office of Inspector General, Department of Energy, for the period April 1 through September 30, 1991; to the Committee on Governmental Affairs.

EC-2234. A communication from the Secretary of Energy, transmitting, pursuant to law, the semiannual report of the Office of Inspector General, Department of Energy, for the period April 1 through September 30, 1991; to the Committee on Governmental Affairs.

EC-2235. A communication from the Secretary of Labor, transmitting, pursuant to law, the semiannual report of the Office of Inspector General, Department of Labor, for the period April 1 through September 30, 1991; to the Committee on Governmental Affairs.

EC-2236. A communication from the Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the semiannual report of the Office of Inspector General for the period April 1 through September 30, 1991 and the management report on actions taken in response to reports of the Inspector General; to the Committee on Governmental Affairs.

EC-2237. A communication from the Secretary of Education, transmitting, pursuant to law, the semiannual report of the Office of Inspector General, Department of Education, for the period April 1 through September 30, 1991; to the Committee on Governmental Affairs.

EC-2238. A communication from the Attorney General of the United States, transmitting, pursuant to law, the semiannual report of the Office of Inspector General, Department of Justice, for the period April 1 through September 30, 1991; to the Committee on Governmental Affairs.

EC-2239. A communication from the Administrator of General Services, transmitting, pursuant to law, the semiannual report of the Office of Inspector General, General Services Administration, for the period April 1 through September 30, 1991; to the Committee on Governmental Affairs.

EC-2240. A communication from the Secretary of Agriculture, transmitting, pursuant to law, the semiannual report of the Office of Inspector General, Department of Agriculture, for the period April 1 through September 30, 1991; to the Committee on Governmental Affairs.

EC-2241. A communication from the Acting Chairman of the United States International Trade Commission, transmitting, pursuant to law, the semiannual report of the Office of Inspector General, United States International Trade Commission, for the period April 1 through September 30, 1991; to the Committee on Governmental Affairs.

EC-2242. A communication from the Chairman of the Board of Directors of the Corporation for Public Broadcasting, transmitting, pursuant to law, the semiannual report of the Office of Inspector General, Corporation for Public Broadcasting, for the period April 1 through September 30, 1991; to the Committee on Governmental Affairs.

EC-2243. A communication from the Chairman of the Equal Employment Opportunity Commission, transmitting, pursuant to law, the semiannual report of the Office of Inspector General, Equal Employment Opportunity Commission for the period April 1 through September 30, 1991; to the Committee on Governmental Affairs.

EC-2244. A communication from the Chairman of the Securities and Exchange Commission, transmitting, pursuant to law, the semiannual report of the Office of Inspector General, Securities and Exchange Commission, for the period April 1 through September 30, 1991; to the Committee on Governmental Affairs.

EC-2245. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a list of the reports issued by the General Accounting Office in October 1991; to the Committee on Governmental Affairs.

EC-2246. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report identifying accounts containing unvouchered expenditures potentially subject to audit by the Comptroller General; to the Committee on Governmental Affairs.

EC-2247. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-106 adopted by the Council on November 5, 1991; to the Committee on Governmental Affairs.

EC-2248. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-99 adopted by the Council on November 5, 1991; to the Committee on Governmental Affairs.

EC-2249. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-100 adopted by the Council on November 5, 1991; to the Committee on Governmental Affairs.

EC-2250. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-101 adopted by the Council on November 5, 1991; to the Committee on Governmental Affairs.

EC-2251. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-102 adopted by the Council on November 5, 1991; to the Committee on Governmental Affairs.

EC-2252. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-103 adopted by the Council on November 5, 1991; to the Committee on Governmental Affairs.

EC-2253. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-104 adopted by the Council on November 5, 1991; to the Committee on Governmental Affairs.

EC-2254. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-98 adopted by the Council on November 5, 1991; to the Committee on Governmental Affairs.

EC-2255. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of

D.C. Act 9-105 adopted by the Council on November 5, 1991; to the Committee on Governmental Affairs.

EC-2256. A communication from the Secretary of Labor, transmitting a draft of proposed legislation to amend the Employee Retirement Income Security Act of 1974 and the Bankruptcy Code to clarify and improve the status of claims of the Pension Guaranty Corporation and the treatment of the pension plans in bankruptcy proceedings, and for other purposes; to the Committee on the Judiciary.

EC-2257. A communication from the Chairman of the United States Sentencing Commission, transmitting, pursuant to law, a report entitled "The Federal Sentencing Guidelines: A Report on the Operation of the Guidelines System and Short-Term Impacts on Disparity in Sentencing, Use of Incarceration, and Prosecutorial Discretion and Plea Bargaining, Volume I"; to the Committee on the Judiciary.

EC-2258. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report on the Drug Abuse Treatment Waiting List/Period Reduction Grant Program; to the Committee on Labor and Human Resources.

EC-2259. A communication from the Secretary of Education, transmitting, pursuant to law, final regulations for Student Assistance General Provisions—Verification; to the Committee on Labor and Human Resources.

EC-2260. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-107 adopted by the Council on November 5, 1991; to the Committee on Governmental Affairs.

EC-2261. A communication from the President of the United States, transmitting, pursuant to law, a report on budget authority deferrals for fiscal year 1992, pursuant to the order of January 30, 1975; referred jointly to the Committee on Appropriations, the Committee on the Budget, the Committee on Agriculture, Nutrition, and Forestry, and the Committee on Foreign Relations.

EC-2262. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a cumulative report on budget rescissions and deferrals dated December 1, 1991; referred jointly to the Committee on Appropriations, the Committee on the Budget, the Committee on Agriculture, Nutrition and Forestry, the Committee on Foreign Relations, the Committee on Armed Services, the Committee on Finance, the Committee on Commerce, Science, and Transportation, and the Committee on Environment and Public Works.

EC-2263. A communication from the Comptroller of the Department of Defense, transmitting, pursuant to law, a report of violations of title 31, United States Code; to the Committee on Appropriations.

EC-2264. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on the appropriations for the Board of International Broadcasting for Fiscal Year 1992; to the Committee on Appropriations.

EC-2265. A communication from the Assistant Secretary of the Army (Financial Management), transmitting, pursuant to law, a report on the value of property, supplies, and commodities provided by the Berlin Magistrate for the quarter June 1, 1991 through September 30, 1991; to the Committee on Armed Services.

EC-2266. A communication from the Secretary of the Air Force, transmitting, pursuant to law, an update on the Air Force's plans to consolidate the assets of Military Airlift Command (MAC), Strategic Air Command (SAC) and Tactical Air Command (TAC) into two new commands, Air Combat Command (ACC) and Air Mobility Command (AMC); to the Committee on Armed Services.

EC-2267. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on United States Costs in the Persian Gulf Conflict and Foreign Contributions to Offset Such Costs; to the Committee on Armed Services.

EC-2268. A communication from the Under Secretary of Defense (Acquisition), transmitting, pursuant to law, a report on the program acquisition unit cost (PAUC) for the AOE 6 program; to the Committee on the Armed Services.

EC-2269. A communication from the Secretary of the Air Force, transmitting, pursuant to law, a report on the continuation of two B-2 Full Scale Development (FSD) contracts; to the Committee on Armed Services.

EC-2270. A communication from the General Counsel of the Department of Defense, transmitting, a draft of proposed legislation to amend the Department of Defense Authorization Act, 1985, to relieve the Secretary of Defense from the requirement of relating to the Congress, on an annual basis, a report entitled United States Expenditures in Support of Nato; to the Committee on Armed Services.

EC-2271. A communication from the President of the United States, transmitting, pursuant to law, a report stating that the Libyan emergency is to continue in effect beyond January 7, 1992; to the Committee on Banking, Housing and Urban Affairs.

EC-2272. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, a report on the State of Fair Housing; to the Committee on Banking, Housing and Urban Affairs.

EC-2273. A communication from the President and Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, a report with respect to a transaction involving U.S. exports to the USSR; to the Committee on Banking, Housing and Urban Affairs.

EC-2274. A communication from the President and Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, a report with respect to a transaction involving a medium-term financial guarantee to support United States exports to the Union of Soviet Socialist Republics; to the Committee on Banking, Housing and Urban Affairs.

EC-2275. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report on the results of audits of the financial statements of the FSLIC Resolution Fund for the year ended December 31, 1991, 1990, and the period August 9, 1989, through December 31, 1989; to the Committee on Banking, Housing and Urban Affairs.

EC-2276. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, a report on the interim report on the Public Housing Comprehensive Transition Demonstration; to the Committee on Banking, Housing, and Urban Affairs.

EC-2277. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on direct spending or receipts legislation; to the Committee on the Budget.

EC-2278. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on direct spending or receipts legislation; to the Committee on the Budget.

EC-2279. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on direct spending or receipts legislation; to the Committee on the Budget.

EC-2280. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on direct spending or receipts legislation; to the Committee on the Budget.

EC-2281. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report of direct spending or receipts legislation; to the Committee on the Budget.

EC-2282. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on direct spending or receipts legislation for P.L. 102-231, P.L. 102-232, P.L. 102-233 and P.L. 102-234; to the Committee on the Budget.

EC-2283. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on appropriations legislation; to the Committee on the Budget.

EC-2284. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report of direct spending or receipts legislation; to the Committee on the Budget.

EC-2285. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on direct spending or receipts legislation; to the Committee on the Budget.

EC-2286. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report of direct spending or receipts legislation; to the Committee on the Budget.

EC-2287. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on direct spending or receipts legislation; to the Committee on the Budget.

EC-2288. A communication from the Chairman of the National Transportation Safety Board, transmitting, pursuant to law, a report on the National Transportation Safety Board's letter to the OMB appealing the FY 1993 allowance; to the Committee on the Commerce, Science and Transportation.

EC-2289. A communication from the Chairman of the Consumer Product Safety Commission, transmitting, pursuant to law, a report on the results of CPSC's user fee feasibility study; to the Committee on Commerce, Science and Transportation.

EC-2290. A communication from the Secretary of Defense, transmitting, pursuant to law, a report on special use airspace; to the Committee on Commerce, Science and Transportation.

EC-2291. A communication from the Secretary of the Interstate Commerce Commission, transmitting, pursuant to law, a report

on extending the time period for issuing a final decision in No. 40365, National Starch and Chemical Corporation v. The Atchison, Topeka and Santa Fe Railway Company, et al.; to the Committee on Commerce, Science and Transportation.

EC-2292. A communication from the Secretary of the Interstate Commerce Commission, transmitting, pursuant to law, a report on extending the time period for issuing a final decision in No. 346, Rail General Exemption Authority—Miscellaneous Agricultural Commodities—Petition of G. & T. Terminal Packaging Co., Inc., et al. to Revoke Conrail Exemption; to the Committee on Commerce, Science and Transportation.

EC-2293. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report on the National Airway System for fiscal year 1990; to the Committee on Commerce, Science and Transportation.

EC-2294. A communication from the Secretary of Energy, transmitting, pursuant to law, a report discussing activities undertaken with respect to the development of the Strategic Petroleum Reserve during the period July 1, 1991, through September 30, 1991; to the Committee on Energy and Natural Resources.

EC-2295. A communication from the Chairperson of the Northeast Interstate Low-Level Radioactive Waste Commission, transmitting, pursuant to law, a report of the Northeast Interstate Low-Level Radioactive Waste Commission; to the Committee on Energy and Natural Resources.

EC-2296. A communication from the Secretary of Energy, transmitting, pursuant to law, a report on low-level radioactive waste management progress; to the Committee on Energy and Natural Resources.

EC-2297. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report of the Agency for Toxic Substances and Disease Registry (ATSDR) covering the period from January 1, 1989, through December 31, 1990; to the Committee on Environment and Public Works.

EC-2298. A communication from the Chairman, Council on Environmental Quality and Chair, Interagency Task Force on Acidic Deposition, transmitting, pursuant to law, a report of the program plan of the National Acid Precipitation Assessment Program (NAPAP); to the Committee on Environment and Public Works.

EC-2299. A communication from the Environmental Protection Agency, transmitting, pursuant to law, a report on the assessment of needed publicly owned wastewater treatment facilities in the United States—including federally recognized Indian tribes and Alaska native villages; to the Committee on Environment and Public Works.

EC-2300. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report on the implementation of the Home Health Agency (HHA) prospective payment demonstration; to the Committee on Finance.

EC-2301. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report on the Rural Health Care Transition Grant Program; to the Committee on Finance.

EC-2302. A communication from the President of the United States, transmitting, pursuant to law, notification of Don E. Newquist as Chairman of the United States International Trade Commission; to the Committee on Finance.

EC-2303. A communication from the President of the United States, transmitting, pursuant to law, a report on Soviet compliance with the Treaty on Conventional Armed Forces in Europe (CFE); to the Committee on Foreign Relations.

EC-2304. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, a report on international agreements other than treaties, entered into by the United States in the sixty day period prior to December 5, 1991; to the Committee on Foreign Relations.

EC-2305. A communication from the Assistant Legal Adviser for Treaty Affairs Department of State, transmitting, pursuant to law, a report on international agreements, other than treaties entered into by the United States in the sixty day period prior to December 19, 1991; to the Committee on Foreign Affairs.

EC-2306. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, a semiannual report of the Inspector General and the semiannual report on the status of audit followup, for the period ending September 30, 1991; to the Committee on Governmental Affairs.

EC-2307. A communication from the Administrator of General Services, transmitting, pursuant to law, the annual report on the system of financial and administrative controls in effect at the General Services Administration during fiscal year 1991; to the Committee on Governmental Affairs.

EC-2308. A communication from the Federal Co-Chairman of the Appalachian Regional Commission, transmitting, pursuant to law, the semiannual report of the Office of Inspector General, Appalachian Regional Commission, for the period ended September 30, 1991; to the Committee on Governmental Affairs.

EC-2309. A communication from the Chairman of the Board for International Broadcasting, transmitting, pursuant to law, the semiannual report of the Office of Inspector General, Board for International Broadcasting, for the period ended September 30, 1991; to the Committee on Governmental Affairs.

EC-2310. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the semiannual report of the Office of Inspector General, Environmental Protection Agency, for the period ended September 30, 1991; to the Committee on Governmental Affairs.

EC-2311. A communication from the United States Commissioner of the Susquehanna River Basin Commission, transmitting, pursuant to law, a report on the internal accounting system and controls in effect during fiscal year 1991; to the Committee on Governmental Affairs.

EC-2312. A communication from the President and Chief Executive Officer of the Overseas Private Investment Corporation, transmitting, pursuant to law, the annual report on the management control and financial management systems of the Corporation in effect during fiscal year 1991; to the Committee on Governmental Affairs.

EC-2313. A communication from the Director of the Woodrow Wilson Center, transmitting, pursuant to law, the annual report of the Center on financial systems in place during fiscal year 1991; to the Committee on Governmental Affairs.

EC-2315. A communication from the Secretary of Commerce, transmitting, pursuant to law, the semiannual report of the Office of Inspector General, Department of Commerce, for the period ended September 30, 1991; to the Committee on Governmental Affairs.

EC-2316. A communication from the Chairman of the Oversight Board of the Resolution Trust Corporation and the Chairman of the Resolution Trust Corporation, transmitting jointly, pursuant to law, the semiannual report of the Office of Inspector General, Resolution Trust Corporation, for the period ended September 30, 1991; to the Committee on Governmental Affairs.

EC-2317. A communication from the Secretary of Education, transmitting, pursuant to law, the semiannual report of the Office of Inspector General, Department of Education, for the period ended September 30, 1991; to the Committee on Governmental Affairs.

EC-2318. A communication from the Chairman of the Merit Systems Protection Board, transmitting, pursuant to law, the annual report on management systems and controls in effect during fiscal year 1991; to the Committee on Governmental Affairs.

EC-2319. A communication from the Chairman of the Federal Maritime Commission, transmitting, pursuant to law, the semiannual report of the Office of Inspector General, Federal Maritime Commission, for the period ended September 30, 1991; to the Committee on Governmental Affairs.

EC-2320. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, the annual report on the systems of internal accounting and management controls in effect during fiscal year 1991; to the Committee on Governmental Affairs.

EC-2321. A communication from the Director of the Federal Domestic Volunteer Agency (ACTION), transmitting, pursuant to law, the semiannual report of the Office of Inspector General, ACTION, for the period ended September 30, 1991; to the Committee on Governmental Affairs.

EC-2322. A communication from the Secretary of the Interior, transmitting, pursuant to law, the semiannual report of the Office of Inspector General, Department of the Interior, for the period ended September 30, 1991; to the Committee on Governmental Affairs.

EC-2323. A communication from the Chairman of the Consumer Product Safety Commission, transmitting, pursuant to law, the semiannual report of the Office of Inspector General, Consumer Product Safety Commission, for the period ended September 30, 1991; to the Committee on Governmental Affairs.

EC-2324. A communication from the Administrator of the Agency for International Development, transmitting, pursuant to law, the semiannual report of the Office of Inspector General, Agency for International Development, for the period ended September 30, 1991; to the Committee on Governmental Affairs.

EC-2325. A communication from the Executive Director of the Japan-United States Friendship Commission, transmitting, pursuant to law, the annual report on financial management of the Commission for fiscal year 1991; to the Committee on Governmental Affairs.

EC-2326. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the semiannual report of the Office of Inspector General, Department of Health and Human Services, for the period ended September 30, 1991; to the Committee on Governmental Affairs.

EC-2327. A communication from the Director of the Peace Corps, transmitting, pursuant to law, the semiannual report of the Office of Inspector General, Peace Corps, for the period ended September 30, 1991; to the Committee on Governmental Affairs.

EC-2328. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, the semiannual report of the Office of Inspector General, Office of Personnel Management, for the period ended September 30, 1991; to the Committee on Governmental Affairs.

EC-2329. A communication from the Secretary of Veterans Affairs, transmitting, pursuant to law, the semiannual report of the Office of Inspector General, Department of Veterans Affairs, for the period ended September 30, 1991; to the Committee on Governmental Affairs.

EC-2330. A communication from the Director of the United States Soldiers' and Airmen's Home, transmitting, pursuant to law, the annual financial system report of the Home for fiscal year 1991; to the Committee on Governmental Affairs.

EC-2331. A communication from the Deputy Assistant to the President for Management and Director of the Office of Administration, transmitting, pursuant to law, the personnel report for personnel employed in the White House Office, the Executive Residence at the White House, the Office of the Vice President, the Office of Policy Development (Domestic Policy Staff, and the Office of Administration; to the Committee on Governmental Affairs.

EC-2332. A communication from the Assistant Secretary of the Interior (Indian Affairs), transmitting, pursuant to law, a proposed plan for the use and distribution of Fort Peck Assiniboine and Sioux Tribes' judgement funds; to the Select Committee on Indian Affairs.

EC-2333. A communication from the Clerk of the United States Claims Court, transmitting, pursuant to law, the annual report of the United States Claims Court for fiscal year 1991; to the Committee on the Judiciary.

EC-2334. A communication from the Chief Justice of the United States, transmitting, pursuant to law, the report of the Federal Judicial Center on Phase I of the study on the number and frequency of intercircuit conflicts; to the Committee on the Judiciary.

EC-2335. A communication from the Secretary of Education, transmitting, pursuant to law, the annual report of the International Research and Studies Program or fiscal year 1991; to the Committee on Labor and Human Resources.

EC-2336. A communication from the Commissioner of the Rehabilitation Services Administration, Department of Education, transmitting, pursuant to law, the annual report on Federal activities related to the Rehabilitation Act of 1973, as amended; to the Committee on Labor and Human Resources.

EC-2337. A communication from the Acting Assistant Secretary of Education (Management and Budget), transmitting, pursuant to law, a report on the general education activities conducted by ten Federal agencies; to the Committee on Labor and Human Resources.

EC-2338. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, proposed forms implementing new bank loan reporting requirements; to the Committee on Rules and Administration.

EC-2339. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, proposed regulations governing bank loans to candidates and political committees; to the Committee on Rules and Administration.

EC-2340. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-2341. A communication from the Acting Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-2342. A communication from the Acting Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-2343. A communication from the Acting Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-2344. A communication from the President of the United States, transmitting, pursuant to law, the President's intent to add Bulgaria to the list of beneficiary developing countries under the General System of Preferences; to the Committee on Finance.

EC-2345. A communication from the Senior Vice President and Chief Financial Officer of the Tennessee Valley Authority, transmitting, pursuant to law, a report on the reconciliation to the budget report and a statement on internal accounting and administrative control; to the Committee on Governmental Affairs.

EC-2346. A communication from the Office of the Chairman of the Equal Employment Opportunity Commission, transmitting, pursuant to law, a report on the Federal Managers' Financial Integrity Act for Fiscal Year 1991; to the Committee on Governmental Affairs.

EC-2347. A communication from the Director of the Federal Emergency Management Agency, transmitting, pursuant to law, a report on an evaluation of internal accounting and administrative controls; to the Committee on Governmental Affairs.

EC-2348. A communication from the Secretary of Commerce, transmitting, pursuant to law, a report on final action for Inspector General audits for the period covering April 1, 1991 through September 30, 1991; to the Committee on Governmental Affairs.

EC-2349. A communication from the Director of the Arms Control and Disarmament Agency, transmitting, pursuant to law, a report on progress made in the Agency's effort to place ACDA in full compliance with the Federal Managers' Financial Integrity Act and OMB Circulars A-123 and A-127; to the Committee on Governmental Affairs.

EC-2350. A communication from the Acting Secretary of Transportation, transmitting, pursuant to law, a report on the management control and financial management systems in effect during fiscal year 1991; to the Committee on Governmental Affairs.

EC-2351. A communication from the Office of the Administrator of the Panama Canal Commission, transmitting, pursuant to law, a report on the evaluation of the Panama Canal Commission's system of internal accounting and administrative control in effect during fiscal year 1991; to the Committee on Governmental Affairs.

EC-2352. A communication from the Acting Chairman of the Nuclear Regulatory Commission, transmitting, pursuant to law, a report on management controls and financial management systems for the fiscal year ending September 30, 1991; to the Committee on Governmental Affairs.

EC-2353. A communication from the Office of the Director of the Federal Domestic Volunteer Agency, transmitting, pursuant to law, a report on the status of the Agency's management control and financial systems in effect during fiscal year 1991; to the Committee on Governmental Affairs.

EC-2354. A communication from the Chairman of the National Endowment for the Arts, transmitting, pursuant to law, an annual report on the Federal Managers' Financial Integrity Act for fiscal year 1991; to the Committee on Governmental Affairs.

EC-2355. A communication from the Office of the Public Printer of the Government Printing Office, transmitting, pursuant to law, a report on the audits and investigations performed by the Office of the Inspector General; to the Committee on Governmental Affairs.

EC-2356. A communication from the Environmental Protection Agency, transmitting, pursuant to law, a report on the management integrity programs in effect during fiscal year 1991; to the Committee on Governmental Affairs.

EC-2357. A communication from the Secretary of the Department of Housing and Urban Development, transmitting, pursuant to law, a report on the Federal Managers' Financial Integrity Act Report for Fiscal Year 1991; to the Committee on Governmental Affairs.

EC-2359. A communication from the Chairman of the Railroad Retirement Board, transmitting, pursuant to law, a report on internal control and financial management initiatives in effect during fiscal year 1991; to the Committee on Governmental Affairs.

EC-2360. A communication from the Chairman of the Federal Housing Finance Board, transmitting, pursuant to law, a report on the activities and findings of the Federal Housing Finance Board's Office of Inspector General for the six month period ending September 30, 1991; to the Committee on Governmental Affairs.

EC-2361. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, a report on the internal control and financial systems in effect during fiscal year 1991; to the Committee on Governmental Affairs.

EC-2362. A communication from the Acting Secretary of the Department of State, transmitting, pursuant to law, a report on management controls and financial systems for Fiscal Year 1991; to the Committee on Governmental Affairs.

EC-2363. A communication from the Secretary of Transportation, transmitting, pursuant to law, the semiannual reports of the Office of the Inspector General and Management Decisions and Final Actions on Office of Inspector General Audit Recommendations, for the period ended September 30, 1991; to the Committee on Governmental Affairs.

EC-2364. A communication from the Chairman of the Interstate Commerce Commission, transmitting, pursuant to law, a report on the Commission's Federal Managers' Financial Integrity Act Report for Fiscal Year 1991; to the Committee on Governmental Affairs.

EC-2365. A communication from the Executive Director of the Federal Retirement

Thrift Investment Board, transmitting, pursuant to law, a report on the audit reports issued during Fiscal Year 1991 regarding the Thrift Savings Plan; to the Committee on Governmental Affairs.

EC-2366. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the semiannual report of the Office of Inspector General, Department of the Treasury, for the period ended September 30, 1991; to the Committee on Governmental Affairs.

EC-2367. A communication from the Secretary of the Interior, transmitting, pursuant to law, the annual report of the Department under the Financial Managers Financial Integrity Act for fiscal year 1991; to the Committee on Governmental Affairs.

EC-2368. A communication from the Chairman of the Defense Nuclear Facilities Safety Board, transmitting, pursuant to law, the annual report of the Board under the Financial Managers' Financial Integrity Act for fiscal year 1991; to the Committee on Governmental Affairs.

EC-2369. A communication from the Chairman of the National Endowment of the Humanities, transmitting, pursuant to law, a report on internal control and financial systems in effect during fiscal year 1991; to the Committee on Governmental Affairs.

EC-2370. A communication from the Deputy Assistant to the President for Management and Director of the Office of Administration, the White House, transmitting, pursuant to law, the reports for each branch of the Executive Office of the President on internal control and financial systems in effect during fiscal year 1991; to the Committee on Governmental Affairs.

EC-2371. A communication from the Chairman of the Consumer Product Safety Commission, transmitting, pursuant to law, a report on an evaluation of the system of internal accounting and administrative control in effect during fiscal year 1991; to the Committee on Governmental Affairs.

EC-2372. A communication from the Chairman of the International Cultural and Trade Center Commission, transmitting, pursuant to law, a report in the Commission's internal control and financial systems in effect during fiscal year 1991; to the Committee on Governmental Affairs.

EC-2373. A communication from the Executive Director of the Committee for Purchase from the Blind and Other Severely Handicapped, transmitting, pursuant to law, the report on the system of internal controls and financial systems in effect during fiscal year 1991; to the Committee on Governmental Affairs.

EC-2374. A communication from the Director of the United States Information Agency, transmitting, pursuant to law, a report on the Agency's management control program for fiscal year 1991; to the Committee on Governmental Affairs.

EC-2375. A communication from the Director of the Peace Corps of the United States, transmitting, pursuant to law, a report on the Peace Corps' internal controls and financial systems in effect during fiscal year 1991; to the Committee on Governmental Affairs.

EC-2376. A communication from the Chairman of the United States International Trade Commission, transmitting, pursuant to law, a report on the Commission's internal control and financial systems in effect during fiscal year 1991; to the Committee on Governmental Affairs.

EC-2377. A communication from the Office of the Director of the Federal Mediation and Conciliation Service, transmitting, pursuant to law, a report on the Service's internal control and financial systems in effect during fiscal year 1991; to the Committee on Governmental Affairs.

EC-2378. A communication from the National Credit Union Administration, transmitting, pursuant to law, a report on the internal accounting and management controls of the NCUA in effect during fiscal year 1991; to the Committee on Governmental Affairs.

EC-2379. A communication from the Chairman of the Commodity Futures Trading Commission, transmitting, pursuant to law, a report on the Commission's internal control and financial systems in effect during fiscal year 1991; to the Committee on Governmental Affairs.

EC-2380. A communication from the Acting Archivist of the United States, National Archives and Records Administration, transmitting, pursuant to law, a report on the Administration's internal control and financial systems for Fiscal Year 1991; to the Committee on Governmental Affairs.

EC-2381. A communication from the Office of the Chairman of the Occupational Safety and Health Review Commission, transmitting, pursuant to law, a report on the Commission's internal control and financial systems in effect during fiscal year 1991; to the Committee on Governmental Affairs.

EC-2382. A communication from the Acting Chief Executive Officer of the Farm Credit System Insurance Corporation, transmitting, pursuant to law, a report on the Corporation's internal accounting and administrative control systems in effect during fiscal year 1991; to the Committee on Governmental Affairs.

EC-2383. A communication from the Chairman of the National Commission on Responsibilities for Financing Postsecondary Education, transmitting, pursuant to law, a report on the Commission for Fiscal Year 1991; to the Committee on Governmental Affairs.

EC-2384. A communication from the Chairman of the National Commission on Responsibilities for Financing Postsecondary Education, transmitting, pursuant to law, a report on the Commission's Federal Managers' Financial Integrity Act report for Fiscal Year 1991; to the Committee on Governmental Affairs.

EC-2385. A communication from the Director of Selective Services, transmitting, pursuant to law, a report on the Selective Service System's internal control and financial systems in effect during fiscal year 1991; to the Committee on Governmental Affairs.

EC-2386. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a report on the Department's internal controls and financial management systems for fiscal year 1991; to the Committee on Governmental Affairs.

EC-2387. A communication from the Office of the Special Counsel, transmitting, pursuant to law, a report on the Counsel's internal control and financial managements systems in effect during fiscal year 1991; to the Committee on Governmental Affairs.

EC-2388. A communication from the Secretary of Labor, transmitting, pursuant to law, a report on the Federal Managers Financial Integrity Act report for fiscal year 1991; to the Committee on Governmental Affairs.

EC-2389. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, a report on the Office's management control and financial management systems in effect during fiscal year 1991; to the Committee on Governmental Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

Mr. KENNEDY (for himself and Mr. WELLSTONE):

S. 2137. A bill to make emergency supplemental appropriations to provide a short-term stimulus for the economy and meet the urgent needs for the fiscal year ending September 30, 1992, and for other purposes; to the Committee on Appropriations.

Mr. SEYMOUR:

S. 2138. A bill to suspend temporarily the duty on unstuffed dolls, doll parts, and accessories; to the Committee on Finance.

Mr. DECONCINI:

S. 2139. A bill to authorize the President to award a gold medal on behalf of Congress to the Americans who were held hostage in Lebanon and to the families of the Americans who were killed while being held hostage; to the Committee on Banking, Housing, and Urban Affairs.

Mr. MURKOWSKI (for himself and Mr. STEVENS):

S. 2140. A bill to authorize the extension of university development linkages projects to the former Soviet Union; to the Committee on Foreign Relations.

Mr. KENNEDY (for himself, Mr. ADAMS and Mr. SIMON):

S. 2141. A bill to amend the Public Health Service Act to improve the quality of long-term care insurance through the establishment of Federal standards, and for other purposes; to the Committee on Labor and Human Resources.

Mr. PACKWOOD:

S.J. Res. 239. A joint resolution designating February 6, 1992, as "National Women and Girls in Sports Day"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

Mr. MITCHELL:

S. Res. 242. A resolution informing the House of Representatives that a quorum of the Senate is assembled; considered and agreed to.

Mr. MITCHELL:

S. Res. 243. A resolution informing the President of the United States that a quorum of each House is assembled; considered and agreed to.

Mr. DECONCINI:

S. Res. 244. A resolution relating to the Americans held hostage in Lebanon; to the Committee on Foreign Relations.

Mr. DIXON (for himself and Mr. RIEGLE):

S. Res. 245. A resolution expressing the sense of the Senate in support of United States workers and objecting to attempts by the Prime Minister of Japan to undermine the President's trade mission; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KENNEDY (for himself and Mr. WELLSTONE):

S. 2137. A bill to make emergency supplemental appropriations to provide

a short-term stimulus for the economy and meet the urgent needs for the fiscal year ending September 30, 1992, and/or other purposes; to the Committee on Appropriations.

EMERGENCY ANTI-RECESSION ACT OF 1992

Mr. KENNEDY. Mr. President, as 1992 and the 2d session of the 102d Congress begin, the Nation is still in the grip of a punishing recession. Recent economic news is not good. The most recent index of leading economic indicators fell by three-tenths of 1 percent, the largest drop in 10 months, signaling that we may well have entered a second dip of the recession. Unemployment stands at its highest level in over 5 years. Although Wall Street has been booming, Main Street is hurting.

Massachusetts continues to suffer some of our worst economic conditions since the Great Depression.

These declining economic conditions have gone on month after month for well over a year. They are sapping our strength and harming our future. A depressed economy means that businesses cannot create new jobs, or even preserve current ones.

For too long, the American people have waited for effective leadership to revive the economy. Economic mismanagement over the past year has allowed a mild recession to turn into a near depression.

It is time for bold and decisive action sufficient to end this recession before it becomes any worse, and to make the long-term investments essential to put the country back on the right track.

What is needed most is substantial short-term stimulus to end the recession, and a commitment to make long-term investments to create jobs and meet the Nation's fundamental needs in education, job training, research and development, health care, and other top priorities.

The end of the cold war and the collapse of the Soviet Union allow us to pay for essential investments here at home by shifting defense expenditures to domestic needs, without jeopardizing our national security. But to do so, we must revise the 1990 budget agreement to eliminate the so-called budget firewalls and other restrictions that currently block this necessary shift.

It would be a serious mistake to divert the peace dividend to pay for tax cuts. The pendulum has swung too far against public investment. The peace dividend may be our last best chance to restore the proper balance.

I am introducing legislation today to carry out the first part of the program. The Emergency Anti-Recession Act of 1992 will provide a 40-billion-dollar fiscal stimulus, to be used immediately in the remaining 8 months of the current fiscal year to create jobs, relieve the excessive burdens on State and local governments, and jump-start the economy.

The most effective and most immediate stimulus can be achieved only by increased Federal, State, and local spending. It may well be the only realistic way to guarantee that we do enough to end the recession and start the recovery.

Under this proposal, $40 billion in new funds will begin flowing as soon as possible to Federal programs and to States and local governments. The funds will go to existing programs, and they will be divided equally between infrastructure and human needs.

This approach will allow funds to be distributed promptly and spent quickly.

But most important, it will create jobs. In Massachusetts, this program will put an additional $1.15 billion into the State economy this year. This could mean the creation of over 25,000 new jobs directly, and thousands more jobs created indirectly as the State's economy revives.

New funds will be available for training laid-off workers, for repairing schools, and for housing construction. Environmental, water treatment, and transportation maintenance and construction projects that have been postponed because of lack of funds can be implemented, creating jobs and rebuilding our basic infrastructure.

Additional extended unemployment benefits will be available to those who have lost their jobs. Emergency needs will be covered, including food, shelter, and health care.

The so-called block grant or revenue-sharing approach to economic stimulus would be less effective. If we are going to put Americans back to work, dollars must be targeted to programs that we know will work.

As a result of the short-term stimulus, the Federal deficit will rise in the current year, but the program will have no impact on the long-term deficit. By making a series of reductions in military spending over the next 7 years, defense funds will gradually be transferred to domestic spending, and both parts of the program will be paid for in full.

In addition, as the economy regains its strength, deficit reductions will become an increasing priority. But as this proposal is designed to demonstrate, none of these priorities is more important than rebuilding America.

Finally, in the interest of tax fairness, I support a middle-class tax cut, to be paid for by increased taxes on wealthy individuals. I also support new investment incentives for business to encourage increased private sector investment, to be paid for by increased taxes on wealthy corporations. In particular, if the traditional investment tax credit is restored as an anti-recession step to encourage business investments in equipment and machinery, it should also be extended to investments in job training.

This economic debate is long overdue. Unlike previous recessions, the Federal Government has been too slow to act. As a result, our economic decline has been longer and more painful than it should have been. Our States and local governments have tried, but they cannot do the job alone. Working families are paying the price, because the Federal Government has abdicated its responsibility.

This package will create jobs—the most important thing we need now. I intend to press for action on this legislation as quickly as possible. Reviving the economy and putting America back to work is too important to ignore any longer.

I ask unanimous consent to place the text of the Emergency Anti-Recession Act of 1992, a summary, and other materials in the RECORD.

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

S. 2137

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Emergency Anti-Recession Act of 1992".

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

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Nonapplicability of Budget Act.

TITLE I—EMERGENCY SUPPLEMENTAL APPROPRIATIONS

Sec. 101. General appropriation authority.

Subtitle A—Agriculture, Rural Development and Related Agencies

Sec. 110. Women, infants and children supplemental food program.
Sec. 111. Farmers Home Administration rural housing insurance fund.
Sec. 112. Farmers Home Administration rural development insurance fund.
Sec. 113. Farmers Home Administration rural water and waste disposal grants.

Subtitle B—Defense

Sec. 121. Community planning and adjustment assistance.
Sec. 122. Small business conversion assistance.
Sec. 123. Research, development, and generic technology.
Sec. 124. Demonstration projects for dislocated workers.
Sec. 125. Federal facilities clean-up.

Subtitle C—Energy and Water Development

Sec. 131. Federal facilities clean-up.
Sec. 132. Army Corps of Engineers.

Subtitle D—Interior

Sec. 141. Land and water conservation fund.
Sec. 142. Historic Preservation Fund.
Sec. 143. Energy conservation.

Subtitle E—Labor, Health and Human Services, and Education

Sec. 151. Employment and training services.
Sec. 152. Community service employment for older Americans.
Sec. 153. Health Resources and Services Administration.
Sec. 154. National Institutes of Health.
Sec. 155. Alcohol, Drug Abuse, and Mental Health Administration.

