SENATE—*Wednesday, February 2, 1994*

(Legislative day of Tuesday, January 25, 1994)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the Honorable PATTY MURRAY, a Senator from the State of Washington.

PRAYER

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

Let us pray.

Eternal God, Lord of history, Ruler of the nations, with profound gratitude we thank You for the words with which the Constitution begins:

"We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America."

Where did these words come from if not from Thee? At a time when monarchs reigned and people were subjects of the "Crown," our Founding Fathers, whose minds and hearts were saturated with Biblical truth, acknowledged that the concept came from God.

Gracious Father, grant that the people of the United States, at this critical time in our history, may comprehend the uniqueness of our political system based upon the sovereignty of the people. Help the people see that the Government is theirs and that they abdicate their sovereignty with cynicism, indifference, or neglect.

Grant, mighty God, that the people and the leadership will recover this awesome principle and take it seriously.

In His name who is the Way, the Truth and the Life. 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, February 2, 1994.

To the Senate:

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

ROBERT C. BYRD,
President pro tempore.

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

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for morning business not to extend beyond the hour of 11 a.m., with Senators permitted to speak therein for up to 10 minutes.

Mr. CAMPBELL addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Colorado [Mr. CAMPBELL] is recognized.

THE UPRISING IN CHIAPAS AND THE REACTION OF THE MEXICAN GOVERNMENT

Mr. CAMPBELL. Madam President, yesterday the State Department released its report on human rights citing the deplorable condition and circumstances which many of the people in the world still live under.

This morning I want to take a few minutes to express my thoughts and my concerns about the indigenous peoples in Chiapas, Mexico.

As we all know, some of the native people in Chiapas decided to ring in the New Year with gunshots and attacks against the Mexican Government. They called themselves Zapatistas, after the great Indian revolutionary Emiliano Zapata, who tried the same thing a century ago when he tried to bring fairness to the land peasants.

I want to emphasize that I, like most people, do not believe in violence as a method of advancing the state of affairs of indigenous peoples. History shows us time and again that bloodshed leads to more bloodshed and, in fact, creates a cycle of violence that hurts the indigenous people of the world more than helps them. Unfortunately, most social change in the Americas has been predicated on violence.

We cannot ignore the fact that this conflict didn't start on January 1, 1994. It started about 400 years ago, and a history of economic and political deprivation has made this region a boiling cauldron of resentment and anger. It is not so unlike what American Indians faced in the recent history of this Nation.

The Indians of Chiapas have never had political power. They have suffered for centuries at the hands of new immigrants who took their land away. For many natives of Chiapas, NAFTA was just the latest nail in the coffin. NAFTA threatens their entire way of life, as Mexico begins to phase out subsidies on these people's main cash crops of corn, sugar, and coffee. Because NAFTA made no provisions for protecting the rights of these people, the Mexican Government simply ignored their problems.

I know, Madam President, that we cannot undo or improve the bad parts of NAFTA in this body. The Mexican Government just let these problems fester, and the violent result was predictable. In fact, one of my colleagues, Senator HOLLINGS, predicted this very result several months ago. The only question is why the Mexican Government had no clue about the tensions in Chiapas. They were either intentionally oblivious, or blinded by the new riches that would come to Mexico with NAFTA.

I want to stress that I do not back violence by revolutionary fanatics, who might be using the native people of Mexico for their own entirely different agenda. Nor do I want to tinker with or interfere in the affairs of a sovereign nation. But our own history with regard to indigenous peoples is hardly a model to follow. I am reminded of an incident in our own country in 1973, when a group of Sioux Indians at Wounded Knee, SD, felt they had no choice but to take up arms to get the rights they deserved. Two years ago, I went to Wounded Knee on the 20th anniversary of that incident, and I found the same people still fighting for those same rights. They laid down their guns but the fight goes on. Obviously modern industrialized nations still have a long way to go in understanding the plight of indigenous peoples.

We cannot ignore the reports of human rights abuses by the Mexican army and police forces. I know that President Salinas does not condone such abuse. Unfortunately, he cannot be everywhere to micromanage his troops. But I strongly urge President Salinas to let expert international observers do their work, and then to bring those guilty of human rights abuses to justice. Mexico should not try to sweep this incident under the rug in the name of increased trade.

Indigenous people in Mexico still lack economic and political rights.

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

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

Even though NAFTA ignored those rights, I expect the United States Government to monitor the human rights situation and pressure the Mexican Government to meet international human rights standards. As a nation, we obey international standards on human rights. We ought to expect our trading partners and our allies to do the same.

The Mexican Government must take immediate actions to regain international credibility. There are already established, peaceful indigenous organizations in Mexico, and they should play a major role in helping design and implement policies of protection and empowerment. And to make sure the indigenous peoples of Chiapas have a fair chance to participate in their government, President Salinas should invite international election observers to oversee the next round of elections in Chiapas.

Madam President, last year 1993 was designated by the United Nations the year of the indigenous peoples. Two years ago, the World Environmental Summit focused on the plight of indigenous peoples. I just wanted to come down here and say, let us not ignore the rights of indigenous peoples. In the name of increased profits I know that indigenous people do not want flowery rhetoric that will not solve their problems. Those people in Chiapas want fairness and justice from the Mexican Government, and they want to live in peace and dignity. Thank you, Madam President, and I yield the floor.

Mr. BURNS addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Montana [Mr. BURNS] is recognized.

Mr. BURNS. I thank the Chair.

(The remarks of Mr. BURNS and Mr. PRESSLER pertaining to the submission of S. Con. Res. 59 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

Mr. BURNS. Madam President, I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. DODD. Madam President, is the Senator from Connecticut correct that we are in morning business and each Member may be permitted to speak for no more than 5 minutes.

The ACTING PRESIDENT pro tempore. For up to 10 minutes.

OPPOSITION TO THE LOTT-HELMS AMENDMENT

Mr. DODD. Madam President, I just want to take this opportunity this morning to address the pending vote on the Lott-Helms amendment. I urge my colleagues to reject this amendment, with all due respect to its authors. This amendment, as the Presiding Officer is aware, prohibits certain types of foreign assistance to any country which has consistently voted against the United States at the U.N. General Assembly during the most recent session of the General Assembly.

There is a certain amount of appeal to this amendment at first blush. We all know how we feel as legislators when we offer amendments or bills and there are certain Members who consistently vote against our ideas. We become angry from time to time. We do not understand why they vote against us consistently, but we get angry about it.

I am certain that many Americans feel the same way when countries consistently vote against the United States at the United Nations, and so the temptation to cut off foreign aid for those countries is strong.

Having said that, I urge my colleagues to think a little further about the implications of this amendment, were it to be adopted. There are nations, many around the globe, that for a variety of reasons, because they belong to particular blocs and so forth, cast votes at the United Nations that are not in the interest of the United States, and do so with some regularity. But I think, as the Senator from Maryland has pointed out, it is critically important for us to analyze those votes.

There are some votes which are crucially important, critically important, to the United States; others are marginally important. Each vote does not have the same amount of weight, any more than each vote does here. There are matters which are of graver concern than others.

So I think we ought to be careful about applying just a percentage standard or just counting votes without evaluating what those votes signify, what those votes mean to our country.

There are relationships which we have with other countries that vote against us that are far more important than a particular vote at United Nations. There are nations that vote against us that are also very, very helpful to us in intelligence gathering. That intelligence gathering is extremely important to us. They may vote against us from time to time in the United Nations, but the value to us as a Nation because of our relationship with them in an intelligence gathering operation is far more important. To cut off aid to a nation which is providing that kind of assistance would be foolhardy.

Second, there are nations that provide assistance to us militarily that do not always vote with us. To suggest that we ought to cut off foreign aid where we get valued assistance from them in military matters again would be foolhardy.

Third, there are commercial relationships that are very important to our country, very important to American industry and business and jobs.

Again, to apply a rigid standard that says if, in 25 percent of the votes, you have voted against the interests of the United States in the United Nations, we are going to cut off a portion of your foreign aid, despite the fact that you are critically important to us in an economic sense, in an intelligence gathering operation, or in matters of national security or military matters, I think would be a great tragedy, and certainly something that this body ought to be very careful about before adopting.

So, for those reasons, Madam President, I urge the rejection of this amendment. Certainly we ought to try to do, as I know, having spoken with our distinguished Ambassador to the United Nations, Madeleine Albright, everything possible to win support where we can, but also to understand from time to time that there will be nations that, for other reasons, will not necessarily support us as consistently as we would like. But because of other relationships that we have with those countries, because of the importance that we place on other votes that only happen maybe two or three times in a session when we win that kind of support, this amendment would be tremendously harmful to the United States, in my view, were it to be adopted, and I urge my colleagues to reject it.

Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The absence of a quorum has been suggested. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. LOTT. I ask unanimous consent to proceed in morning business for 10 minutes.

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

AMENDMENT NO. 1315

Mr. LOTT. Madam President, I spoke on Monday with regard to the amendment I proposed to the State Department authorization bill. I passed up the opportunity to speak again yesterday because I thought we had made our point sufficiently and thought we would go to a vote. That did not occur. We are going to have a vote today on that amendment without a second-de-

gree amendment, at 11 o'clock. Since there have been speeches made both on Tuesday and again this morning raising questions about this amendment, I thought I needed to return to the floor and clarify what this amendment is really about.

My amendment would say very simply that, if a country in the United Nations does not support the United States position at least 25 percent of the time—I repeat, only 25 percent of the time, not 30, not 40, not 50, not 60—only 25 percent of the time, then that country's government would lose—not humanitarian aid and not developmental assistance, just their military assistance grants. The American people would perhaps like to see all of these programs cut off. But only military and government security aid would be cut off, based on their nation's very poor support of the U.S. position. Only military and security aid. These grants go directly to these countries' military leaders and their governments—not to the people. It affects 43 countries, and it would have saved American taxpayers, last year, $190 million—not an insignificant amount.

I want to emphasize, in a reach to be absolutely responsible, I said we should have an exemption for the Secretary of State. If the Secretary of State says that our national security interests are at stake, he could waive the standard. He could say it would not be applicable to a particular country, whether it is Morocco, Mexico, any of them. He has that waiver authority.

Yet, to hear the debate yesterday and today, you would have thought I was trying to steal the king's jewels. All I am trying to do is have some measurement of responsibility. We talk a lot about accountability for domestic programs, but never international programs. Interestingly enough for welfare reform we are telling welfare recipients, you have to be accountable, to be responsible, to work. How about just a little of this responsibility and accountability in how our foreign aid money is distributed? We are giving away millions of our taxpayers' money in foreign aid.

Ask your constituents what they think of foreign aid in general. Then ask them specifically, what would you think of an idea where we give military grants to countries that vote against us 80 percent of the time in the United Nations? Defend that public policy to your constituency. I cannot do it. This is not something I just cooked up and plucked out of the air. It is not politically motivated, it is a fiscal issue. I am just trying to reflect my constituency who say let us have a measure of accountability.

I got this idea from a very responsible Congressman from Pennsylvania named BILL GOODLING, who had this amendment added to Mr. Hamilton's foreign assistance bill. Neither are irresponsible and insensitive when it comes to foreign policy. This amendment is in the House foreign aid bill.

When I was looking over their bill I said, "Gee, that looks like an extremely reasonable idea which is long overdue. I bet we can get that accepted by the Senate." But, boy, after what I heard yesterday and today, apparently people are very worried.

Yes, they are worried. I will tell you what is interesting. There is a press conference going on right about now on the House side, where a Congressman is complaining about the tactics being applied against this amendment. The Embassies of the countries that might be affected are on the phone. They are calling: "Oh, this might affect us." I had several of these calls to my Senate office yesterday. "Oh, you cannot do that."

Look they have a year to deal with their U.N. voting pattern. Only after this entire year's votes are recorded and reported by the State Department will the standard take effect. Then, if a country does not vote with us at least 25 percent of the time they could lose military grants. But these countries are calling now saying, you cannot do that. Where are the advocates for the American taxpayers?

All I am saying to these countries is if you are going to act in an irresponsible manner when it comes to key U.N. votes there are consequences. I am talking about votes on things like the embargo against Cuba. Some of our friends did not vote with us on this issue. It involves resolutions on the Golan Heights. This is not insignificant stuff. These are key votes.

You might say, "Well, there are a lot of these procedural votes. You understand because you are in the Senate." I also understand in the Senate that a lot of the substantive votes are, in fact, these procedural votes.

The average for voting in support of the United States position in the United Nations is just 31 percent. So I could have said let us make the threshold 31 percent. But I said, no, let us allow for procedural votes and misunderstandings. Maybe these nations really vote with us when it really counts. Let us ratchet it down to 25 percent. This is a good and reasonable threshold—only a quarter of the time.

I say to my colleagues in the Senate, this is not irresponsible. This is highly responsible. Let us demand some accountability for our international programs. It is just that simple. If you do not vote with us, you do not get the military grants.

I invite my colleagues in the Senate to think about this amendment. How do you defend a lower standard of effectiveness for international programs than our domestic programs. You are not going to be able to do it.