Sec. 156. Low-income home energy assistance.
Sec. 157. Community Services Block Grant Act.
Sec. 158. Human development services.
Sec. 159. Compensatory education for the disadvantaged.
Sec. 160. Student financial assistance.
Subtitle F—Transportation
Sec. 171. Federal Railroad Administration.
Sec. 172. Federal Transit Administration.
Sec. 173. Federal Aviation Administration.
Sec. 174. Federal Highway Administration.
Subtitle G—Veterans Affairs and Housing and Urban Development
Sec. 181. Community development and planning.
Sec. 182. Contributions for assisted housing.
Sec. 183. Home investment partnerships.
Sec. 184. Superfund.
Sec. 185. EPA construction grants and State revolving loan fund.
Sec. 186. National Science Foundation.
Sec. 187. National and community service.
Sec. 188. FEMA emergency assistance grants.
TITLE II—FOOD STAMP AND RELATED PROVISIONS
Sec. 201. Short title.
Subtitle A—Food Stamp Program
Sec. 210. Simplifying the household definition for households with children and others.
Sec. 211. Increase in basic benefit level.
Sec. 212. Child support payments to nonhousehold members.
Sec. 213. Exclusion of child support payments from income.
Sec. 214. Elimination of cap on excess shelter deduction.
Sec. 215. Resources of households with disabled members.
Sec. 216. Value of vehicles excluded from allowable financial resources.
Sec. 217. Homeless families in transitional housing.
Sec. 218. Barriers in rural areas.
Sec. 219. Homeless participation projects.
Subtitle B—Nutrition Programs
Sec. 221. Provision of fluid milk.
Sec. 222. Participation of private residential day care organizations in child and adult care food program.
Sec. 223. Meal supplements for children in afterschool care.
Sec. 224. Assistance to homeless preschool children.
Subtitle C—Effective Date
Sec. 231. Effective date.
TITLE III—MISCELLANEOUS PROVISIONS
Sec. 301. Federal unemployment benefits and allowances.
Sec. 302. Increased matching rate for aid to families with dependent children.
Sec. 303. Increased Medicaid matching rate.
Sec. 304. Local freight assistance.
Sec. 305. Federal Transit Administration.
Sec. 306. Federal Highway Administration.
Sec. 307. EPA State revolving loan funds.
Sec. 308. Army Corps of Engineers authority with respect to matching rates.
Sec. 309. Health benefits for the unemployed program.

SEC. 2. FINDINGS.

Congress finds that—

(1) in October of 1990, the Congress passed and the President signed the Budget Enforcement Act, which included a 21 percent reduction in defense spending between fiscal years 1990 and 1995;

(2) this defense spending reduction was based on the end of the Warsaw Pact, the withdrawal of Soviet troops from Eastern Europe and the conclusion of treaties limiting conventional forces in Europe and strategic nuclear arms;

(3) events since the signing of the 1990 Budget Enforcement Act, including the triumph of reformers over those involved in the right wing coup in the Soviet Union, the break-up of the Soviet State itself, and the resulting acceleration of the Soviet military draw down, permit further reductions in defense spending; and

(4) the additional reductions in defense spending beyond those assumed as a result of the 1990 Budget Enforcement Act will more than offset the supplemental appropriations provided for in this Act.

SEC. 3. NONAPPLICABILITY OF BUDGET ACT.

Notwithstanding any other provision of law, any new budget authority or outlays provided for in this Act shall not be counted for purposes of determining any spending limits provided in the Balanced Budget and Emergency Deficit Control Act of 1985.

TITLE I—EMERGENCY SUPPLEMENTAL APPROPRIATIONS

SEC. 101. GENERAL APPROPRIATION AUTHORITY.

The sums described in this title are appropriated, out of any money in the Treasury not otherwise appropriated, to provide emergency supplemental appropriations for the fiscal year ending September 30, 1992, and for other purposes.

Subtitle A—Agriculture, Rural Development and Related Agencies

SEC. 110. WOMEN, INFANTS AND CHILDREN SUPPLEMENTAL FOOD PROGRAM.

For an additional amount to carry out the program under section 17 of the Child Nutrition Act of 1966, $250,000,000.

SEC. 111. FARMERS HOME ADMINISTRATION RURAL HOUSING INSURANCE FUND.

(a) GROSS OBLIGATIONS.—For additional gross obligations for direct and guaranteed loans as authorized under title V of the Housing Act of 1949, as amended, to be available from the Rural Housing Insurance Fund—

(1) $1,000,000,000 for loans to section 502 borrowers; and

(2) $200,000,000 for section 515 rental housing.

(b) COST OF LOANS.—For an additional amount for the cost, as defined in section 13201 of the Budget Enforcement Act of 1990, including the cost of modifying direct and guaranteed loans—

(1) $179,500,000 for low income loans under section 502 of the Housing Act of 1949; and

(2) $87,000,000 for rental housing purposes under section 515 of such Act.

(c) ADDITIONAL RENTAL ASSISTANCE AGREEMENTS.—For additional rental assistance agreements entered into under or renewed under section 521(a)(2) of the Housing Act of 1949, $50,000,000.

SEC. 112. FARMERS HOME ADMINISTRATION RURAL DEVELOPMENT INSURANCE FUND.

(a) GROSS OBLIGATIONS.—For additional gross obligations for the principal amount of direct and guaranteed loans under section 308 of the Consolidated Farm and Rural Development Act, to be available from the Rural Development Insurance Fund, $1,000,000,000 for water and sewer facility loans, except that none of the funds made available under this title may be used for the transfer of funds described in this subsection.

(b) COST OF LOANS.—For an additional amount for the cost, as defined in section 13201 of the Budget Enforcement Act of 1990, including the cost of modifying direct loans under section 308 of the Consolidated Farm and Rural Development Act, $90,510,000 for water and sewer facility loans.

SEC. 113. FARMERS HOME ADMINISTRATION RURAL WATER AND WASTE DISPOSAL GRANTS.

For an additional amount for Farmers Home Administration rural water and waste disposal grants, $500,000,000.

Subtitle B—Defense

SEC. 121. COMMUNITY PLANNING AND ADJUSTMENT ASSISTANCE.

For an additional amount to enable the Secretary of Defense to transfer amounts to the Economic Development Administration of the Department of Commerce to provide, pursuant to title IX of the Public Works and Economic Development Act of 1965, planning and adjustment assistance to communities that are or are likely to become adversely and substantially impacted by proposed or actual closure of, or substantial reduction in, military installations, or by any proposed or actual cancellation of, or reduction in, any contract or subcontract for products or services for the Department of Defense, $200,000,000.

SEC. 122. SMALL BUSINESS CONVERSION ASSISTANCE.

For an additional amount to enable the Secretary of Defense to transfer amounts to the Small Business Administration to provide, pursuant to the Small Business Act of 1958, technical information, consultation, and financial assistance to small business firms that are or are likely to become adversely and substantially impacted by proposed or actual closure of, or substantial reduction in, military installations, or by any proposed or actual cancellation of, or reduction in, any contract or subcontract for products or services for the Department of Defense, $200,000,000, in order to facilitate the conversion of the such small business firms from defense to civilian markets.

SEC. 123. RESEARCH, DEVELOPMENT, AND GENERIC TECHNOLOGY.

For an additional amount to enable the Secretary of Defense to transfer amounts to the National Institute of Standards and Technology to provide, pursuant to the National Institute of Standards and Technology Authorization Act of 1988, project support for civilian oriented research and development and generic technology projects designed to aid scientists, engineers, and technicians in converting their skills from the defense to the civilian sector, while creating new scientific and technological information as a spur to increased innovation and productivity in civilian economy, $200,000,000.

SEC. 124. DEMONSTRATION PROJECTS FOR DISLOCATED WORKERS.

For an additional amount to enable the Secretary of Defense to transfer amounts to the Department of Labor to provide, pursuant to section 325(d)(2) of the Job Training Partnership Act, demonstration projects to encourage and promote innovative responses to the dislocation of workers resulting from reductions in expenditures by the United States for defense or by the closure of United States military installations, which assist in retraining and reorganization efforts that are designed to avert layoffs that would otherwise occur as a result of such reductions or closures, except that notwithstanding section 325(a) of such Act, grants made with amounts received under this section may be used to provide services to individuals who

have not received a notice of termination or layoff if the Secretary of Labor determines that a termination or layoff is reasonably likely, $200,000,000

SEC. 125. FEDERAL FACILITIES CLEAN-UP.

For an additional amount to enable the Deputy Assistant Secretary of Defense (Environment, Safety, and Occupational Health) to carry out the Defense Environmental Restoration Program, $400,000,000.

Subtitle C—Energy and Water Development

SEC. 131. FEDERAL FACILITIES CLEAN-UP.

For an additional amount to enable the Assistant Secretary of Energy for Environmental Restoration and Waste Management to carry out the Environmental Restoration and Waste Management Program, $600,000,000.

SEC. 132. ARMY CORPS OF ENGINEERS.

For an additional amount for the Assistant Secretary of the Army for Civil Works to carry out the Army Corps of Engineers Civil Works Programs, $500,000,000.

Subtitle D—Interior

SEC. 141. LAND AND WATER CONSERVATION FUND.

For an additional amount for State grants under section 6 of the Land and Water Conservation Fund Act of 1965, $50,000,000.

SEC. 142. HISTORIC PRESERVATION FUND.

For an additional amount to provide grants-in-aid in accordance with the Historic Preservation Act of 1966, $50,000,000.

SEC. 143. ENERGY CONSERVATION.

For additional amounts to enable the Secretary of Energy to make grants under title III of the State Energy Conservation and Production Act, $100,000,000 to be used for the weatherization assistance program for low income persons, and $100,000,000 to be used for the Institutional Conservation Program.

Subtitle E—Labor, Health and Human Services, and Education

SEC. 151. EMPLOYMENT AND TRAINING SERVICES.

For an additional amount to carry out the Job Training Partnership Act—

(1) $700,000,000 to carry out subtitle B of title II of such Act;

(2) $1,300,000,000 to carry out title III of such Act, of which $700,000,000 shall be utilized to make needs-related payments as authorized under section 314(e) of such Act; and

(3) $300,000,000 to carry out subtitle B of title IV of such Act.

SEC. 152. COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS.

For an additional amount to carry out title V of the Older Americans Act of 1965, $300,000,000, to be obligated on a Federal and State by State basis in the same manner as amounts were otherwise obligated under such title in fiscal year 1992.

SEC. 153. HEALTH RESOURCES AND SERVICES ADMINISTRATION.

(a) MIGRANT, COMMUNITY AND HOMELESS HEALTH CENTERS.—For an additional amount to carry out sections 329, 330, and 340 of the Public Health Service Act, $200,000,000, to be obligated under such sections in the same proportion as amounts were otherwise obligated under such sections in fiscal year 1992.

(b) HIV HEALTH CARE SERVICES.—For an additional amount to carry out title XXVI of the Public Health Service Act, $500,000,000.

(c) NATIONAL HEALTH SERVICE CORPS.—For an additional amount to carry out subpart II of part D of title III of the Public Health Service Act, $50,000,000.

SEC. 154. NATIONAL INSTITUTES OF HEALTH.

For an additional amount to carry out title IV of the Public Health Service Act, $1,000,000,000, to be allocated among the various Institutes in the same proportion as amounts were otherwise allocated among the Institutes in fiscal year 1992.

SEC. 155. ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION.

For an additional amount to carry out subpart 1 of part B of title XIX of the Public Health Service Act, $1,000,000,000.

SEC. 156. LOW-INCOME HOME ENERGY ASSISTANCE.

For an additional amount to carry out the Low-Income Home Energy Assistance Act of 1981, $1,000,000,000.

SEC. 157. COMMUNITY SERVICES BLOCK GRANT ACT.

(a) GRANTS.—For an additional amount to carry out section 672 of the Community Services Block Grant Act, $100,000,000, to be obligated as emergency assistance.

(b) COMMUNITY DEVELOPMENT CORPORATIONS.—Notwithstanding section 681(c) of the Community Services Block Grant Act, for an additional amount to carry out section 681(a)(2)(A) of such Act, $100,000,000, except that such amounts may be made available under such section to eligible entities for the purpose of enabling such entities to capitalize revolving funds to provide assistance to private business enterprises that lack appropriate financing.

SEC. 158. HUMAN DEVELOPMENT SERVICES.

For an additional amount to carry out the Head Start Act, $530,000,000, of which—

(1) $500,000,000 shall be obligated for Head Start services; and

(2) $30,000,000 shall be obligated for renovation or rehabilitation of Head Start facilities and equipment.

SEC. 159. COMPENSATORY EDUCATION FOR THE DISADVANTAGED.

For an additional amount to carry out chapter 1 of title I of the Elementary and Secondary Education Act of 1965, $1,600,000,000, of which—

(1) $1,000,000,000 shall be obligated for chapter 1 services under sections 1005 and 1006; and

(2) $600,000,000 shall be obligated for renovation and rehabilitation of chapter 1 school facilities and equipment.

SEC. 160. STUDENT FINANCIAL ASSISTANCE.

(a) HIGHER EDUCATION.—For an additional amount to carry out title IV of the Higher Education Act of 1965, $1,000,000,000.

(b) LIBRARY SERVICES.—For an additional amount to carry out title II of the Library Services and Construction Act, $60,000,000.

Subtitle F—Transportation

SEC. 171. FEDERAL RAILROAD ADMINISTRATION.

(a) NORTHEAST CORRIDOR IMPROVEMENT PROGRAM.—For an additional amount to carry out the Northeast Corridor Improvement Program, $500,000,000.

(b) NATIONAL RAILROAD PASSENGER CORPORATION.—For an additional amount to enable the Secretary of Transportation to make grants to the National Railroad Passenger Corporation for capital improvements and the improvement of railroad rights-of-way, $500,000,000.

(c) RAIL ASSISTANCE.—For an additional amount for necessary expenses for rail assistance under section 5(q) of the Department of Transportation Act, $500,000,000, to remain available until expended.

SEC. 172. FEDERAL TRANSIT ADMINISTRATION.

For an additional amount for necessary expenses to carry out the capital grant provisions of sections 3, 9 and 18 of the Urban Mass Transportation Act of 1964, and to assist transit properties in complying with the requirements of the Americans with Disabilities Act and the Clean Air Act, $1,250,000,000, to be derived from the Mass Transit Account of the Highway Trust Fund and to remain available until expended.

SEC. 173. FEDERAL AVIATION ADMINISTRATION.

For an additional amount for Airport Improvement Program grants-in-aid as authorized under section 14 of the Airport and Airway Development Act of 1970, $1,000,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until expended.

SEC. 174. FEDERAL HIGHWAY ADMINISTRATION.

For an additional amount for resurfacing, restoring, rehabilitating and reconstructing roads and bridges on the Federal-aid highway system, $1,500,000,000, to be apportioned in the same manner as funds were apportioned for such purposes in fiscal year 1991, to be derived from the Highway Trust Fund and to remain available until expended.

Subtitle G—Veterans Affairs and Housing and Urban Development

SEC. 181. COMMUNITY DEVELOPMENT AND PLANNING.

For an additional amount to carry out a community development grants program under title I of the Housing and Community Development Act of 1974, $2,000,000,000, such funds to be obligated for making grants to States and units of local government under such Act. For purposes of applying the limitation contained in section 105(a)(8) of the Housing and Community Development Act of 1974 to amounts made available under this section, the maximum percentage of funds received by a unit of general local government under this section that may be used for the provision of public services shall be 20 percent.

SEC. 182. CONTRIBUTIONS FOR ASSISTED HOUSING.

For an additional amount for the modernization of public housing projects under section 14 of the Housing Act of 1937, $1,550,000,000.

SEC. 183. HOME INVESTMENT PARTNERSHIPS.

For an additional amount to make grants to States and units of local governments for investments in low income housing under section 211 of the National Affordable Housing Act, $1,000,000,000.

SEC. 184. SUPERFUND.

For an additional amount to carry out the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, $100,000,000 to be derived from general revenues of the Hazardous Substance Superfund.

SEC. 185. EPA CONSTRUCTION GRANTS AND STATE REVOLVING LOAN FUND.

For an additional amount to carry out the Federal Water Pollution Control Act and the Water Quality Act of 1987, $4,400,000,000, of which $2,000,000,000 shall be made available for grants under title II of the Federal Water Pollution Control Act, and $2,400,000,000 shall be made available to the State Revolving Loan Fund under title VI of such Act.

SEC. 186. NATIONAL SCIENCE FOUNDATION.

For an additional amount to enable the National Science Foundation to carry out academic facilities renovation, $60,000,000.

SEC. 187. NATIONAL AND COMMUNITY SERVICE.

For an additional amount to carry out programs under the National and Community Service Act of 1990, $100,000,000.

SEC. 188. FEMA EMERGENCY ASSISTANCE GRANTS.

For an additional amount for Federal Emergency Management Agency emergency assistance grants, $200,000,000.

TITLE II—FOOD STAMP AND RELATED PROVISIONS

SEC. 201. SHORT TITLE.

This title may be cited as the "Mickey Leland Childhood Hunger Relief Act".

Subtitle A—Food Stamp Program

SEC. 210. SIMPLIFYING THE HOUSEHOLD DEFINITION FOR HOUSEHOLDS WITH CHILDREN AND OTHERS.

The first sentence of section 3(i) of the Food Stamp Act of 1977 (7 U.S.C. 2012(i)) is amended—

(1) by striking "(2)" and inserting "or (2)";

(2) by striking ", or (3) a parent of minor children and that parent's children" and all that follows through "parents and children, or siblings, who live together" and inserting a period and the following: "Parents and their minor children who live together and spouses who live together"; and

(3) by striking ", unless one of" and all that follows through "disabled member".

SEC. 211. INCREASE IN BASIC BENEFIT LEVEL.

The second sentence of section 3(o) of the Food Stamp Act of 1977 (7 U.S.C. 2012(o)) is amended—

(1) by striking ", and (11) on October 1, 1990, and each October 1 thereafter," and inserting "(11) on October 1, 1990,"; and

(2) by inserting before the period at the end the following: "(12) on October 1, 1991, adjust the cost of such diet to reflect 103 percent of the cost of the thrifty food plan in the preceding June, as determined by the Secretary, and round the result to the nearest lower dollar increment for each household size, (13) on October 1, 1992, adjust the cost of such diet to reflect 103½ percent of the cost of the thrifty food plan in the preceding June, as determined by the Secretary, and round the result to the nearest lower dollar increment for each household size, (14) on October 1, 1993, adjust the cost of such diet to reflect 104 percent of the cost of the thrifty food plan in the preceding June, as determined by the Secretary, and round the result to the nearest lower dollar increment for each household size, (15) on October 1, 1994, adjust the cost of such diet to reflect 104.5 percent of the cost of the thrifty food plan in the preceding June, as determined by the Secretary, and round the result to the nearest lower dollar increment for each household size, and (16) on October 1, 1995, and each October 1 thereafter, adjust the cost of such diet to reflect 105 percent of the cost of the thrifty food plan in the preceding June, as determined by the Secretary, and round the result to the nearest lower dollar increment for each household size, except that each adjustment made under clause (11) through this clause shall be made without regard to any previous adjustment made under clause (9) through this clause".

SEC. 212. CHILD SUPPORT PAYMENTS TO NONHOUSEHOLD MEMBERS.

Section 5(d)(6) of the Food Stamp Act of 1977 (7 U.S.C. 2014(d)(6)) is amended by inserting after the comma at the end the following: "except that child support payments made by a household member to or for a person who is not a member of the household shall be excluded from the income of the household of the person making the payments if such household member was legally obligated to make the payments,".

SEC. 213. EXCLUSION OF CHILD SUPPORT PAYMENTS FROM INCOME.

(a) IN GENERAL.—Section 5(d)(13) of the Food Stamp Act of 1977 (7 U.S.C. 2014(d)(13)) is amended by striking "at the option of a State agency and subject to subsection (m),".

(b) CONFORMING AMENDMENT.—Section 5 of such Act (7 U.S.C. 2014) is amended by striking subsection (m).

SEC. 214. ELIMINATION OF CAP ON EXCESS SHELTER DEDUCTION.

The fourth sentence of section 5(e) of the Food Stamp Act of 1977 (7 U.S.C. 2014(e)) is amended by striking ": *Provided*, That" and all that follows through "June 30".

SEC. 215. RESOURCES OF HOUSEHOLDS WITH DISABLED MEMBERS.

The first sentence of section 5(g) of the Food Stamp Act of 1977 (7 U.S.C. 2014(g)) is amended by striking "a member who is 60 years of age or older," and inserting "an elderly or disabled member,".

SEC. 216. VALUE OF VEHICLES EXCLUDED FROM ALLOWABLE FINANCIAL RESOURCES.

Section 5(g)(2) of the Food Stamp Act of 1977 (7 U.S.C. 2014(g)(2)) is amended by striking "$4,500" and inserting "$5,500 (adjusted on October 1, 1992, and each October 1 thereafter, to reflect changes in the index determined by the Secretary to be most reasonable, for the 12 months ending on the preceding June 30 of the year)".

SEC. 217. HOMELESS FAMILIES IN TRANSITIONAL HOUSING.

Section 5(k)(2) of the Food Stamp Act of 1977 (7 U.S.C. 2014(k)(2)) is amended by striking subparagraph (F) and inserting the following new subparagraph:

"(F) housing assistance payments made to a third party on behalf of a household residing in transitional housing for the homeless;".

SEC. 218. BARRIERS IN RURAL AREAS.

Section 17 of the Food Stamp Act of 1977 (7 U.S.C. 2026) is amended by adding at the end the following new subsection:

"(k)(1) The Secretary shall conduct, and may permit States, on their initiative, to conduct, pilot projects that test changes in, and new, food stamp program administrative and eligibility determination procedures designed to increase participation in rural areas.

"(2) Projects under paragraph (1) shall be carried out over not less than a 2-year period and shall test changes in administrative and eligibility determination procedures suggested by research on barriers to participation in rural areas and State agency experience, including—

"(A) conducting certification activities that would otherwise be conducted in offices of the State agency, by mail, by telephone, or at other locations;

"(B) increased flexibility in office hours and more accessible sites for eligibility certification and benefit issuance;

"(C) expanded provision of program information;

"(D) outstationing of State agency staff;

"(E) State agency processing of social security numbers;

"(F) reduced verification and reporting requirements;

"(G) changes in the rules governing how household assets are counted in eligibility determinations; and

"(H) coordination with and use of personnel administering the expanded food and nutrition education program conducted under section 3(d) of the Act of May 8, 1914 (38 Stat. 373, chapter 79; 7 U.S.C. 343(d)) and section 1425 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3125), community action agencies, and other local resources in providing program information, screening and advising applicants, and providing transportation.

"(3) In carrying out pilot projects under this subsection, the Secretary shall give priority to projects encompassing more than one substantial change in administrative and eligibility determination procedures and may pay up to 60 percent of the administrative costs related to implementation of pilot projects authorized under this subsection.".

SEC. 219. HOMELESS PARTICIPATION PROJECTS.

Section 18 of the Food Stamp Act of 1977 (7 U.S.C. 2027) is amended by adding at the end the following new subsection:

"(g) Of amounts appropriated to carry out this section, not to exceed $1,000,000 in any fiscal year may be used by the Secretary to make grants to public or private nonprofit organizations or agencies, in one or more areas of the United States, for projects designed to improve the effectiveness of the food stamp program in delivering food assistance to homeless individuals.".

Subtitle B—Nutrition Programs

SEC. 221. PROVISION OF FLUID MILK.

Paragraph (2) of section 9(a) of the National School Lunch Act (42 U.S.C. 1758(a)) is amended to read as follows:

"(2) Lunches served by schools participating in the school lunch program under this Act shall offer students fluid milk.".

SEC. 222. PARTICIPATION OF PRIVATE RESIDENTIAL DAY CARE ORGANIZATIONS IN CHILD AND ADULT CARE FOOD PROGRAM.

(a) IN GENERAL.—Section 17(a) of the National School Lunch Act (42 U.S.C. 1766(a)) is amended—

(1) in the last sentence—

(A) in paragraph (2), by redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii), and (iii), respectively; and

(B) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) by designating the first through sixth sentences as paragraphs (1) through (6), respectively; and

(3) in paragraph (2) (as so designated)—

(A) by inserting "(A)" after the paragraph designation;

(B) by striking "; and such term" and all that follows through the period at the end and inserting a period; and

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

"(B) For purposes of this section, the term 'institution' shall also mean any other private organization providing nonresidential day care services if—

"(i) at least 25 percent of the children served by the organization meet the income eligibility criteria established under section 9(b) for free or reduced price meals; and

"(ii) as a result of the participation of the organization in the program established under this section—

"(I) the nutritional content or quality of meals and snacks served to children under the care of the organization will be improved; or

"(II) fees charged by the organization for the care of the children described in clause (i) will be lowered.".

(b) CONFORMING AMENDMENTS.—Section 17 of such Act is amended—

(1) in subsection (d)(2)(B), by striking "subsection (a)(1)" and inserting "subsection (a)(6)(A)"; and

(2) by striking subsection (p).

SEC. 223. MEAL SUPPLEMENTS FOR CHILDREN IN AFTERSCHOOL CARE.

Section 17A(a)(2) of the National School Lunch Act (42 U.S.C. 1766a(a)(2)) is amended—

(1) by inserting "and" after the semicolon at the end of subparagraph (A);

(2) by striking "; and" at the end of subparagraph (B) and inserting a period; and

(3) by striking subparagraph (C).

SEC. 224. ASSISTANCE TO HOMELESS PRE-SCHOOL CHILDREN.

Section 18(c)(5)(A) of the National School Lunch Act (42 U.S.C. 1769(c)(5)(A)) is amended by striking the first sentence and inserting the following new sentence: "Except as provided in subparagraph (B), the Secretary shall expend to carry out this subsection, from amounts appropriated to carry out this Act, not less than $2,000,000 in fiscal year 1992, not less than $2,000,000 in fiscal year 1993, and not less than $3,000,000 in fiscal year 1994, in addition to any amounts made available under section 7(a)(5)(B)(i)(I) of the Child Nutrition Act of 1966 (42 U.S.C. 1776(a)(5)(B)(i)(I)), except that not more than $5,000,000 shall be expended for the program authorized by this subsection in any fiscal year.".

Subtitle C—Effective Date

SEC. 231. EFFECTIVE DATE.

This title and the amendments made by this title shall become effective on April 1, 1992.

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301. FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES.

The Emergency Unemployment Compensation Act of 1991 is amended—

(1) in sections 102(f)(1)(B), 102(f)(2), 106(a)(2), and 501(b)(1) and (2), by striking "June 13, 1992" and inserting "September 30, 1992"; and

(2) in section 501(a), by striking "June, 1992" and inserting "September, 1992".

SEC. 302. INCREASED MATCHING RATE FOR AID TO FAMILIES WITH DEPENDENT CHILDREN.

Notwithstanding any other provision of law, for purposes of making payments under section 403 of the Social Security Act, the aid to families with dependent children expenditure rate for each State shall be increased by 11.47 percent for fiscal year 1992. Additional amounts derived from such increase shall be used as follows:

(1) Fifty percent of such amounts shall be provided to all States.

(2) Fifty percent of such amounts shall be provided only to those States that do not decrease or restore benefits levels under part A of title IV of such Act.

SEC. 303. INCREASED MEDICAID MATCHING RATE.

Notwithstanding any other provision of law, for purposes of making payments under section 1903 of the Social Security Act, the Federal medical assistance percentage for each State shall be increased by 4.21 percent for fiscal year 1992.

SEC. 304. LOCAL FREIGHT ASSISTANCE.

Notwithstanding any other provision of law, for purposes of providing rail assistance under section 5(q) of the Department of Transportation Act, the matching rate under such Act for each State shall be decreased by ½ for fiscal year 1992 with respect to amounts made available under title I.

SEC. 305. FEDERAL TRANSIT ADMINISTRATION.

Notwithstanding any other provision of law, for purposes of carrying out the capital grant provisions of sections 3, 9 and 18 of the Urban Mass Transportation Act of 1964, and to assist transit properties in complying with the requirements of the Americans with Disabilities Act and the Clean Air Act, the matching rate under the Urban Mass Transportation Act of 1964 for each State shall be decreased to 10 percent for fiscal year 1992 with respect to amounts made available under title I.

SEC. 306. FEDERAL HIGHWAY ADMINISTRATION.

Notwithstanding any other provision of law, for purposes of resurfacing, restoring, rehabilitating and reconstructing roads and bridges on the Federal-aid highway system, the matching rate with respect to the Highway Trust Fund for each State shall be decreased to 10 percent for fiscal year 1992 with respect to amounts made available under title I.

SEC. 307. EPA STATE REVOLVING LOAN FUNDS.

Notwithstanding any other provision of law, for purposes of the State Revolving Loan Fund under title VI of the Water Pollution Control Act, the matching rate with respect to such Fund for each State shall be decreased by 10 percent for fiscal year 1992 with respect to amounts made available under title I.

SEC. 308. ARMY CORPS OF ENGINEERS AUTHORITY WITH RESPECT TO MATCHING RATES.

Notwithstanding any other provision of law, the Assistant Secretary of the Army for Civil Works shall have the authority to waive up to ½ of any matching rate requirement to be applied by such Assistant Secretary for each State for fiscal year 1992 with respect to amounts made available under title I.

SEC. 309. HEALTH BENEFITS FOR THE UNEMPLOYED PROGRAM.

(a) PURPOSE.—It is the purpose of this section to establish a State program to provide unemployed individuals and their families with health benefits either directly through a public program or indirectly through the continuation of an employer-based plan.

(b) ESTABLISHMENT.—The Secretary of Health and Human Services (hereafter referred to in this section as the "Secretary") shall establish a program under which the Secretary shall award grants to States to carry out the purpose described in subsection (a).

(c) APPLICATION AND PLAN.—

(1) IN GENERAL.—To be eligible to receive a grant under this section, a State shall prepare and submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, including the plan required under paragraph (2). A State shall not be eligible to receive a grant unless its application and plan are approved by the Secretary.

(2) PLAN.—A State application submitted under paragraph (1) shall contain the plan of the State for the administration of the amounts received by the State under this section. Such plan shall contain a description of the procedures that the State intends to utilize to—

(A) notify unemployed individuals in the State of their potential eligibility for assistance under the program established by the State under this section;

(B) determine which individuals in the State are eligible to participate in such program;

(C) enroll eligible individuals for participation in such program; and

(D) process claims made by eligible individuals under such program.

(d) USE OF FUNDS.—The State shall use amounts received under this section to—

(1) establish a Statewide program to provide coverage for certain minimum health care benefits provided to such eligible individuals under this section; and

(2) establish a program to provide funding to eligible individuals to enable such individuals, until the expiration of a 6-month period beginning on the date on which such individual's employment is terminated, to continue to pay their employer-based health insurance premiums under a group health plan pursuant to title XXII of the Public Health Service Act (42 U.S.C. 300bb-1 et seq.), section 4980B of the Internal Revenue Code of 1986, or part 6 of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1161 et seq.) in amounts not to exceed the premium cost attributable to the minimum health care benefits under paragraph (1).

(e) ELIGIBLE INDIVIDUALS.—

(1) IN GENERAL.—To be eligible to receive assistance under a program established by the State under subsection (d), an individual must—

(A) become separated from such individual's full-time source of employment, through no fault of such individual, on or after the date of enactment of this Act;

(B) have been a participant in the employer-based health insurance plan provided by the employer referred to in Subparagraph (A); and

(C) not have access to health insurance coverage through—

(i) another employer of such individual or the spouse of such individual;

(ii) an immediate family member of such individual; or

(iii) any Federal health care insurance program, including Medicaid.

(2) ELECTION BY INDIVIDUAL.—An individual eligible to receive assistance under paragraph (1), shall have the option to elect to receive assistance under either of the programs referred to in subsection (d) established by the State.

(f) COVERAGE PERIOD, CONTINUATION OF EMPLOYER COVERAGE, AND MINIMUM BENEFITS.—

(1) COVERAGE PERIOD.—Except as provided in paragraph (2), health care coverage provided to an individual under this section, either directly or through subsidized premium payments, shall apply to services provided after the date of enactment of this section and shall terminate 6 months after the date on which such coverage is initiated for such individual, or 30 days after such individual is reemployed on a full-time basis, whichever occurs first.

(2) CONTINUATION OF EMPLOYER-BASED COVERAGE.—

(A) PROHIBITION.—An individual who is covered under an employer-based health plan through continuation of coverage provisions of the type referred to in subsection (d)(2), and who elects to receive assistance under a State program established under subsection (d)(1), shall not be permitted to further continue such coverage under such continuation of coverage provisions after the expiration of the period of assistance under such State program.

(B) SUBSIDIZED PREMIUMS.—An individual who is covered under an employer-based health plan through continuation of coverage provisions of the type referred to in subsection (d)(2), and who elects to receive assistance under a State program established under subsection (d)(2), shall apply such assistance to subsidize such coverage under such continuation of coverage provision for not to exceed a 6-month period after the normal date on which such continued coverage would expire. Such 6-month period shall be considered an extension of such continued coverage.

(C) An individual who—

(i) otherwise is eligible for assistance under this section;

(ii) becomes unemployed after the date of enactment of this section;

(iii) elects to remain enrolled under an employer-based health plan; and

(iv) elects to receive assistance under a State program established under subsection (d)(2);

shall apply such assistance to remain enrolled in such plan and, after such assistance is terminated, such individual may elect to continue coverage under such health plan through continuation of coverage provisions of the type referred to in subsection (d)(1), and such coverage shall be considered an extension of such continued coverage.

(3) MINIMUM BENEFITS.—Health care benefits that shall be covered under the program established under this section, either directly or through subsidized premium payments, shall include—

(A) hospital services;

(B) physician services;

(C) diagnostic and screening services;

(D) mental health services, including not more than 45 days of inpatient care and not more than 20 outpatient visits;

(E) prenatal and well-baby care services;

(g) COST SHARING.—In the case of an individual—

(1) covered under the Statewide health care program established by the State under subsection (d)(1), who is ineligible to participate in an employer-based health insurance plan of the type referred to in subsection (d)(1), such individual shall contribute an amount equal to 20 percent of the cost of the coverage provided to such individual under such Statewide program; or

(2) receiving premium assistance under the program established under subsection (d)(2) in the State, who is eligible to participate in an employer-based health insurance plan of the type referred to in subsection (d)(1), such individual shall contribute 20 percent of the cost of the premiums under such employer-based plan.

(h) PAYMENTS.—

(1) ENTITLEMENT.—Each State for which an application has been approved by the Secretary under this section shall be entitled to payments under this section to be expended by the State in accordance with the terms of the application for the fiscal year for which the allotment is to be made.

(2) METHOD OF PAYMENTS.—The Secretary may make payments to a State in installments, and in advance or, by way of reimbursement, with necessary adjustments on account of overpayments or underpayments, as the Secretary may determine.

(3) STATE SPENDING OF PAYMENTS.—Payments to a State under this section for any fiscal year must be expended by the State in that fiscal year or in the succeeding fiscal year.

(4) ADMINISTRATIVE EXPENSES.—Of the amount provided to a State under this section, an amount not to exceed 15 percent shall be used by such State to provide for the administrative costs of carrying out the program established under this section.

(i) DECREASE IN LENGTH OF COVERAGE.—If amounts appropriated under subsection (j) are insufficient with respect to the individuals in a State who are eligible under subsection (e) for benefits under this section, such State may reduce the length of coverage required under subsection (f)(1) to the extent necessary to enable the State to provide benefits to such individuals.

(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated, such sums as may be necessary to carry out this section in each of the fiscal years 1992 through 1995.

SUMMARY—SHORT-TERM STIMULUS/RELIEF FOR STATE AND LOCAL GOVERNMENTS

[In billions of dollars]

	Fiscal year 1992 Appropriations	Additional stimulus
I. Jobs and infrastructure—$20,000,000,000:		
Rail	0.20	1.500
Mass transit/ADA compliance grants	2.60	1.250
Airports	1.90	1.000
Roads and bridges maintenance	16.80	1.500
FmHA water/wastewater grants	.350	.500
FmHA water/wastewater loans	.650	1.000
EPA construction grants/State revolving loan fund	2.400	4.400
Superfund	.250	.100
Federal facilities clean-up	6.100	1.000
Army Corps of Engineers/EPA projects	2.700	.500
Energy conservation (institutional)	.300	.100
Land and water conservation fund (State assistance)	.020	.050
Historic Preservation Fund	.040	.050
Job Corps facilities construction	.800	.300
Chapter 1 school renovation	(1)	.600
Head Start facilities renovation	.010	.030
NSF academic facilities renovation	.030	.060
Library facilities construction	.020	.060
HOME (housing construction and rehabilitation)	1.500	1.000
Community development block grant	3.200	2.000
FmHA 502 (single family housing)	1.300	1.000
FmHA 515 (multi-family housing)	.600	.250
Community development corporations	.030	.100
Public housing modernization	2.800	1.550
Weatherization	.200	.100
Total		20
II. Education, job training, health-care, and safety net—$20,000,000,000:		
Elementary-secondary/chapter 1	6.600	1.000
Head Start	2.200	.500
Pell grants for higher education	5.300	1.000
Community service (school-based/youth corps)	.075	.100
Dislocated Workers—Job Training Partnership Act	.600	1.300
Summer youth, JTPA	.700	.700
Community service employment (older Americans)	.400	.300
Economic conversion	.200	.800
Temporary Medicaid match rate increase	(1)	4.500
Drug treatment and mental health	1.500	1.000
Ryan White AIDS care	.400	.500
National Institutes of Health	9.000	1.000
Community health centers	.530	.200
National Heatlh Service Corps/physician placements	.040	.050
Continuation of extended unemployment benefits/health care for the unemployed	6.200	2.500
Temporary AFDC match rate increase	(1)	2.500
FEMA emergency assistance	.175	.200
Low income home energy assistance	1.500	1.000
Community services block grant	.440	.100
WIC	2.700	.250
Mickey Leland Childhood Hunger Relief Act	(1)	.500
Total		20
Overall total		40
Total for Massachusetts		1.15

[1] New program or increased entitlement funding.

SHORT-TERM STIMULUS/RELIEF FOR STATE AND LOCAL GOVERNMENTS

I. JOBS AND INFRASTRUCTURE—$20 BILLION

Rail

Additional funds would be provided to Amtrak for improvement of Northeast Corridor right-of-way and for other capital improvements to Amtrak stations, facilities, and rail lines; and to states under the Local Freight Assistance program for track improvements. (The match requirement for the latter program is reduced by half for these fiscal year 1992 supplemental funds.)

Mass Transit/Americans with Disabilities Act (ADA) compliance grants

Grants are provided to state and local transportation authorities for capital improvement projects, including upgrading commuter rail infrastructure and retrofitting transit buses and rail facilities to comply with ADA. Due to state budget deficits, serious shortfalls have occurred for such capital improvements. This proposal has the dual objective of creating jobs for transit system reconstruction in the short term and increasing access to employment opportunities for people with disabilities in the long term. (The match requirement on states, municipalities and transit authorities is reduced to 10% for these fiscal year 1992 supplemental funds.)

Airports

Under the Airport Improvement Program, grants are provided to airport authorities for capital improvements and expanded facilities. The FAA estimates a current backlog of approximately $8 billion in approved, unfunded projects.

Roads and bridges maintenance

The Federal Highway Administration reimburses states for maintenance and improvements to bridges and roadways. The American Association of State Highway and Transportation Officials has projected an additional need of tens of billions of dollars to fund maintenance projects beyond the recently passed Surface Transportation Act. (The state and state highway authority match requirement is reduced to 10% for these fiscal year 1992 supplemental funds.)

Farmers Home Administration water/wastewater loans and grants

These programs finance construction of public facilities providing clean water and safe wastewater disposal for small cities and rural areas. The current backlog in requests for funding is more than $2 billion.

EPA construction grants/State revolving loan fund

These funds will be used to construct wastewater treatment facilities to meet Clean Water Act standards. It is estimated that $4 billion in projects eligible for state revolving loan funds are ready to go to construction. (The 20% match required by states for revolving funds would be cut in half for these fiscal year 1992 supplemental dollars.).

Superfund

This program funds site investigations and cleanup activities at hazardous waste sites across the country. There are more than 1,000 sites on the National Priority List that EPA has not yet begun to clean up, and many other sites with potential hazardous waste problems that EPA has not yet investigated. Additional funds will allow the agency to conduct preliminary reviews at more sites, and to expedite clean-up at known sites.

Federal facilities clean-up

These funds will be used to help stabilize and clean up hazardous and radioactive waste at Department of Defense and Department of Energy facilities. Funds will also permit accelerated base closure site investigations and clean up as well as research and development of advanced technologies for pollution prevention, monitoring and remediation.

Army Corps of Engineers

Funds will assist the Corps in undertaking local projects such as protective flood control measures; harbor dredging for navigational safety; environmental restoration; and mitigation and emergency recovery operations. (Any match requirements may be reduced by up to half for the fiscal year 1992 supplemental funds.)

Energy conservation

The Department of Energy provides grants for institutions (hospitals, schools, prisons, etc.) to install more efficient lighting, heat

systems, motors and other equipment. These funds will enable public institutions to sustain and expand their energy conservation efforts.

Land and Water Conservation Fund

These funds will provide additional grants to states and communities for local recreation and park capital investments, at a time when most state budgets are being cut back.

Historic Preservation Fund

This program provides grants to states, localities, and non-profit organizations for preservation of historic and cultural resources. It has been documented that preservation work of at least $50 million is ready to go to planning and construction immediately.

Job Corps facilities renovation

Recent engineering surveys of the 106 Job Corps Centers have identified $334 million in "must do" construction and renovation projects. These funds will create 6,000 job opportunities while accomplishing important facility repairs to expand the availability and improve the effectiveness of Job Corps training.

Chapter 1 school renovation

These funds will be used to repair and renovate existing elementary and secondary school buildings and help assure that children attend school in facilities conducive to learning.

Head Start facilities renovation

Chronic underfunding of the program and reliance on free or low cost facilities have left many Head Start programs in need of significant physical improvement or replacement. These funds will immediately create construction jobs to carry out approved but unfunded projects on file at the Department of Health and Human Services.

NSF academic facilities renovation

This National Science Foundation (NSF) program helps rebuild the nation's academic research facilities. In 1991 less than one-sixth of the institutions that applied for assistance were funded. The additional funds will enable NSF to support more projects across the country.

Library facilities construction

The Library Services and Construction Act provides formula grants to the states to assist public libraries in the construction of new buildings and the remodeling and renovation of existing facilities. Additional funds will be targeted to projects already underway which will create jobs and improve library services.

HOME (home ownership made easy)

This newly enacted block grant supports housing construction and rehabilitation. H.U.D. housing assistance in the Reagan era sustained the largest cuts (over 80 percent of any domestic program.

Community development block grant

These funds support a broad array of economic development, community facilities and housing rehabilitation programs. Funding for this program has been stagnant for over a decade. (The ceiling of 15 percent on use of CDBG dollars for public services will be raised to 20 percent for these fiscal year 1992 supplemental funds.)

Farmers Home Administration housing programs

These programs provide long-term financing for single family (section 502) and multifamily (section 515) housing construction in small cities and rural areas. The FmHA housing programs decreased nearly 70 percent during the Reagan years.

Community development corporations (CDC's)

These funds will create jobs for hard-to-employ individuals in distressed areas, and help to expand the role of CDCs in community revitalization.

Public housing modernization

These funds will help public housing authorities to renovate and repair housing units, and preserve the dwindling stock of low-income housing. A recent survey showed that tens of billions of dollars would be required to make all existing public housing units fully habitable.

Weatherization

These funds will go to states to distribute to localities for weatherization assistance. The proposal will create 4,500 journeymen carpenter jobs and provide increased energy assistance to low-income households.

II. EDUCATION, JOB TRAINING, HEALTH AND SAFETY NET—$20 BILLION

Chapter 1 elementary and secondary education

Funds will be used by state and local education agencies to improve educational opportunities for economically disadvantaged students.

Head Start

Services are currently available to only 28 percent of eligible children. This additional stimulus will expand the program by almost 25 percent, adding jobs for Head Start providers and bringing increased services to eligible children.

Pell grants for higher education

The federal government plays a major role in increasing access to higher education through the student aid programs authorized by the Higher Education Act. Pell Grants provide assistance to the neediest students.

Community service (school-based/youth crops)

These funds will create opportunities for more Americans, particularly young citizens, to become involved in serving their communities. This additional stimulus will almost double the number of states and programs that receive grants in 1992. It will expand part-time and school-based service opportunities as well as full-time positions.

Dislocated workers—Job Training Partnership Act

This proposal will substantially increase the amount allocated for dislocated worker programs under Title III of the Job Training Partnership Act (and add an income support component). Much of the job loss in the current recession is attributable to the permanent restructuring of major sectors of the economy. These jobs will not be restored when the economy recovers, and laid-off workers need help in acquiring new skills.

Summer youth employment and training

The unemployment effects of the recession have had a harsh impact on young people, particularly disadvantaged youth in the nation's cities. This proposal will substantially increase the amount allocated for the Summer Youth Employment Program under Title II of the Job Training and Partnership Act. These funds are urgently needed for the summer of 1992.

Community service employment (title V, Older Americans Act)

Older workers of modest income will receive temporary employment in public sector jobs and job training under this program.

Economic conversion

Reductions in defense spending involve significant dislocations of military and civilian personnel. Base closings threaten the economic health of entire communities. These funds will provide resources for communities to develop strategies to retrain workers and revitalize local economies.

Temporary Medicaid match rate increase

The recession has reduced state resources at a time when human needs are growing. Increasing the Federal Medicaid matching rate for one year will relieve fiscal pressures on the states and make more health services available to those in need.

Drug treatment and mental health

This proposal will address the millions of persons needing treatment who cannot be accommodated at existing program levels.

Ryan White AIDS care

This program provides emergency relief to 18 cities hardest hit by the HIV epidemic. It also provides grants to all states to deliver health and support services to individuals and families with HIV disease.

National Institutes of Health

The Institutes have a large backlog of unfunded grants. Almost three-quarters of the applications submitted last year could not be funded, and those funded were reduced below requested levels. This proposal will allow funding of 2,600 additional grants and restore funding of research centers to the level of the mid-1980's.

Community health centers

This program delivers comprehensive outpatient health services through a network of more than 600 clinics nationwide. Centers are typically found in communities most affected by the recession, and they provide services to the uninsured and the underserved.

National Health Service Corps/Physician Placements

The Corps places primary care physicians, nurses, and other health professionals in "medically underserved" areas, both urban and rural. These funds will enable additional health care professionals to be sent to these areas.

Continuation of extended unemployment benefits/health insurance for the unemployed

Basic unemployment benefits cover eligible workers for 26 weeks. Extended benefits currently provide up to twenty additional weeks. This enhanced benefit will expire in June, and should be extended through the entire fiscal year. In addition, health insurance is provided so that individuals who lose their jobs will have six months of coverage.

Temporary aid to families with dependent children match rate increase

A one-year increase in this federal matching rate will ease the current fiscal burden on state governments and help reduce cutbacks in this program that have been more severe than the Reagan cuts in 1981–82. Many states are proposing additional cuts this year as AFDC caseloads have grown by as much as 79 percent.

Federal emergency management agency assistance

This program funds emergency food and shelter programs through local coalitions of human services agencies. Assistance is distributed to communities based on rates of unemployment. These additional funds can be distributed within one week with a 1% cap on administrative expenses.

Low income home energy assistance

LIHEAP pays a portion of the home heating and cooling costs for low and moderate

income families. The program also provides emergency fuel assistance. This program has sustained one of the largest percentage cuts—about a third—of any domestic program over the last six years.

Community services block grants

These funds support social services for low-income families largely through neighborhood-based community action agencies. The additional amount will be targeted to emergency assistance.

Women, Infants, and Children Supplemental Food Program

This nutrition program for pregnant women, new mothers, and young children has a proven track record of reducing infant mortality.

Mickey Leland Childhood Hunger Relief Act

These funds will primarily expand the food stamp program, with new assistance targeted to families with children in areas with high shelter costs. The food stamp program is the only safety net entitlement broadly available to families suffering from short-term economic distress.

State by State impact of increasing the fiscal year 1992 Medicaid and AFDC Federal matching rate proposed by the Emergency Anti-Recession Act of 1992

[Dollars in thousands]

State:	
Alabama	$84,762.30
Alaska	17,522.61
Arizona	79,267.14
Arkansas	51,530.70
California	850,680.09
Colorado	55,798.68
Connecticut	118,688.94
Delaware	12,896.25
D.C.	33,606.27
Florida	261,774.87
Georgia	158,751.48
Hawaii	19,835.79
Idaho	15,535.23
Illinois	284,722.05
Indiana	120,708.90
Iowa	58,486.53
Kansas	52,839.33
Kentucky	121,420.23
Louisiana	192,602.10
Maine	43,434.57
Maryland	117,885.30
Massachusetts	218,400.03
Michigan	275,072.94
Minnesota	126,649.32
Mississippi	60,506.49
Missouri	93,558.90
Montana	16,474.62
Nebraska	27,709.29
Nevada	16,376.88
New Hampshire	25,732.77
New Jersey	248,753.73
New Mexico	27,229.88
New York	1,100,747.80
North Carolina	142,043.37
North Dakota	14,954.22
Ohio	286,986.36
Oklahoma	57,693.75
Oregon	51,541.56
Pennsylvania	359,411.70
Rhode Island	37,792.80
South Carolina	83,388.51
South Dakota	13,960.53
Tennessee	142,515.78
Texas	360,144.75
Utah	23,750.82
Vermont	19,368.81
Virginia	92,907.30
Washington	131,107.35
West Virginia	41,001.93
Wisconsin	123,831.15
Wyoming	8,378.49
Puerto Rico	14,280.90
Territories	1,618.14

Note.—To receive the full AFDC increase, states would be required to maintain AFDC benefits at fiscal year 1991 levels.

By Mr. DECONCINI:

S. 2139. A bill to authorize the President to award a gold medal on behalf of Congress to the Americans who were held hostage in Lebanon and to the families of the Americans who were killed while being held hostage; to the Committee on Banking, Housing, and Urban Affairs.

AUTHORIZATION OF CONGRESSIONAL GOLD MEDAL TO AMERICANS HELD HOSTAGE IN LEBANON

• Mr. DECONCINI. Mr. President, I rise today to introduce legislation authorizing the Secretary of the Treasury to mint and the President to present, on behalf of the Congress, a special medal to the American hostages who were recently released from captivity in Lebanon, and to the families of the three hostages, William Buckley, Lt. Col. William Higgins and Peter Kilburn, who were killed in captivity.

Terry Anderson, an Associated Press journalist and the longest held captive was abducted in Beirut on March 16, 1985, has now been rejoined with his family after more than 6½ years in captivity. His has been the most publicized cause. But there were other American citizens also held captive in Lebanon by terrorist organizations: Thomas Sutherland, dean of agriculture, American University of Beirut, seized June 9, 1985; Joseph Cicippio, deputy comptroller of the American University of Beirut, seized September 12, 1986; Edward Tracy, illustrator, seized September 12, 1986; Jesse Turner, computer and mathematics professor, Beirut University College, seized January 24, 1987; and Alann Steen, professor of journalism at Beirut University College, seized January 24, 1987.

These men endured years of brutal treatment at the hands of their captors. Three other American citizens, William Buckley and Lt. Col. William Higgins, were savagely beaten and ultimately killed by their captors. Peter Kilburn, a librarian at American University in Beirut, disappeared on December 3, 1984, and his body was discovered on April 17, 1986. He was killed by his terrorist captors in retaliation for the United States attack on Libya on April 14, 1986.

We must also remember the other Americans previously held in captivity: Robert Polhill, abducted January 24, 1987, and released April 22, 1990; Frank Reed, seized September 9, 1986, and released April 30, 1990; Rev. Lawrence Jenco, seized January 8, 1985, and released July 26, 1986; Rev. Benjamin Weir, seized March 7, 1984, and released September 15, 1985; David Jacobsen, taken hostage May 28, 1985, and released November 2, 1986; David Dodge, abducted June 1982 and held hostage for 1 year before being released; Frank Regier, seized February 10, 1984 and released May 15, 1985; Jeremy Levin, seized March 7, 1984, and released February 13, 1985; Charles Glass, seized June 17, 1987, and released August 18, 1987.

The medals which will be minted through this legislation are a fitting tribute for the United States citizens held hostage in Lebanon for so long and who have now been returned to their loving families, and fitting testament for CIA station chief William Buckley, Lt. Col. William Higgins and Peter Kilburn, who died so courageously in the line of duty at the hands of brutal terrorist organizations operating in Lebanon.

Mr. President, I ask unanimous consent that the full text of this bill be printed in the RECORD at this point.

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

S. 2139

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

SECTION 1. CONGRESSIONAL GOLD MEDAL.

(a) PRESENTATION AUTHORIZED.—The President is authorized to present, on behalf of Congress, to the Americans who were held hostage in Lebanon and to the families of the Americans who were killed while being held hostage in Lebanon a gold medal of appropriate design in recognition of the courage shown and sacrifices made by such Americans and families during the period when such Americans were held hostage.

(b) DESIGN AND STRIKING.—For purposes of the presentation referred to in subsection (a), the Secretary of the Treasury shall strike a gold medal with suitable emblems, devices, and inscriptions to be determined by the Secretary.

SEC. 2. NATIONAL MEDALS.

Medals struck pursuant to this Act are national medals for the purposes of chapter 51 of title 31, United States Code.

SEC. 3. AUTHORIZATION OF APPROPRIATION.

There is authorized to be appropriated such sums as may be necessary to carry out the purpose of this Act.•

By Mr. MURKOWSKI (for himself and Mr. STEVENS):

S. 2140. A bill to authorize the extension of university development linkages projects to the former Soviet Union; to the Committee on Foreign Relations.

INTERNATIONAL UNIVERSITY LINKAGES ACT OF 1992

Mr. MURKOWSKI. Mr. President, I rise today to introduce legislation along with my senior Senator, Senator STEVENS, that will facilitate the establishment of educational contacts between universities in the United States and universities in the former Soviet Union.

Madam President, the Agency for International Development university development linkages project under AID seeks to assist U.S. universities in

establishing a variety of long-term relationships with their counterparts in developing countries. The project's purpose is to internationalize U.S. universities while helping to strengthen developing countries' institutions as well. A number of our universities are now engaged in successful, mutually beneficial programs around the world in a wide range of fields, including business management, health, environment, forestry, and many other academic efforts.

However, due to legislative prohibitions, a legacy of the past cold war, this valuable program cannot be linked to United States universities that are in association with Soviet universities in the former Soviet Union. I think at a time and in an area where history is making daily changes, and where events continue to profoundly affect our world and its future, it is appropriate that we rectify this situation.

As a consequence, Madam President, I am introducing this legislation that will enable funds to be made available to the AID university development linkages project and other assistance projects for universities for use in the former Soviet Union.

Madam President, due to its geographic proximity and history, we have taken an energetic lead in our State of Alaska in developing education, business, and social contacts with nearby Russia. As the Chair knows we are linked by Big and Little Diomede Islands. Approximately 3½ miles of open water separate my State of Alaska from the former Soviet Union.

I am pleased to say the University of Alaska has already established some 23 educational exchanges, research projects, and other programs with Russian universities in areas such as marine biology, economics, aviation, agriculture, mining, and Arctic studies.

I had an opportunity last year to meet with a number of Soviet students from Magadan that were in residence at the University of Alaska in Fairbanks. Some of those students were also from the campus of the University of Alaska in Juneau as well as Anchorage and the community college in Kotzebue and other areas. It was gratifying to see the exchange of those young students and learning their particular area of study and interest. I cannot think of a better way to further understanding and communication and to bring Western democratic philosophies to the former Soviet Union than through exchanges of this type.

The University of Alaska, along with Alaska Pacific University in Anchorage and Sheldon Jackson College in Sitka, AK, would certainly welcome the opportunity to participate in this university development linkage project as they continue building new relationships with universities and students in the former Soviet Union. I am sure other universities across the Nation would welcome this opportunity as well.

I believe this legislation will greatly benefit our Nation as we widen our contacts with the people in the emerging nations of the former Soviet Union. Institutes of higher education are key in all societies, and certainly contacts established through them can and will extend to other parts of our society. Obviously, this will be particularly useful at the present time as we address the tremendous change in the social structure within the former Soviet Union. I, as well as Senator STEVENS, who is joining me on this, invite my colleagues to support this particular piece of legislation.

Finally, Madam President, I again remind my colleagues that under current administrative procedures we are unable to maintain this kind of communication with the former Soviet universities through the AID Program because of the standing prohibitions. This action would eliminate that prohibition and would go a long way toward achieving communication and understanding that is so sorely needed in the former Soviet Union, particularly at this extraordinary time of restructure.

By Mr. KENNEDY (for himself, Mr. ADAMS, and Mr. SIMON):

S. 2141. A bill to amend the Public Health Service Act to improve the quality of long-term care insurance through the establishment of Federal standards, and for other purposes; to the Committee on Labor and Human Resources.

LONG-TERM CARE INSURANCE IMPROVEMENT AND ACCOUNTABILITY ACT

Mr. KENNEDY. Mr. President, today I am introducing legislation to protect our senior citizens against the abuses in the marketing and sale of private long-term care insurance.

Three million disabled elderly Americans need home care or nursing home care today. They are unable to perform two or more of the basic activities of daily living without assistance—bathe, eat, dress, go to the bathroom, or transfer from a bed to a wheelchair.

Of these disabled senior citizens, 1.3 million reside in nursing homes. Another 1.6 million are struggling to survive in their own homes, in their children's homes, or in other community settings. As many as 1 million younger Americans are similarly disabled.

Large as these figures are, they dramatically understate the need for long-term care. According to studies by the Brookings Institution, between 35 and 50 percent of today's senior citizens will enter a nursing home at some point in their lives.

Long-term care is not just a problem for the elderly—it is a major burden for their families as well. Few families are prepared—either financially or emotionally—to take full responsibility for meeting the challenge of providing long-term care for those who need it.

The vast majority of senior citizens lack coverage to protect themselves and their families against the high cost of long-term care, whether that care is provided in a nursing home or a senior citizen's own home. Congress must act on comprehensive long-term care legislation and I intend to introduce such legislation early this year. Ensuring such protection is the unfinished business of Social Security and Medicare and it is also one of the critical goals of comprehensive health reform. I look forward to a full debate on these issues in the Senate this year.

In the absence of a national program for long-term care, senior citizens have two basic alternatives—either spending their life savings on the cost of care, sometimes impoverishing themselves by spending down to State Medicaid eligibility levels—or purchasing a private long-term care insurance policy.

The insurance industry boasts about the growth in long-term care insurance plans. The number of people with such policies has doubled in the last 3 years and is expected to grow as the elderly population increases. As of June 1990, nearly 2 million policies had been sold. Yet, the cost of these policies is high, particularly for those that offer adequate coverage, and few elderly citizens can afford them.

There is also growing evidence that the private long-term care market is not serving consumers well. Numerous abuses exist in the marketing and sale of private long-term care insurance. Testimony at recent congressional hearings and reports from the General Accounting Office indicate that many policies are sold by unscrupulous companies or sales agents.

One of the most serious defects is that most policies currently on the market do not keep pace with inflation. When benefits are not indexed for inflation, they are likely to be inadequate when an elderly person needs the coverage.

In 1990, Congress set tough new Federal standards for private MediGap insurance. Similar legislation is needed to correct the many abuses of the private long-term care insurance market, and that is the purpose of the measure we are introducing today.

I urge my colleagues to pass this legislation, which is strongly supported by the Alzheimer's Association, Consumers Union, Families USA, the National Council of Senior Citizens, and the United Seniors Health Cooperative.

I ask unanimous consent that a summary of the bill and the text of the bill may be printed in the RECORD.

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

S. 2141

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Long-Term Care Insurance Improvement and Accountability Act".

SEC. 2. ESTABLISHMENT OF FEDERAL STANDARDS FOR LONG-TERM CARE INSURANCE.

(a) IN GENERAL.—The Public Health Service Act is amended—

(1) by redesignating title XXVII (42 U.S.C. 300cc et seq.) as title XXVIII; and

(2) by inserting after title XXVI the following new title:

"TITLE XXVII—LONG-TERM CARE INSURANCE STANDARDS

"PART A—ADMINISTRATION

"SEC. 2701. LONG-TERM CARE INSURANCE STANDARDS COMMISSION.

"(a) ESTABLISHMENT.—The Director of the Congressional Office of Technology Assessment (hereafter referred to in this section as the 'Director') shall provide for the appointment of a Long-Term Care Insurance Standards Commission (hereafter referred to in this Act as the 'Commission').

"(b) COMPOSITION.—

"(1) IN GENERAL.—The Commission shall be composed of 11 individuals to be appointed by the Director (without regard to the provisions of title 5, United States Code, governing appointments in the competitive service) representing a just balance of the State Insurance Commissioners, consumers, insurance agents, actuaries, long-term care providers and the insurance industry.

"(2) TERMS.—Members of the Commission shall be appointed for a terms of 3 years, except that the initial members shall be appointed for staggered terms as determined appropriated by the Director.

"(c) FUNCTIONS.—The Commission shall—

"(1) establish minimum Federal standards for long-term care insurance consistent with the provisions of this title;

"(2) provide for the modification of the standards established under paragraph (1) consistent with future laws to expand existing Federal or State long-term care benefits or establish a comprehensive Federal or State long-term care benefit program; and

"(3) carry out any other activities determined appropriate by Congress.

"(d) ADMINISTRATIVE PROVISIONS.—The following provisions of section 1886(e)(6) of the Social Security Act shall apply to the Commission in the same manner as such provisions apply under such section:

"(1) Subparagraph (C) (relating to staffing and administration).

"(2) Subparagraph (D) (relating to compensation of members).

"(3) Subparagraph (F) (relating to access to information).

"(4) Subparagraph (G) (relating to use of funds).

"(5) Subparagraph (H) (relating to periodic GAO audits).

"(6) Subparagraph (J) (relating to requests for appropriations).

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to enable the Commission to carry out its functions under this section.

"(f) ANNUAL REPORT.—Not later than December 31 of each year, the Commission shall prepare and submit to the appropriate committees of Congress a report concerning the activities of the Commission for the previous year.

"PART B—ESTABLISHMENT AND IMPLEMENTATION OF LONG TERM CARE INSURANCE POLICY STANDARDS

"SEC. 2711. IMPLEMENTATION OF POLICY STANDARDS.

"(a) IN GENERAL.—

"(1) REGULATORY PROGRAM.—No long-term care insurance policy (as defined in section (2731)) may be issued, sold, or offered for sale in a State on or after the date specified in subsection (d) unless—

"(A) the Secretary determines that the State has established a regulatory program that—

"(i) provides for the application and enforcement of the standards established under subsection (c); and

"(ii) complies with the requirements of subsection (e);

by the date specified in subsection (d), and the policy has been approved by the State commissioner or superintendent of insurance under such program; or

"(B) if the State has not established such a program, the policy has been certified by the Secretary (in accordance with such procedures as the Secretary may establish) as meeting the standards established under subsection (c) by the date specified in subsection (c).

For purposes of this subsection, the advertising or soliciting with respect to a policy, directly or indirectly, shall be deemed the offering for sale of the policy.

"(2) REVIEW OF STATE REGULATORY PROGRAMS.—The Secretary periodically shall review regulatory programs described in paragraph (1)(A) to determine if they continue to provide for the application and enforcement of the standards established under subsection (c). If the Secretary determines that a State regulatory program no longer meets such standards and requirements, before making a final determination, the Secretary shall provide the State an opportunity to adopt such a plan of correction as would permit the program to continue to meet such standards and requirements. If the Secretary makes a final determination that the State regulatory program, after such an opportunity, fails to meet such standards and requirements, the Secretary shall assume responsibility under paragraph (1)(B) with respect to plans in the State.

"(3) LOOK-BEHIND AUTHORITY.—In the case of a State with a regulatory program found by the Secretary to meet the standards and requirements under this title, the Secretary is authorized to determine whether or not long-term care insurance policies offered in the State have failed to comply with the applicable requirements of this title.

"(4) PLAN DISAPPROVED UNDER LOOK-BEHIND AUTHORITY.—If the Secretary determines, under paragraph (3) that a long-term care insurance policy does not meet the applicable requirements of this title on or after such effective date, regardless of whether or not the State has taken any action with respect to such noncompliance, no new policies may be offered under the plan on or after the date of the determination.

"(b) SANCTIONS.—

"(1) COMPLAINTS AND INVESTIGATIONS.—The Secretary shall establish procedures—

"(A) for individuals and entities to file written, signed complaints with the Secretary respecting potential violations of the requirements of this title;

"(B) for the investigation of those complaints which have a substantial probability of validity; and

"(C) for the investigation of such other violations of the requirements of this title as the Secretary determines to be appropriate.

"(2) AUTHORITY IN INVESTIGATIONS.—In conducting investigations and hearings under this subsection—

"(A) agents of the Secretary and administrative law judges shall have reasonable access to examine evidence of any person or entity being investigated; and

"(B) administrative law judges, may, if necessary, compel by subpoena the attendance of witnesses and the production of evidence at any designated place or hearing.

In case of contumacy or refusal to obey a subpoena lawfully issued under this subsection and upon application of the Secretary, an appropriate district court of the United States may issue an order requiring compliance with such subpoena and any failure to obey such order may be punished by such court as a contempt thereof.

"(3) HEARING.—

"(A) IN GENERAL.—Prior to imposing an order described in paragraph (4) against a carrier under this subsection for a violation of the requirements of this title, the Secretary shall provide the carrier with notice and, upon request made within a reasonable time (of not less than 30 days, as established by the Secretary) of the date of the notice, a hearing respecting the violation.

"(B) CONDUCT OF HEARING.—Any hearing so requested shall be conducted before an administrative law judge. If no hearing is so requested, the Secretary's imposition of the order shall constitute a final and unappealable order.

"(C) ISSUANCE OF ORDERS.—If the administrative law judge determines, upon the preponderance of the evidence received, that an agent, association or its subsidiary, or a carrier named in the complaint has violated the requirements of this title, the administrative law judge shall state the findings of fact and issue and cause to be served on such agent, association or its subsidiary, or a carrier an order described in paragraph (4).

"(4) ENFORCEMENT AND CIVIL MONEY PENALTY.—

"(A) ENFORCEMENT.—Subject to the provisions of this paragraph, an order issued under this subsection—

"(i) shall require the agent, association or its subsidiary, or a carrier—

"(I) to cease and desist from such violations; and

"(II) to pay a civil penalty as required in paragraph (8); and

"(ii) may require the agent, association or its subsidiary, or a carrier to take such other corrective action as is appropriate.

"(B) CORRECTIONS WITHIN 30 DAYS.—No order shall be imposed under this subsection by reason of any violation if the agent, association or its subsidiary, or a carrier establishes to the satisfaction of the Secretary that—

"(i) such violation was due to reasonable cause and not to willful neglect; and

"(ii) such violation is corrected within the 30-day period beginning on earliest date the carrier knew, or exercising reasonable diligence could have known, that such a violation was occurring.

"(C) WAIVER BY SECRETARY.—In the case of a violation which is due to reasonable cause and not to willful neglect, the Secretary may waive part or all of the civil money penalty imposed by paragraph (8) to the extent that payment of such penalty would be grossly excessive relative to the violation involved and to the need for deterrence of violations.

"(5) ADMINISTRATIVE APPELLATE REVIEW.—The decision and order of an administrative

law judge under this subsection shall become the final agency decision and order of the Secretary unless, within 30 days, the Secretary modifies or vacates the decision and order, in which case the decision and order of the Secretary shall become a final order under this subsection.

"(6) JUDICIAL REVIEW.—An agent, association or its subsidiary, or a carrier adversely affected by a final order issued under this subsection may, within 45 days after the date the final order is issued, file a petition in the Court of Appeals for the appropriate circuit for review of the order.

"(7) ENFORCEMENT OF ORDERS.—If an agent, association or its subsidiary, or a carrier fails to comply with a final order issued under this section against the agent, association or its subsidiary, or a carrier, the Secretary shall file a suit to seek compliance with the order in any appropriate district court of the United States. In any such suit, the validity and appropriateness of the final order shall not be subject to review.

"(8) AMOUNT OF CIVIL MONEY PENALTY.—The amount of any civil money penalty imposed under this subsection shall not exceed $25,000 for each agent, association or its subsidiary, or a carrier with respect to which a violation occurs. Such amount may take into account the penalties imposed by a State with respect to the same such violation.

"(9) NOTICE OF ORDER.—As part of any order issued under this subsection in the case of a long-term care insurance policy, the order shall require that notice be provided to the carrier of the findings in the order.

"(10) LOSS OF STATUS AS A LONG-TERM CARE PLAN.—If an agent, association or its subsidiary, or a carrier is not in compliance with subsection (a) and is not determined to have come into compliance with the applicable standards within 6 months after the date of the initial determination of such a violation, such agent, association or its subsidiary, or a carrier shall be subject to the provision of this subsection.

"(11) EFFECTIVE DATE.—The effective date specified in this subsection is January 1 of the second full year that begins after the date of the enactment of this part.

"(c) PROMULGATION OF STANDARDS.—

"(1) IN GENERAL.—If, within 12 months after the date of the enactment of this section, the Commission establishes minimum standards that incorporate the requirements of sections 2712 through 2717, such standards shall apply under subsection (a).

"(2) DEFAULT.—If the Commission does not promulgate the model standards under paragraph (1) by the deadline established in that paragraph, the Secretary shall promulgate, within 12 months after such deadline, a regulation that provides standards that incorporate the requirements of sections 2712 through 2717 and such standards shall be applied under subsection (a).

"(3) RELATION TO STATE LAW.—Nothing in this section shall be construed as preventing a State from applying standards that provide greater protection to policyholders of long-term care insurance policies.

"(d) DEADLINE FOR APPLICATION OF STANDARDS.—

"(1) IN GENERAL.—Subject to paragraph (2), the date specified in this subsection for a State is—

"(A) the date the State adopts the standards established under subsection (c)(1); or

"(B) 1 year after the date such standards are first established under subsection (c)(2); whichever is earlier.

"(2) STATE REQUIRING LEGISLATION.—In the case of a State which the Secretary identifies, in consultation with the Commission, as—

"(A) requiring State legislation (other than legislation appropriating funds) in order for the standards established under subsection (c) to be applied; but

"(B) having a legislature which is not scheduled to meet in 1993 in a legislative session in which such legislation may be considered;

the date specified in this subsection is the first day of the first calendar quarter beginning after the close of the first legislative session of the State legislature that begins on or after January 1, 1993. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.

"(e) ADDITIONAL REQUIREMENTS FOR APPROVAL OF STATE REGULATORY PROGRAMS.—For purposes of subsection (a)(1)(A)(ii), the requirements of this subsection for a State regulatory program are as follows:

"(1) ENFORCEMENT.—The enforcement under the program—

"(A) shall be designed in a manner so as to secure compliance with the standards within 30 days after the date of a finding of noncompliance with such standards; and

"(B) shall provide for notice to the Secretary in cases where such compliance is not secured within such 30-day period.

"(2) TOLL-FREE NUMBERS.—The program shall provide for the establishment of a toll-free telephone number which provides—

"(A) for a system for the receipt and disposition of consumer complaints or inquiries regarding compliance of health benefit plans with the requirements of this title; and

"(B) information to employers and consumers about carriers that offer long-term care insurance policies in the area covered by the regulatory authority.

Such system shall provide for the recording of consumer complaints in accordance with a uniform methodology developed by the Commission and recognized by the Secretary.

"(3) CONSUMER ACCESS TO COMPLIANCE INFORMATION.—

"(A) IN GENERAL.—A State regulatory program must provide for consumer access to complaints filed with the State commissioner or superintendent of insurance with respect to long-term care insurance policies.

"(B) CONFIDENTIALITY.—The access provided under subparagraph (A) shall be limited to the extent required to protect the confidentiality of the identity of individual policyholders.

"(4) PROCESS FOR APPROVAL OF PREMIUMS.—The program must provide for a process for approving or disapproving proposed premium increases with respect to long-term care insurance policies and must establish a policy for the holding of public hearings prior to approval of such a premium increase. No such premium increase shall be approved (or deemed approved) unless the proposed increase is accompanied by an actuarial memorandum which supports the increase and which contains such information as may be required under the standards under subsection (c).

"(5) ACCESS TO OTHER INFORMATION.—The program must provide for consumer access to actuarial memoranda provided under paragraph (4).

"(6) SECRETARIAL AUTHORITY.—In the case of a State without a regulatory program approved under subsection (a), the Secretary shall provide for the activities described in paragraphs (1) through (5).

"(f) DEMONSTRATION GRANT PROGRAM.—

"(1) IN GENERAL.—The Secretary may award grants to States for the establishment of demonstration programs to improve the enforcement within such States of long-term care insurance standards applicable under this title.

"(2) APPLICATION.—To be eligible to receive a grant under paragraph (1), a State shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including a description of the program for which the State intends to use the amounts provided under the grant.

"(3) MINIMUM AMOUNT OF GRANTS.—The amount of a grant awarded under this subsection shall not be less than $100,000.

"(4) EVALUATION.—A State that receives a grant under this subsection shall comply with such evaluation procedures as the Secretary shall by regulation establish. The Secretary shall utilize such evaluations to conduct an overall evaluation of the results of the demonstration programs established under this section.

"(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection, $5,000,000 for each of the fiscal years 1992 through 1996.

"SEC. 2712. REGULATION OF SALES PRACTICES.