Why am I insisting on a recorded vote? I have been asked several times to accept a voice vote. No, no. If I did; this amendment would not get past that door and it would surely be thrown out in conference. The American citizens need a recorded vote. I know how tough it is to cut our international programs. I was in the House of Representatives for 16 years, and now 5 years in the Senate. And in all of these years, I have been trying to make savings. I had an amendment that would have saved $1 million in one Embassy operation—based on a request from that Ambassador. The State Department fought it for months. So I finally said to the Secretary of State, you can waive it if it is in the national interest. Guess what happened. Sure, he waived it. This time I am talking about $190 million.

There are a lot of countries that do not vote with us that you would expect, but a few that vote against us would clearly surprise you. We are going to say, "Folks, we are going to look at how you vote." Our constituents look at how we vote in Congress. I think we ought to look at how our allies vote in the United Nations.

So I urge my colleagues to vote for this amendment. If you need more information, I have it. I have the list of affected countries. I will show you the language in the bill. There is nothing cutesy about it. It is very straightforward, with appropriate exemptions if needed.

I yield the floor.

Madam President, I make a point of order a quorum is not present and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

LONG-TERM HEALTH CARE REFORM

Mr. FEINGOLD. Madam President, I rise today to briefly continue my series of statements commenting on the President's health care reform package and specifically the long-term care reform portions that are in that package.

As I had a chance to say in earlier statements, long-term care reform is essential if we are to realize the goals of overall health care reform. That to me means establishing consumer-oriented and consumer-directed flexible benefits, as well as making fundamental reforms to the linkages that should exist between long-term care and acute-care systems.

Central to this whole effort is creating a new system of community and home-based, flexible services that, again, respond to individual consumer

choice and preference. That should start from the initial assessment of the person right on through to ongoing services. It should involve case managers and others who are regularly consulting with the consumer and family members to be sure that the needs of the individual consumer are met in a satisfying manner; that the consumer's needs are met first rather than the provider's.

This is exactly what I think President Clinton has proposed to do in his health care plan. The new home and community-based long-term care benefit provided for in the plan can be the basis for the kind of fundamental long-term care reform that I and many other people are interested in.

Madam President, today, though, I want to focus on just one aspect of the long-term care portion of the President's health care plan, which has to do with the long-term care insurance provisions. By that I mean not public insurance, I mean private insurance policies that still might be sold after the President's plan is enacted.

The President is correct to identify the problems of long-term care financing as part of the overall health care problem. Medicaid, the Federal-State program that provides almost all of the Government-funded long-term care in this country, is growing at a dangerous rate. That growth is aggravated by the disproportionate reliance we have in this country on expensive institutional settings, and it is also aggravated by the failure in the past in most States to develop home and community-based alternatives. These home and community-based alternatives are often preferred by many consumers and are very often less expensive for taxpayers than having somebody go into a nursing home.

President Clinton's home and community-based long-term care proposal will be a fundamental step in addressing the long-term care financing crisis. But the President's plan goes a little bit beyond that and, in a way, seeks to promote private long-term care insurance policies through, among other means, tax incentives to both employers and consumers. Regulation of these policies is left largely to the individual States, but the plan does include a variety of specific consumer protections, which I will mention in a little while.

Madam President, I do have some concerns about this piece of the President's long-term care private insurance proposals. As chair of Wisconsin's Senate Aging Committee for 10 years, I had a chance to preside over some hearings relating to this matter. Those hearings showed there are some real flaws in relying too much on long-term care private insurance as an answer to the long-term care financing crisis.

First, long-term care insurance policies really do nothing to stem the mushrooming costs of Medicaid. It provides little or no coverage to that population that is most likely to use that entitlement because they cannot afford it. Private long-term care insurance is only affordable to those individuals who are most likely to be able to pay for long-term care out of savings and, therefore, least likely to use Medicaid.

As an alternative to Medicaid, private long-term care insurance just fails to contain costs. It can actually encourage disparate pricing systems that have led to the ever-increasing private pay costs in our nursing homes. Private insurers and, through the process of deductibles and copayments, consumers will end up paying the higher private pay rate in nursing homes. That has been and will continue to be much higher than the Medicaid rate. This, in turn, may further aggravate the problems of lower income long-term care consumers who then sometimes face discrimination in access to and quality of care.

A second concern about these long-term private policies is that long-term care insurance is a poor mechanism to address overall cost containment. There is no reason to believe that the administrative costs of long-term care insurance policies, as with other health care insurance policies, will not continue to be very high. I think they will be.

It is precisely this administrative cost of the current acute health care system, having these 1,500 insurance companies competing and having it not work competitively, that is one of the reasons we are looking for reform right now. It is one of the reasons I supported a single-payer system.

So what could be happening here is if we encourage these long-term care private insurance policies, we may be creating the same mess in the long-term care area that we are trying to dig ourselves out of right now in the acute care area. That would be a mistake in the opposite direction that we should be going.

Third, Madam President, and maybe most importantly, the private insurance model restricts benefits and has gatekeeping mechanisms that obviously have some relevance to the medical model of acute care. But I think it is fundamentally inconsistent with a proconsumer, flexible benefit approach to have private insurance be the engine for long-term care reform.

The central strength of the President's long-term care proposal is the ability of the long-term care provisions to be tailored to the individual needs and preferences of long-term care consumers. Instead of having consumers select from a limited set of benefits, case managers should be able to create a case plan. It should be designed in cooperation with the consumer, and it should respond to the consumer's needs, not to what the consumer's insurance company happened to decide to give as a benefit. Long-term care insurance policies that cover a limited list of benefits will provide a tremendous temptation to case managers to design a plan that is based on the insurance policy coverage rather than the needs and preferences of the consumer.

So again, instead of helping, these provisions can do just the opposite; they can defeat the whole purpose of having a consumer-driven, consumer-based system. If this happens, consumers will be denied the opportunity to participate in designing their own plan of care that is responsive to individual needs. And we will lose the opportunity for cost containment that has been demonstrated time and again to flow from consumer-oriented approaches. We will end up again with a provider-driven program rather than a consumer-driven program.

To his credit, the President has included minimum standards that States will be required to include if they have private, long-term care insurance policies. They include provisions for nonforfeiture of benefits in the event the policy lapses, inflation protection, protection against preexisting condition limits, protection against limits on commissions paid to agents, and defining eligibility for benefits is included based on an independent professional functional assessment.

If we are to encourage this kind of system at all, which I question, these insurance plans should be clearly distinguished as long-term care nursing home and home health care policies, each with their own well-established minimum standards.

With respect to coverage for the new home and community-based long-term care program, I do not think we can allow long-term care insurance to impose restrictions on otherwise flexible benefits by overly limiting those benefits that will be covered. Ideally, long-term care insurance coverage would be triggered by a person's participation in the new program with the private insurance then covering the consumer's share of the costs that they have under the program. This would be similar in many ways to the current Medicare supplemental insurance policy that fortunately has undergone significant reform in recent years. Consumers should be able to choose from uniform policies that substantially cover the long-term care consumer's cost of the new home and community-based long-term care program.