"(a) DUTY OF GOOD FAITH AND FAIR DEALING.—

"(1) IN GENERAL.—Each agent (as defined in section 2733) or association that is selling or offering for sale a long-term care insurance policy has the duty of good faith and fair dealing to the purchaser or potential purchaser of such a policy.

"(2) PROHIBITED PRACTICES.—An agent or association is considered to have violated paragraph (1) if the agent or association engages in any of the following practices:

"(A) TWISTING.—

"(i) IN GENERAL.—Knowingly making any misleading representation or incomplete or fraudulent comparison of any long-term care insurance policy or insurers for the purpose of inducing, or tending to induce, any person to retain or effect a change with respect to a long-term care insurance policy.

"(ii) POLICY REPLACEMENT FORM.—With respect to any person who elects to replace or effect a change in a long-term care insurance policy, the individual that is selling such policy shall ensure that such person completes a policy replacement form developed by the Commission. A copy of such form shall be retained by such person and additional copies shall be delivered by the selling individual to the old policy issuer, the new issuer and the State insurance commission.

"(B) HIGH PRESSURE TACTICS.—Employing any method of marketing having the effect of, or intending to, induce the purchase of long-term care insurance policy through undue pressure.

"(C) COLD LEAD ADVERTISING.—Making use directly or indirectly of any method of marketing which fails to disclose in a conspicuous manner that a purpose of the method of marketing is solicitation of insurance and that contact will be made by an insurance agent or insurance company.

"(D) OTHERS.—Engaging in such other practices determined inappropriate under guidelines issued by the Commission.

"(b) COMPLETION OF MEDICAL HISTORIES PROHIBITED.—An agent offering for sale a long-term care insurance policy may not complete the medical history portion of an application.

"(c) FINANCIAL STANDARDS.—

"(1) DEVELOPMENT.—The Commission shall develop minimum financial standards (in-

cluding both income and asset criteria) that an individual must meet in order to be eligible to purchase a long-term care insurance policy.

"(2) PROHIBITION OF SALE OR ISSUANCE TO MEDICAID BENEFICIARIES.—An agent, an association, or a carrier may not knowingly sell or issue a long-term care insurance policy to an individual who is eligible for medical assistance under title XIX of the Social Security Act.

"(d) PROHIBITION OF SALE OR ISSUANCE OF DUPLICATE SERVICE BENEFIT POLICIES.—An agent, association or its subsidiary, or a carrier may not sell or issue a service-benefit long-term care insurance policy—

"(1) knowing that the policy provides for coverage that duplicates coverage already provided in another service-benefit long-term care insurance policy (unless the policy is intended to replace such other policy); or

"(2) for the benefit of an individual unless the individual (or a representative of the individual) provides a written statement to the effect that the coverage—

"(A) does not duplicate other coverage in effect under a service-benefit long-term care insurance policy; or

"(B) will replace another service-benefit long-term care insurance policy.

In this paragraph, the term 'service-benefit long-term care insurance policy' means a long-term care insurance policy which provides for benefits based on the type and amount of services furnished.

"(e) PROVISION OF OUTLINE OF COVERAGE.—No agent, association or its subsidiary, or carrier may sell or offer for a sale a long-term care insurance policy without providing to the purchaser or potential purchaser (or representative) an outline of coverage that complies with the standards established under section 2711(c).

"(f) PENALTIES.—Any agent who sells, offers for sale, or issues a long-term care insurance policy in violation of this section may be imprisoned not more than 5 years, or fined in accordance with title 18, United States Code, and, in addition, is subject to a civil money penalty of not to exceed $25,000 for each such violation. Any association or its subsidiary or carrier that sells, offers for sale, or issues a long-term care insurance policy in violation of this section may be fined in accordance with title 18, United States Code, and in addition, is subject to a civil money penalty of not to exceed $25,000 for each violation.

"(g) AGENT TRAINING AND CERTIFICATION PROGRAM.—

"(1) ESTABLISHMENT.—The Secretary, acting through the Commission, shall establish requirements for long-term care insurance agent training and certification that—

"(A) specify requirements for a training program to train insurance agents who desire to sell or offer for sale long-term care insurance policies; and

"(B) specify procedures for certifying agents who have completed such program as qualified to sell or offer for sale long-term care insurance policies.

"(2) ADMINISTRATION.—The program established under paragraph (1) shall be administered in each State through the State insurance commission.

"SEC. 2713. ADDITIONAL RESPONSIBILITIES FOR CARRIERS.

"(a) REFUND OF PREMIUMS.—If an application for a long-term care insurance policy (or for a certificate under a group long-term care insurance policy) is denied or an applicant returns a policy or certificate within 30 days of the date of its issuance pursuant to subsection 2717, the carrier shall refund to the applicant, not later than 30 days after the date of the denial or return, any premiums paid with respect to such a policy.

"(b) MAILING OF POLICY.—If an application for a long-term care insurance policy (or for a certificate under a group long-term care insurance policy) is approved, the carrier shall provide the applicant the policy (or certificate) of insurance not later than 30 days after the date of the approval.

"(c) INFORMATION ON DENIALS OF CLAIMS.—If a claim under a long-term care insurance policy is denied, the carrier shall, within 30 days of the date of a written request by the policyholder or certificate holder (or representative)—

"(1) provide a written explanation of the reasons for the denial; and

"(2) make available all information directly relating to such denial.

No claim under such a policy may be denied on the basis of a failure to disclose a condition at the time of issuance of the policy if the application for the policy failed to request information respecting the condition.

"(d) REPORTING OF INFORMATION.—A carrier that issues one or more long-term care insurance policy shall periodically (not less often than annually) report to the Commissioner or superintendent of insurance of each State in which the policy is sold, and shall make available to the Secretary, upon request, information respecting—

"(1) the long-term care insurance policies of the issuer that are in force;

"(2) the most recent premiums for such policies and the premiums imposed for such policies since their initial issuance;

"(3) the lapse rates, replacement rates, and rescission rates for policies (by agent); and

"(4) the claims denied (as a percentage of claims submitted) for such policies.

Information under this subsection shall be reported in a format specified in the standards established under section 2711(c) to carry out this subsection. For purposes of paragraph (3), there shall not be included as a lapse of policy such a lapse due to the death of the policyholder. For purposes of paragraph (4), there shall not be included as a denied claim a claim that is denied solely because of the failure to meet a deductible, waiting period, or exclusionary period.

"(e) LIMITS ON COMPENSATION FOR SALE OF POLICIES.—

"(1) IN GENERAL.—A carrier that issues one or more long-term care insurance policy may not provide a commission or other compensation in the first year to an agent or other representative for the sale of such a policy in an amount that exceeds 200 percent of the commission or other compensation paid for selling or servicing such a policy in the second or subsequent year.

"(2) RENEWAL POLICIES.—With respect to the renewal of a long-term care insurance policy, commission shall be paid by the carrier to such agent or other representative over at least a 5-year period.

"(3) REPLACEMENT POLICY.—An agent or other representative shall receive a renewal commission for the sale of a replacement policy.

"(4) COMPENSATION DEFINED.—In paragraph (1), the term 'compensation' includes pecuniary or nonpecuniary remuneration of any kind relating to the sale or renewal of the policy or certification, including deferred compensation, bonuses, gifts, prizes, awards, and finders fees.

"SEC. 2714. RENEWABILITY OF POLICIES.

"(a) IN GENERAL.—No long-term care insurance policy may be canceled or nonrenewed for any reason other than nonpayment of premium or material misrepresentation.

"(b) CONTINUATION AND CONVERSION RIGHTS FOR GROUP POLICIES.—

"(1) IN GENERAL.—Each group long-term care insurance policy shall provide covered individuals with a basis for continuation or conversion in accordance with this subsection.

"(2) BASIS FOR CONTINUATION.—For purposes of paragraph (1), a policy provides a basis for continuation of coverage if the policy maintains coverage under the existing group policy when such coverage would otherwise terminate and which is subject only to the continued timely payment of premium when due. A group policy which restricts provision of benefits and services to or contains incentives to use certain providers or facility, may provide continuation benefits which are substantially equivalent to the benefits of the existing group policy.

"(3) BASIS FOR CONVERSION.—For purposes of paragraph (1), a policy provides a basis for conversion of coverage if the policy entitles each individual—

"(A) whose coverage under the group policy would otherwise be terminated for any reason; and

"(B) who has been continuously insured under the policy (or group policy which was replaced) for at least 6 months before the date of the termination;

to issuance of a policy providing benefits identical to, substantially equivalent to, or in excess of, those of the policy being terminated, without evidence of insurability.

"(4) TREATMENT OF SUBSTANTIAL EQUIVALENCE.—In determining under this subsection whether benefits are substantially equivalent, consideration should be given to the difference between managed care and non-managed care plans.

"(5) GROUP REPLACEMENT OF POLICIES.—If a group long-term care insurance policy is replaced by another long-term care insurance policy purchased by the same policyholder, the succeeding issuer shall offer coverage to all persons covered under the old group policy on its date of termination. Coverage under the new group policy shall not result in any exclusion for preexisting conditions that would have been covered under the group policy being replaced.

"(c) GUARANTEED ISSUANCE.—

"(1) IN GENERAL.—An agent, association or carriers that sells or issues long-term care insurance policies shall guarantee that such policies shall be sold or issued to an individual if such individual meets the minimum medical underwriting requirements of such policy as established in compliance with the age rating formula recommendations of the Commission.

"(2) UPGRADE FOR CURRENT POLICIES.—Each long-term care insurance policy in effect as of the effective date of the standards established under section 2711(c) shall permit the policyholder to purchase a policy that meets all such standards. With respect to a policy that offers upgraded benefits in accordance with a new Federal or State requirement, the issuer of such policy may not impose additional medical underwriting criteria, except that such issuer may utilize an age rate for such policy based on a formula approved by the Commission.

"(d) EFFECT OF INCAPACITATION.—

"(1) IN GENERAL.—Except as provided in paragraph (2), a long-term care insurance policy in effect as of the effective date of the standards established under section 2711(c) may not be canceled for nonpayment if the policy holder is determined by a long-term

care provider, physician or other health care provider, independent of the issuer of the policy, to be cognitively, mentally, or physically incapacitated.

"(2) PERMITTED CANCELLATION.—A long-term care insurance policy may be canceled under paragraph (1) for nonpayment if—

"(A) the period of such nonpayment is in excess of 90 days; and

"(B) notice of intent to cancel is provided to a designated representative of the policy holder not less than 90 days prior to such cancellation.

"SEC. 2715. BENEFIT STANDARDS.

"(a) USE OF STANDARD DEFINITIONS AND TERMINOLOGY, UNIFORM FORMAT, AND STANDARD BENEFITS.—Each long-term care insurance policy shall, pursuant to standards established under section 2711(c)—

"(1) use uniform language and definitions;

"(2) use a uniform format for presenting the outline of coverage under such a policy; and

"(3) provide coverage for a standard benefits package that shall include limitations on the amount of payments per day and lengths of covered stays for nursing facility and home health care services;

as prescribed under guidelines issued by the Commission.

"(b) DISCLOSURE.—

"(1) OUTLINE OF COVERAGE.—

"(A) REQUIREMENT.—Each carrier that sells or offers for sale a long-term care insurance policy shall provide an outline of coverage under such policy that meets the applicable standards established pursuant to section 2711(c), complies with the requirements of subparagraph (B), and is in a uniform format as prescribed in guidelines issued by the Commission.

"(B) CONTENTS.—The outline of coverage for each long-term care insurance policy shall include at least the following:

"(i) A description of the principal benefits and coverage under the policy.

"(ii) A statement of the principal exclusions, reductions, and limitations contained in the policy.

"(iii) A statement of the terms under which the policy (or certificate) may be continued in force or discontinued, the terms for continuation or conversion, and any reservation in the policy of a right to change premiums.

"(iv) A statement that the outline of coverage is a summary only, not a contract of insurance, and that the policy (or master policy) contains the contractual provisions that govern.

"(v) A statement of the value of the policy (determined in accordance with standard established to carry out this subparagraph).

"(vii) A description of the terms, specified in section 2717, under which a policy or certificate may be returned and premium refunded.

"(viii) Information on national average costs for nursing facility and home health care and information (in graphic form) on the relationship of the value of the benefits provided under the policy to such national average costs.

"(ix) A statement of the percentage limit on annual premium increases that is provided under the policy pursuant to this section.

"(x) Information (in graphic form) on the projected effect of inflation on the value of benefits provided under the policy during a period of at least 20 years.

"(2) CERTIFICATES.—A certificate issued pursuant to a group long-term care insurance policy shall include—

"(A) a description of the principal benefits and coverage provided in the policy;

"(B) a statement of the principal exclusions, reductions, and limitations contained in the policy; and

"(C) A statement that the group master policy determines governing contractual provisions.

"(3) LONG-TERM CARE AS PART OF LIFE INSURANCE.—In the case of a long-term care insurance policy issued as a part of or a rider on a life insurance policy, at the time of policy delivery there shall be provided a policy summary that includes—

"(A) an explanation of how the long-term care benefits interact with other components of the policy (including deductions from death benefits);

"(B) an illustration of the amount of benefits, the length of benefit, and the guaranteed lifetime benefits (if any) for each covered person; and

"(C) any exclusions, reductions, and limitations on benefits of long-term care.

"(c) LIMITING CONDITIONS ON BENEFITS; MINIMUM BENEFITS.—

"(1) IN GENERAL.—A long-term care insurance policy may not condition or limit eligibility—

"(A) for benefits for a type of services to the need for or receipt of any other services;

"(B) for any benefit on the medical necessity for such benefit;

"(C) for benefits furnished by licensed or certified providers on compliance with conditions which are in addition to those required for licensure or certification under State law; or

"(D) for residential care (if covered under the policy) only—

"(i) to care provided in facilities which provide a higher level of care; or

"(ii) to care provided in facilities which provide for 24-hour or other nursing care not required in order to be licensed by the State.

"(2) HOME HEALTH CARE SERVICES.—If a long-term care insurance policy provides benefits for home health care services, the policy—

"(A) may not limit such benefits to services provided by registered nurses or licensed practical nurses;

"(B) may not require benefits for such services to be provided by a nurse or therapist that can be provided by a home health aide or licensed or certified home care worker acting within the scope of the worker's licensure or certification;

"(C) may not limit such benefits to services provided by agencies or providers certified under title XVIII of the Social Security Act; and

"(D) must provide benefits for personal care services (including home health aide and homemaker services), home health services, adult day care, and respite care in an individual's home or in another setting in the community, or any of these benefits on a respite care basis.

"(3) NURSING FACILITY SERVICES.—If a long-term care insurance policy provides benefits for nursing facility services, the policy must provide such benefits with respect to all nursing facilities (as defined in section 1919(a) of the Social Security Act or as subsequently provided for by the Commission in establishing uniform language and definitions under section 2715(a)(1)) in the State.

"(d) PROHIBITION OF DISCRIMINATION.—A long-term care insurance policy may not treat benefits under the policy in the case of an individual with Alzheimer's disease, with any related progressive degenerative dementia of an organic origin, or with any organic or inorganic mental illness differently from an individual having another medical condition for which benefits may be made available.

"(e) LIMITATION ON USE OF PREEXISTING CONDITION LIMITS.—

"(1) INITIAL ISSUANCE.—

"(A) IN GENERAL.—Subject to subparagraph (B), a long-term care insurance policy may not exclude or condition benefits based on a medical condition for which the policyholder received treatment or was otherwise diagnosed before the issuance of the policy.

"(B) 6-MONTH LIMIT.—A long-term care insurance policy may exclude benefits under a policy, during its first 6 months, based on a condition for which the policyholder received treatment or was otherwise diagnosed during the 6 months before the policy became effective.

"(2) REPLACEMENT POLICIES.—If a long-term care insurance policy replaces another long-term care insurance policy, the issuer of the replacing policy shall waive any time periods applicable to preexisting conditions, waiting period, elimination periods and probationary periods in the new policy for similar benefits to the extent such time was spent under the original policy.

"(f) USE OF FUNCTIONAL ASSESSMENT.—

"(1) IN GENERAL.—Each long-term care insurance policy—

"(A) shall determine eligibility for, and level of, benefits available under the policy based on a professional assessment of the policyholder's physical, cognitive, and mental abilities; and

"(B) shall specify the level (or levels) of physical, cognitive, or mental impairment required under such an assessment to obtain benefits under the policy.

Such assessment may not be conducted by an individual who has a direct or indirect ownership or control interest, or direct or indirect affiliation or relationship with, the issuer of the policy or an entity that provides services for which benefits are available under the long-term care insurance policy.

"(2) APPEALS PROCESS.—Each long-term care insurance policy shall provide for an appeals process, meeting standards established under this section, for individuals who dispute the results of an assessment conducted under this subsection.

"(3) STANDARD ASSESSMENTS.—Not later than 2 years after the date of enactment of this title, the Commission, after coordination with the on-going efforts of the Secretary to establish uniform needs assessments, shall issue guidelines with respect to assessments made under this subsection and determinations of eligibility for benefits under such assessments.

"(g) INFLATION PROTECTION.—To account for inflation, at the time of each annual renewal each long-term care insurance policy shall provide for an increase in the dollar payment levels and the maximum payment limit on benefit coverage above the levels or limit in effect during the previous policy year. Such increase shall be based on the increase in the average wage index utilized under section 215(b)(3)(A)(ii)(I) of the Social Security Act projected to reflect increases for the 20-year period beginning 1 year prior to the issuance of the policy. Such inflationary increases shall continue even if the policy holder is in claim status. In applying this subsection, the increases shall be compounded annually and the policy may provide for rounding such an increase to the nearest multiple of $1 (in the case of dollar payment levels) or $100 (in the case of the maximum payment limit).

"(h) SPECIFICATION OF LIMITS ON PREMIUM INCREASES.—Each long-term care insurance policy shall specify a limit on the percentage increase in premiums for a policy that may be made in between one policy year and the subsequent policy year.

"(i) PREMIUM INCREASES.—With respect to a long-term care insurance policy issued to an individual who is 75 years of age or older, the premiums for such policy may not be increased by more than 10 percent each year.

"SEC. 2716. NONFORFEITURE.

"(a) IN GENERAL.—Each long-term care insurance policy shall provide that if the policy lapses after the policy has been in effect for a minimum period (specified under the standards under section 2711(c)), the policy will provide, without payment of any additional premiums, nonforfeiture benefits as determined appropriate by the Commission.

"(b) ESTABLISHMENT OF STANDARDS.—The standards under section 2711(c) shall provide that the percentage or amount of benefits under subsection (a) must increase based upon the policyholder's equity in the policy.

"SEC. 2717. LIMIT OF PERIOD OF CONTESTABILITY AND RIGHT TO RETURN.

"(a) CONTESTABILITY.—The issuer of a long-term care insurance policy may not cancel such a policy or deny a claim under the policy based on fraud or misrepresentation relating to the issuance of the policy unless notice of such fraud or misrepresentation is provided within 6 months after the date of the issuance of the policy.

"(b) RIGHT TO RETURN.—Each applicant for a long-term care insurance policy shall have the right to return the policy (or certificates) within 30 days of the date of its delivery (and to have the premium refunded) if, after examination of the policy or certificate, the applicant is not satisfied for any reason.

"SEC. 2718. CIVIL MONEY PENALTY.

"Any issuer of a long-term care insurance policy who—

"(1) fails to make a refund in accordance with section 2713(a);

"(2) fails to transmit a policy in accordance with section 2713(b);

"(3) fails to provide, make available, or report information in accordance with subsections (c) or (d) of section 2713;

"(4) provides a commission or compensation in violation of section 2713(e);

"(5) fails to provide an outline of coverage in violation of section 2715(b)(1); or

"(6) issues a policy without obtaining certain information in violation of section 2715(f);

is subject to a civil money penalty of not to exceed $25,000 for each such violation.

"PART 3—LONG-TERM CARE INSURANCE POLICIES, DEFINITION AND ENDORSEMENTS

"SEC. 2721. LONG-TERM CARE INSURANCE POLICY DEFINED.

"(a) IN GENERAL.—In this title, except as otherwise provided in this section, the term 'long-term care insurance policy' means any insurance policy, certificate, or rider advertised, marketed, offered, or designed to provide coverage for each covered person on an expense incurred, indemnity, prepaid, or other basis, for one or more diagnostic, preventive, therapeutic, rehabilitative, maintenance or personal care services, provided in a setting other than an acute care unit of a hospital. Such term includes a group or individual annuity or life insurance policy or rider which provides directly (or which supplements) long-term care insurance.

"(b) POLICIES EXCLUDED.—Except as provided in subsection (d), the term 'long-term care insurance policy' does not include any Medicare supplemental policy (as defined in section 1882(g) of the Social Security Act) and any insurance which is offered primarily to provide—

"(1) basic hospital expense coverage, basic medical-surgical expense coverage, hospital confinement indemnity coverage, or major medical expense coverage;

"(2) disability income or related asset-protection coverage;

"(3) accident only coverage; or

"(4) specified disease or specified accident coverage.

"(c) TREATMENT OF CERTAIN LIFE INSURANCE POLICIES.—Except as provided in subsection (d), the term 'long-term care insurance policy' does not include life insurance policies—

"(1) which accelerate the death benefit specifically for—

"(A) one or more of the qualifying events of terminal illness;

"(B) medical conditions requiring extraordinary medical intervention; or

"(C) permanent institutional confinement;

"(2) which provide the option of a lump-sum payment for those benefits; and

"(3) in which neither the benefits nor the eligibility for the benefits is conditioned upon the receipt of long-term care.

"(d) INCLUSION OF POLICIES MARKETED AS LONG-TERM CARE INSURANCE.—The term 'long-term care insurance policy' also means any product which is advertised, marketed, or offered as long-term care insurance.

"SEC. 2722. CODE OF CONDUCT WITH RESPECT TO ENDORSEMENTS.

"Not later than 1 year after the date of enactment of this title the Commission shall issue guidelines that shall apply to organizations and associations and their subsidiaries that provide endorsements of long-term care insurance policies, or that permit such policies to be offered for sale through the organization or association. Such guidelines shall include at minimum the following:

"(1) In endorsing or selling long-term care insurance policies, the primary responsibility of an organization or association shall be to educate their members concerning such policies and assist such members in making informed decisions. Such organizations and associations may not function primarily as sales agents for insurance companies.

"(2) Organizations and associations shall provide objective information regarding long-term care insurance policies sold or endorsed by such organizations and associations to ensure that members of such organizations and associations have a balanced and complete understanding of both the strengths and weaknesses of the policies that are being endorsed or sold.

"(3) Organizations and associations selling or endorsing long-term care insurance policies shall disclose in marketing literature provided to their members concerning such policies the manner in which such policies and the insurance company issuing such policies were selected. If the organization or association and the insurance company have interlocking directorates, the organization or association shall disclose such fact to their members.

"(4) Organizations and associations selling or endorsing long-term care insurance policies shall disclose in marketing literature provided to their members concerning such policies the precise nature and amount of the compensation arrangements (including all fees, commissions, administrative fees and other forms of financial support that the organization or association receives from the endorsement or sale of the policy to its members).

"(5) The Boards of Directors of organizations and associations selling or endorsing long-term care insurance policies shall review and approve such insurance policies, the compensation arrangements and the marketing materials used to promote sales of such policies.

"PART 4—MISCELLANEOUS PROVISIONS

"SEC. 2731. FUNDING FOR LONG-TERM CARE INSURANCE INFORMATION, COUNSELING, AND ASSISTANCE.

"There are authorized to be appropriated to provide information, counseling, and assistance relating to the procurement of adequate and appropriate long-term care insurance, $10,000,000 for each of fiscal years 1993, 1994, and 1995.

"SEC. 2732. REPORTS AND STUDIES.

"(a) REPORT ON SOLVENCY PROTECTION.—Not later than 2 years after the date of the enactment of this title, the Secretary shall prepare and submit to the appropriate committees of Congress a report on standards that may be applied to assure the solvency of insurers with respect to long-term care insurance policies.

"(b) STUDY OF STANDARD MEASURE OF VALUE FOR LONG-TERM CARE INSURANCE POLICIES.—The Secretary shall provide for the conduct of a study to develop a standard measure of value for long-term care insurance policies. Not later than 2 years after the date of the enactment of this title, the Secretary shall prepare and submit to the appropriate committees of Congress a report concerning such study.

"SEC. 2733. DEFINITIONS.

"As used in this title:

"(1) AGENT.—The term 'agent' means—

"(A) prior to 2 years after the date of enactment of this Act, an individual who sells or offers for sale a long-term care insurance policy subject to the requirements of this title; and

"(B) after the date referred to in subparagraph (A), an individual certified under a training and certification program established under section 2712(g).

"(2) ASSOCIATION.—The term 'association' includes the association and its subsidiaries.

"(3) CARRIER.—The term 'carrier' means any person that offers a health benefit plan, whether through insurance or otherwise, including a licensed insurance company, a prepaid hospital or medical service plan, a health maintenance organization, a self-insurer carrier, a reinsurance carrier, and a multiple small employer welfare arrangement (a combination of small employers associated for the purpose of providing health benefit plan coverage for their employees).".

(b) CONFORMING AMENDMENTS.—

(1) Sections 2701 through 2714 of the Public Health Service Act (42 U.S.C. 300cc through 300cc–15) are redesignated as sections 2801 through 2814, respectively.

(2)(A) Sections 465(f) and 497 of such Act (42 U.S.C. 286(f) and 289(f)) are amended by striking out "2701" each place that such appears and inserting in lieu thereof "2801".

(B) Section 305(i) of such Act (42 U.S.C. 242c(i)) is amended by striking out "2711" each place such appears and inserting in lieu thereof "2811".

SUMMARY OF THE LONG-TERM CARE INSURANCE IMPROVEMENT AND ACCOUNTABILITY ACT

1. Problem: Many states have not adopted the standards for long-term care insurance policies developed by the National Associa-

tion of Insurance Commissioners. For example, forty states have not adopted the NAIC standards for inflation protection and home health care benefits. Twenty-three states have not developed standards to insure policy renewals and nineteen states have not adopted standards prohibiting Alzheimer's exclusions. Moreover, the NAIC standards do not sufficiently address problems concerning the marketing and sale of long-term care insurance policies.

Under this bill, the Director of the Office of Technology Assessment would appoint individuals to a Long-Term Care Insurance Standards Commission. The Commission would be comprised of state insurance commissioners, consumers, insurance agents, actuaries, long-term care providers, and the insurance industry. The Commission would be responsible for establishing standards incorporating the requirements of the bill, which states would then be required to adopt.

2. Problem: Marketing and sales abuses leave consumers vulnerable to purchasing policies that they do not need.

This bill would prohibit several practices:

A. Twisting/churning which occurs when individuals are pressured into changing policies in order for an agent to receive a new sales commission.

B. High pressure tactics used by agents to threaten or capitalize on the fear of financial catastrophe associated with the cost of financing long-term care.

C. Cold lead advertising, which refers to obtaining leads for the sale of insurance by deceptive means, e.g. conducting a raffle.

The bill would also prohibit the completion of medical histories by agents. There is evidence of problems with agents who fill in medical histories incorrectly. If an agent incorrectly answers these questions on behalf of an applicant, an applicant could face the possibility of having claims denied at a later date on the basis that the applicant misrepresented his or her health status at the time of application.

The sale of long-term care insurance to an individual who is eligible for Medicaid would be prohibited.

The bill would limit the difference in commissions or other compensation for new sales and renewal to no more than 200 percent. This provision will greatly decrease the amount of "front-loading" of commissions, which refers to agents earning large commissions for new sales and smaller commissions for policy renewals.

The Secretary, acting through the Commission, would be charged with establishing requirements for long-term care insurance agent training and certification. This training and certification program would be administered in each state through the state insurance commission.

3. Problem: Marketing and sales abuses leave consumers vulnerable to purchasing benefit packages that do not guarantee coverage will be there when services are needed.

To address this problem, the bill includes two important protections:

A. Inflation protection would be a required feature of all long-term care policies.

Long-term care policies typically include benefits defined by a specific dollar level, e.g., a daily benefit equal to $50 per day for nursing home care, as opposed to the number of days covered. Assuming a conservative inflation estimate of 5 percent per year, without inflation protection a long-term care policy would be eroded by 50 percent in just 10 years. This feature would ensure that benefit levels increase by an annual amount which reflects increases in the cost of long-term care services.

B. All policies will be required to include a nonforfeiture benefit, which conforms to one of the models developed by the Long-term Care Commission.

Similar to a whole life policy or home mortgage, a nonforfeiture benefit for long-term care insurance would assure that a policy holder did not have to forfeit vested equity in a policy should the policy lapse. Long-term care policies are typically held for many years before their benefits are used. Thus, the possibility of a policy lapsing during this period is significant. For example, assuming a conservative lapse rate of 10 percent per year, only 7 percent of policies purchased as age 65 are still in force at age 85, when they are most likely to be needed.

When a long-term care insurance policy lapses, the policy holder forfeits a significant amount of equity which has been built up to pre-fund future needs. Individuals often pay into long-term care policies for 10, 15, or 20 years or more only to find that a premium suddenly makes the policy unaffordable. When this happens, policy holders surrender years of premiums plus interest earned and are left with no long-term care protection at all.

4. Problem: The current lack of information makes it difficult if not impossible for consumers to compare benefit options and insurance companies in order to make wise decisions on coverage.

Currently, insurance companies have devised their own format for explaining benefit packages, making it difficult for consumers to compare alternative policies. Consumers generally do not have information concerning how much benefits are expected to be worth over time. Nor do they have access to information concerning the reputation and quality of services or products of a particular insurance company or agent.

This bill would require the Commission's to provide standardized outline of coverage that contains information on the scope and terms of coverage, including: the principal benefits and exclusions under the policy; the effects of inflation on the benefits covered; and a statement that premiums for the policy will not increase by more than a specified percent during any calendar year.

The bill would also require states to make information available to consumers regarding the quality of insurance companies and individual agents, including complaints received with respect to long-term care insurance policies; the lapse and replacement rates for policies; the number of policy recisions; and the number of claims denied as a percent of claims submitted.

5. Problem: Some states still allow insurers to cancel long-term care insurance policies because the health of the policy holder has declined. In addition, companies are continually working to improve their policies, but they do not generally guarantees policy holders access to these improvements.

All policies would be required to be guaranteed renewable. Policies could only be cancelled for nonpayment of premium with individuals given a three-month grace period.

6. Problem: There is a variety of problems associated with the current lack of standard definitions used for benefits and services as well as the lack of a standard assessment method for determining determinations of eligibility for coverage.

The Commission would be charged with establishing standards to be used in all long-term care insurance policies according to requirements specified in the bill, including: uniform language and definitions for benefits and services; standard benefits packages; limitations on the use of pre-existing condition limitations; standardized assessments and determinations of eligibility for benefits.

Long-term care insurance policies that cover home health would have to meet additional requirements including that such policies may not limit home health benefits to skilled nursing services and that they must provide benefits for personal care services, adult day care, and respite care.

7. Problem: Even though the NAIC model act contains a prohibition on the use of prior hospitalization as a condition for receiving coverage for services, several states have not adopted this provision. Several insurers still sell policies that impose a prior stay in hospital (usually 3 days) or in a nursing home. Studies estimate that a prior hospitalization requirements effectively excludes two-thirds of the policy holders from receiving coverage for nursing home care.

Under this bill, long-term care insurance policies may not impose prior hospitalization as a prerequisite for the receipt of benefits for nursing home care or home and community-based care.

8. Problem: Some associations endorse long-term care policies that do not meet minimum standards and associations and their subsidiaries that provide endorsements for long-term care insurance policies.

9. Problem: Many elderly have difficulty in obtaining objective information concerning long-term care insurance plans sold in their state.

This bill would establish a grant program for states to establish long-term care counseling programs. The bill authorized $10 to be appropriated for this program.

10. Problem: Even states that have adopted the NAIC standards lack resources to effectively enforced the standards.

This bill would establish a demonstration program to encourage states to improve enforcement efforts.

By Mr. PACKWOOD:

S.J. Res. 239. Joint resolution designating February 6, 1992, as "National Girls and Women in Sports Day"; to the Committee on the Judiciary.

NATIONAL GIRLS AND WOMEN IN SPORTS DAY

• Mr. PACKWOOD. Mr. President, today, I rise to introduce a joint resolution to designate February 6, 1992, as "National Girls and Women in Sports Day." In the House of Representatives, a similar resolution will be introduced by Congresswoman OLYMPIA SNOWE.

Ours is a culture rich in sports tradition and sports heritage. Yet for too long the lessons learned and experiences gained from participating in sports were often denied to half of our citizens. For not until 1972, with the passage of title IX of the Education Amendments Act, were women assured equal opportunities to participate in high school and college athletics. Title IX forever changed the course of women's participation in athletics. It is important to recognize how far women have come in their athletic achievements, while not forgetting that inequities still exist.

That is why we have joined together for the past 5 years to cosponsor "National Girls and Women in Sports Day," to encourage women and girls to

participate in sports, to continue to work for equal opportunities and to celebrate the great progress made by women in sports.

Again this year a woman athlete will be presented with the Flo Hyman Award—in honor of the Olympic volleyball star who died in 1986. Last year, the award was presented to Diana Golden—a world ski champion, the 1988 Disabled Olympics gold medalist and winner of 19 national titles.

It is our hope that this resolution will inspire future generations of women athletes to strive toward the excellence which Diana Golden, Flo Hyman, and other female athletes exemplify. Mr. President, I offer this resolution designating February 6, 1992, as "National Girls and Women in Sports Day" and invite my colleagues to join me in recognizing our women athletes.●

ADDITIONAL COSPONSORS

S. 15

At the request of Mr. BIDEN, the name of the Senator from New Jersey [Mr. BRADLEY] was added as a cosponsor of S. 15, a bill to combat violence and crimes against women on the streets and in homes.

S. 20

At the request of Mr. ROTH, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 20, a bill to provide for the establishment and evaluation of performance standards and goals for expenditures in the Federal budget, and for other purposes.

S. 21

At the request of Mr. CRANSTON, the name of the Senator from New Jersey [Mr. BRADLEY] was added as a cosponsor of S. 21, a bill to provide for the protection of the public lands in the California desert.

S. 25

At the request of Mr. CRANSTON, the names of the Senator from Connecticut [Mr. LIEBERMAN] and the Senator from Nebraska [Mr. KERREY] were added as cosponsors of S. 25, a bill to protect the reproductive rights of women, and for other purposes.

S. 316

At the request of Mr. CRAIG, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 316, a bill to provide for treatment of Federal pay in the same manner as non-Federal pay with respect to garnishment and similar legal process.

S. 388

At the request of Mr. BAUCUS, the name of the Senator from Arizona [Mr. MCCAIN] was added as a cosponsor of S. 388, a bill to amend the Trade Act of 1974 to provide that interested persons may request review by the Trade Representative of a foreign country's compliance with trade agreements.

S. 447

At the request of Mr. THURMOND, the names of the Senator from South Carolina [Mr. HOLLINGS] and the Senator from Utah [Mr. HATCH] were added as cosponsors of S. 447, a bill to recognize the organization known as the Retired Enlisted Association, Incorporated.

S. 474

At the request of Mr. DECONCINI, the name of the Senator from Maryland [Mr. SARBANES] was added as a cosponsor of S. 474, a bill to prohibit sports gambling under State law.

S. 588

At the request of Mr. MITCHELL, the names of the Senator from New York [Mr. MOYNIHAN] and the Senator from New Hampshire [Mr. SMITH] were added as cosponsors of S. 588, a bill to amend the Internal Revenue Code of 1986 with respect to the tax treatment of certain cooperative service organizations of private and community foundations.

S. 615

At the request of Mr. LAUTENBERG, the name of the Senator from California [Mr. CRANSTON] was added as a cosponsor of S. 615, a bill entitled the "Environmental Marketing Claims Act of 1991."

S. 698

At the request of Mr. CRAIG, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 698, a bill to amend the Internal Revenue Code of 1986 to provide for 50 percent exclusion of long-term capital gains, and for other purposes.

S. 747

At the request of Mr. PRYOR, the name of the Senator from Illinois [Mr. DIXON] was added as a cosponsor of S. 747, a bill to amend the Internal Revenue Code of 1986 to clarify portions of the Code relating to church pension benefit plans, to modify certain provisions relating to participants in such plans, to reduce the complexity of and to bring workable consistency to the applicable rules, to promote retirement savings and benefits, and for other purposes.

S. 794

At the request of Mr. METZENBAUM, the name of the Senator from Minnesota [Mr. WELLSTONE] was added as a cosponsor of S. 794, a bill to amend the Employee Retirement Income Security Act of 1974 to provide that such act does not preempt certain State laws.

S. 843

At the request of Mr. SPECTER, his name was added as a cosponsor of S. 843, a bill to amend title 46, United States Code, to repeal the requirement that the Secretary of Transportation collect a fee or charge for recreational vessels.

S. 988

At the request of Mr. LAUTENBERG, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of S. 988, a bill to authorize the promulgation of a model building code to enhance recycling and for other purposes.

S. 1010

At the request of Mr. INOUYE, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 1010, a bill to amend the Federal Aviation Act of 1958 to provide for the establishment of limitations on the duty time for flight attendants.

S. 1067

At the request of Mr. LAUTENBERG, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 1067, a bill to amend the Urban Mass Transportation Act of 1964 to provide for grants and loans to private nonprofit corporations and associations to be used to pay operating expenses related to new and existing mass transportation services for elderly and handicapped persons.

S. 1100

At the request of Mr. KERRY, the name of the Senator from Wisconsin [Mr. KASTEN] was added as a cosponsor of S. 1100, a bill to authorize the Secretary of Housing and Urban Development to provide grants to urban and rural communities for training economically disadvantaged youth in education and employment skills and to expand the supply of housing for homeless and economically disadvantaged individuals and families.

S. 1175

At the request of Mr. KERRY, the names of the Senator from Washington [Mr. ADAMS], the Senator from Tennessee [Mr. SASSER], and the Senator from Colorado [Mr. BROWN] were added as cosponsors of S. 1175, a bill to make eligibility standards for the award of the Purple Heart currently in effect applicable to members of the Armed Forces of the United States who were taken prisoners or taken captive by a hostile foreign government or its agents or a hostile force before April 25, 1962, and for other purposes.

S. 1289

At the request of Mr. BIDEN, the name of the Senator from Oklahoma [Mr. BOREN] was added as a cosponsor of S. 1289, a bill to amend the provisions of the Higher Education Act of 1965 relating to treatment by campus officials of sexual assault victims.

S. 1332

At the request of Mr. BAUCUS, the name of the Senator from Nebraska [Mr. KERREY] was added as a cosponsor of S. 1332, a bill to amend title XVIII of the Social Security Act to provide relief to physicians with respect to excessive regulations under the Medicare Program.

S. 1423

At the request of Mr. DODD, the names of the Senator from Idaho [Mr. CRAIG], the Senator from Minnesota [Mr. WELLSTONE], the Senator from

California [Mr. CRANSTON], the Senator from North Dakota [Mr. BURDICK], and the Senator from Nebraska [Mr. KERREY] were added as cosponsors of S. 1423, a bill to amend the Securities Exchange Act of 1934 with respect to limited partnership rollups.

S. 1557

At the request of Mr. LAUTENBERG, the name of the Senator from California [Mr. CRANSTON] was added as a cosponsor of S. 1557, a bill to improve the implementation and enforcement of the Federal Cleanup Program.

S. 1578

At the request of Mr. THURMOND, the names of the Senator from Hawaii [Mr. INOUYE] and the Senator from Arkansas [Mr. BUMPERS] were added as cosponsors of S. 1578, a bill to recognize and grant a Federal charter to the Military Order of World Wars.

S. 1641

At the request of Mr. BREAUX, the name of the Senator from Wyoming [Mr. WALLOP] was added as a cosponsor of S. 1641, a bill to amend section 468A of the Internal Revenue Code of 1986 with respect to deductions for decommissioning costs of nuclear powerplants.

S. 1673

At the request of Mr. HEFLIN, the name of the Senator from Georgia [Mr. NUNN] was added as a cosponsor of S. 1673, a bill to improve the Federal Justices and Judges Survivors' Annuities Program, and for other purposes.

S. 1677

At the request of Mr. DASCHLE, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of S. 1677, a bill to amend title XIX of the Social Security Act to provide for coverage of alcoholism and drug dependency residential treatment services for pregnant women and certain family members under the Medicaid Program, and for other purposes.

S. 1725

At the request of Mr. DIXON, the names of the Senator from New Jersey [Mr. BRADLEY] and the Senator from South Carolina [Mr. HOLLINGS] were added as cosponsors of S. 1725, a bill to authorize the minting and issuance of coins in commemoration of the quincentenary of the first voyage to the New World by Christopher Columbus and to establish the Christopher Columbus Quincentenary Scholarship Foundation and an Endowment Fund, and for related purposes.

S. 1788

At the request of Mr. WIRTH, the name of the Senator from Nebraska [Mr. EXON] was added as a cosponsor of S. 1788, a bill to establish the National Air and Space Museum Expansion Site Advisory Panel for the purpose of developing a national competition for the evaluation of possible expansion sites for the National Air and Space Museum, and to authorize the Board of Regents of the Smithsonian Institution to select, plan, and design such site.

S. 1810

At the request of Mr. ROCKEFELLER, the names of the Senator from Nevada [Mr. REID] and the Senator from North Dakota [Mr. BURDICK] were added as cosponsors of S. 1810, a bill to amend title XVIII of the Social Security Act to provide for corrections with respect to the implementation of reform of payments to physicians under the Medicare Program, and for other purposes.

S. 1829

At the request of Mr. D'AMATO, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of S. 1829, a bill to expand the exclusion of service of election officials or election workers from Social Security coverage.

S. 1850

At the request of Mr. BAUCUS, the name of the Senator from Michigan [Mr. RIEGLE] was added as a cosponsor of S. 1850, a bill to extend the period during which the U.S. Trade Representative is required to identify trade liberalization priorities, and for other purposes.

S. 1851

At the request of Mr. ROCKEFELLER, the names of the Senator from Rhode Island [Mr. CHAFEE] and the Senator from Rhode Island [Mr. PELL] were added as cosponsors of S. 1851, a bill to provide for a Management Corps that would provide the expertise of United States businesses to the Republics of the Soviet Union and the Baltic States.

S. 1901

At the request of Mr. DASCHLE, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 1901, a bill to amend title 5, United States Code, to make election day a legal public holiday, with such holiday to be known as "Democracy Day."

S. 1902

At the request of Mr. ADAMS, the name of the Senator from Minnesota [Mr. WELLSTONE] was added as a cosponsor of S. 1902, a bill to amend title IV of the Public Health Service Act to require certain review and recommendations concerning applications for assistance to perform research and to permit certain research concerning the transplantation of human fetal tissue for therapeutic purposes, and for other purposes.

S. 1912

At the request of Mr. DOMENICI, the name of the Senator from Louisiana [Mr. JOHNSTON] was added as a cosponsor of S. 1912, a bill to amend the Public Health Service Act and the Social Security Act to increase the availability of primary and preventive health care, and for other purposes.

S. 1962

At the request of Mr. ADAMS, the name of the Senator from California [Mr. CRANSTON] was added as a cosponsor of S. 1962, a bill to amend the Civil Rights Act of 1991 to apply the act to certain workers, and for other purposes.

S. 1989

At the request of Mr. ROCKEFELLER, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 1989, a bill to amend certain provisions of the Internal Revenue Code of 1986 to improve the provision of health care to retirees in the coal industry, to revise the manner in which such care is funded and maintained, and for other purposes.

S. 2000

At the request of Mr. PRYOR, the name of the Senator from Nebraska [Mr. KERREY] was added as a cosponsor of S. 2000, a bill to provide for the containment of prescription drug prices by reducing certain non-research related tax credits to pharmaceutical manufacturers, by establishing the Prescription Drug Policy Review Commission, by requiring a study of the feasibility of establishing a pharmaceutical products price review board, and by requiring a study of the value of Federal subsidies and tax credits given to pharmaceutical manufacturers, and for other purposes.

S. 2085

At the request of Mr. PRYOR, the names of the Senator from Arkansas [Mr. BUMPERS] and the Senator from Louisiana [Mr. JOHNSTON] were added as cosponsors of S. 2085, a bill entitled the Federal-State Pesticide Regulation Partnership.

S. 2103

At the request of Mr. GRASSLEY, the name of the Senator from North Dakota [Mr. BURDICK] was added as a cosponsor of S. 2103, a bill to amend title XVIII of the Social Security Act to provide for increased Medicare reimbursement for nurse practitioners, clinical nurse specialists, and certified nurse midwives, to increase the delivery of health services in health professional shortage areas, and for other purposes.

S. 2104

At the request of Mr. GRASSLEY, the name of the Senator from North Dakota [Mr. BURDICK] was added as a cosponsor of S. 2104, a bill to amend title XVIII of the Social Security Act to provide for increased medicare reimbursement for physical assistance, to increase the delivery of health services in health professional shortage areas, and for other purposes.

S. 2106

At the request of Mr. CRANSTON, the names of the Senator from Maine [Mr. COHEN] and the Senator from Hawaii [Mr. INOUYE] were added as cosponsors of S. 2106, a bill to grant a Federal charter to the Fleet Reserve Association.

SENATE JOINT RESOLUTION 139

At the request of Mr. THURMOND, the names of the Senator from Missouri

[Mr. DANFORTH], the Senator from Idaho [Mr. SYMMS], the Senator from South Carolina [Mr. HOLLINGS], the Senator from West Virginia [Mr. BYRD], the Senator from Florida [Mr. MACK], the Senator from Virginia [Mr. WARNER], the Senator from Nebraska [Mr. EXON], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Vermont [Mr. LEAHY], the Senator from Mississippi [Mr. COCHRAN], the Senator from Alabama [Mr. SHELBY], the Senator from Maine [Mr. COHEN], the Senator from Arkansas [Mr. BUMPERS], the Senator from Connecticut [Mr. DODD], the Senator from Nevada [Mr. REID], the Senator from Nevada [Mr. BRYAN], the Senator from Utah [Mr. GARN], the Senator from Connecticut [Mr. LIEBERMAN], and the Senator from Florida [Mr. GRAHAM] were added as cosponsors of Senate Joint Resolution 139, a joint resolution to designate October 1992, as "National Lock-In-Safety Month."

SENATE JOINT RESOLUTION 210

At the request of Mrs. KASSEBAUM, the names of the Senator from Maine [Mr. MITCHELL], the Senator from West Virginia [Mr. BYRD], the Senator from Pennsylvania [Mr. SPECTER], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Utah [Mr. GARN], the Senator from Texas [Mr. BENTSEN], the Senator from Virginia [Mr. ROBB], the Senator from Illinois [Mr. DIXON], the Senator from Arizona [Mr. DECONCINI], the Senator from Michigan [Mr. RIEGLE], the Senator from Ohio [Mr. GLENN], the Senator from New Mexico [Mr. DOMENICI], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Virginia [Mr. WARNER], the Senator from Mississippi [Mr. LOTT], the Senator from Georgia [Mr. NUNN], the Senator from Oregon [Mr. PACKWOOD], the Senator from Maine [Mr. COHEN], and the Senator from Washington [Mr. ADAMS] were added as cosponsors of Senate Joint Resolution 210, a joint resolution to designate March 12, 1992, as "Girl Scouts of the United States of America 80th Anniversary Day."

SENATE JOINT RESOLUTION 228

At the request of Mr. D'AMATO, the names of the Senator from Alaska [Mr. MURKOWSKI] and the Senator from Connecticut [Mr. DODD] were added as cosponsors of Senate Joint Resolution 228, a joint resolution to designate the week beginning February 23, 1992, as "National Manufacturing Week."

SENATE JOINT RESOLUTION 233

At the request of Mr. BIDEN, the names of the Senator from Nebraska [Mr. EXON], the Senator from New Jersey [Mr. BRADLEY], and the Senator from Michigan [Mr. LEVIN] were added as cosponsors of Senate Joint Resolution 233, a joint resolution to designate the week beginning April 12, 1992, as "National Public Safety Telecommunicators Week."

59-059 O—96 Vol. 138 (Pt. 1) 5

SENATE JOINT RESOLUTION 236

At the request of Mr. D'AMATO, the name of the Senator from New Jersey [Mr. BRADLEY] was added as a cosponsor of Senate Joint Resolution 236, a joint resolution designating the third week in September 1992 as "National Fragrance Week."

SENATE CONCURRENT RESOLUTION 65

At the request of Mr. LEVIN, his name was added as a cosponsor of Senate Concurrent Resolution 65, a concurrent resolution to express the sense of the Congress that the President should recognize Ukraine's independence.

SENATE CONCURRENT RESOLUTION 70

At the request of Mr. SANFORD, the name of the Senator from Hawaii [Mr. AKAKA] was added as a cosponsor of Senate Concurrent Resolution 70, a concurrent resolution to express the sense of the Congress with respect to the support of the United States for the protection of the African elephant.

SENATE CONCURRENT RESOLUTION 74

At the request of Mr. DECONCINI, the names of the Senator from North Dakota [Mr. CONRAD], the Senator from Pennsylvania [Mr. SPECTER], and the Senator from Vermont [Mr. JEFFORDS] were added as cosponsors of Senate Concurrent Resolution 74, a concurrent resolution calling for acceptance and implementation by certain republics of the commitments on human rights, fundamental freedoms, and humanitarian cooperation contained in the Helsinki Final Act and other documents of the Conference on Security and Cooperation in Europe.

SENATE RESOLUTION 213

At the request of Mr. GORE, the names of the Senator from California [Mr. SEYMOUR] and the Senator from Utah [Mr. HATCH] were added as cosponsors of Senate Resolution 213, a resolution expressing the sense of the Senate regarding United States policy toward Yugoslavia.

SENATE RESOLUTION 227

At the request of Mr. PRESSLER, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of Senate Resolution 227, a resolution expressing the sense of the Senate that meaningful reforms with respect to agricultural subsidies must be achieved in the GATT negotiations.

SENATE RESOLUTION 242—INFORMING THE HOUSE THAT A QUORUM OF THE SENATE IS ASSEMBLED

Mr. MITCHELL submitted the following resolution; which was considered and agreed to:

S. RES. 242

Resolved, That the Secretary inform the House of Representatives that a quorum of the Senate is assembled and that the Senate is ready to proceed to business.

SENATE RESOLUTION 243—INFORMING THE PRESIDENT OF THE UNITED STATES THAT A QUORUM OF EACH HOUSE IS ASSEMBLED

Mr. MITCHELL submitted the following resolution; which was considered and agreed to:

S. RES. 243

Resolved, That a committee consisting of two Senators be appointed to join such committee as may be appointed by the House of Representatives to wait upon the President of the United States and inform him that a quorum of each House is assembled and that the Congress is ready to receive any communication he may be pleased to make.

SENATE RESOLUTION 244—RELATING TO THE AMERICANS HELD HOSTAGE IN LEBANON

Mr. DECONCINI submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 244

Whereas the last of the Americans held hostage in Lebanon, some for more than six years, have been released;

Whereas three of the American hostages were brutally killed by their captors;

Whereas the families of those held captive, and the families of those hostages killed in captivity, endured great hardships;

Whereas during the period of the hostages' captivity the families of the hostages and the American people kept the plight of the hostages foremost among their concerns while the President, the Secretary of State, United Nations Secretary General Javier Peres de Cuellar and his aide, Gian Domenico Picco, made every effort, diplomatic and humanitarian, to secure their release: Now, therefore, be it

Resolved, That the Senate hereby—

(1) expresses its elation at the release of the last of the Americans held hostage in Lebanon and its relief at their safe return to the United States;

(2) praises the courage and heroism displayed by the hostages during their years of captivity;

(3) further expresses its deep sorrow for the three Americans killed in captivity: William Buckley, Colonel William Higgins and Peter Kilburn;

(4) further expresses its outrage at the treatment of the hostages by their captors and at the brutal killing of the three American hostages;

(5) recognizes the courage of the hostages' families in enduring years of fear and uncertainty; and

(6) praises the indefatigable efforts of United Nations Secretary General Javier Peres de Cuellar and his aide, Gian Domenico Picco, as well as those of President Bush and other officials of the United States Government, to secure the release of the Americans and other hostages held captive in Lebanon.

• Mr. DECONCINI. Mr. President, I rise today to offer a resolution recognizing the release of the American citizens held captive in Lebanon, and to praise them for their courage, tenacity, and dignity under duress. My resolution also recognizes their families, who had to endure years of cruel torment with

fear and uncertainty over the well being, and indeed, the very lives of their loved ones. Throughout their long ordeal, both the hostages and their families have been a source of concern, prayer, and inspiration for millions of Americans.

Fortunately, Mr. President, most of the hostages were returned to their homes in time to celebrate the holiday season with their families. But the tales of brutality that they endured, and the psychological and physical scars that they will carry throughout their lives, make their return a bittersweet event. Alann Steen, seized January 24, 1987, has permanent brain damage from being beaten and having his head slammed against a wall 4 years ago. He still suffers from seizures and blackouts. Joseph Cicippio, seized September 12, 1986, has permanent damage to his hands and feet from frostbite sustained when he was chained on an outside balcony for two winters. Thomas Sutherland, taken captive June 9, 1985, suffers from dental and mobility problems due to repeated beatings. Each of the former hostages can relate similar acts of horror sustained at the hands of cruel and unmerciful terrorists.

I would like to offer special recognition to Terry Anderson, the longest held hostage, whose ordeal lasted 2,455 days. He met his 6-year-old daughter, Sulome, for the first time last month. It was Anderson's family who kept his cause alive, and kept the public's attention focused on the plight of all the hostages. Anderson's sister, Peggy Say, made several trips to Arab capitals, meeting with officials and clerical leaders to plead for her brother's release. She made herself available to anyone who cared to listen.

Anderson's brother, Rich, made a video while lying in a hospital bed dying of cancer. He pleaded: "I have made a vow, that I would not die before I saw my brother one more time. That vow is coming to an end. Please, let me see my brother just one more time before I die." Sadly, his last wish went unfulfilled.

We rejoice with Terry Anderson, Thomas Sutherland, Joseph Cicippio, Edward Tracy, Jesse Turner, and Alann Steen. They are home with their families. Their nightmare, and ours, has ended. Tragically for three of our citizens, CIA station chief William Buckley, Lt. Col. William Richard Higgins, and Peter Kilburn, the nightmare has a different ending. These three men died at the hands of their brutal and sadistic captors. Colonel Higgins deliberately stepped in harm's way as a member of the special United Nations peacekeeping force in Lebanon. The reward for his service was a sentence of torture and death, at the hands of a group calling itself the Revolutionary Justice Organization. The sight of Colonel Higgins dangling lifelessly from the end of a rope is hauntingly etched upon my memory and the memory of millions, especially, I'm certain, his wife, family, and friends.

Mr. President, now that their nightmare is over, these brave men and their devoted families deserve recognition for their heroism in the face of the atrocities they endured. Recognition by this body will not heal their physical ailments or wash away the scars of their captivity. It is our obligation, however, not to let this episode face from our Nation's memory. We must use this occasion not only to show our appreciation for their courage, but also to demonstrate that our Nation cannot be held hostage to inhumane terrorist organizations and their radical demands.

Mr. President, I ask my colleagues to join me in supporting this resolution. For their courage in enduring the pain and agony of captivity, these former hostages and their families deserve the recognition of the U.S. Senate. It is the very least we can do.●

SENATE RESOLUTION 245—SUPPORTING UNITED STATES WORKERS AND OBJECTING TO ATTEMPTS BY THE JAPANESE PRIME MINISTER TO UNDERMINE THE PRESIDENT'S TRADE MISSION

Mr. DIXON (for himself and Mr. RIEGLE) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 245

Whereas the United States worker is one of the most productive in the world;

Whereas it was the hard work, dedication, and efficiency of United States workers that made the United States the number one industrial power in the world;

Whereas the quality of United States products is one of the best in the world;

Whereas the United States has been able to successfully export to other areas of the world;

Whereas the trade deficit with Japan for 1991 is approximately $42 billion;

Whereas United States and other foreign auto makers attempting to sell in Japan have less than 3 percent of the Japanese market;

Whereas Japan's structural impediments, such as restrictive distribution system, exclusionary business practices, keiretsu relationships, regulatory system, land policy, and predatory pricing practices, prevent United States companies from fairly competing in Japan;

Whereas Japan's tariffs and quotas on foreign agricultural goods restrict the import of United States agricultural products into Japan;

Whereas Japan still violates United States copyright, patent, and trademark protection laws; and

Whereas Japan still restricts foreign direct investment in certain industries and the United States permits unrestricted foreign investment: Now, therefore, be it

Resolved, That it is the sense of the Senate that the Senate objects to—

(1) the comments made by Japan's Speaker of the House, Yoshio Sakurauchi, regarding American workers, and

(2) the statements made by Prime Minister Kiichi Miyazawa undermining the commitment that was made with President Bush.

Mr. DIXON. Madam President, Speaker of the House Yoshio Sakurauchi said that America lost its global lead because its workers "want high pay without working for it," according to the newspaper, Yomiuri Shimbun.

Mr. Sakurauchi went on to say that the "real reason" for the United States trade deficit with Japan is the "deterioration in the quality of U.S. workers."

Mr. Sakurauchi's comments are dead wrong. The U.S. worker is one of the most productive in the world.

In fact, the United States is rated No. 1 compared to Canada, Japan, Korea, Germany, and Britain in terms of gross domestic product produced per employed person.

It was the hard work, dedication, and efficiency of U.S. workers that made the United States the No. 1 industrial power in the world.

Americans still produce some of the highest quality products in the world made from high-technology computers to blue jeans. "Made in America" means a quality made product.

What Mr. Sakurauchi and Prime Minister Miyazawa neglected to mention was the unfair trade barriers facing United States products in Japan. Japan's structural impediments—restrictive distribution system, exclusionary business practices, keiretsu relationships, regulatory system, land policy, and predatory pricing practices—prevent United States companies from fairly competing in Japan.

Prime Minister Kiichi Miyazawa told NHK television network in Japan that Japan's announcement to purchase 20,000 cars and $19 billion in auto parts was "a target rather than a firm promise."

Further, Toyota chairman Eiji Toyota, who had announced a plan to sell GM cars through his company's dealerships, said that Toyota will "consider the possibility of selling GM cars. It is too much to say we will actually sell them."

This is an outrage. These statements seriously undermine the commitment that Prime Minister Kiichi Miyazawa made with President Bush, and the comments of Speaker Sakurauchi are insulting to the American worker.

I ask unanimous consent at this point in time to have printed in the RECORD productivity information that I think is pertinent to what I have said here.

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

RELATIVE LEVELS: PURCHASING-POWER-PARITY EXCHANGE RATES

Real Gross Domestic Product, Real GDP per Capita, and Real DGP per Employed Person, Output Based on OFCD Price Weights (United States = 100)

Year	United States	Canada	Japan	Korea	Austria	Belgium	Denmark	France	Germany	Italy	Nether-lands	Norway	Sweden	United Kingdom
Gross domestic product per employed person:														
1950	100.0	76.1	15.7	NA	30.9	47.2	NA	38.1	34.3	29.6	49.7	43.3	NA	54.4
1955	100.0	78.0	18.8	NA	34.0	47.2	44.8	41.0	40.7	34.4	52.4	44.7	NA	52.2
1960	100.0	79.0	24.1	NA	39.2	50.7	53.1	47.7	49.5	42.1	57.5	50.5	52.4	54.7
1961	100.0	78.2	26.6	NA	40.0	51.5	54.0	49.0	49.7	44.1	56.9	51.4	53.6	54.5
1962	100.0	78.9	27.2	NA	39.7	51.6	54.3	50.6	50.1	45.4	56.3	50.8	53.8	53.0
1963	100.0	79.0	29.0	13.0	40.5	52.1	52.5	51.5	50.1	47.5	55.9	51.1	54.9	53.7
1964	100.0	79.0	31.4	13.6	41.7	53.3	54.3	52.7	51.8	47.6	57.9	51.9	56.1	54.1
1965	100.0	78.7	31.5	13.2	41.8	53.2	54.2	53.3	52.5	48.8	58.5	52.5	56.0	53.0
1966	100.0	78.5	33.2	14.1	43.4	53.2	53.0	54.1	52.7	51.1	58.0	52.8	55.5	52.6
1967	100.0	78.2	35.8	14.3	45.3	55.3	54.9	56.2	54.1	53.9	61.0	55.4	57.8	54.4
1968	100.0	79.3	38.9	14.9	47.0	56.5	55.4	57.7	55.9	56.3	63.3	55.5	58.1	55.8
1969	100.0	81.1	43.2	16.5	50.0	59.3	58.3	60.8	59.1	60.2	66.4	57.5	59.9	56.6
1970	100.0	83.0	47.3	17.5	53.8	63.5	59.6	63.9	61.9	63.6	70.0	58.2	63.0	58.6
1971	100.0	83.9	47.9	18.2	54.6	63.9	59.5	65.2	62.1	63.2	70.9	59.0	62.3	59.7
1972	100.0	84.6	50.8	17.9	56.5	66.2	60.2	66.4	63.2	64.9	72.5	60.2	62.4	59.7
1973	100.0	85.5	52.5	19.1	57.4	68.4	60.6	68.0	64.6	67.8	74.7	61.3	63.6	62.2
1974	100.0	88.0	53.7	20.5	60.7	71.9	61.8	71.3	67.2	72.0	78.9	65.3	66.0	63.1
1975	100.0	88.7	55.4	21.6	60.7	71.9	62.1	71.7	68.1	69.6	79.3	66.7	66.3	62.9
1976	100.0	90.9	56.3	22.7	62.2	75.2	64.0	73.1	71.0	72.6	81.5	67.9	65.8	64.8
1977	100.0	91.7	57.6	24.2	63.8	75.1	63.9	74.1	72.2	73.6	81.1	67.9	64.0	64.8
1978	100.0	91.8	59.2	25.5	63.1	76.4	63.6	75.6	73.2	75.6	81.6	69.1	64.3	66.0
1979	100.0	92.3	62.1	27.2	66.1	77.9	65.6	78.6	75.4	79.8	82.6	72.0	66.3	67.1
1980	100.0	91.6	64.1	26.5	68.3	81.8	66.0	80.3	75.6	82.5	81.3	73.9	67.1	66.9
1981	100.0	91.6	65.3	27.6	67.4	82.0	65.7	81.1	75.2	82.0	79.6	73.2	66.5	68.0
1982	100.0	93.4	67.8	28.9	70.1	85.7	68.6	84.4	76.6	83.7	80.2	74.6	68.5	70.8
1983	100.0	93.6	66.9	31.0	70.4	84.9	68.4	83.3	77.1	82.4	81.0	76.5	67.9	72.2
1984	100.0	94.5	67.5	33.2	69.3	84.4	68.3	82.9	76.9	81.8	79.6	78.2	68.1	70.2
1985	100.0	95.0	69.3	33.7	69.8	83.4	68.4	83.4	76.6	82.3	78.1	78.9	67.9	70.8
1986	100.0	94.9	70.0	36.3	69.8	83.6	68.7	84.8	76.7	83.5	77.9	79.2	68.5	72.6
1987	100.0	95.0	71.5	38.2	70.5	84.2	67.6	85.6	76.5	85.4	76.5	78.4	69.2	73.6
1988	100.0	94.0	73.1	40.4	70.6	85.0	66.5	86.6	77.0	85.7	76.2	76.9	68.3	72.2
1989	100.0	94.6	74.6	41.1	72.2	86.9	67.4	88.7	78.0	88.4	77.3	78.9	68.4	71.5
1990	100.0	93.0	76.9	43.3	74.4	88.7	68.6	89.7	79.1	88.4	77.7	80.4	67.7	71.2

AMENDMENTS SUBMITTED

NATIONAL LITERACY ACT OF 1992

WOFFORD AMENDMENT NO. 1464

(Ordered to lie on the table.)

Mr. WOFFORD submitted an amendment intended to be proposed by him to the bill (S. 2) to promote the achievement of national education goals, to establish a National Council on Educational Goals and an academic report card to measure progress on the goals, and to promote literacy in the United States, and for other purposes, as follows:

On page 24, line 12, strike "and" the second place such term appears.

On page 24, line 13, insert "and" after the semicolon.

On page 24, between lines 13 and 14, insert the following:

(J) the use of service-learning teaching methods and involvement in community service;

On page 45, line 17, insert "the Commission on National and Community Service" after "centers,".

On page 53, line 7, strike "and".

On page 53, between lines 7 and 8, insert the following:

(13) service-learning and student community service projects; and

On page 53, line 8, strike "(13)" and insert "(14)".

• Mr. WOFFORD. Mr. President, I submit an amendment to integrate community service into the school reform efforts of the Neighborhood Schools Improvement Act. This act will make great strides in preparing the work force of the 21st century. These efforts can only be strengthened by helping our children to take personal responsibility and direct action against the pressing problems facing their communities.

When integrated into a school's curriculum, community service can enhance student performance in the entire range of studies. A youngster who tutors others in algebra hones his own math skills. A child who plants trees in a public park learns about biology. And a child who helps a recent immigrant learn English will gain a greater understanding of the rules of grammar. Community service can benefit all types of students—from those who are bored with traditional course work to those particularly gifted students who need greater challenges to remain interested in school.

I know from my own community service work that much of the pioneering work in service-learning is being done at the State level. In Pennsylvania, the statewide PENNserve Program is working to infuse schools, community organizations, colleges, and job training systems with a culture of service. In Fulsome, PA, students learn physics as they help families to make their homes more energy efficient. In Philadelphia, students teach younger children about preventive health care—reinforcing the importance of preventive health care in their own lives. I hope the amendment I am introducing today will help PENNserve to continue to thrive, and will help other States to learn from PENNserve's example.

The strength of our democracy depends on educated, informed, and involved citizens. We must instill in children from an early age that they are part of a larger community—and that citizenship entails certain responsibilities.

But beyond that, children gain the confidence that comes from realizing that they are needed and valued, and that through their actions they can effect change—both in their own lives, and in the world. This confidence will help children to succeed in school. Often, children become disillusioned with education because they see its benefits as some vague and distant promise of future prosperity. With community involvement, the children see direct results from their work.

The community benefits from more than just the services provided by students. Too often, the younger generation is viewed in terms of its problems; drug addiction, teenage pregnancy, gang violence. Community service can help us to see them as a resource rather than a threat. Community service can build bridges between the generations.

The amendment I am introducing integrates the concept of service-learning into the broader program of school reform. The first provision of this amendment would require the National Council on Education Goals to review data on how service-learning can improve not just citizenship but also achievement in traditional subjects. Too many educators still see community service as an extracurricular activity. The National Council on Education Goals will have the resources and attention needed to show that community service is an integral part of school reform.

My amendment also encourages grant applicants to use the Commission on National and Community Service as a resource in developing their reform plan. The Commission, which was created by the National and Commu-

nity Service Act of 1990, can provide research and information on model service projects. School-based community service programs are best developed by individual schools—for only they know the true needs of their communities. But teachers and administrators can learn from the experience of other schools in establishing service projects that best suit their students and their communities.

And finally, this amendment will help schools to develop their own service-learning programs by encouraging schools to use grants for community service projects. This amendment does not ask for any more Federal funds—it merely encourages schools with community service programs to apply for the grants established by S. 2. Federal funding will allow innovative service programs to grow, providing even more children with the opportunity to serve.

Education does not need to be an isolating process. We lose sight of the goals of education if we allow it to occur in a vacuum. Service-learning will help us to expand classrooms to include the community, the Nation, and the world.●

DURENBERGER (AND LIEBERMAN) AMENDMENT NO. 1465

(Ordered to lie on the table.)

Mr. DURENBERGER (for himself and Mr. LIEBERMAN) submitted an amendment intended to be proposed by them to the bill S. 2, supra, as follows:

On page 34, line 11, strike "and" the second place such term appears.

On page 34, between lines 11 and 12, insert the following:

(iii) initiatives to expand the number and diversity of school choices available by establishing new chartered public schools, including—

(I) planning, equipment purchases, and other startup costs of new chartered public schools; and

(II) minor renovation of facilities necessary to meet applicable State and local health and safety requirements; and

On page 34, line 12, strike "(iii)" and insert "(iv)".

On page 56, between lines 22 and 23, insert the following:

(1) the term "chartered public school" means a school—

(A) that is nonsectarian in its programs, admission policies, employment practices, and all other operations;

(B) the sponsor of which does not support a chartered public school or program that is affiliated with a nonpublic sectarian school or a religious institution;

(C) that has a primary focus of providing a comprehensive program of instruction for at least one grade from kindergarten to twelfth grade or one age group from 5 to 18 years of age;

(D) that does not charge tuition;

(E) that complies with title VI of the Civil Rights Act of 1964, title IX of the Education Amendments of 1972, and the procedural safeguards under the Individuals with Disabilities Education Act;

(F) in the event that more students choose to attend than may be accomodated, that admits students on the basis of a lottery;

(G) that is subject to the same Federal and State audits and audit procedures and requirements as any other school located in the State in which such school is located;

(H) that meets all State and local health and safety requirements;

(I) that has entered into an outcome-based performance contract with a sponsor;

(J) that has been granted a waiver of all State and Federal statutes and regulations applicable to a school board, local educational agency or school district that are relevant to and hinder the establishment of a chartered public school in such State, except regulations or statutes described in subparagraph (E), (G) or (H);

(K) that is eligible to receive Federal, State, and local education revenue, grants and other aids as though such school were a local educational agency;

On page 56, line 23, strike "(1)" and insert "(2)".

On page 57, line 1, strike "(2)" and insert "(3)".

On page 57, line 4, strike "(3)" and insert "(4)".

On page 57, between lines 7 and 8, insert the following:

(5) the term "outcome-based performance contract" means a—

(A) written, multiyear agreement between a chartered public school and a sponsor that—

(i) sets forth specific outcomes to be achieved by the students attending the chartered public school;

(ii) provides a description of how the chartered public school shall be required to meet the definition of chartered public school as described in paragraph (11);

(iii) provides an explanation of how progress in meeting the required outcomes shall be measured; and

(iv) contains a description of how teachers, parents, and community members have been, or will be, involved in the planning, development and implementation of the chartered public school;

On page 57, line 8, strike "(4)" and insert "(6)".

On page 57, line 13, strike "(5)" and insert "(7)".

On page 57, line 17, strike "(6)" and insert "(8)".

On page 57, line 21, strike "(7)" and insert "(9)".

On page 57, line 23, strike "(8)" and insert "(10)".

On page 58, before line 1, insert the following:

(11) the term "sponsor" means a—

(A) school board;

(B) local educational agency;

(C) joint board formed for educational purposes if at least one member of such board is a school board;

(D) State education agency; or

(E) any other State or public agency designated by State law to act as a sponsor for a chartered public school;

On page 58, line 1, strike "(9)" and insert "(12)".

On page 58, line 4, strike "(10)" and insert "(13)".

CRAIG AMENDMENTS NOS. 1466 AND 1467

(Ordered to lie on the table.)

Mr. DOLE. (for Mr. CRAIG) submitted two amendments intended to be proposed by him to the bill S. 2, supra, as follows:

AMENDMENT NO. 1466

On page 2, after the item relating to section 212, insert the following:

TITLE III—FREEDOM OF SPEECH ON CAMPUS

Sec. 301. Short title

Sec. 302. Prohibition of discrimination.

On page 2, in the table of contents, redesignate the item relating to title III as the item relating to title IV.

On page 2, in the table of contents, redesignate the item relating to section 301 as the item relating to section 401.

On page 56, between lines 19 and 20, insert the following:

TITLE III—FREEDOM OF SPEECH ON CAMPUS

SEC. 301. SHORT TITLE.

This Act may be cited as the "Freedom of Speech on Campus Act of 1992".

SEC. 302. PROHIBITING OF DISCRIMINATION.

(a) IN GENERAL.—Title IX of the Education Amendments of 1972 is amended by inserting after section 901 (20 U.S.C. 1681) the following new section:

"SEC. 901A. PROHIBITION OF DISCRIMINATION BASED ON PROTECTED SPEECH.

"(a) PROHIBITION.—

"(1) IN GENERAL.—Except as provided in paragraph (2), no student attending an institution of higher education shall, on the basis of protected speech, be excluded from participation in, be denied the benefits of, or be subjected to discrimination or official sanction under, any education program or activity receiving Federal financial assistance under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.).

"(2) RELIGIOUS AND MILITARY INSTITUTIONS.—Paragraph (1) shall not apply to an institution of higher education—

"(A) that is controlled by or affiliated with a religious organization, if the application of this section would not be consistent with the religious tenets of such organizations; or

"(B) whose primary purpose is the training of individuals for—

"(i) the military service of the United States; or

"(ii) the merchant marine.

"(b) CONSTRUCTION.—Nothing in subsection (a) shall be construed to prevent—

"(1) the imposition of an official sanction on a student determined to have willfully participated in the disruption or attempted disruption of a lecture, class, speech, presentation, or performance, made or scheduled to be made, under the auspices of the institution of higher education; or

"(2) actions by the institution of higher education that are necessary to ensure—

"(A) the safety of individuals;

"(B) the protection of property; and

"(C) the continuation of the academic and administrative process without interference.

"(c) DEFINITIONS.—As used in this section:

"(1) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given the term in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1441(A)).

"(2) PROTECTED SPEECH.—The term 'protected speech' means speech that is protected under the first and fourteenth amendments to the United States Constitution, or would be so protected if the institution of higher education were subject to those amendments.

"(3) OFFICIAL SANCTION.—The term 'official sanction'—

"(A) means expulsion, suspension, probation, censure, condemnation, reprimand, or any other disciplinary, coercive, or adverse action taken by in institution of higher education or an administrative unit of the institution; and

"(B) includes an oral or written warning made by an official of an institution of higher education acting in the official capacity of the official.".

(b) FEDERAL ADMINISTRATIVE ENFORCEMENT.—Section 902 of the Education Amendments of 1972 (20 U.S.C. 1682) is amended in the first sentence by striking out "section 901" and inserting "sections 901 and 901A".