The simplest and most effective approach would be to permit only those long-term care policies that completely cover the consumer's cost sharing under the new home and community program. The policy would be triggered when a consumer becomes eligible for the program and it would cover all services provided for in the consumer's plan of care. If we cannot get that approach, which I prefer, I think we

risk the fundamental advantage of the President's plan, and that is we lose the consumer responsive benefits and significant cost savings.

Finally, if somehow we do not get that, if long-term care insurance is permitted in a form other than the one I have just outlined, we better add some others to the President's list of minimum standards. Additional standards we should include are the following: We should explicitly prohibit prior hospitalization or institutionalization requirements. We should prohibit exclusion of coverage for irreversible dementia for such illnesses as Alzheimer's disease. We should explicitly require that coverage must be provided without regard to medical necessity. We should require a 30-day right-to-return policy or rider and, finally, we should require that these policies, if they exist at all, are guaranteed renewable for life so people cannot be cut off.

Because the nature of discussing President Clinton's health care package means we tend to focus on what we want to change in it, it is too easy for us to miss the larger picture, which is that the President and First Lady have really moved us in the direction we have to go.

With respect to long-term care, I would like to conclude by underscoring my strong support for what the President is attempting to do. The fundamental reforms he envisions in our long-term care system are essential to any health care reform package, not just his own.

Despite this, President Clinton's plan is one of the few that provides fundamental long-term care reform. It is because of the underlying soundness of his proposal that I think it is the one with which we should work, the one we should modify, and the one we can make one of the greatest parts of reform, that I offer these suggestions and that we take a good hard look at the private, long-term portion of it.

I thank the Chair.

The PRESIDING OFFICER (Mr. ROBB). The Chair recognizes the Senator from Maryland [Mr. SARBANES].

Mr. SARBANES. I thank the Chair.

U.N. VOTING RECORDS

Mr. SARBANES. Mr. President, in just a moment or two, we are going to be moving to a vote on the Lott amendment. I implore my colleagues to think very carefully about this amendment. I think it could have a very deleterious effect on the conduct of the U.S. foreign policy. On the surface, it seems to be a reasonable amendment. It says if a country has not voted with us at least 25 percent of the time at the United Nations, there will be no American economic or security assistance to that country.

It is important to examine what these votes represent. Of the 88 recorded plenary votes at the 47th U.N. General Assembly, the United States voted alone 8 times; we voted with only one other country 21 times; and we voted with 2 other countries 8 times. So for 37 out of the 88 votes that are being used to make this judgment, the United States had either no country, one country or only two countries voting with us. That accounts for 40 percent of the votes that are being used to make this measure.

The countries that would be affected are some countries that have been very helpful to us and are playing an instrumental role in some very important international efforts at the moment: Morocco, Tunisia, the Philippines, Cyprus, Jordan. Some of these countries are essential to the effort to move the peace process in the Middle East. Other countries on this list include Nigeria, the largest country in Africa, a major actor in the African context—indeed, beyond the African context; and India, the second most populous nation in the world.

This standard is an inappropriate standard to be using. You have to analyze the votes you are using and what the specific issues were. In fact, the countries that would be cut off voted with the United States on most of the important votes.

So I say to Members, this is one of those amendments which on the surface seems to be very attractive, but when you look carefully could have consequences that we would live to regret. And the countries affected are not going to take it lightly. We cannot play games with these countries. They are essential to important purposes that we are seeking to accomplish.

I yield to the Senator from New York.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from New York [Mr. MOYNIHAN].

Mr. MOYNIHAN. I rise most emphatically to support the Senator from Maryland in this regard.

I spoke yesterday on the matter. All this amendment would provide is a gratuitous affront to countries, particularly in the Near East, Morocco, Egypt, which are taking great risks for peace, have done and are doing. It would be an affront to them. It would be an affront to the Indian democracy. And all it would do is inhibit and prevent the United States from taking actions which we may wish to do in our own national interest. I hope this will be tabled.

Mr. SARBANES. This is just another arbitrary standard. Everyone says, oh, yes, they should not get aid if they have not voted with us. But this standard is neither appropriate nor meaningful. And the consequences of applying this standard are very severe and serious for American foreign policy interests.

I urge the Members, I implore the Members, to oppose this amendment.

SECRET VETO POWER OVER TIMBER SALES

Mr. CRAIG. Mr. President, when a new administration comes to town, I think it is confronted with new problems and challenges that it inherits from old administrations. Certainly, the Clinton administration is no exception. I think it is incumbent on all of us, as Senators and Representatives from our States, to try to work with this administration to solve those problems that are ongoing or that may well be inherited.

I think the same is true of new managers or chiefs. Unfortunately, the new Chief of the U.S. Forest Service may be no exception.

Only weeks into his job, Jack Ward Thomas, who comes to that job as a noted biologist, having done excellent work before as an employee of the U.S. Forest Service, is faced with some revelations that Forest Service staff in the Northwest may have been instructed to give a national preservation group and lobbying group—the Natural Resource Defense Council—a secret veto power over timber sales.

Internal Government memos, which I have with me and that have been provided to me, show a pattern of consultation between the Forest Service and the NRDC. This occurred on at least 10 different timber sales.

The memos refer to some sales as "released by NRDC" or "not released by NRDC." This suggests that the NRDC may have been given the exclusive right to secretly modify details on particular sales. At least one memo listed a timber sale as needing review by NRDC representatives.

I am not going to recite the whole paper trail, Mr. President, because it is extensive. Some of it has already been reported by the Associate Press.

I am only going to have one thing to say: If it were preservationist groups or major timber companies given this unique and exclusive privilege, it is no question, in my opinion, if these documents are valid, that they are outside of the law and they must be corrected.

Yesterday, in a phone call with our new Chief of the Forest Service, Jack Ward Thomas, I presented him with this situation, presented him with the documents and a cover letter, and asked him to begin an immediate investigation.

While we know things are very difficult in region 6, with the spotted owl issue and trying to even out the question of timber supply and the jobs and the environment, nowhere can we tolerate nor can we allow Government officials to allow any interest group to move outside the law in determining public policy. It must always be an open and public forum and that process is outlined clearly within the law.

So this is why I bring to the floor this very important issue as it was submitted to our Chief yesterday.

I ask unanimous consent that the documents be printed in the RECORD.