AMENDMENT NO. 1467

On page 2, after the item relating to section 212, insert the following:

TITLE III—FREEDOM OF SPEECH ON CAMPUS

Sec. 301. Findings.
Sec. 302. Sense of the Senate.

On page 2, in the table of contents, redesignate the item relating to title III as the item relating to title IV.

On page 2, in the table of contents, redesignate the item relating to section 301 as the item relating to section 401.

On page 56, between lines 19 and 20, insert the following:

TITLE III—FREEDOM OF SPEECH ON CAMPUS

SEC. 301. FINDINGS.

The Congress finds that—

(1) free speech is a fundamental right and a safeguard against political and intellectual tyranny;

(2) curtailment of free speech strikes twice at intellectual freedom, for whoever deprives a person of the right to state unpopular views necessarily deprives other persons of the right to listen to the views;

(3) the primary and traditional function of a university is to disseminate knowledge and assist in the search for truth, and, in order to carry out the function, to do everything possible to ensure the free exchange of ideas and the fullest degree of intellectual freedom;

(4) therefore, to carry out the function of the university, every member of the university has an obligation to permit free expression, and every university official has a special obligation to foster freedom of speech and to ensure that the speech is not obstructed, at the university; and

(5) unfortunately, some universities and other institutions of higher education are using Federal funds to institute prior restraints on speech, by taking action such as instituting behavior codes and harassment policies that require "politically correct" speech, with the effect of suppressing unpopular viewpoints.

SEC. 302. SENSE OF CONGRESS.

It is the sense of Congress that students attending universities, or other institutions of higher education, that receive Federal funds should be able to exercise full rights to freedom of speech on campus free from official intrusion.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for my colleagues and the public that an oversight hearing has been scheduled before the Committee on Energy and Natural Resources.

The purpose of the hearing is to receive testimony on the Hawaiian Homes Commission Act.

The hearing will take place on Thursday, February 6, 1992, at 9:30 a.m., in room SD-628 of the Dirksen Senate Office Building, First and C Streets, NE., Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the printed hearing record should send their comments to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510, Attention: Allen Stayman.

For further information, please contact Allen Stayman of the committee staff at (202) 224-7865.

COMMITTEE ON ENERGY AND NATURAL RESOURCES, SUBCOMMITTEE ON WATER AND POWER

Mr. BRADLEY. Mr. President, I would like to announce for the public that a field hearing has been scheduled before the Subcommittee on Water and Power of the Senate Committee on Energy and Natural Resources to receive testimony on the safety of Jordanelle Dam, central Utah project.

The hearing will take place Saturday, February 1, 1992, beginning at 9 a.m., in the Wasatch High School Auditorium, 600 South Main Street, Heber City, UT.

Due to the limited time available at the hearing, witnesses may testify by invitation only. However, anyone wishing to submit written testimony to be included in the printed hearing record is welcome to do so. Those persons wishing to submit written testimony should mail five copies of the statement to the Subcommittee on Water and Power, U.S. Senate, 304 Dirksen Senate Office Building, Washington, DC 20510-6150.

For further information, please contact Tom Jensen, counsel for the subcommittee at (202) 224-2366 or Anne Svoboda at (202) 224-6836.

AUTHORITY FOR COMMITTEES TO MEET

SELECT COMMITTEE ON POW/MIA AFFAIRS

Mr. KENNEDY. Mr. President, I ask unanimous consent for the Senate Select Committee on POW/MIA Affairs to meet Tuesday, January 21, 1992, at 2:30 p.m. in 216 of the Senate Hart Office Building to examine the claim of former KGB Gen. Oleg Kalugin regarding Soviet interrogation of American POW's in the Vietnam war.

ADDITIONAL STATEMENTS

LEARNING TO LISTEN

• Mr. ROCKEFELLER. Mr. President, 11-year-old Sarah Creel of Tucson, AZ, visited Jackson County, WV, this summer, spending time at the Cottageville home of her grandparents, Don and Joyce.

Don Creel spent almost 30 years working at Ravenswood Aluminum. Now, like most of his coworkers, he has been locked out. Sarah sensed the anger and sadness her grandparents felt at the loss of jobs and the loss of community, and like a true West Virginian, decided to do something about it. She wrote a letter to President Bush:

Dear Mr. Bush: I'm 11 years old and I live in Tucson, Arizona. I came to Ravenswood, WV, to visit my grandparents.

My grandfather has worked at R.A.C. aluminum plant for 28½ years. This aluminum plant has been involved in a labor dispute since November 1, 1990. This is totally unfair to the working class people of America. I know when I reach my grandfather's age, I would like to be enjoying my life, not fighting for my job.

I came to Ravenswood May 29, and from seeing the suffering my grandparents and fellow union members have gone through, I strongly urge you not to veto the [strikebreaker bill]. Thank you very much.

Sincerely,

SARAH A. CREEL.

This is a thoughtful letter from a concerned granddaughter, and one she obviously put a great deal of time and effort into. The President's response?

Dear Young Friend: I appreciate hearing from you. Thanks for sharing your thoughts and concerns with me.

Mrs. Bush and I hope that you will have a lot of fun during your summer vacation, but that you also will take full advantage of your extra time. This may include spending more time reading, keeping up with hobbies that you may have, exercising more, and making a special effort to help someone who is less fortunate than you.

Whatever you choose to do, Mrs. Bush and I send you our warmest wishes for a wonderful summer.

Sincerely,

GEORGE BUSH.

This letter is a truly sad example of one of President Bush's key failings: he does not listen. He does not hear the concerns of a little girl, and he does not see the needs of the working people of this country.

George Bush has visited 35 nations since he was sworn in—a record. He has set another record as well: the worst economic growth of any Presidency since World War II.

President Bush was too focused on foreign policy to listen to the people of America who needed an extension of unemployment insurance benefits. He actually called the plan to provide the benefits garbage—benefits that Americans wanted, and thousands desperately needed.

President Bush is not listening to Americans demanding better health care coverage. Meanwhile, the costs of our health care system are spiraling out of control—crippling our economy, breaking the backs of workers, bankrupting businesses and threatening labor agreements that have been worked out over decades.

He treats the middle-class in our country like second-class citizens. He fights for a capital gains tax cut for speculators, but will not lift a finger for a tax cut for families with children.

George Bush has threatened to veto the strikebreaker bill, and did not even understand—or respond to—the simple, compelling concern of an 11-year-old girl for her grandfather.

Sarah Creel wrote George Bush again. She said he "ignored the issue." Three months later, he is still ignoring her—he still has not written her back. Let us hope that soon he begins to listen to Sarah, and to the millions of other Americans he has ignored for so long.●

HONORING MILWAUKEE ELECTRIC TOOL CO.

● Mr. KASTEN. Mr. President, it is essential to the future of the economy that we learn from the example of companies that succeed—companies that prosper due to their hard work and commitment to excellence.

One such company is the Milwaukee Electric Tool Co. in Brookfield, WI. Overcoming serious challenges from its foreign competitors, Milwaukee Electric Tool has carved out a solid niche for itself as a producer of high-quality power handtools.

The success story of this outstanding company is well-recounted in an article in the Milwaukee Journal of December 22. I compliment the company's president, Richard Grove, and the 625 employees on their terrific track record. I ask that the full text of the Milwaukee Journal article be printed at the conclusion of my remarks.

The article follows:

QUIET FORCE IN POWER TOOLS LENDS CITY'S NAME TO QUALITY

(By John Fauber)

BROOKFIELD.—Don't be fooled by the lightning bolt under the nameplate on Milwaukee Electric Tool Co. products. This is not a flashy company.

Sure, the Brookfield-based manufacturing firm spent much of the 1980s fighting foreign competition, enduring Wall Street takeovers and quietly growing to sales that will reach nearly $250 million this year.

But most of that was done in relative obscurity.

Though its 625-person work force ranks it as Brookfield's largest private employer, and its highly regarded power hand tools carry the Milwaukee name all over North America, Milwaukee Electric Tool has remained one of the Milwaukee area's biggest secrets.

"The company has taken the position in the past that the people who need to know who we are know us," said Richard Grove, who took over as president in September. "Our markets know who we are. Our suppliers know who we are. The fact that the man on the street doesn't know who we are doesn't matter."

Grove might sound overly dismissive, but his remark is founded in market research that year-in and year-out suggests that Milwaukee Electric Tool has some of the highest brand awareness among professional power hand tool companies selling in the U.S. market.

Even its competitors say kind things about the quality and reliability of its products.

"It's a good, solid, traditional example of American craftsmanship that for many years has been respected and revered by its customers and competitors," said Roy Thompson, marketing manager for Makita USA Inc., a Japanese-owned power hand tool company. "It really is a class act."

Thompson added, however, that over the last decade Milwaukee Electric Tool has lost market share to Makita and other competitors.

THE PROFESSIONAL'S CHOICE

Milwaukee Electric manufacturers more than 300 power tools, including drills, sanders, saws, rotary hammers, heat guns and a growing line of cordless products. The tools are especially popular with professional electricians, carpenters, plumbers and other tradesmen.

Milwaukee Electric and companies such as Black & Decker, Makita, Porter Cable and Robert Bosch a German firm, compete in the $1-billion-plus US market for professional power tools and accessories.

Milwaukee Electric's market acceptance "is only short of excellent," said Robert Robischon, manager of Syracuse Industrial Sales Co. Ltd., a power hand tool distributor in Syracuse, N.Y.

But, he added, "All power tool manufacturers are really fighting for the other guy's market share."

For years, Milwaukee Electric's products were sold mainly through industrial and commercial supply houses. However, in recent years the company's tools have become fixtures in hardware and do-it-yourself stores as well.

Despite a low profile in its home town, Milwaukee Electric Tool has not escaped the attention of Wall Street.

The company was founded here by Albert Siebert in 1924. It remained in the ownership of Siebert's family until 1975, when Amstar Corp., a New York firm that also owned Domino Sugar, bought it for $30.5 million.

At the time, the company's sales were $47 million a year, about one-fifth of what they are today.

The company's growth and earnings potential continued to attract Wall Street's attention after Amstar took the reins.

In 1983, a hostile takeover attempt by a corporate raider put the company in play, and although that takeover failed, the New York investment banking firm of Kohlberg Kravis & Roberts wound up buying Amstar and Milwaukee Electric Tool in a leveraged buyout in 1984.

In 1986, Merrill Lynch Capital Partners, a branch of the New York-based brokerage and investment banking operation, bought the company in another LBO and has retained a controlling interest since.

About three years ago, there were rumors that Black & Decker was considering buying Milwaukee Electric Tool. Grove declined to comment on that.

But Gary DiCamillo, president of the US power tool division of Black & Decker, in Towson, Md., said his firm and several others had actively considered buying Milwaukee Electric Tool. "They [Merrill Lynch] didn't accept our bid," DiCamillo said.

RIDING OUT THE WAVES

Despite Wall Street's ongoing stake in the company and the specter of burdensome debt and short-sighted vision often associated with leveraged buyouts. Milwaukee Electric apparently has weathered the storms.

Company president Grove said capital spending had increased in recent years. In 1991, the company will spend a record $8 million, he said.

It has growing engineering and research and development departments here, which have helped to step up the pace of new product development.

The company also has invested heavily in its Pewaukee electronics division, a high-tech operation that designs and manufacturers electronic control modules for power tools and battery chargers for cordless tools.

The company's main manufacturing plant, at 13135 W. Lisbon Road in Brookfield, is undergoing a makeover into several manufacturing cells, which has cut down set-up time and reduced the need for inventory and space.

The extra space has allowed the company to bring in equipment to manufacture blades for its popular Sawzall reciprocating saw, and it will add about 20 jobs in coming months, Grove said.

Hourly employes at the Brookfield plant earn about $13 an hour. Grove said. They also participate in a profit-sharing arrangement that puts up to an additional 15% of their compensation into a pension plan.

Grove said the company had not had an unprofitable year in decades.

A DE-UNIONIZED SHOP

For many years, the company's hourly employes had been unionized, but in 1983 they soundly rejected affiliation with the International Association of Machinists. In the process, the employes also voted out their independent union and have remained a non-union operation ever since.

One of the company's better-known alumni, Milwaukee Mayor John Norquist, recalled an effort to affiliate with the United Auto Workers when he worked at the company from 1972 to 1974. It failed by 12 votes, and the employes continued on with their independent union, he said.

Norquist, who worked on the third shift polishing electric tool bodies, was editor of the union's newsletter at the time.

Despite the normal amount of labor-management tension, employes had a great deal of pride in their work, he said He said they referred to the company as "the tool."

"It's the Cadillac of tools, as far as trades people are concerned," Norquist said. "I really had a warm feeling about working there."

Norquist left the company in 1974 when he was elected to the state Assembly.

Milwaukee Electric also has plants in Blytheville, Ark., and Jackson, Miss.

Because of a slump in sales, the company earlier this year temporarily laid off about 80 workers in Brookfield and cut back the hours of other hourly employes by switching to an alternate-week work schedule.

However, Grove said the laid-off workers have been called back, and the company has returned to a regular work schedule. Still, he said, 1991 sales would be down 7 percent.

Next year does not promise to be a spectacular growth period either.●

A FUNNY THING IS HAPPENING TO TV'S PUBLIC FORUM

● Mr. SIMON. Mr. President, I have expressed concern about the Public Broadcasting Services [PBS] increased dependence on commercials, that it is twisting what public television was designed to do.

I am a strong supporter of public broadcasting, and I believe that National Public Radio also performs a valuable service.

Recently, Patricia Aufderheide, who teaches at the School of Communication at the American University in

Washington, DC, had an article in the Columbia Journalism Review outlining her concerns about what is happening with PBS.

The thoughts she expresses deserve a much wider audience than, with all due respect, the Columbia Journalism Review has.

I hope my colleagues and their staffs will read the article by Ms. Aufderheide, and I ask to insert it into the RECORD at this point.

The article follows:

[From the Columbia Journalism Review, November to December 1991]

A FUNNY THING IS HAPPENING TO TV'S PUBLIC FORUM

(By Pat Aufderheide)

This past July, public TV's *P.O.V.* (for "point of view") aired Marlon Riggs's *Tongues Untied*. But eighteen of the Public Broadcasting Service stations in the top fifty markets refused to run the video poem on African-American gay identity. Too risky.

In August, before there was even a whiff of controversy, PBS yanked another scheduled *P.O.V.* film, *Stop the Church*, which documents AIDS activists' disruption of a mass led by Cardinal John O'Connor. Way too risky.

Public television is supposed to be a place where freedom of expression can flourish—not only in gutsy journalism and wide-ranging talk shows, but also in creative work that showcases the range of perspectives in a multicultural nation. Television viewers value its First Amendment functions; they rate the service a highly valuable community institution (more so than newspapers), and rank it higher than commercial television as a source for understanding important issues.

At the very least, public television is supposed to do what commercial television won't or can't. But, all too often, public television won't or can't.

Consider national public affairs, a weak spot in commercial TV. And then look at the Voters Initiative debacle. The John & Mary R. Markle Foundation had pledged $5 million for 1992 electoral coverage—a chance to break out of soundbite-driven campaigns—if PBS could come up with something new and convinced stations to carry the programs. After more than a year had passed and $400,000 had been spent, Lloyd N. Morrisett, the foundation's president, withdrew the offer in despair. PBS had never even gotten stations to agree to air programs. One potential co-founder and longtime supporter of public television, Eli N. Evans, president of the Charles H. Revson Foundation, said he was "stunned" that the deal fell through "because of an unwillingness to commit that level of time to something they felt would not generate as much membership revenue and support as their other programming."

A few weeks later, PBS proudly announced joint political convention coverage with NBC. "You get the newsgathering of NBC plus the perspective Robin [MacNeil] and Jim [Lehrer] give to those activities," PBS president Bruce Christensen said. "It's a wonderful match and marriage." Not everyone agrees. "If PBS and NBC have so much in common, why do we need public television?" muttered one PBS station staffer. In mid-October, the Markle Foundation gave $3.5 million to an organization it thought *could* deliver innovative election coverage—CNN.

Community news and public affairs—another weak spot in commercial television—is also ailing on public television. In the face of cutbacks in 1990, Boston's WGBH cancelled its unique, fifteen-year-old *Ten o'Clock News*, substituting cheaper public affairs shows. WNET in New York, which had already dropped two local news programs last year, shrank staff for its replacement "talk-television" shows. Los Angeles station KCET, which in palmier days had a nightly news show, has cut back the production cost of its remaining local programming, emphasizing studio segments and talk rather than investigative field reporting. (Last year, before the cuts, its local public affairs won more Emmies than any other station in the market.) Smaller stations axed shows as well. WLIW, the only broadcast station on Long Island to provide in-depth local news, killed its nightly news show and two other local programs, substituting a weekly journalists' talk show; WSKG-TV in Binghamton, New York, dropped four of five local public affairs series.

Suddenly-unemployed producers are angry, but they won't speak on the record, and with good reason. They say their only hope of doing local journalism again, however slim, is public television. "In-depth local news disappeared a long time ago in commercial television," said one, in words similar to those used by many. "It's a tragedy that public television is not stepping into that void and telling people what's going on where they live."

Sometimes it's hard to tell public television from other channels on the cable lineup. The Discovery Channel now delivers public television's longtime staple—animal shows. Arts & entertainment seems to be concerning the market in BBC programs, which used to go to public TV. Recently, WGBH and ABC jointly produced an AIDS special for teenagers, which will air on ABC stations the day after it airs on public television.

And sometimes cable is more daring than public television. At the same time this summer that Washington, D.C.'s WETA was airing *Hollywood, The Golden Years*, an affectionate tribute to the old RKO studio days, A&E aired *Naked Hollywood*, a scathing BBC take on the U.S. film industry.

The founding vision of today's public television featured its First Amendment functions. Essayist E.B. White, in a letter to the 1967 Carnegie Commission on Public Broadcasting, had imagined noncommercial television as "out Lyceum, our Chautauqua, our Minsky's, and our Camelot. It should restate and clarify the social dilemma and the political pickle." But the 1967 legislation failed to enact the Carnegie Commission's dream of a service that could "help us see America whole, in all its diversity." Rejecting many of the report's recommendations, it provided no permanent endowment for the Public Broadcasting Service, never defined "public," and created a Rube Goldbergesque bureaucracy.

A large part of that bureaucracy is dedicated to dialing for dollars, one way or another, from its three largest kinds of funders. Viewers contribute nearly a quarter of public television's funds, and are the largest single source of funds for public television's billion-dollar-plus annual budget. Taxpayers—through local, state, and federal governments—pay about 40 percent. Corporations contribute about 16 percent of public television's overall budget and 27 percent of PBS's national programming costs.

Public television officials celebrate the editorial freedom granted by the service's multiple funding base. But even if public television isn't beholden to advertisers, it's still true that all money comes with strings. Governments have time and again meddled in public television's affairs, from Nixon's attempt to quash public affairs altogether to congressional phone calls to *P.O.V.* after *Tongues Untied* aired.

Viewers pick up the phone and donate during programs that are tried, true, and genteel—like 1991's best draw during pledge week, *Three Tenors* (Pavarotti, Carreras, and Domingo).

Corporate dollars are usually tied directly to the production and promotion of particular programs (many taxpayer dollars pay for basic operations, and viewer dollars are used at the station's discretion). That makes big business the most influential agenda-setter in public television programming.

Corporations use public television to reach audiences suspicious of advertising. Public television's weekly ratings—which show that nearly 80 percent of viewers tune in at some point, although only slightly more than 2 percent are likely to stay tuned in prime time—reflect an audience much like that of the American public. But individual programs, especially when shaped by an underwriter's interest, can pull in that hard-to-reach, upscale, educated consumer. Herb Schmertz, Mobil Oil's longtime marketing guru, boasted that *Masterpiece Theatre* (which he designed and for which he personally selected the programs) turned Mobil into "the thinking man's gasoline."

Public television woos corporations with the promise of burning their image. Related organizations go further. Station magazines promise advertisers they will reach readers—contributors to the station—who are 80 percent college-educated, with household incomes more than two-and-a-half times that of the average American family. Public Broadcast Marketing, which places underwriting blurbs on local public TV stations, touts the opportunity to "increase sales, improve your corporate image, and influence the people most important to your company's success."

Corporations have no interest in attaching their names to something controversial or low-rated. Marc Weiss, executive producer of *P.O.V.*, the premier national showcase for independent documentaries, recalls scouring the corporate community for donations. "We knocked on a hundred corporate doors and they said, 'We'll pass, thank you.'" Finally Lands' End, the large mail-order firm, expressed interest. But then executives viewed one of the more controversial programs in the anthology series. Weiss recalls the one-sentence good-bye: "We don't think our customers would like this show."

South Africa Now, an award-winning, half-hour show featuring uncensored news from southern Africa, folded last spring after three years of struggling without corporate backing. *The Kwitny Report* was bumped from New York's WNYC after winning several journalism awards; veteran investigative journalist Jonathan Kwitny has searched in vain for corporate backing to continue it. Even the eminently respectable Bill Moyers has seen corporate backers back away from hard-hitting pieces.

Corporations may fund programs that are entertaining and even informative, but they are hardly forums for public debate. For instance, *The Health Century*, funded by drug companies such as Pfizer, Squibb, and Eli Lilly, discussed the conquest of infectious disease and organ transplants—but not health insurance or the nursing crisis.

Living against the Odds, a PBS series aired this past spring, was launched with more than a million dollars of advertising and promotional money from its sole sponsor, Chevron (maker of Ortho pesticides as well as petroleum products), which has long funded academic research in risk assessment. *Living against the Odds* was Chevron's chance to popularize that research.

The three-part show humorously analyzes the risks to individuals of everything from hang gliding to being struck by lightning. Finally, in part three, the program addresses the issue of industrial pollution—in Poland. It contrasts the bad-guy Polish state to American NIMBY, or "not in my backyard," movements. NIMBYs here are heartening examples of democracy in action, not evidence of a toxic waste problem.

And, increasingly, corporations back programs that cozy right up to their business interests. For instance, Northwest Airlines, which has Asian routes, last year backed the four-part *Doing Business in Asia*.

Nobody from the company that underwrites a program or series needs to tell producers to be careful. Segment producer Liz Schlick recalls her experience several years ago on the children's science series *Newton's Apple*, whose sole corporate funder at the time was Du Pont. "Some things we would want to deal with—such as chemical pollution—[the executive producer] wouldn't let us touch," she says. "I don't know if it was ever even brought up to Du Pont. After a while, we just stayed away from some issues."

More important, corporate funding inevitably conditions what *doesn't* get made—or even imagined. The vice-president for development who lunches with the local corporate v.p. is not shaping the station's production agenda independently. And in this atmosphere, even fully funded noncorporate voices can have a hard time getting on the air, especially if those voices are outside the status-quo consensus. Labor unions, for instance, have waged an uphill battle to place a few programs such as *America Works* on some public television stations.

The Center for Defense Information, a think-tank often critical of defense policy, produces *America's Defense Monitor* with foundation funding (acceptable under PBS rules). The program airs on some ninety public television stations, as well as hundreds of cable systems, but senior producer Sanford Gottlieb has also encountered fierce resistance.

KPBS in San Diego—a Navy town—recently told Gottlieb it was dropping the show because the station didn't want any advocacy programming. Gottlieb argues that the CDI is not an advocacy group but a think tank that draws research-backed conclusions (some of which could irritate Navy brass, not to mention military retirees who might cancel their memberships). Furthermore, Gottlieb points to KPBS's airing of National Audubon Society specials that boldly advocate environmental protection measures. But the station has held firm.

Public television has come under fire both from the right and the left. Accuracy In Media has, among other charges, indicted the documentary series *Frontline* for liberal bias in Central American reporting. COMINT, a Los Angeles-based conservative watchdog group, has also accused public television of liberal bias, militating against *South Africa Now* when it was still carried by KCET. Meanwhile, Fairness & Accuracy in Reporting has criticized *The MacNeil/Lehrer NewsHour* for showcasing a preponderance of white male officials, and pointed out that public TV schedules are dotted with conservative and business-oriented syndicated shows (offered cheap or free), such as *Firing Line*, *The McLaughlin Group*, and *American Interests*.

But the most marked bias in public television programming is toward safety, consensus, and the status quo, pushing programming toward the safely splendid. And now cable, too, is going after the safely splendid.

Public TV must now struggle to fulfill its First Amendment promise in a fiercely competitive environment. Recently, public broadcasters staked their future on a reorganization that centralizes programming decisions at PBS's national headquarters. A more homogeneous schedule lets stations benefit from national promotion; central selection permits more efficient pooling of resources, and possibly more daring choices. But will it result in a wider range of perspectives, more programs for and by the kind of people who don't usually get heard from in commercial television, and more vigorous public affairs? Jennifer Lawson, the new head of national programming, vows that, with competition heating up, "PBS's public service role is more singular and important than ever." She proudly cites new series in the works about Native Americans and "the state of American democracy," as well as a game show on geography for school-age children.

But the Voters Initiative debacle was not a heartening sign of commitment to public service. There were other dismaying omens. For instance, new PBS policies make life even more difficult for second and third public stations in a market—stations that often provide more diverse programming than the main station. And the recent Boston Consulting Group study, commissioned by the Corporation for Public Broadcasting, recommends cutbacks on prouction of local programs in favor of the more lucrative national programs. The study frankly analyzes public television as a service "for its consumers"—the same yardstick used by the commercial networks. And it assumes the same logic of '90s media conglomerates: each activity (news, kids' shows) must be a profit center.

Bill Moyers, who has done quite handsomely out of public TV, nonetheless worries whether feeding the ratings monster may in time betray the service's origins as a public forum. In a public television meeting last year, he recalled helping to push through the 1967 law as a press aide to President Johnson: "We didn't think public broadcasting should serve an audience. We thought it should serve the public."

Without an adequate subsidy or a clear mandate, that's easier said than done. Not that public broadcasters don't try. For instance, at Washington, D.C.'s WETA, the recent series *Nine Months* tracked women of various races and classes through their pregnancies. In the process of making the series, the station's staff worked with community groups' prenatal health programs. Another positive sign is the brand-new Independent Television Service, a $6 million annual fund set up by Congress after years of lobbying by independent producers. Its job: to produce programs that take creative risks and that feature perspectives and cultures often marginalized in mainstream TV.

On the eve of making the service's first funding decisions, John Schott, ITVS's executive director, was optimistic. "It used to be that public television only had to do what the networks *weren't* doing," he says. "Now the environment is changing daily, and in chaos there is opportunity. I think the stations are looking to us to help establish the unique contribution of public television."

To safeguard that unique contribution, public television needs insulated money—whether this is raised by taxing VCRs, by the sale of stations, or by cable revenues—a clear mandate, and a depoliticized funding structure. Most of all, it needs public concern and participation.

And that's the question. Do Americans see their public television service as better entertainment or as a forum for the free expression of significant ideas? Market pressures keep pushing public television toward the former. But its unique role is as the latter.•

HONORING CRITICARE SYSTEMS

• Mr. KASTEN. Mr. President, at a time when millions of Americans are rightly concerned about the future of U.S. health care, it is important that we recognize success stories in this field.

Criticare Systems, Inc., of Milwaukee, WI, is one such success story. Criticare is a manufacturer of pulse oximeters, which measure the oxygen saturation of circulating blood. Criticare has taken a leadership role in developing reusable sensor technology for pulse oximeter monitoring and encouraging hospitals to switch from current disposable sensors.

By converting to reusable sensors, each U.S. hospital could save $100,000 to $400,000 per year. If all hospitals nationwide switched from disposable to reusable sensors, the savings would be $100 million per year. This would also eliminate the need to discard almost 10 million disposable sensors annually.

We all believe how important it is to get health care costs under control. Criticare is a terrific example of how free enterprise can take the lead in cost containment and serve as an example for the rest of the medical profession.•

PIONEERS IN DESALINATION

• Mr. SIMON. Mr. President, recently, I was invited to speak at an annual dinner at the Claremont School of Theology in Claremont, CA, now headed by a distinguished former Member of Congress, Dr. Robert Edgar.

While I was in that area, I took advantage of the opportunity to meet with the officials of the National Water Research Institute, an institute for research that was founded by five Orange County, Irvine Ranch Water District, Municipal Water District of Orange County, Orange County Water District, and San Juan Basin Authority.

Funding for this endeavor was provided, in part, by the Joan Irvin Smith/Athalie R. Clarke Foundation. These two women had the vision and courage to launch something that is unique in the Nation, as far as I know; a research

institute on the key issue of water that, up to this point, does not receive any Federal funds.

What they are doing, however, is extremely important. They are working on how we can further desalting technology so that we can have ample supplies of water.

I am hopeful that the bill that I have the honor to be the chief sponsor of, that has bipartisan cosponsorship—S. 481—will emerge from committee shortly to further the cause of the desalting technology. We simply have to find less expensive ways of converting salt water to fresh water and to use water that we have within the country that has a high saline content, that is now virtually unusable.

What is impressive about the National Water Research Institute is that they appear to be on the cutting edge of things that are going to be extremely important.

Water is not a headline-producing topic, but as the world's population mushrooms, and our usable water supply does not, it will become increasingly important.

I am grateful to Ron Linsky, the executive director of the National Water Research Institute and to William Mills, who heads the Orange County Water District, for arranging the briefing for me.

I am impressed by their pioneering work, and I hope that it will be encouraged by others around the Nation and around the world.

We will be hearing and talking much more about water in the years to come. I'm confident that as we do, we will hear more and more about the good work of the National Water Research Institute.

In that connection, let me pay tribute, particularly, to the city of Santa Barbara, CA, for pioneering on the largest desalination plant yet to be constructed in our country.

Just as the National Water Research Institute is pioneering, so is the city of Santa Barbara.

Every time we launch an enterprise like this, we learn a little more. Mayor Sheila Lodge and the members of the city council of Santa Barbara are not only helping the citizens of Santa Barbara, they are helping the citizens of this country and the world by their pioneering.

Mr. President, I ask to insert into the RECORD a news release from the National Water Research Institute that describes in some greater detail the nature of their important work.

The news release follows:

Orange County, California, is recognized nationwide for its success in managing ground water resources. Situated in an arid region, and with a population of well over two million people, the county benefits from the expertise of several water management agencies. Over the past three decades, while the county evolved from an expanse of farms and ranches to a center of industry and commerce, these agencies have maintained both the quantity and quality of the area's water supply.

Orange County and other water-short areas are under pressure to recycle water, to treat contaminated or brackish supplies and those with excessive color, and to balance extraction of ground water with efficient recharge of aquifers. The county's water and sanitation agencies have taken great strides on each of those fronts, and their successes can benefit others throughout the United States.

Meeting the ever-growing demand for water, protecting it from contamination, and replenishing depleted supplies is, however, a formidable and expensive challenge. Indeed, one of the greatest needs in the field of water resources research and management is funding. It was therefore highly gratifying when members of one of Orange County's oldest and most respected families to support research for the improvement of ground water management.

Joan Irvine Smith and Athalie R. Clarke recognized the significance of water resources to California and the nation and generously offered to contribute funds to support vital research needs in the field of water resources. As a result of their commitment, five of the agencies that serve the county's water treatment and delivery needs have joined to establish the National Water Research Institute (NWRI) currently located in Fountain Valley, California. These agencies, County Sanitation Districts of Orange County, Irvine Ranch Water District, Municipal Water District of Orange County, Orange County Water District, and San Juan Basin Authority, joined forces in 1991 to execute a joint forces in 1991 to execute a joint powers agreement giving rise to the NWRI "for the promotion of excellence in water management and research."

The NWRI is independently governed by a Board of Directors consisting of one member from each of the contributing agencies. The Board's Chairman is Langdon W. Owen, Orange County Water District; the Vice-Chairman is Peer Swan, Irvine Ranch Water District; and William R. Mills Jr., Orange County Water District, is Secretary. Ronald B. Linsky serves as the Executive Director of the NWRI.

The NWRI's mission is to assist organizations throughout the nation to meet their needs for research aimed at developing innovative technologies and practical management methods by:

Supporting multi-disciplinary water quality research.

Developing new technologies for improvement of ground water quality and supply.

Researching water-related environmental and public health concerns.

Developing more effective and efficient water resources management programs.

Exploring the public policy impacts of a variety of water resources management strategies.

Establishing an education and training center for public officials involved in managing and regulating water resources.

Promoting public awareness.

On October 17, 1991, the Board of Directors approved 7 research projects totaling $2,283,000. Of this amount, $1,076,000 were provided as grants to the recipients who in turn contributed $1,207,000 in hard dollar matching funds. The 3-year total research expenditures of these projects amount to over $6.3 million. The initial suite of research projects are:

The Development and Application of Molecular Techniques to Detect Indicator and Pathogenic Microorganisms in Treated Wastewater.

Identification of Microbially Mediated Aesthetic and Health Issues Related to Santa Ana River Recharge.

Dyer Road Well Field Color Removal Project.

Investigation of Design Parameters and Biological Factors Influencing Vapor-Phase Biotreatment of Volatile Organic Contaminants in Groundwater.

Potential for Generic Enhancement of Bacterial Degradative Processes in Wastewater.

Water Quality and Wildlife Enhancement in Prado Wetlands.

San Juan Basin Water Quality Control Program.

The NWRI has also established its first public information project in cooperation with the Joan Irvine Smith/Athalie R. Clarke Foundation and Orange County Public Television, KOCE, Channel 50. This initial project will produce three documentary television programs and 10 public service announcements. The subject matter will provide viewers insight into where our water comes from, how it is distributed and managed, and present NWRI sponsored research activities currently underway in the areas of desalination, toxic waste management, and water reclamation.•

NOTICE OF DETERMINATION BY THE SELECT COMMITTEE ON ETHICS UNDER RULE 35, PARAGRAPH 4, PERMITTING ACCEPTANCE OF A GIFT OF EDUCATIONAL TRAVEL FROM A FOREIGN ORGANIZATION

•Mr. SANFORD. Mr. President, it is required by paragraph 4 of rule 35 that I place in the CONGRESSIONAL RECORD notices of Senate employees who participate in programs, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization.

The select committee has received a request for a determination under rule 35 for Jacquie Lawing, a member of the staff of Senator GORE, to participate in a program in Korea sponsored by the A-san Foundation on December 14–21, 1991.

The committee has determined that participation by Ms. Lawing in this program, at the expense of the A-san Foundation is in the interest of the Senate and the United States.

The select committee received a request for a determination under rule 35 for John Behuncik, a member of the staff of Senator RUDMAN, to participate in a program in Brussels, sponsored by NATO, from January 13 to January 17, 1992.

The committee has determined that participation by Mr. Behuncik in this program, at the expense of NATO, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Dr. Clifford A. Kiracofe, Jr., a

member of the staff of Senator HELMS, to participate in a program in Brussels sponsored by the NATO Alliance Directorate on January 11–18, 1991.

The committee has determined that participation by Dr. Kiracofe in this program, at the expense of NATO Alliance Directorate is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Mary Daly, a member of the staff of Senator JEFFORDS to participate in a program in Brussels and Praque sponsored by the NATO Office of Information and Press from January 11–18, 1992.

The committee has determined that participation by Ms. Daly in this program, at the expense of the NATO Office of Information and Press is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Jim Jatras, a member of the staff of Senator NICKLES to participate in a program in Brussels and Praque sponsored by the NATO Office of Information and Press from January 11–18, 1992.

The committee has determined that participation by Mr. Jatras in this program, at the expense of the NATO Office of Information and Press is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Senator WALLOP and Mrs. Wallop to participate in a program in South Africa sponsored by the South Africa Foundation on January 11–17, 1992.

The committee has determined that participation by Senator WALLOP and Mrs. Wallop in this program, at the expense of the South Africa Foundation is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Mike Tongour, a member of the staff of Senator SIMPSON, to participate in a program in Taiwan sponsored by the Chinese Culture University on January 9–16, 1992.

The committee has determined that participation by Mr. Tongour in this program, at the expense of the Chinese Culture University is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for William Woolf, a member of the staff of Senator MURKOWSKI, to participate in a program in Taiwan sponsored by the University of Chinese Culture on January 9–16, 1991.

The committee has determined that participation by Mr. Woolf in this program, at the expense of the University of Chinese Culture is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Richard Baker, a member of the staff of the Secretary of the Senate, Walter J. Stewart, to participate in a program in Norway, sponsored by the University of Oslo, from September 7–9, 1991.

The committee determined that participation by Dr. Baker in this program, at the expense of the University of Oslo, was in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for David Lewis, a member of the staff of Senator LEVIN, to participate in a program in Berlin, Germany, sponsored by the Berlin Information Center for Transatlantic Security [BITS] on December 6–8, 1991.

The committee has determined that participation by Mr. Lewis in this program, at the expense of the BITS is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Dan M. Berkovitz, a member of the staff of Senator BURDICK, to participate in a program in Moscow sponsored by the University of California at Irvine in connection with the W. Alton Jones Foundation on December 14–22, 1991.

The committee has determined that participation by Mr. Berkovitz in this program, at the expense of the University of California at Irvine and the Russian Republic is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Irene Bueno, a member of the staff of Senator CRANSTON, to participate in a program in Taiwan sponsored by the Soochow University on January 12–18, 1992.

The committee has determined that participation by Ms. Bueno in this program, at the expense of the Soochow University is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Michael Hoon, a member of the staff of Senator WALLOP, to participate in a program in Venezuela sponsored by the Petroleos de Venezuela on January 12–17, 1992.

The committee has determined that participation by Mr. Hoon in this program, at the expense of the Petroleos de Venezuela is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Senator AKAKA to participate in a program in China sponsored by the Chinese People's Institute of Foreign Affairs during the month of January 1992.

The committee has determined that participation by Senator AKAKA in this program, at the expense of the Chinese People's Institute of Foreign Affair is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for John Nakahata, a member of the staff of Senator LIEBERMAN, to participate in a program in Taiwan sponsored by the Soochow University on January 12–16, 1992.

The committee has determined that participation by Mr. Nakahata in this program, at the expense of the Soochow University is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Angela Chiu, a member of the staff of Senator RIEGLE, to participate in a program in Taiwan sponsored by the Soochow University on January 14–18, 1992.

The committee has determined that participation by Mrs. Chiu in this program, at the expense of the Soochow University is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Ray Natter, a member of the staff of Senator RIEGLE, to participate in a program in Taiwan sponsored by the Chinese Culture University on January 9–16, 1992.

The committee has determined that participation by Mr. Natter in this program, at the expense of the Chinese Culture University is in the interest of the Senate and the United States.

The select committee received a request for a determination under rule 35 for Mark Whitenton, a member of the staff of Senator NICKLES, to participate in a program in Venezuela, sponsored by the Petroleos de Venezuela, from January 11–17, 1992.

The committee determined that participation by Mr. Whitenton in this program, at the expense of the Petroleos de Venezuela, was in the interest of the Senate and the United States.

The select committee received a request for a determination under rule 35 for Mira Baratta, a member of the staff of Senator DOLE, to participate in a program in Brussels, sponsored by NATO, from January 11 to January 19, 1992.

The committee has determined that participation by Ms. Baratta in this program, at the expense of NATO, is in the interest of the Senate and the United States.

The select committee received a request for a determination under rule 35 for Clarkson Hine, a member of the staff of Senator DOLE, to participate in a program in Brussels, sponsored by NATO, from January 11 to January 19, 1992.

The committee has determined that participation by Mr. Hine in this program, at the expense of NATO, is in the interest of the Senate and the United States.

The select committee received a request for a determination under rule 35 for Brant Lee, a member of the staff of Senator SIMON, to participate in a pro-

gram in Taiwan, sponsored by Soochow University, from January 13–19, 1992.

The committee has determined that participation by Mr. Lee in this program, at the expense of the Soochow University, is in the interest of the Senate and the United States.

The select committee received a request for a determination under rule 35 for Patricia McDonald, a member of the staff of Senator WALLOP, to participate in a program in Taiwan sponsored by Chinese Culture University from January 9–16, 1992.

The committee has determined that participation by Ms. McDonald in this program, at the expense of the Chinese Culture University is in the interest of the Senate and the United States.

The select committee received a request for a determination under rule 35 for Mark Ashby, a member of the staff of Senator BREAUX, to participate in a program in Taiwan sponsored by Chinese Culture University from January 9–16, 1992.

The committee has determined that participation by Mr. Ashby in this program, at the expense of the Chinese Culture University is in the interest of the Senate and the United States.

The select committee received a request for a determination under rule 35 for Mary Stuart McCamy, a member of the staff of Senator FOWLER, to participate in a program in Venezuela sponsored by the Petroleos de Venezuela on January 12–17, 1992.

The committee has determined that participation by Ms. McCamy in this program, at the expense of the Petroleos de Venezeula is in the interest of the Senate and the United States.

The select committee received a request for a determination under rule 35 for Thomas Hughes, a member of the staff of Senator PELL, to participate in a program in Brussels, sponsored by NATO, from January 11 to January 19, 1992.

The committee has determined that participation by Mr. Hughes in this program, at the expense of NATO, is in the interest of the Senate and the United States.●

LESSONS, HARSH AND DIFFICULT, FROM 1,000 DAYS "TRAPPED INSIDE A METAPHOR"

● Mr. SIMON. Mr. President, during our recess period, I read the statement of Salman Rushdie at Columbia University in behalf of freedom of speech.

I also read that the United States is making gestures toward reconciliation with Iran.

I am not opposed to improving relations with Iran, but that Government ought to know clearly that we stand for human rights and the freedom of people, like Salman Rushdie, to write their opinions freely, whether we agree with them or not.

And when the Iranian Government does something like he refers to in his speech—in April of this year giving 800 women 74 lashes each for not wearing a veil—Iran should understand that those kind of actions discourage an improved relationship with the civilized world.

We achieve stability in the world much more through recognition of human rights by freely elected governments than through dictatorships.

I want to see the day arrive when we have an excellent relationship with Iran, but our Government should make clear to Iran that while relations will improve and can improve, they will never be really quality relationships until human rights are respected by the Government of Iran.

I ask to insert the Salman Rushdie speech into the RECORD at this point.

The speech follows:

[From the New York Times, Dec. 12, 1991]

LESSONS, HARSH AND DIFFICULT, FROM 1,000 DAYS "TRAPPED INSIDE A METAPHOR"

(Following is the text of a speech at Columbia University last night by Salman Rushdie, who adapted it from a forthcoming essay entitled "One Thousand Days in a Balloon.")

A hot-air balloon drifts slowly over a bottomless chasm, carrying several passengers. A leak develops. The wounded balloon can bear just one passenger to safety. But who should live, who should die? And who could make such a choice?

In point of fact, debating societies everywhere regularly make such choices without qualms, for of course what I've described is the given situation of that evergreen favorite, the Balloon Debate, in which, as the speakers argue over the relative merits and demerits of the well-known figures they have placed in disaster's mouth, the assembled company blithely accepts the faintly unpleasant idea that a human being's right to life is increased or diminished by his or her virtues or vices—that we may be born equal but thereafter our lives weigh differently in the scales.

I have now spent over a thousand days in just such a balloon; but, alas, this isn't a game. For most of these thousand days, my fellow-travelers included the Western hostages in Lebanon, and the British businessmen imprisoned in Iran and Iraq, Roger Cooper and Iran Richter. And I had to accept, and did accept, that for most of my countrymen and countrywomen, my plight counted for less than the others'. In any choice between us. I'd have been the first to be pitched out of the basket and into the abyss. "Our lives teach us who we are," I wrote at the end of my essay "In Good Faith." Some of the lessons have been harsh, and difficult to learn.

Trapped inside a metaphor, I've often felt the need to redescribe it, to change the terms. This isn't so much a balloon, I've wanted to say, as a bubble, within which I'm simultaneously exposed and sealed off. The bubble floats above and through the world, depriving me of reality, reducing me to an abstraction. For many people, I've ceased to be a human being. I've become an issue, a bother, an "affair." And has it really been so long since religions persecuted people, burning them as heretics, drowning them as witches, that you can't recognize religious persecution when you see it?

What is my single life worth? Despair whispers in my ear: "Not a lot." But I refuse to give in to despair, because I know that many people do care, and are appalled by the upside-down logic of the post-fatwa world, in which a novelist can be accused of having savaged or "mugged" a whole community, becoming its tormentor (instead of its victim) and the scapegoat for its discontents. (What minority is smaller and weaker than a minority of one?)

I refuse to give in to despair even though, for a thousand days and more, I've been put through a degree course in worthlessness, my own personal and specific worthlessness. My first teachers were the mobs marching down distant boulevards, baying for my blood, and finding, soon enough, their echoes on English streets. At first, as I watched the marchers, I felt them trampling on my heart.

Sometimes I think that one day, Muslims will be ashamed of what Muslims did in these times, will find the "Rushdie affair" as improbable as the West now finds martyr-burning. One day they may agree that—as the European Enlightenment demonstrated—freedom of thought is precisely freedom from religious control, freedom from accusations of blasphemy. Maybe they'll agree, too, that the row over "The Satanic Verses" was at bottom an argument about who should have power over the grand narrative, the Story of Islam, and that that power must belong equally to everyone. That even if my novel were incompetent, its attempt to retell the story would still be important. That if I've failed, others must succeed, because those who do not have power over the story that dominates their lives, power to retell it, rethink it, deconstruct it, joke about it, and change it as times changes, truly are powerless because they cannot think new thoughts.

One day, Maybe. But not today.

Back in the balloon, something longed-for and heartening has happened. On this occasion, *mirabile dictu*, the many have not been sacrificed, but saved. That is to say, my companions, the Western hostages and the jailed businessmen, have by good fortune and the efforts of others managed to descend safely to earth, and have been reunited with their own, free lives. I rejoice for them, and admire their courage, their resilence. And now I'm alone in the balloon.

Surely I'll be safe now? Surely the balloon will drop safely toward some nearby haven? Surely it's my turn now?

But the balloon is still sinking. I realize that it's carrying a great deal of valuable freight. Trading relations, armaments deals, the balance of power in the Gulf—these and other matters are weighing it down. I hear voices suggesting that if I stay aboard, this precious cargo will be endangered. The national interest is being redefined; am I being redefined out of it? Am I to be jettisoned, after all?

When Britain renewed relations with Iran at the United Nations in 1980, British officials assured me unambiguously that something very substantial had been achieved on my behalf. The Iranians had secretly agreed to forget the *fatwa*. They would "neither encourage nor allow" their citizens, surrogates or proxies to act against me. Oh, how I wanted to believe that! But in the year-and-a-bit that followed, we saw the *fatwa* restated in Iran, the bounty money doubled, the book's Italian translator severely wounded, its Japanese translator stabbed to death; there was news of an attempt to find and kill me by contract killers working directly for the Iranian Government.

It seems reasonable to deduce that the secret deal make at the United Nations hasn't worked. Dismayingly, however, the talk as I write is all of improving relations with Iran still further. Is this a balloon I'm in, or the dustbin of history?

Let me be clear: *There is nothing I can do to break this impasse.* The *fatwa* was politically motivated to begin with, it remains a breach of international law, and it can only be solved at the political level. To effect the release of the Western hostages in Lebanon, great levers were moved; for Mr. Richter, 70 million pounds in frozen Iraqi assets were "thawed." What, then, is a novelist under terrorist attack worth?

Despair murmurs, once again: "Not a plugged nickel."

But I refuse to give in to despair.

You may ask why I'm so sure there's nothing I can do to help myself.

At the end of 1990, dispirited and demoralized, I faced my deepest grief, my sorrow at having been torn away from the cultures and societies from which I'd always drawn my inspiration—that is, the broad community of British Asians, the broader community of Indian Muslims. I determined to make my peace with Islam, even at the cost of my pride. Those who were surprised and displeased by what I did perhaps failed to see that I wanted to make peace between the warring halves of the world, which were also the warring halves of my soul.

The really important conversations I had in this period were with myself.

I said: Salman, you must send a message loud enough to make ordinary Muslims see that you aren't their enemy, and make the West understand a little more of the complexity of Muslim culture, and start thinking a little less stereotypically.

And I said to myself: Admit it, Salman, the Story of Islam has a deeper meaning for you than any of the other grand narratives. Of course you're no mystic, mister. No supernaturalism, no literalist orthodoxies for you. But Islam doesn't have to mean blind faith. It can mean what it, always meant in your family, a culture, a civilization, as open-minded as your grandfather, was, as delightedly disputatious as your father was. Don't let the zealots make *Muslim* a terrifying word, I urged myself; remember when it meant *family*.

I reminded myself that I had always argued that it was necessary to develop the nascent concept of the "secular Muslim," who like the secular Jew, affirmed his membership of the culture while being separate from the theology. But, Salman, I told myself, you can't argue from outside the debating chamber. You've got to cross the threshold, go inside the room, and then fight for your humanized, historicized, secularized way of being a Muslim.

It was with such things in mind—and with my thoughts in a state of some confusion and torment—that I spoke the Muslim creed before witnesses. But my fantasy of joining the fight for the modernization of Muslim thought was stillborn. It never really had a chance. Too many people had spent too long demonizing or totemizing me to listen seriously to what I had to say. In the West, some "friends" turned against me, calling me by yet another set of insulting names. Now I was spineless, pathetic, debased; I had betrayed myself, my Cause; above all, I had betrayed them.

I also found myself up against the granite, heartless certainties of Actually Existing Islam, by which I mean the political and priestly power structure that presently dominates and stifles Muslim societies. Actually Existing Islam has failed to create a free society anywhere on Earth, and it wasn't about to let me, of all people, argue in favor of one. Suddenly I was (metaphorically) among people whose social attitudes I'd fought all my life—for example, their attitudes about women (one Islamicist boasted to me that his wife would cut his toenails while he made telephone calls, and suggested I find such a spouse) or about gays (one of the Imams I met in December 1990 was on TV soon afterwards, denouncing Muslim gays as sick creatures who brought shame on their families and who ought to seek medical and psychiatric help).

I reluctantly concluded that there was no way for me to help bring into being the Muslim culture I'd dreamed of, the progressive, irreverent, skeptical, argumentative, playful and unafraid culture which is what I've always understood as freedom. Actually Existing Islam, which makes literalism a weapon and redescription a crime, will never let the likes of me in.

Ibn Rushd's ideas were silenced in their time. And throughout the Muslim world today, progressive ideas are in retreat. Actually Existing Islam reigns supreme, and just as the recently destroyed "Actually Existing Socialism" of the Soviet terror-state was horrifically unlike the utopia of peace and equality of which democratic socialists have dreamed, so also is Actually Existing Islam a force to which I have never given in, to which I cannot submit.

There is a point beyond which conciliation looks like capitulation. I do not believe I passed that point, but others have thought otherwise.

I have never disowned my book, nor regretted writing it. I said I was sorry to have offended people, because I had not set out to do so, and so I am. I explained that writers do not agree with every word spoken by every character they create—a truism in the world of books, but a continuing mystery to "The Satanic Verses'" opponents. I have always said that this novel has been traduced. Indeed, the chief benefit of my meeting with the six Islamic scholars on Christmas Eve 1990 was that they agreed that the novel had no insulting motives. "In Islam, it is a man's intention that counts," I was told. "Now we will launch a worldwide campaign on your behalf to explain that there has been a great mistake." All this with much smiling and friendliness. It was in this context that I agreed to suspend—not cancel—a paperback edition, to create what I called a space for reconciliation.

Alas, I overestimated these men. Within days, all but one of them had broken their promises, and recommenced to vilify me and my work as if we had not shaken hands. I felt (most probably I had been) a great fool. The suspension of the paperback began at once to look like a surrender. In the aftermath of the attacks on my translators, it looks even more craven. It has now been more than three years since "The Satanic Verses" was published; that's a long, long "space for reconciliation." Long enough. I accept that I was wrong to have given way on this point. "The Satanic Verses" must be freely available and easily affordable, if only because if it is not read and studied, then these years will have no meaning. Those who forget the past are condemned to repeat it.

"Our lives teach us who we are." I have learned the hard way that when you permit anyone's else's description of reality to supplant your own—and such descriptions have been raining down on me, from security advisers, government, journalists, Archbishops, friends, enemies, mullahs—then you might as well be dead. Obviously a rigid, blinkered, absolutist world view is the easiest to keep hold of, whereas the fluid, uncertain, metamorphic picture I've always carried about is rather more vulnerable. Yet I must cling with all my might to my own soul; must hold on to its mischievous, iconoclastic, out-of-step clown-instincts, no matter how great the storm. And if that plunges me into contradiction and paradox, so be it; I've lived in that messy ocean all my life. I've fished in it for my art. This turbulent sea was the sea outside my bedroom window in Bombay. It is the sea by which I was born, and which I carry within me wherever I go.

"Free speech is a non-starter," says one of my Islamic extremist opponents. No, sir, it is not. Free speech is the whole thing, the whole ball game. Free speech is life itself.

What is my single life worth?

It is worth more or less than the fat contracts and political treaties that are in here with me? Is it worth more or less than good relations with a country which, in April 1991, gave 800 women 74 lashes each for not wearing a veil; in which the 80-year-old writer Mariam Firouz is still in jail, and has been tortured; and whose Foreign Minister says, in response to criticism of his country's lamentable human rights record. "International monitoring of the human rights situation in Iran should not continue indefinitely . . . Iran could not tolerate such monitoring for long"?

You must decide what you think a friend is worth to his friends, what you think a son is worth to his mother, or a father to his son. You must decide what a man's conscience and heart and soul are worth. You must decide what you think a writer is worth, what value you place on a maker of stories, and an arguer with the world.

Ladies and gentleman, the balloon is sinking into the abyss.●

THE CONGRESS-BUNDESTAG EXCHANGE

● Mr. DECONCINI. Mr. President, the Bundestag exchange is an excellent program that has given the staff of both the United States Congress and the German Parliament the opportunity to observe the workings of each other's political institutions and discuss common problems. I encourage all interested staff members to take advantage of this opportunity and apply. Mr. President, I request unanimous consent that the following announcement of the 1992 Congress-Bundestag staff exchange be inserted at this point in the RECORD.

The announcement follows:

Since 1983, the United States Congress and the West German Parliament, the Bundestag, have conducted an annual exchange program in which staff members from both countries observe and learn about the workings of each other's political institutions and convey the views of members from both sides on issues of mutual concern.

This exchange program has been one of several sponsored by both public and private institutions in the United States and Germany to foster better understanding of the institutions and policies of both countries.

This year will mark the second exchange with a reunified Germany and a parliament

consisting of members from both the west and the east. Ten staff members from the U.S. Congress will be chosen to visit Germany from April 25 to May 9. They will spend most of the time attending meetings conducted by members of the Bundestag, Bundestag party staffers, and representatives of political, business, academic and media institutions. They also will spend a weekend in the district of a Bundestag member.

A comparable delegation of German staff members will come to the United States in late June for a 3-week period. They will attend similar meetings here in Washington and will visit the districts of Members of Congress over the Fourth of July recess.

The Congress-Bundestag Exchange is highly regarded in Germany. Accordingly, U.S. participants should be experienced and accomplished Hill staffers so that they can contribute to the success of the exchange on both sides of the Atlantic. The Bundestag sends senior staffers to the United States and a number of high ranking members of the Bundestag take time to meet with the U.S. delegation. The United States endeavors to reciprocate.

Applicants should have a demonstrable interest in European affairs. Applicants need not be working in the field of foreign affairs, although such a background is helpful. The composite U.S. delegation should exhibit a range of expertise in issues of mutual concern to Germany and the United States, such as, but not limited to, trade, security, the environment, immigration, economic development, and other social policy issues.

In addition, U.S. participants are expected to help plan and implement the program for the Bundestag staffers when they visit the United States.

Among the contributions participants should expect to make is the planning of topical meetings in Washington. Moreover, participants are expected to host one or two staff people in their Member's district over the Fourth of July, or to arrange for such a visit to another Member's district.

Participants will be selected by a committee composed of U.S. Information Agency personnel and past participants of the exchange.

Senators and Representatives who would like a member of their staff to apply for participation in this year's program should direct them to submit a resume and cover letter only in which they state why they believe they are qualified, what positive contributions they will bring to the delegation, and some assurances of their ability to participate during the time stated.

Applications may be sent to Bob Maynes, office of Senator DENNIS DECONCINI, 328 Hart, by Friday, February 14.•

PRESIDENT BUSH SALUTES THE VOLUNTEERS OF PIONEER POTLATCH AS THE 635TH "DAILY POINT OF LIGHT"

• Mr. PACKWOOD. Mr. President, it is a pleasure for me to rise today in honor of the volunteers of Pioneer Potlatch based in Dallas, OR. These volunteers have been enriching the lives of over 1,600 senior citizens and isolated individuals by providing food and friendship for these people—people who might otherwise have little or no contact with others.

Founded in 1976, Pioneer Potlatch has been bringing together senior citizens of 10 communities for good meals and companionship. This organization, made up of over 430 volunteers, transports seniors to and from local dining halls, many located in church basements, for meals prepared and served by the volunteers. They also deliver meals to people who might not be able to leave their house to go to one of the dining halls. The Pioneer Potlatch meal delivery may be the only chance some of these people have to spend time with others. The volunteers not only see to it; that people have to spend time with others. The volunteers not only see to it that people have good meals, they also provide much needed friendship and companionship. They do all this, not expecting a nickel in return. Their payment is the sense of meaning and fulfillment the work brings to their lives.

Some volunteers go beyond the call of their very worthy duties by taking seniors on outings, like shopping trips or scenic drives. These outings, as well as dining with other seniors in the area, create a sense of community for those who might otherwise feel nothing but isolation.

Mr. President, I am proud to see people in my home State of Oregon selflessly enriching the lives of others. The volunteers of Pioneer Potlatch well deserve the honor of the Presidential recognition as the 635th point of light. For all of their work, I salute them.•

RESOURCE CONSERVATION AND RECOVERY ACT

• Mr. COATS. Mr. President, for some time now my home State of Indiana has been the recipient of garbage from other States. East coast trash vendors continue to send solid waste to the Hoosier State at an alarming rate, and this trend shows no sign of abating.

I recently received 16 letters from Miss Betsy Gee's third grade class from Allisonville Elementary School in Indianapolis. What these students lack in age they more than make up in enthusiasm, sincerity, and Hoosier common sense. The students related their concerns about the trash crisis in Indiana.

The students, who have joined a group called Kids for Saving the Earth, wrote me with insightful questions, comments, and suggestions about the solid waste disposal issue.

Taylor Hughes reminds us that "we are getting too much trash from other States. I also think if possible they should spread their biodegradable trash underneath the other stuff so there will be more room." Jay Schroeder says he "heard about New Jersey. It's dumping garbage in Indiana. I don't like it at all. I hope you can help stop it." Whitney Scolnik puts it simply and eloquently: "I hope that soon the entire Earth will be cleaned."

The time for change is now. Congress should act quickly within the context of the upcoming Resource Conservation and Recovery Act to give States the legal right to regulate the flow of out-of-State garbage flowing across their borders. As our young friends from Indianapolis help us remember, there is no time to lose.•

AMERICA'S TRADING PARTNERS

• Mr. SIMON. Mr. President, I confess I did not read President Bush's speech on the Pearl Harbor anniversary until the holiday recess.

But in the middle of that speech, which I ask unanimous consent to insert at the end of my brief comments, he has this sentence: "The time has come for America's trading partners in Europe and Asia and around the world to resolve that economic isolationism is wrong."

That applies not only to Europe and Asia, but also to the United States.

We are losing out on a sizable market in Vietnam, and we are failing to promote better human rights in Vietnam because of our rigid adherence to public policy that no longer makes sense.

Vietnam has cooperated with us on the prisoner-of-war and missing-in-action issue, and they have signaled a number of times that they would welcome trading relations with the United States.

Foreign policy should be dictated by the national interest and not the national passion. Our policy toward Vietnam is clearly being dictated by the national passion rather than the national interest.

I am old enough to recall when President Truman said we're going to help Japan and Germany after World War II. There were great cries of objection, but time has clearly shown that President Truman was right. No one who I know of is suggesting that we provide economic aid to Vietnam. What is being suggested by the British and many others who are just as much adherents to freedom and human rights as we are, is that our economic policies hurt the United States and hurt the cause of progress in Vietnam.

I hope we will follow a more rational course soon.

I ask to insert the Reuters article into the RECORD at this point.

The article follows:

EXCERPTS OF BUSH SPEECH ON PEARL HARBOR ATTACK

HONOLULU, December 7.—Following are excerpts from President Bush's address today to World War II veterans and military families on the 50th anniversary of the attack on Pearl Harbor, as provided by News Transcripts Inc., a private transcription company.

Over 2,000 men died in a matter of minutes on this site a half a century ago. Many more died that same day as Japanese forces assaulted the Philippines and Guam and Wake Island, Midway, Malaya, Thailand, Singa-

pore, Hong Kong. On that day of infamy, Pearl Harbor propelled each of us into a titanic contest for mankind's future. It galvanized the American spirit as never, ever before into a single-minded resolve that could produce only one thing, victory.

Churchill knew it as soon as he heard the news. He'd faced the Nazi conquest of Europe, the blitz of London, the terror of the U-boats. But when America was attacked, he declared there was no more doubt about the end. He knew then that the American spirit would not fail the cause of freedom.

The enemy mistook our diversity, our nation's diversity, for weakness. But Pearl Harbor became a rallying cry for men and women from all walks of life, all colors and creeds. And in the end, this unity of purpose made us invincible in war and now makes us secure in peace.

Ironically, isolationists gathered together at what was known in those days as an American First rally in Pittsburgh at precisely the moment the first Americans met early violent deaths right here at Pearl Harbor.

The isolationists failed to see that the seeds of Pearl Harbor were sown back in 1919 when a victorious America decided that in the absence of a threatening enemy abroad we should turn all of our energies inward. That notion of isolationism flew escort for the very bombers that attacked our men 50 years ago.

And now we stand triumphant for the third time this century, this time in the wake of the cold war. As in 1919 and in 1945, we face no enemy menacing our security. And yet we stand here today on the site of a tragedy spawned by isolationism. And it is here, and we must learn and this time avoid the dangers of today's isolationism and its economic accomplice, protectionism. To do otherwise, to believe that turning our backs on the world would improve our lot here at home is to ignore the tragic lessons of the 20th century. The fact is, this country has enjoyed its most lasting growth and security when we rejected isolationism, both political and economic, in favor of engagement and leadership.

We're a Pacific nation. And next month, in Asia, I'll discuss with our Pacific friends and allies their responsibility to share with us the challenges and burdens of leadership in the post-cold war world.

The time has come for America's trading partners in Europe and Asia and around the world to resolve that economic isolationism is wrong. To the leaders of Japan in particular I say this solemn occasion should reinforce our determination to join together in a future energized by free markets and free people. And so I'll continue to speak out against the voices of isolationism and protectionism, both at home and abroad.

Fifty years ago we paid a heavy price for complacency and over-confidence. That, too, is a lesson we shall never forget. To those who have defended our country, from the shores of Guadalcanal to the hills of Korea, and the jungles of Vietnam to the sands of Kuwait, I say this: We will always remember.

In remembering, it is important to come to grips with the past. No nation can fully understand itself or find its place in the world, if it does not look with clear eyes at all the glories—and disgraces, too—of the past.

We in the United States acknowledge such an injustice in our own history. The internment of Americans of Japanese ancestry was a great injustice, and it will never be repeated.

Let me tell you how I feel. I have no rancor in my heart toward Germany or Japan—not at all. And I hope, in spite of the loss, that you have none in yours. This is no time for recrimination. World War II is over. It is history. We won. We crushed totalitarianism, and when that was done, we helped our enemies give birth to democracies.•

PRESIDENT BUSH SALUTES 4-H SEARCH AND RESCUE CADET PROGRAM MEMBERS OF WARM SPRINGS, OR, AS DAILY POINT OF LIGHT

• Mr. PACKWOOD. Mr. President, I rise today to recognize the hard work and dedication of the members of the Warm Springs, OR, 4-H Search and Rescue Cadet Program. These cadets have provided emergency search and rescue services for individuals and agencies in their area of Warm Springs, OR.

Founded in 1987, these cadets are Native American youths from the Warm Springs Indian Reservation. The cadets include young men and women who range in age from 10 to 18. The Warm Springs program is one of the few youth search and rescue operations in the country. Each week, these cadets train for 3 hours in swift water rescue, CPR, first aid, and wilderness survival. They are also trained to start a fire under any weather conditions, and cook their own meals in the outdoors. One weekend each month is dedicated to specific search and rescue operations.

The Warm Springs area is located at the edge of the Cascade Mountains. It is a rugged, high desert landscape with ravines that are 300 to 400 feet deep. Emergency rescue situations are common. Since June, the cadets have completed 14 rescue missions. Their assignments have included tracking missing persons, recovering bodies, and scoping murder scenes. They are full-fledged members of the Jefferson County Search and Rescue, and are treated as professionals by their adult counterparts. As a matter of fact, they are often called upon to train adult search and rescue groups. They also work jointly with local police and other rescue agencies when performing missions.

These cadets work hard throughout their training, and their rescue operations. They also develop leadership skills and promote unity within their group. The skills mastered by these young people give them the background, experience, and self-esteem necessary to succeed as they become adults.

In recognition of this group's outstanding community service, President Bush has saluted the cadets of the Warm Springs 4-H Search and Rescue as the 653d Daily Point of Light. The Daily Point of Light recognition is intended to reward those individuals and groups who claim society's problem as their own by taking direct action, like the efforts made by these search and rescue cadets.

To the Warm Springs 4-H Search and Rescue cadets and their program director, Keith Baker, thank you on behalf of Oregon, and the many people in whose lives you made a difference.•

STUDENTS ALLEGE RELIGIOUS BIAS

• Mr. SIMON. Mr. President, the move toward greater religious activity in public schools is something that we should view with great caution.

The traditional separation of church and state that we have had in our country, while it is not a complete severance of the two, has been healthy for both the government and the religious community.

Recently, I was in Eugene, OR, and picked up the Eugene Register-Guard and saw an article titled "Students Allege Religious Bias," written by Randi Bjornstad of the Register-Guard staff. I know none of the details, other than this article, but the article suggests, once again, that some self-restraint is necessary in this area of church/state relations.

I ask to insert the article into the RECORD at this point.

The article follows:

STUDENTS ALLEGE RELIGIOUS BIAS

(By Randi Bjornstad)

BLUE RIVER.—An overflow crowd showed up Thursday night at a school board meeting to listen to complaints that McKenzie High School is rife with persecution of students who do not practice the Baptist religion.

About 200 parents, students, teachers, school officials and community members packed the high school cafeteria as speakers rose to discuss allegations of religious intolerance against non-Christian students at the combined junior-senior high school.

Dick Roberts of Leaburg, a local Baptist pastor, defended students' practice of "witnessing to their peers" during school hours.

"This school does not have the legal right to tell my kids they can't talk about their faith at school," he said.

As for reports that some students are upset about being told they would "burn in hell" if they failed to become Christians, Roberts said students who are members of the Baptist church "have a responsibility to speak the truth in love."

Student Janet Hedstrom disagreed. "I'm sick of having religion pushed down my throat, including at school," she said.

Hedstrom said that when she left the Baptist church she used to attend with her family, she received a letter from Principal Russ Conklin expressing sorrow that she had "opened your heart a bit to Satan's world."

The letter urged Hedstrom to "see him any time" and to return to her religious beliefs.

"He had no right to do that," Hedstrom said, then burst into tears.

Conklin, who serves as an elder in the Baptist church, did not respond at the meeting. Earlier Thursday, he said he had written the letter at home to ensure that it would not violate legal standards for separation of church and state.

Chairman James Goodpasture said he didn't expect the school board to take any action Thursday night. He gave no indication of what the board's next action might be. The testimony lasted nearly three hours.

Paul Petit, a senior at the high school, touched off the controversy recently when he wrote a letter to the editor of the McKenzie River Reflections community newspaper contending that an "overwhelming and sickening cancer" of religious discrimination is spreading through the student body.

Petit said in his letter, published Nov. 15, that he and other non-Christian students at the high school have been approached numerous times during school hours and told that they would "burn in hell' if they did not become Christians.

He said he believes all students, regardless of faith, should be able to pursue an education "in a comfortable environment" free of religious discrimination. But that's not happening at McKenzie High School, Pettit said.

Pettit's letter sparked a flurry of responses from the community, some condemning the district for allowing proselytizing at the school, others supporting the practice.

Conklin acknowledged Thursday that some students are aggressive about voicing their religious beliefs during school hours. But he denied that school district officials condone their activities.

"I just don't get involved," he said. "Under the First Amendment to the Constitution—the right of free speech—I can't put a gag on these students, just as I can't stop other students from pressuring kids to attend alcoholic parties."

But Pettit and others maintain that allowing proselytizing on school property violates another traditional American ideal—the separation of church and state.

Phil Lemman of the state attorney general's office says the degree to which religion may be discussed in schools depends on the situation.

"If the school administration actively encourages or promotes that kind of activity, then, yes, there may be a violation," Lemman said. "But if school officials are aware but not participating in any way, then there may be no legal problem."

Several area residents said children who do not attend conservative Christian churches have experienced discrimination in the McKenzie School District for the past 10 years.

Judith Olson, the mother of two teen-age children, said her family's problems in the schools began shortly after they moved to the Leaburg area nearly eight years ago.

"I soon started getting little clues that something wasn't right," Olson said. "My children started getting off the bus every day to ask me, 'Mommy, how come we aren't Christians?'

"I said, 'We are Christians. We're Catholic, and that's Christian.' They told me no, their friends told them repeatedly that they weren't," she said.

She contends that her children were excluded from social activities because they didn't belong to the same church as the other children. Her son, Erik, felt he was disciplined more harshly than students "who belonged to the 'right' church," Olson said.

Conklin said he has heard similar complaints. "I've heard students say in anger that they're tired of our rules, that we're no more than a little Christian school, but I don't take that seriously," he said. "We demand respect here. Anyone who doesn't conform with those rules will be disciplined."

Olson finally withdrew both her daughter and son from the district and now drives them to private schools in Eugene.

At the board meeting, Robert Ashley, a school district resident, presented a petition with several dozen signatures seeking Conklin's removal. Ashley said he knew of teachers and students who have left the school district because of religious intolerance.•

RECIPIENTS OF 1991 PRESIDENTIAL ENVIRONMENTAL CONSERVATION CHALLENGE AWARD

• Mr. BOND. Mr. President, I rise today to pay tribute to Missouri's Environmental Improvement and Energy Resources Authority, which, along with the University of Missouri extension, was recently recognized with a 1991 Presidential Environmental Conservation Challenge Award.

The working partnership between EIERA and University of Missouri extension culminated in the household hazardous waste project, which was created to inform the citizens of Missouri about the importance of safe disposal and storage on hazardous waste products from household chemicals. The project has helped increase awareness of the dangers that can result from improper use and disposal, and contribute to a safer environment. The household hazardous waste project began as a grassroots community effort that was expanded statewide due to the hard work and efforts of the EIERA and University of Missouri extension.

We are proud that Missouri's efforts to increase community awareness on this important issue have resulted in the household hazardous waste project being adopted as a nationally recognized model used by the United Nations and countless others. On behalf of my fellow Missourians, I congratulate our environmental improvement and energy resources authority and the University of Missouri Extension on the national recognition their efforts have earned.•

THE ISSUE OF SOLID WASTE DISPOSAL

• Mr. CHAFEE. Mr. President, every State is grappling with the issue of solid waste disposal. Landfills across America are reaching their capacity, and residents are resisting efforts to create new landfill sites in their communities. Incinerators are an alternate means of waste disposal, but I am concerned that some communities are considering incineration before all other options have been thoroughly explored.

Congress soon will be considering renewing and strengthening RCRA [the Resource Conservation and Recovery Act] our Nation's primary regulations regarding solid waste disposal. A main topic of concern will be what to do with the growing mound of waste we are creating daily. Obviously, the best solution to dealing with waste is to avoid producing it in the first place. Waste that is produced can be burned, or buried, or dumped at sea, but each method has a devastating environmental consequence. There is one method, however, that can be done by everyone and actually has a positive environmental impact, and that is recycling.

There are States, such as my home State of Rhode Island, that have instituted mandatory recycling programs. By complying with these efforts, residents feel that they are doing their part to help improve the environment. Businesses also have begun to pitch in by instituting their own recycling programs. In fact, many Senate offices, mine included, now have separate bins for paper, glass, cans, and other waste.

Today I would like to bring your attention to another source of waste. Have you ever wondered how much trash is generated at a convention? Once the exhibits have been broken down, the leftover accompanying trade material, handouts and such have been collected—all this adds up to quite a large amount of trash. Last year McCormick Place in Chicago, the largest exhibition hall in the country, generated more than 77,000 cubic yards of solid waste. This is enough to cover more than 500 football fields to a depth of 1 inch, and this is just one facility.

From January 12 through 15, 1992, the National Housewares Manufacturers Association will be sponsoring its International Housewares Show at McCormick Place in Chicago. This national trade show, one of the largest in the world, will include 2,000 exhibitors and attract more than 50,000 attendees. This year the National Housewares Manufacturers Association has decided to implement a comprehensive waste recycling program for its convention. Plastic, aluminum, and mixed paper, such as trade magazines, will be recycled.

I commend and applaud the National Houswares Manufacturers Association recycling initiative. It is my hope that other trade show managers will follow the association's lead and institute similar programs.

Waste disposal is a very serious and complex environmental problem. Recycling alone is not the solution, but efforts by organizations like the National Housewares Manufacturers Association and mandatory recycling programs implemented by States like Rhode Island will go a long way in helping to reduce the amount of waste we generate each year.•

COMMENDING STEVE ECKHOFF, STOVER, MO

• Mr. BOND. Mr. President, I rise today to pay tribute to Mr. Steve Eckhoff of Stover, MO. Mr. Eckhoff was recently recognized for heroic actions.