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

NATURAL RESOURCE DEFENSE COUNCIL [NRDC] INVOLVEMENT IN TIMBER MANAGEMENT IN REGION 6 OF THE FOREST SERVICE

As part of the concern over salmon, NRDC said that the Forest Plans were inadequate to make decisions. The Forest Service immediately capitulated-there was no law suit only a threat. In the capitulation it appears that the Forest Service essentially gave the NRDC the unilateral right to review timber sales, including on the ground review, and if the NRDC viewed it necessary they could either stop a sale of reduce its volume. This process is being referred to as the screening process. There was no opportunity to increase volume only decrease.

Only the NRDC did this review. The obvious question is why isn't this a public process that involves all the parties concerned not just NRDC? The Forest Service appears to be giving its authority to NRDC.

Attached is documentation that appears to show the F.S. is not following the Administrative Procedures Act or the National Environmental Policy Act (NEPA). The question to be asked of Thomas is why is this going on and by what authority?

Enclosures.

HOW A TIMBER SALE SHOULD PROCEED

STEP 1. DISTRICT RANGER

Prepares timber sale according to approved Forest Plan requirements.

Forwards timber sale to Forest Supervisor for review and approval.

STEP 2. FOREST SUPERVISOR

Reviews timber sale to insure it meets Forest Plan Requirements.

Returns to Ranger for offering or directs modifications be made.

STEP 3. REGIONAL FORESTER

In some cases approval is required.

HOW SALES NOW PROCEED IN THE NORTHWEST

STEP 1. DISTRICT RANGER

Prepares timber sale.

Meets goals of Forest Plan.

Forwards to Forest Supervisor for Review.

STEP 2. FOREST SUPERVISOR

Reviews timber sale.

Checks that sale meets Forest Plan.

Adds screens from Option 9 for ESA/Old Growth. Note that Option 9 is not in the plan.

Forwards to Natural Resoruces Defense Council (NRDC) for review. NRDC modifies only to lessen volume. This is also not in the plan and is illegal.

STEP 3. NRDC

Reviews Forest Supervisor's proposed sale.

NRDC field staff reviews sale.

NRDC forwards sale to Regional Forester with approval for with modifications.

STEP 4. REGIONAL FORESTER

Reviews modifications and concerns.

Timber sale returned to District Ranger for offering.

EASTSIDE CUT LOSS PUT AT ONE-THIRD

[From the Oregonian, Aug. 24, 1993]

(By Linda Ashton)

SPOKANE.—A federal plan to make national forests healthier in Eastern Oregon and Eastern Washington also could reduce the timber harvest by one-third, an assistant secretary of agriculture said Monday.

No decision has been made on the possibility of economic aid to timber communities affected by such a reduction, said Jim Lyons, assistant secretary for natural resources and environment.

"We need to ensure productivity of the forests for whatever the public demands in the future," Lyons said at a news conference here.

Under the plan, the U.S. Forest Service will shift to an ecosystem-based form of management focusing on whole parcels of land, such as watersheds, rather than on a single resource.

Long-range plans include establishing a scientific panel to consider the future of east-side forests and determine how best to get them healthy and keep them that way. The team would be based in Spokane or Walla Walla, Lyons said.

The volume of timber to be harvested from the dry, piney woods of Eastern Oregon and Washington has yet to be determined. A rough estimate, Lyons said, will be a one-third reduction in the $60 million board feet cut in 1960.

Last year, only about 500 million board feet of timber were sold from national forests on the east side of the two states, said John Lowe, a Portland, Oregon-based regional forester for the U.S. Forest Service.

The changes in policy come at least partially under the threat of a lawsuit challenging Forest Service management practices from the Natural Resources Defense Council, Lyons said.

The process is one of adjusting to not only the realities of the forest but to the legal realities in terms of possible lawsuits," said U.S. House Speaker Tom Foley, D-Wash., who also appeared at the news conference.

The entire federal timber program in Eastern Washington and Eastern Oregon could be shut down by court order if a lawsuit was making its way through the legal system, Foley said.

LISTING OF SALES WITH ADDITIONAL CONCERNS—NOVEMBER 22, 1993

COLVILLE

Hoki
Tom
Deer
Thonboy
Thompson
Elbow
Parker
Graham
Spock
Kalard
Long Snake
Leola Sullivan
Whitman
Lost Tiger

DESCHUTES

Nona

FREMONT

Tadpole
Claws

MALBAUR

Fawn
Forks
Blade
Hog Flat
Driveaway
Cove
Tin Can
Myrtle Park
Leek
VV
Blast
Mosay/Pard

OCHOCO

Howie
Harpo
Shown
Boundary

OKANOGAN

Dragon
Nicholson
Little Bonaparte

UMATILLA

Cold Salvage
Main Salvage

WALLOWA-WHITMAN

None

MESSAGE SCAN FOR WILLIAM FISH

To: A. Mason: OOL
CC: S. Skakel: DES
CC: R. Williams: FRE
CC: R. Perkins: R06F04A
CC: B. Fish: OCH
CC: J. Sanchez: OKA
CC: P. Kline: UMA
CC: S. Rainville: WAW
CC: J. Schuler
CC: T. Rogan

From: Jim Schuler: R6/PNW
Postmark: Nov 22, 93 10:17 AM
Status: Previously read
Subject: Sales needing work

Comments: Attached is a listing of sales that we were not able to reach agreement with NRDO on to proceed. The problems may be related to modifications needed to meet the screens or may be a communication problem that still needs to be corrected if the sale meets the screens. You should take the initiative to determine what the remaining issues are and resolve them if possible. This listing DOES NOT include those sales for which NRDC has not completed a review. If it occurs on this list it HAS been reviewed and issues remain to be resolved. If you have questions please call Tim Rogan or Jim Schuler.

To: A. Coray
To: G. Chesley
CC: Screen Team
CC: Mike
CC: D. Summer
CC: J. Cruz
CC: S. Collins
CC: Walt
CC: Phil
CC: T. Rogan: R06A
CC: D. Parazoo
CC: W. Holland
CC: J. Schuler: R06A
CC: R. Devlin: R060

From: Susan G. Skakel
Postmark: 15 Nov 93 14:07
Status: Previously read
Subject: Forwarded: Reply to: Snowcone & Contorta LP

Comments: From: Susan G. Skakel: R06P01A; Date: 15 Nov 93 14:07.

See attached message from Tim Rogan. This is our official green light to proceed with Dry Firestone Misc. Piles on Ft Rock RD. This will allow us to award the service contract associated with this sale.

I spoke with Tim Rogan about our other FY 93 sales that have yet to be released from the RO. The RF was expecting a letter from NRDC last Wednesday, listing sales they were in agreement with us on. The letter has not come yet, but Tim hopes to be in touch with NRDC San Francisco either by calling

them or receiving the letter, sometime this week. Tim expects that we will be given the ok to proceed with all sales we are in agreement on. Sales we have not reached agreement on with NRDC will probably be reviewed by a Regional Office review team before we are given the ok to proceed. Tim has FY 94 screening direction nearly finalized in a letter that should be signed and sent to us later this week. Mike Gerdes work on LPP has been incorporated into the FY 94 screening direction. Susan PS—Tim said the Deschutes is doing a great job with screening and working with our local NRDC folks. At Tim's request and mine, please pass on this compliment to the district folks who are making this happen. SS

Previous comments: From: Tim C. Rogan: R6/FNW; Date: 15 Nov 93 12:59.

Susan, Jim and I got together and both agree Porast can go ahead with Dry Firestone (Piles). A similar situation with R/W Decks came up.

CONFIDENTIAL SUBJECT TO ATTORNEY/CLIENT PRIVILEGE

NOVEMBER 4, 1993.

SCOTT M. FARLEY,
U.S. Department of Justice, Environment and Natural Resources Division, General Litigation Section, Washington, DC.

DEAR MR. FARLEY: The Preliminary Screening Results Chart of Fiscal Year 1993 sales sent to C. Matt Anderson on October 1, 1992 showed sale modifications as a result of screening. The intent of the Forest is to follow Regional direction and meet with representatives of National Resource Defense Council for further modification that may be needed. No additional volume will be added to sales that are listed. Any modifications made as a result of meetings with NRDC representatives or screening will result in further reductions of volume. Until the Eastside Assessment strategy is completed, no additions or new volume will be added back into these existing sale plans as modified.

EDWARD L. SCHULTZ,
Forest Supervisor.

EASTSIDE TIMBER SALE REVIEW FORM

Forest: _____
Ranger District: _____
Sale Name: _____
Sale Units: _____

1. Is the area potentially important for old growth associated species? Yes ___; No ___. If yes, please indicate why:

___ The area has a significant number of large trees and other old growth characteristics (Please explain on next page, on the back or on separate sheets):

The following species have been observed in the sale area (Please circle and explain): pileated woodpecker, goshawk, marten, fisher, three-toed woodpecker, black-backed woodpecker, white-headed woodpecker, Vaux's swift.

The area was mapped as mature/old growth by the following and has not subsequently been logged:

___ Audubon ___ Forest Service ___ Scientific Soc.

If no, does the area contain *any* live trees greater than 20 inches or 150 years that will be logged? ___ Yes ___ No. Explain briefly:

2.a. Generally described proposed (post-screening) logging (check all applicable categories):

___ Clearcut or other even-aged cut.

___ Single tree or group selection cut.

___ Salvage sale (i.e., virtually no green trees will be cut).

___ Large (>20 inches) green trees will be cut.

___ Large (>20 inches) green ponderosa pine/larch will be cut.

___ Green ponderosa pine/larch will be cut (<20 inches)

___ Large (>13 inches) green lodgepole pine will be cut.

___ Large (>15 inches) snags will be cut.

2.b. Describe sale in your own words (e.g., logging method, species, size of trees, amount of green versus dead).

3.a. Generally describe sale area (e.g., tree species, number and size of live trees, number and size of snags, canopy closure amount of large down wood).

b. Generally describe surrounding area (e.g., old growth young stands, nuked areas).

c. Is the sale area part of a large block of old growth? Is it important for connectivity between blocks? Explain.

d. Is the sale within a roadless area? ___ Yes ___ No. If yes, provide name, size, and brief description of area.

4. Additional comments (use back or extra sheets if needed):

Reviewer's name: _____
Date: _____

DECEMBER 13, 1993 MEETING WITH NRDC REPRESENTATIVES

TO FOREST SUPERVISOR: I have enclosed the notes of my December 13, 1993, meeting with NRDC representatives to discuss concerns with the seven Burns Ranger District timber sales the Regional Forester has not approved for sale. NRDC representatives participating in the meeting were Ed Holder, Linda Driscoll, Frazier Nichols and Tim Lillebo. Members of my staff participating in the meeting were Rudy Hefter, Joan Suther, Jim Knibbs, Dave Clayton and me.

Ed could not give me any indication if he thought we had met screen direction after we had finished responding to their concerns and questions. No concerns or issues were resolved at the end of the meeting. Ed stated that he should be able to send his recommendations and information to NRDC within two to three weeks of receiving the meeting notes and the additional information we agreed to provide. Tim also stated that we should not expect to see any recommendations on which sales to go forward with until there has been a field review of changes. I told him we do not plan on reworking any of the sales until it has been determined the sale will be sold. We suggested looking at other areas which have been cut using similar silvicultural prescriptions and be agreed that might be an option.

Ed did say that the materials we had provided on each was good and very helpful.

The sales we discussed were Blade, Cove, Driveway, Tincan, Hog Flat and Forks. We did not cover Myrtle Park because of discrepancies in the mapping of the biophysical types that we discovered while we were preparing for this meeting. Ed stated that he did not have the time to review any small salvage sales and that he would probably just send them on with a recommendation for release.

JAMES M. PEÑA,
District Ranger.

Enclosure: 1.

U.S. DEPARTMENT OF AGRICULTURE,
FOREST SERVICE,
Hines, OK, December 16, 1993.

ED HOLDER,
Prairie City, OR.

DEAR ED: This letter documents the concerns and responses we exchanged at our meeting on December 13, 1993. I want to provide them to you in writing to better check for understanding and make sure I captured our discussion as accurately as possible. I appreciate the time and effort Fraser, Linda, Tim and you put into our meeting. I hope we can continue to work together as smoothly in the future.

I will cover general comments first then the sale-by-sale discussions.

I stated our objective for the meeting was to provide you with additional information on sales or our application of the screening direction which would hopefully resolve the concerns NRDC has identified with the sales on the Burns Ranger District. I asked for your assessment of how we applied the screen direction in the 8/18/93 Regional Forester's letter. You replied that you could not tell if we had applied the screens appropriately because of a lack of understanding of marking prescriptions, uncertainty of how we developed the historical range of variation, inability to get a handle on connectivity and concerns on how we identified green tree replacements for snags and down woody debris.

Later in the day you requested numerical values for the number of green tree replacements that will be left in harvest units. You would like to be able to compare what we have to what you believe should be provided.

We had a discussion on your comfort level on how we applied the screens and what your recommendations would be on specific sales. You stated that you could not provide us any feedback at the meeting on our application of the screens or if the information received resolved the concerns of NRDC. You said you would need to analyze the information, see if additional information is needed and provide a response at a later date. Your best estimate for a response was two to three weeks after you received these notes and the additional maps and information we agreed to provide.

You were concerned with references to 60 percent viable population levels used in the riparian screen. You said that the screen direction said or at least implied that the 100 percent level was to be used at all times. The reference for the 60 percent level was found in item 61 of the screen 1 documentation. This direction is for use with substantially completed sales, of which all of the sales we discussed are. The direction is to use Forest Plan direction for * * * completed sales, which we did. The sequential application of the * * * results in providing the 100 percent level.