Mr. Eckhoff, a professional truck driver for Opies' Transport, Inc., was driving his truck on U.S. Highway 65

near Warsaw, MO, when a vehicle attempting to pass his truck collided head on with another vehicle and immediately caught fire. When Eckhoff was unable to put out the fire, he quickly pulled two passengers and the driver of the car to safety. He then used a log chain and his truck to pull the other car safely away from the burning vehicle.

Missouri is proud to have quick-thinking heroes like Steve Eckhoff. I commend Steve for his brave actions.•

HAZARDOUS MATERIALS TRANSPORTATION UNIFORM SAFETY ACT OF 1990

• Mr. BURNS. Mr. President, I would like to alert my Senate colleagues about a technical correction that must soon be passed by Congress. I was the original sponsor of this technical correction, requested by the Department of Transportation [DOT], to subsection 106(c)(1)(C) of the HMTUSA which was adopted by the Senate Commerce Committee and included in the Senate-passed Pipeline Safety Improvement Act (S. 1583). I would like to include in today's RECORD the excerpt relating to this matter from the Senate Report No. 102-152 to accompany S. 1583.

This technical correction will be sponsored in the House by my colleague, Representative NORM MINETA, the chairman of the House Public Works and Transportation Surface Transportation Subcommittee. I would like to also include in today's RECORD Representative MINETA's remarks made in the January 3, 1992, CONGRESSIONAL RECORD (Vol. 138, No. 1). I would also like to thank Representative MINETA for his leadership and for his stated goal to take prompt action to remedy this inequity that will impact our Nation's farm sector.

Despite the fact that this error was formalized by the DOT in a notice of proposed rulemaking dated October 10, 1991, the DOT asked Congress to take legislative action to correct this error. I would like to include in today's RECORD a letter from DOT to me in this regard.

Because of this error in law, now formalized in the proposed October 1991 DOT rulemaking, registration fees may be assessed on a class of registrants in the farm sector who ship small quantities of farm inputs and who were not intended to be subject to such fees by Congress when it passed HMTUSA.

Prompt passage by Congress of the technical correction has now become necessary because the DOT now informs us that the proposed October 1991 DOT rulemaking, unless modified, may require OMB to "score" these incorrect fees as income for fiscal year 1993.

I would like to join my House colleague, Representative MINETA, in urging DOT to modify its proposed October 1991 rule—Docket No. HM-208 entitled "Hazardous Materials Transportation Registration and Fee Assessment Program"—to reflect the intent of Congress. I will also join my House colleague in formalizing the intent of Congress by including this technical correction to subsection 106(c)(1)(C) of HMTUSA in an appropriate legislative vehicle.

This is a plain, old-fashioned glitch. It matters not who erred or how. Simply, it needs to be fixed. It is one of those complicated technical errors that, if not corrected, will be hard to explain to our farm friends who Congress intended to be exempt from registration fees in the first place.

Material to be included in the RECORD follows:

PIPELINE SAFETY IMPROVEMENT ACT OF 1991

(Excerpt from the report of the Senate Committee on Commerce, Science, and Transportation on S. 1583)

SECTION 13.—TECHNICAL CORRECTION

This section would amend section 106(c)(1)(C) of the Hazardous Materials Transportation Act to add the phrase ", in other than a bulk package,". Addition of this phrase clarifies that registration is required for any person who transports or causes to be transported or shipped in commerce a hazardous material in a *bulk package*, container, or tank which has a capacity of 3,500 or more gallons, and for any person who transports or causes to be transported or shipped in commerce, *in other than a bulk package*, a shipment of 5,000 pounds or more of a class of a hazardous material for which placarding is required.

By adding subsection (c) to section 106 of the Hazardous Materials Transportation Act in 1990, the HMTUSA both created and eliminated an exemption from mandatory registration for tanks and containers with a capacity of less than 3,500 gallons. For example, a cargo tank carrying 1,000 gallons of liquid fertilizer would weigh 8,300 pounds. If considered under section 106(c)(1)(B), applicable to shipments of 3,500 or more gallons, registration would not be required. If considered under section 106(c)(1)(C), applicable to shipments of 5,000 pounds or more, the same shipment would require registration. This section is intended to clarify that bulk package shippers are subject to mandatory registration if they meet one specific set of conditions, and that shippers of nonbulk packaging are covered by a different set of conditions.

[From the Congressional Record, Jan. 3, 1992]

HAZARDOUS MATERIALS TRANSPORTATION UNIFORM SAFETY ACT OF 1990

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. MINETA] is recognized for 5 minutes.

Mr. MINETA. Mr. Speaker, on November 19, 1990, the Hazardous Materials Transportation Uniform Safety Act of 1990—Public Law 101-615—was signed into law. That law establishes registration requirements for specific classes of persons subject to the Hazardous Materials Transportation Act. It also requires payment of fees by these registrants. Some confusion has arisen over the applicability of fees to persons transporting bulk shipments that weigh 5,000 pounds or more. New subsection 106(c) establishes registration requirements for three classes of persons. Only two classes are pertinent.

First, new subsection 106(c)(1)(B) of the law requires registration by persons that transport or cause to be transported a hazardous material in a bulk package, container, or tank. It applies to packages, containers, or tanks with a capacity of 3,500 or more gallons or more than 468 cubic feet. Second, new subsection 106(c)(1)(C) requires registration by persons transporting or causing to be transported shipments weighing 5,000 pounds or more for which placarding is needed. Plainly, one requirement was for bulk shipments of a certain capacity, liquid or dry. The other was for nonbulk shipments weighing 5,000 pounds or more. Under section 117A, persons covered by these subsections are required to pay registration fees.

In an interpretation of that law, the Department of Transportation concluded that the second requirement contained in subsection 106(c)(1)(C) also included bulk shipments, dry or liquid, and thus persons transporting liquid or dry bulk shipments would have to comply with the registration requirements if such shipments weigh 5,000 pounds or more. This conclusion seems to totally ignore the registration requirement contained in section 106(c)(1)(B) which immediately precedes it, and which applies to bulk shipments.

Informally, the Department were informed that the committee believed its interpretation was erroneous. However, the Department persisted in its interpretation and formalized it in a notice of proposed rulemaking released on October 10, 1991. Pursuant to that notice, a category of persons apparently will be subject to the registration requirements in apparent contradiction of the act's intent.

The Department insists the only way to correct this situation is to make a technical change to subsection 106(c)(1)(B) to exclude bulk shipments. Last year, the committee reluctantly had agreed to make that technical amendment in the Pipelines Safety Act of 1992, which it will dispose of later this year.

Recently, however, the committee was informed by the Department and the Office of Management and Budget that because of the Department's interpretation of subsections 106(c)(1)(B) and (C), the fees which would be charged incorrectly to registrants under subsection 106(c)(1)(C) will be scored as income for fiscal year 1993. If they are eliminated after the administration submits its budget for fiscal year 1993 and before the technical amendment is made, the resulting loss in revenue will have to be restored from other sources. The Office of Management and Budget insists that this will occur even though the interpretation by the Department of subsection 106(c)(1)(C) is erroneous and will be corrected by amendment.

Hence, the fees which would have been collected in fiscal year 1993 will be included in the budget even though the fees and their collection were not contemplated by the act.

The committee firmly believes that the Department should correct its interpretation of the registration requirement by amending the rules it proposed on October 10, 1991. The committee also believes that there should be no action taken to reflect the inclusion of fees in the budget that result from the assessment of fees on a class of registrants who were clearly not intended to be subject to such a requirement, and who will be excluded from the registration requirement by a technical amendment.

The committee will proceed to prepare and take action on legislation designed to affect the technical change before the Budget for

fiscal year 1993 is submitted. Consequently, the legislation will be introduced and acted upon later this month.

U.S. DEPARTMENT OF TRANSPORTATION,
Washington, DC.

Hon. CONRAD BURNS,
U.S. Senate, Washington, DC.

DEAR SENATOR BURNS: Thank you for you recent letter concerning a technical correction to the Hazardous Materials Transportation Uniform Safety Act of 1990 (HMTUSA). As you know, the proposed technical correction would exempt from the registration requirements of the HMTUSA nurse tanks that have a capacity of less than 3,500 gallons, and which are widely used by farmers to transport fertilizers. The technical correction would relieve the burden on farmers and others using such tanks of registering with the Department of Transportation and paying the required fees. The Department has been considering proposing such a technical amendment, and we would support its enactment.

Because the HMTUSA amended the Hazardous Materials Transportation Act (HMTA), we recommend that the technical correction be made to section 106(c)(1)(C) of the HMTA (49 App. U.S.C. §1805(c)(1)(C)), and we have enclosed suggested language.

We would also like to bring to your attention a similar problem with respect to the motor carrier permitting requirements of the HMTA. Section 106(d)(5) of the HMTA (49 App. U.S.C. §1805(d)(5)), as amended by the HMTUSA, requires a motor carrier of any quantity of a class A or B explosive, liquefied natural gas, or a material extremely toxic by inhalation, to have a safety permit.

Farmers may use small quantities of toxic-by-inhalation materials as grain fumigants and commonly use small quantities of explosives in their farming operations. The Department's legislative proposal, which was transmitted to Congress on July 11, 1989, included the authority for the Secretary to determine by regulation the quantities of those materials to which the permit requirements would apply. We have enclosed language that would correct section 105(d)(5).

We appreciate your interest in the safe transportation of hazardous materials. If I can be a further assistance, please do not hesitate to call me.

Sincerely,

TRAVIS P. DUNGAN.●

AIDS UPDATE

● Mr. CRANSTON. Mr. President, according to the latest available data from the Centers for Disease Control, as of December 31, 1991, 206,392 Americans have been diagnosed with AIDS; 133,232 Americans have died from AIDS; and 73,160 Americans are currently living with AIDS. As these figures demonstrate, the number of AIDS cases is escalating dramatically. It took 8 years to reach 100,000 cases and just 26 months to double that number. According to CDC, the 300,000 mark could be reached in less than 2 years, perhaps faster.

ACCESSING THE PRESIDENT

To be a sports star in America is to have an awesome entree to the media, the public, and public officials. Magic Johnson, now a gracious but outspoken advocate of Federal attention to the AIDS epidemic, is wisely using the power of his celebrity position to focus President Bush's attention on the AIDS crisis.

Magic Johnson is the latest Presidential appointment to the National Commission on AIDS. He met with the President last week and has been invited back next month. Although what Johnson is saying has been said many times by many others, perhaps now the President will listen, and even more importantly, act.

Johnson's hand-delivered letter to President Bush echoed the sentiments of many experts in Federal AIDS efforts: "I don't feel you have been there," he told the President.

Johnson asked the President to see to it that his upcoming budget includes far more spending on AIDS. Specifically, he asked $900 million for the National Institutes of Health research programs, $900 million to fund treatment programs under the Ryan White Act, and $500 million for Medicaid payments to people with AIDS.

Johnson's sports metaphor just might catch the President's attention. He wrote, "No matter how good the team may be, it won't win the championship without the owner fully in the game."●

CONCERNING THE EFFORTS OF SECTION 471, FEDERAL DEPOSIT IMPROVEMENT ACT OF 1991

● Mr. GARN. Mr. President, an assortment of statements have appeared in the CONGRESSIONAL RECORD concerning the effect of section 471 of the Federal Deposit Insurance Corporation Improvement Act of 1991 on the pending lawsuit between Sears, Roebuck and the VISA credit card organization. For the most part these statements simply confirm that the provision was not intended to affect the antitrust issues raised in the lawsuit. This point was discussed at length by the members of the conference committee that adopted the provision and was well understood. However, other statements appearing in the RECORD, including statements by some Members who were not even on the conference committee, reflect a misunderstanding of the intended effect of this provision. I want to take this opportunity to set the record straight, once and for all.

Section 471 of the Federal Deposit Insurance Corporation Improvement Act of 1991 is a simple and straightforward provision. What it says, without placing any gloss whatsoever on its own words, is that if someone was obligated to provide services to a thrift institution at the time that it was taken over by the Resolution Trust Corporation [RTC] and the RTC then transferred the right to receive those services to someone else after August 9, 1989, then the service provider is obligated to provide those services to the RTC's transferee. There is one exemption: Where the transferee fails to comply with a material term or condition of the original obligation.

I will not reiterate here the importance of this provision for ensuring the ability of the RTC to maximize the amount that it can recover from the assets of failed thrifts and, thus, to reduce the ultimate cost of the savings and loan crisis to the American taxpayer. I addressed this in remarks that appeared in the CONGRESSIONAL RECORD on December 18. However, I do want to return to the other point that I made on the same occasion: The members of the conference committee who voted without dissent—and only one abstention—to include this provision in our conference report were fully cognizant that this provision would apply to a dispute then pending between Sears, Roebuck and the VISA credit card organization, and that this provision would have the effect of permitting Sears to launch its VISA card program now.

Some Members of Congress have since inserted statements in the RECORD regarding the application of the provision to that dispute. For example, it has been asserted that the requirements of the provision do not apply if a service provider is asked to increase or expand or "otherwise modify" its services in any way. The language of the statute is clear: The scope of the service provider's obligation is defined by what services it was obligated to provide to the failed thrift, not by what services, or what volume of services, it was actually providing to the thrift at any point in time. Any suggestion to the contrary simply contradicts the terms of the statute, and finds no support whatsoever in the discussions of the conference committee.

A few statements have been made that there was no intention on the conferees' part to affect the litigation between Sears and VISA. Most of those statements merely confirm that the antitrust issues were the subject of that litigation are unaffected by this legislation. With this I agree entirely; in fact, I made this point myself in a written colloquy with Senator METZENBAUM. Whether Sears has valid claims against VISA, or VISA against Sears, under the antitrust laws is not addressed by this legislation and should be decided by the courts.

One or two statements appear to go further, however, and to suggest that the conferees did not intend this legislation to provide Sears with the basis to launch its VISA card program before those antitrust issues were decided. One statement, made by a Member who was not on the conference committee, states that section 471 was adopted "based on assurances made by its sponsor"—a clear reference to me—to this effect. These assertions are incorrect.

At the time when the conference committee was meeting, there was no

doubt whatsoever about the effect of this provision. I had been actively lobbied by opponents of this provision, as I know other Members of Congress were both before and during the conference committee, precisely on the grounds that it would affect the dispute between Sears and VISA. The provision's opponents knew exactly what this provision would do, and the chairman of the House Banking Committee argued against the provision precisely on the ground that it would affect this litigation. At no time did I ever say or suggest, much less assure anyone, that it would do otherwise. In fact, the transcript of the conference committee deliberations shows that when the chairman of the House Banking Committee argued against the provision on the ground that it would impact on ongoing litigation, I noted that: "* * * it does involve Sears and both of us have been very open about that. * * *"

I invite anyone with any question about this issue to read the transcript of the committee's deliberations on this provision in full. What they will see is that several participants, including me, made repeated and explicit reference to the fact that this provision would affect the dispute between Sears and VISA, although it would not affect the antitrust causes of action that were then pending in litigation between Sears and VISA. In addition, I read portions of a memo from the Bankcard Holders of America, which I know many conferees had copies of and which was available to anyone to examine. I ask to have the text of that memo inserted in the RECORD following these remarks.

Mr. President, there appear to be handful of Members of Congress who opposed, or who at some point since the conference committee have come to oppose, this provision, and I respect their right to do so. But by overwhelming votes of the conference committee, this Chamber and the House of Representatives, and as well as President Bush's signature, this provision is now law. Its implementation should be based first and foremost on the legislative language itself, and not, in any event, on belated efforts to defeat it by altering its clear meaning.●

CLARIFYING LEGISLATIVE INTENT OF RTC PROVISION

● Mr. D'AMATO. Mr. President, today I seek to clarify the legislative intent of a provision concerning the Resolution Trust Corporation that was discussed at some length by the House-Senate conference committee and included in the Federal Deposit Insurance Corporation Improvement Act of 1991.

I understand that several statements regarding section 471 have been made in the CONGRESSIONAL RECORD following the passage of the Federal Deposit Insurance Corporation Improvement Act of 1991. some of these statements clearly misconstrue the intent of this provision as well as its effect.

Section 471 ensures that the Resolution Trust Corporation will be able to transfer assets of a failed institution without risk that the assets will become useless in the hands of the transferee.

Among other things, section 471 allows the RTC to freely transfer the credit card business of a failed savings and loan, without third party consent.

As I stated during the discussion of section 471, this provision has a twofold value. First, it has a substantial impact on the ability of the RTC to be able to sell certain assets, such as credit card operations, and to maximize profits when selling these assets. As a result, taxpayers will ultimately benefit. Second, section 471 promotes a competitive free market in the credit card industry. A competitive free credit card market will ultimately benefit consumers.

One of the issues that was specifically considered during the discussion of section 471 was the effect that this provision would have on pending litigation involving Sears, Roebuck and VISA. Indeed, it is not unusual for legislation to affect some pending litigation. The conferees concluded that Sears could continue its lawsuit against VISA on the grounds of antitrust law. However, the effect of section 471 would be to provide an independent basis for Sears to enforce the rights it had acquired from the RTC.

Mr. President, section 471 should be read for its plain meaning which is clearly reflected in the transcript of the House-Senate Conference on Federal Deposit Insurance Corporation Improvement Act of 1991.●

THE DEDICATION OF CAROLINE CHURCH IN BROOKHAVEN, NY

● Mr. D'AMATO. Mr. President, I rise today to honor Caroline Church of Brookhaven, NY.

Caroline Church of Brookhaven was organized in 1723 as Christ Church and by 1729 the building was erected. The original settlement was known interchangeably as Cromwell Bay and various spellings of Setauket. Later, Captain Scott changed the name to Ashford after his hometown in Kent, England. The name Brookhaven is used in town records as early as 1664; however, in an application dated 1659 by free holders of the town to become attached to Connecticut, the name Cromwell Bay is used. The charter or patent given to the town by Colonel Nicolls, Governor General of New York on March 7, 1666, established the legal name as Brooke Haven.

The edifice, essentially unaltered in size, has been used for worship by the Setauket congregation continuously since its building. In the year 1730 the name was changed from Christ Church to Caroline, in honor of Wilhelmina Karoline, the Queen of George II, who then gave the church altar cloths and a Communion service, consisting of a chalice, pattern, and alms basin. The service is used on special occasions.

Up until 1937 the interior of the church had undergone many changes, the most significant of which took place in the middle of the 19th century. At this time a false ceiling was added, beams were enclosed, and new furnishings installed, with the result that the colonial interior became unrecognizable. In the late 1930's, under the leadership of the Melville family, a major program was undertaken in the three villages to construct a village in colonial style. In 1934, the Melvilles, parishioners of Caroline Church, in memory of Frank Melville, Jr., provided the resources for the program and initiated a project to restore Caroline Church's original colonial features.

After a period of research, work commenced in 1937. The parish house was detached from the church thereby restoring the original lines of the selfstanding building. On the inside, the false ceiling and walls were stripped off to reveal the original hand-hewn oak timbers. The earlier barrel ceiling was restored. In the vestibule, additional columns and beams were uncovered along with wooden retaining brackets—ships knees—in the upper corners, the latter indicative of the carpentry skills of the shipbuilding village. The church's interior was completely remodeled in colonial style. Of antique significance was the restoration of the old whale lamps and the return of the Sheraton chairs, previously owned by Bishop Seabury, given by his son, Charles Seabury, to the sanctuary.

In addition to the restoration aspect of the project, new facilities were added. Excavation under both church and parish house provided meeting rooms and catering facilities.

Improvements and restoration continued to be necessary for good maintenance and care. During the years 1985–87 the church tower was completely restored and the gallery repaired and renovated.

The church and graveyard have been placed on the National Register of Historic Places by the U.S. Department of the Interior in 1991.

I offer my sincere congratulations to the congregation of Caroline Church on this historic occasion.●

CENTENNIAL OF MANHATTAN COLLEGE'S SCHOOL OF ENGINEERING

● Mr. D'AMATO. Mr. President, I rise today on the first day of session in 1992 to congratulate Manhattan College as it begins the centennial celebration of its school of engineering. Tonight in the Waldorf Astoria, in New York City,

the Jaspers will gather and begin a year that will commemorate and celebrate all that the school of engineering has contributed to New York City, New York State, our Nation, and our world. Over the past century, the school and its faculty have helped set the highest standards for one of civilization's most noble professions by preparing leaders in the development of this indispensable field.

Among the better known structures that have been designed or built by Manhattan's engineering graduates are the George Washington and Triborough Bridges in New York, One Liberty Place in Philadelphia, the Potomac Bridge in Virginia, and most recently, Sears Tower, the largest reinforced concrete building in Chicago and the world.

The school of engineering recently marked another important anniversary, the 50th year of its prestigious graduate program in environmental engineering. Alumni of this program hold top posts in industry, government, academe, developing technologies and enacting policies that help cities and towns dispose of municipal wastes safety and effectively.

The school of engineering can actually trace its roots to the 1880's, when Manhattan joined other American colleges in an effort to meet our growing Nation's need for a professional corps of engineers.

To some, it was a radical move. Like most 19th century colleges, Manhattan had a classical curriculum, focusing on Latin, Greek, philosophy, rhetoric, and mathematics. But the Christian Brothers, who founded Manhattan, had always believed in keeping up to date in a world of growing technology. And so, in the mid-1880's, they introduced subjects such as chemistry, physics, quantitative and qualitative analysis, and engineering.

The program gained momentum in 1888, when the college opened courses specifically to prepare students for careers in engineering. Entrusted with the program's development was Brother Caesarius Paulian, who, before joining the Christian Brothers in 1882, taught engineering at McGill University and served as an engineer with the Canadian Pacific and Missouri Pacific Railroads.

In 1892, Manhattan College conferred its first two engineering degrees. Propelled by the program's success, the college formally established its school of engineering.

The father of engineering at Manhattan College, Brother Paulian, died in 1893. Taking the helm was another academic giant, Brother Potamian O'Reilly. A graduate of London University, Brother Potamian worked closely with a number of distinguished British scientists.

The school of engineering grew in prestige—and enrollment—throughout the 20th century. This success was largely due to the leadership of one man, Brother Amandus Leo Call, dean of the school of engineering from 1930 to 1961.

Brother Leo was unsurpassed as an educator and administrator. Under his direction, the school's original curriculum in civil and electrical engineering was expanded. An option in mechanical engineering was added in 1956, and chemical engineering followed suit in 1957.

The school of engineering gained a new home—and redoubled in strength—with the inauguration of the Leo Engineering Building in 1963, named after the dean who had meant so much to the school, its faculty, and particularly its students. The stately brick facility is just off the main campus at 24th Street. Additional space was added with the completion of the Fischback Wing in 1979 and the Research and Learning Center in the mid-1980's.

The school of engineering now begins its second century with a sense of historical precedence. Today's faculty and administration, led by Brother President Thomas Scanlon, are as committed to offering state-of-the-art engineering education as were their 19th century predecessors. It is a legacy of excellence that promises future generations of outstanding engineers.•

SEPHARDIC QUINCENTENNIAL

•Mr. D'AMATO. Mr. President, I rise in recognition and commemoration of the 500th anniversary of the expulsion of the Jewish people from Spain—the Sephardic Quincentennial.

The year 1992 marks not only the 500th anniversary of the momentous voyage of Christopher Columbus but the beginnings of Sephardic Jewry. In 1492, King Ferdinand and Queen Isabella signed a decree which effectively expelled the Jews from Spain, unless they denounced their faith. There was much suffering for those who refused, but others secretly kept their faith or left for new lands to establish new communities. Wherever they went, the host societies benefited greatly from their contributions.

The American Sephardi Federation and the Jewish Community Relations Council of Greater New York, in addition to many other prominent organizations, will coordinate commemorations of the tragic results of the Inquisition, honor the nations that welcomed the dispersed Jews, and celebrate the innumerable contributions of Sephardic culture of Jewish history and the world at large.

The New York City area is home to over 200,000 Sephardic—Mediterranean and Middle Eastern—Jews. The Jewish people originating from Syria, Egypt, Lebanon, Turkey, Iraq, and a host of other countries are among America's most successful immigrants. More importantly, their tradition of self-help and public spiritedness serves as an example for our Nation's citizens.

In the Jewish matrimonial tradition, the groom breaks a glass during the ceremony to commemorate the destruction of the Second Temple. This provides a sense of "level headedness" even during a moment that is one of life's most joyous. One can draw a parallel between this tradition and the "bittersweet" flavor of the momentous events whose 500th anniversary we observe this year.

For the Sephardic Jews and, indeed, for all Jews and all people of good will, this year's celebrations are bittersweet as well. We must remember that 4,000 Syrian Jews remain hostages in the Syria of Hafez Assad, several Lebanese Jews remain kidnaped by Hezbollah terrorists, and four Israeli MIA's remain held or unaccounted for. Furthermore, the State of Israel, beloved to all Jews, remains under great pressure, even by her friends, in deference to untrustworthy dictators like Syria's Assad. There is more than legitimate reason for concern.

But let us take this opportunity to recognize some of the positive attributes of this anniversary. Let us utilize this commemoration to mark a victory over intolerance and to remind us of the need for rapprochement among the peoples of the world. Let us honor the world's Sephardic Jewish communities who have given so much to their fellow man.•

TRIBUTE TO A LEADING FIGURE IN MEDICINE

• Mr. D'AMATO. Mr. President, I rise today to pay tribute to a very special person who made many great contributions to numerous New Yorkers, Dr. W. Brewster Wolfe. His long and outstanding career as an internist and specialist in heart disease and as chief of staff of St. Luke's Hospital in Newburgh, NY, began at Harvard Medical School. He graduated in 1949 and served as a medical officer in the U.S. Army in Germany. From there, he went to St. Louis University Medical Center and on to Bellevue Hospital in New York City. He worked in the Garrison, NY, area before finally settling in Newburgh after completing the necessary certification for internal medicine.

Dr. W. Brewster Wolfe's outstanding qualities of enlightened leadership and exceptional dedication brought him to the scene of the giant Woodstock Music Festival at Bethel, NY, in 1969. It occurred to him that much needed medical assistance would be in short supply, so he traveled to the event with his daughter Anria. For 3 days, from August 15 to 17, virtually without rest, and almost no food, he treated more than 1,000 patients at the festival. He became an unsung hero then and remained an unsung hero until he died on

December 7, 1991. It is time for us to recognize Dr. Wolfe as the hero that he was, remember the contributions that he made, and honor his memory by our own selfless efforts on behalf of our Nation's most noble ideals.

Born in Pittsburgh, PA, Dr. Wolfe was the son of the late Maj. C. Holmes Wolfe, Sr., an executive of the Aluminum Co. of America, and the late Madeleine Dougherty Wolfe, active in community life in New York, where she was born, and in Pittsburgh for many years.

He married Margaret Conway of Medford, MA, and has 10 children, 4 sons and 6 daughters: Christopher, Timothy, Gregory, Brian, Sharron, Anria, Elizabeth, Victoria, Penelope, and Pamela.

His medical accomplishments were great, his approach was philanthropic, and we might say that Dr. W. Brewster Wolfe was a model physician. He has done much for his community—he was instrumental in creating a coronary care unit at St. Luke's Hospital—and for New York State. At the time of his death, despite illness, he was seeking funds for a patient-controlled anesthesia unit at the St. Luke's Hospital.

We are grateful to Dr. W. Brewster Wolfe for his relentless dedication to the Mid-Hudson Valley for 35 years. We will remember and he will be sorely missed.●

A MAJOR MILESTONE FOR THE DURHAM COS.

● Mr. D'AMATO. Mr. President, I rise today to acknowledge the 25th anniversary of the Durham Cos., a temporary help services company.

The Durham Co. was founded by E. Barry, Peter D., and Brian C. Durham in Buffalo, NY, in 1967. From the onset, the firm provided primarily industrial labor to businesses in western New York.

Since then, the Durham Cos. have grown and prospered in the human resource arena. They provide temporary and permanent personnel to the clerical, industrial, and technical arena and permanent personnel to the health care industry throughout the United States and overseas.

The Durham Cos. are responsible for getting thousands of western New Yorkers employed. They have also provided physicians to area facilities and contributed to Buffalo's growth by bringing physicians into western New York.

I am proud to congratulate this fine organization in playing such a vital role in bringing jobs and employees together. The Durham Cos. were the initial leaders of the temporary help industry. I salute the Durham Cos. for their achievements and wish them continued growth for the next 25 years.●

U.S. NATIONAL TEAM FIRST WOMEN'S WORLD CUP CHAMPIONS

● Mr. WARNER. Mr. President, on November 30, 1991, before 59,000 soccer fans in Guangzhou, China, the United States Women's National Team made sports history in defeating Norway 2 to 1 to become the first-ever, Women's World Cup Champions. The tournament brought to light the successes attained and perhaps the obstacles to be faced by those promoting women's soccer around the world and in the Olympics.

For the past 5 years, the Senate and House of Representatives have joined together to recognize how far American women have come in athletic achievement. The Congress will again commemorate National Women and Girls in Sports Day on February 6, 1992.

In my remarks on the floor of the Senate on October 8, 1991, I called attention to an exhibition match between the United States women and the Chinese team at George Mason University. I pointed with pride that the American team, with a number of players from Virginia, had already qualified to play in the FIFA Women's World Championship. I also urged that as a result of the world-wide competition in women's soccer, it should be considered as a gold medal sport at the 1996 Olympics in Atlanta.

Fortunately, we have a congressional Olympic Caucus to promote such an idea. Although the U.S. Government does not directly support the Olympics, its support of the Olympic Coin Act has helped raise millions for the U.S. Olympic Committee. Therefore, I take this opportunity to urge the caucus to consider ways of promoting women's soccer as a gold medal sport at the 1996 Olympics in the city of Atlanta, GA.

Such action would provide a continuing opportunity to encourage more participation in girls' soccer by promoting the U.S. Women's National Team and our ever-improving youth programs. At this time it is interesting to note:

Females make up 40 percent of all youth players;

One out of every three youngsters under the age of 18 plays soccer—of that—50 percent are women;

Of the 29,372 who play college soccer, 26 percent are women;

In high schools, 33 percent of the 327,000 soccer players are women;

High schools added more boys and girls varsity soccer programs than any other sport in 1990–91.

The women on this team have made countless personal sacrifices. All of the women are college-educated and have devoted themselves mentally, physically, and spiritually to the game. It is especially pleasing that Virginia is well represented. Virginia alumnae of the Washington Area Girls Soccer Program on the team are: Kim Maslin-Kammerdeiner, all-American at George Mason University who returns to Fairfax County as a coach and teacher; Wendy Gebauer, graduate of South Lakes High School in Reston, all-American and graduate of the University of North Carolina; Mia Hamm, graduate of Lake Braddock High School in Burke, all-American and student at the University of North Carolina; Megan McCarthy, graduate of Robinson High School in Fairfax, all-American and graduate of William and Mary; and Amanda Cromwell, graduate of Annandale High School in Annandale, all-American and student at the University of Virginia. The latter two team members were unable to play at the World Cup—McCarthy, former NCAA player of the year, was injured and Cromwell, co-captain and all-time leading scorer, was playing with UVA in the NCAA final four tournament.

Mr. President, let us strive to make their dreams come true in Atlanta, GA in 1996.●

A TIME FOR PEACE IN EL SALVADOR

● Mr. LEAHY. Mr. President, as one who fought for a decade against the Reagan and Bush administration's military policy in El Salvador, I want to be among the first to congratulate all those who had a role in the successful peace negotiations which led to the January 16 peace agreement ending that terrible war.

From the cowardly and still unpunished assassination of Archbishop Oscar Romero a dozen years ago to the brutal massacre of the six Jesuit priests in 1989, the people of El Salvador have witnessed and endured horrors almost unimaginable. For a dozen years they have prayed for an end to the calamity that has left over 70,000 dead, and forced hundreds of thousands to flee their homes.

During that period, the United States poured over $5 billion into El Salvador, a country not much bigger than my own State of Vermont. Much of that aid went to support the Salvadoran Armed Forces, despite its record of corruption and human rights atrocities. Likewise, the former Soviet Union, East Germany, Cuba, and the Sandinistas bankrolled the FMLN's cause, which contributed to the suffering of many civilians caught in the middle.

But the time for blame is past. I have spoken on this floor too many times to count about the waste of money and lives caused by our policy, the Salvadoran Government and the FMLN. It is time to look ahead, to turn our energies to the peace agreement and the permanent ceasefire on February 1, which sets the stage for the demobilization of the combatants and reconstruction of the country.

No party to the negotiations should go unrecognized. Former U.N. Secretary General Perez de Cuellar and his assistant Alvaro De Soto deserve special praise, for challenging the parties

to negotiate under U.N. auspices and for their persistence through many months of extremely complex and at times acrimonious discussions.

Mr. President, Cristiani and the FMLN leaders also showed courage, Cristiani for becoming personally engaged in the negotiations when they seemed close to collapse, and the FMLN for agreeing to demobilize and putting their faith in the political process.

The United States representative to the United Nations, Ambassador Thomas Pickering, Assistant Secretary Bernard Aronson and United States Ambassador to El Salvador, William Walker, all played indispensable roles in the steadily pushing the parties toward an agreement.

Many in Congress played important roles. Senator CHRIS DODD and Congressman JOE MOAKLEY provided indispensable leadership, and it was an honor to work so closely with them to contribute toward the goal of this peace agreement.

But perhaps the greatest recognition should be to the six Jesuits. Their deaths, more than anything else, galvanized opposition to continued United States support for a military solution to the conflict. The Congress soon drew the line. Over the administration's vehement objections, we withheld half the military aid and tied release of the other half to progress in the negotiations and on human rights. Only then did the negotiations really begin to bear fruit.

The road ahead is filled with obstacles. There will almost certainly be violations of the ceasefire, and public denunciations that one side or the other is not living up to the agreement. But I am optimistic. The United Nations, which brought the two sides together and kept the peace process alive, will have a central role in the reconciliation and reconstruction process in the months ahead. After so much has been achieved, neither side wants to be blamed for a return to the old days.

Much will depend on the ability of all sectors of the society—Government, business, labor, the FMLN—to join forces and address the underlying causes of the war—poverty, injustice, and a political system which perpetuated those inequities. Any successful reconstruction program must bring a better life to the hundreds of thousands of people, especially in the rural areas in the north, who have been ignored. For many of those communities the only contact they have had was with disastrous consequences. They must have a voice in the design and implementation of the reconstruction program.

Mr. President, as chairman of the Foreign Operations Subcommittee I will be consulting with other Senators and officials in the State Department and AID on a new United States aid program for El Salvador. I have also sought the views of the Government of El Salvador and the FMLN. My hope is that together we can design a program that fully supports the United Nations agreement, and avoids the controversies of the past. It is my hope and my intention to include a new aid program for El Salvador in the forthcoming Foreign Operations appropriations bill which must be completed and sent to the President prior to March 31.•

UKRAINE IS FREE

• Mr. LEVIN. Mr. President, after a struggle of countless generations spanning a millennium, Ukraine is free. Freedom-loving people throughout the world celebrate and pray that this is the culmination of Ukraine's struggle, the dawn of unchallenged independence, sovereignty, and freedom.

While Ukraine has been an independent nation only intermittently in recent centuries, the Ukrainian people never lost their unique culture, their religion, their identity, and their pride of being Ukrainian. Through years of foreign domination, the Ukrainian people succeeded in their struggle to maintain their identity and their desire for independence. With inspiring tenacity, Ukrainians never lost their determination to be free. Generation after generation passed the torch, never allowing the flames of the dream to be extinguished.

And now, as this generation bears witness to the fulfillment of Ukrainian independence, freedom, and sovereignty, we should pay special tribute to the men and women who struggled through the years, through the decades, sometimes through lifetimes to preserve the identity and dignity of Ukraine. At immeasurable personal cost and pain, countless patriots never abandoned the dream that this generation has lived to see become a reality.

The nations of the world, new and old, are joining the United States in welcoming Ukraine as a free and sovereign nation. Ukraine has made many important commitments to sister nations of the world. None is more important that the commitment to be bound by treaties governing nuclear weapons reductions and dismantlement.

Freedom-loving people everywhere have a stake in Ukrainian independence. The struggle was long, the sacrifices were great, and the victory is historic. Ukraine is free.

ORDERS FOR TOMORROW

Mr. KENNEDY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10 a.m., Wednesday, January 22; that following the prayer, the Journal of the proceedings be deemed approved to date; that following the time reserved for the two leaders, there be a period for morning business not to extend beyond 12 noon, with Senators permitted to speak therein, with the following Senators recognized for the time specified: The first hour under the control of the majority leader or his designee, with the next 15 minutes under the control of Senator PELL, and the remaining time under the control of Senator WIRTH or his designee.

The PRESIDING OFFICER. Without objection, it is ordered.

RECESS UNTIL TOMORROW AT 10 A.M.

Mr. KENNEDY. If there is no further business today—and I see no other Senator seeking recognition—I ask unanimous consent that the Senate stand in recess, as previously ordered, until 10 a.m., Wednesday, January 22.

There being no objection, the Senate, at 6:05 p.m., recessed until Wednesday, January 22, 1992, at 10 a.m.