All goshawk nests in the six sales we reviewed have the 30 acre no cut nest site set aside and a 600 acre post fledgeling area designated. The pest fledgeling areas have been designated in late middle, late and old structural stage stands.

Tim said at one point that we should not expect to see any recommendations to release any sales before they had a chance to look at sales on the ground again.

BLADE TIMBER SALE

Concern: Why was Unit 46 not deferred for goshawk protection?

Response: The harvest prescription was determined to result in enhancing the unit as goshawk habitat. It is part of the post fledgeling area. The associated nest is located outside of any sale unit. The prescription is modified to retain all trees ≥ 21 inches at breast height. There are two goshawk nests confirmed within the Blade sale area. The timber sale will have an operating restriction to protect goshawk habitat.

Concern: Is connectivity a concern for the Forest Service?

Response: Yes. We followed the connectivity direction in the screening proc-

ess. We mapped connectivity corridors between dedicated old growth areas and late and old structural stage stands. Late middle, late and old structural stage stands were used to provide connectivity where they were available. Corridors were wider than the minimum 400 foot width more than 90 percent of the time. We reviewed the mapped corridors with you and you appeared to understand how we designated them.

Concern: Is the area east of Unit 8 designated as old growth or old growth replacement?

Response: No. It appears to be smaller in diameter and does not meet old growth definition. It is not located proximate to a dedicated old growth area to meet Forest Plan direction for replacement old growth. It appears that the stand identified represents the riparian buffer and the characteristics do not extend into the rest of the stand.

Concern: There appears to be an inadequate number of snags and down woody debris within the sale area. How did you handle this situation?

Response: Snag numbers probably are low. The mitigation for this situation is to create additional snags within the sale area and use road closures to reduce the removal of snags for firewood. The specific mitigation guidelines for the district are prescribed for site specific conditions in order to meet forest plan standards.

The timber sale will not remove any existing down woody debris. No specific need to create additional down woody was necessary. We discussed the effect prescribed burning might have on woody debris. Based on recent large scale prescribed burning projects on the district, we feel we will be able to retain down woody debris to meet screen direction. It was pointed out that our direction was to apply the screens only to timber sale harvest and precommercial thinning; other projects were not subject to screening in FY 1993.

Concern: What did you do to retain green tree replacements?

Response: Harvest prescriptions are commercial thinning and selection harvests. These prescriptions will retain on site at least 50 square feet of basal area and in most cases 60–80 square feet of basal area of green trees. Any of these could be used for snag green tree replacement.

Concern: Does winter logging protect riparian areas (unit 12)?

Response: Winter logging is not considered a mitigation method for protection of riparian areas. We use it as a soil protection mitigation method. Riparian mitigation will be pre-approved stream crossings to limit number to minimum, they will be located to minimize impact to riparian vegetation, and forest plan standard buffer zones will be maintained.

FORKS TIMBER SALE

Concern: Why does Unit 22 contain a no-cut area?

Response: Unit 22 is a replacement old growth area. The no-cut area was located to prevent harvest in an area of very rocky soil and to provide wildlife habitat. The remaining portion of the unit that will be available for harvest will receive treatment over approximately 33 percent of the area. The objective is to enhance the replacement old growth area by improving health of trees that will be retained. This unit is part of the 159 acres of warm dry late structural stage stands that would be harvested, including some trees ≥ 21 inches in diameter at breast height.

The unit will be helicopter logged. In the 33 percent of the unit that will actually be harvested, some snags may be lost due to safety requirements. Any snags cut for safety reasons will be left in place and contribute to down woody debris. The area contains a high number of snags now and will exceed screen standards following harvest.

Concern: Is there a lack of down moody debris in the units along Road 15, east of the road?

Response: All units along Road 15, east of the road have been deferred. There are no plans to create additional down woody debris in this area. We believe there is the minimum level of down woody debris present.

Concern: Could not determine if connectivity direction had been met.

Response: Showed you the corridors we mapped following screen direction. This resolved how it was mapped. You still had concerns about connectivity as mapped in the area of units 21 and 24. A corridor was not mapped there because of past harvest units in the area and it didn't connect to any designated old growth or late or old structural stage stands. We used aerial photos, newer orthophoto maps and recent on the ground knowledge of stands to map corridors.

HOG FLAT TIMBER SALE

Concern: Why are trees ≥ 21 inches in diameter at breast height marked to be cut, specifically in units 8 and 9? Will your cutting prescription result in a species conversion?

Response: Units 8 and 9 were deferred. The sale has not been remarked yet, so some trees to 21 inches will still appear to be designated for cutting. The cutting prescriptions will not result in a species conversion. The objective of the treatments is to reduce the numbers of trees on the site to a level consistent with the capabilities of the site. We also want to establish a species composition representative of the ecotype, which would contain more pine than is currently represented. The ratio we were prescribing for was approximately 75 percent ponderosa pine and 25 percent Douglas fir and true fir.

Concern: There appears to be a lack of snags and down woody debris.

Response: Some response on Blade Timber Sale.

Concern: Why were no units deferred to provide connectivity?

Response: No units were deferred to provide connectivity because units that were deferred because of screen 2 provided the necessary connectivity to meet screen direction.

Concern: Why were units 1, 3, 7, 10, 17, 19 and 20 modified?

Response: They were modified to retain all trees ≥ 21 inches in diameter at breast height. Also the south third of unit 1 was deferred due to screen 2.

Concern: Is there a riparian spring area that needs protection in unit 3?

Response: Spring will be protected by 100 foot no cut buffer. Will check to confirm buffer is in place.

Concern: Why weren't units 17, 19 and 20 included in a connectivity corridor?

Response: Unit 20 is an "island" separated by open sagebrush or pine-juniper open stands that do not provide connectivity characteristics. We reviewed the mapped connectivity corridors with you. There were no corridors needed in the area of units 17 and 19.

COVE TIMBER SALE

Concern: What does the reference to the 700 acres of late and old that will be remarked to delete cutting mean?

Response: This is found on the last page of the narrative report for the timber sale. It refers to the acres that will be modified to leave all remnant trees ≥ 21 inches diameter at breast height.

Concern: Why not defer all treatment in the late middle structural stage stands since it is below historical range of variation?

Response: The screen direction allows treatment to occur in late middle where the treatment will move the watershed back toward the historical range of variation for late and old structural stages (Enclosure 1 of 8/18/93 letter). The prescribed treatments will accomplish this direction. Also, screen 3 requires retention of all green trees ≥ 21 inches. This will be done.

Concern: Why did we use the midpoint of the historical range of variation for late warm moist structural stage instead of the upper limit of the range to determine what level of harvest could occur when the amount of this structure exceeded the historical range of variation?

Response: We chose the midpoint to respond to concerns from the full range of the public who commented on the screening of our sales. The midpoint is within the range and is above the minimum. The treatments prescribed would have enhanced the late and old structure. These acres will not be harvested because they were deferred in screen 3.

Concern: Where is the additional acres to make up the 30 acre nest no cut area for the deleted units 16 and 17 (11 acres) and the 400 acre past fledgling area?

Response: No nest has been identified yet. These units were deleted because of the high level of goshawk activity observed within the two units. We are operating on the assumption there is a nest within close proximity of the units and the 30 acre no-cut is centered around the units. We have inventoried the area by calling and looked for the nest on the ground. Map to be provided will show set-aside areas.

Concern: Why was unit 29 just buffered for goshawk protection instead of deferred?

Response: The buffer designation is incorrect. The unit is within a post-fledgling area. The selection harvest prescription will meet the post-fledgling structure criteria.

Concern: Are there seasonal operating restrictions for goshawk protection?

Response: Yes.

Concern: Could not determine how we mapped connectivity.

Response: Showed you the mapped connectivity corridors. You were still concerned with the lack of connectivity; made the observation that the corridors formed a wheel with no spokes and you wanted to see some spokes. The amount of non-forest type within the subwatershed naturally limits connectivity. You stated you would like to see "potential" corridors designated where nothing exists now to show future options. We responded that the areas you pointed out either contain no proposed harvest now and would still provide some degree of connectivity or the land you suggested was not physically capable. We used the direction in screen 3 to establish corridors.

TINCAN TIMBER SALE

Concern: What additional area besides unit 15 was deferred for pileated woodpecker protection?

Response: None. The area is used for feeding; no indications were found that nesting or other activity is occurring in the area. Unit 15 was deferred because it is within the late structural stage.

Concern: What mitigation for down woody debris and snags will be done?

Response: Same as for Blade Timber Sale.

Concern: Can stream crossings be done differently? Specific concern is related to Item

2 under "Likely to adversely affect" direction in screen].

Response: Will provide specific information on which units will have stream crossings and specific mitigation measures to be used.

Concern: Could not determine how you provided connectivity.

Response: Showed you the mapped connectivity corridors. They appeared to be satisfactory.

DRIVEWAY TIMBER SALE

Concern: How will the stream crossing at Muddy Creek on the 2850/1705 Road and associated dirt surfaced road be closed? What assurance is there that this work will actually occur?

Response: The road will be relocated to cross the creek and riparian zone at right angles. This will result in less road actually in the riparian zone. The crossing changes from a rough ford to a culvert. The old road segment will be closed and rehabilitated. There is no absolute assurance the work will be done. Funding for the project should be accomplished using purchaser credits generated by this sale. If our estimate of the amount of volume passing the screen and actually available for sale is close, there will be adequate purchaser credits to accomplish the work. If there is not sufficient purchaser credits, then either appropriated road construction funds would be used or the timber would be hauled a different route to avoid the ford.

Concern: Why are units 22 and 23 excluded from the post-fledgling area since they appear to be in the middle of it?

Response: Units 22 and 23 were deleted for other reasons than the screens.

Concern: Was not able to determine how we considered connectivity.

Response: We showed you the mapped connectivity corridors. They appeared to be satisfactory.

I have enclosed the additional information we agreed to provide for these sales:

Connectivity maps for each sale,

Maps showing known goshawk nests and the 30 acre no cut area and the 400 acre post-fledgling area for Blade, Cove and Driveway Timber Sales,

Stream crossing mitigation for Tincan Timber Sale and the units it will be used,

Numerical values we used for green tree replacements for snags.

If it will help you to prioritize your review effort, the following is my priority of urgency for the Burns sales:

1. Hog Flat
2. Blade
3. Driveway
4. Cove
5. Tincan
6. Forks.

Please contact me if you have additional questions.

Sincerely,

JAMES M. PEÑA,
District Ranger.

Enclosures: 4.

TIN CAN

Stream crossing Mitigation: Units 1, 3, 5, 8, 9, 10, 11, 19, and 23 have class 4 streams. To minimize impacts on class 4 streams activities will take place during dry or frozen conditions, units 8 and 23 will be cable logged, temporary roads will be used to minimize and eliminate skidding crossings in units 1 and 9, all crossings and temporary roads will be rehabilitated as necessary by seeding and water barring, crossings will be permitted at designated locations only, and the number of crossings designated will be the minimum number to accomplish the job.

SUMMARY

The summary below displays a variety of prescriptions which is intended to show how many trees would be left following treatment that could serve as green tree replacements. The numbers used are averages derived from stand exams.

The following abbreviations will be used:

TPA—Trees Per Acre.

BA—Basal Area.

DBH—Diameter Breast Height.

COVE

Treatment: Uneven-aged Management
Existing TPA: 440 (avg. dbh 7")
Post Treatment TPA: 100 (avg. dbh 10")
Existing BA: 114
Post Treatment BA: 60

DRIVEWAY

Treatment: Uneven-aged Management
Existing TPA: 1162 (avg. dbh 3.4")
Post Treatment TPA: 110 (avg. dbh 10")
Existing BA: 113
Post Treatment BA: 60

TIN CAN

Treatment: Commercial Thinning
Existing TPA: 200 (avg. dbh 10")
Post Treatment TPA: 80 (avg. dbh 12")
Existing BA: 110
Post Treatment BA: 60

BLADE

Treatment: Uneven-aged Management
Existing TPA: 320 (avg. dbh 6")
Post Treatment TPA: 180 (avg. dbh 9")
Existing BA: 118
Post Treatment BA: 80

HOG

Treatment: Commercial Thinning
Existing TPA: 294 (avg. dbh 9")
Post Treatment TPA: 75 (avg. dbh 14")
Existing BA: 134
Post Treatment BA: 80

FORKS

Treatment: Seed Tree
Existing TPA: 1534 (avg. dbh 2.2")
Post Treatment TPA: 15 (avg. dbh 12")
Existing BA: 124
Post Treatment BA: 20

NO PURPOSE SERVED IN HARASSING

It's unfortunate that the on-going public relations campaign by elements of the timber industry has the tone that it has. The radio ads ask rhetorical questions regarding timber volume and forest health, assigning fault to Forest Supervisor Mark Boche and advising listeners to "Ask Mark Boche."

It's true, I am not Mark Boche. However, I am directly involved in the process that has resulted in a reduced timber volume. So I will provide my answers to the question.

In April 1993 the "Natural Resources Defense Council" filed a petition with region #6 Forester John Lowe demanding that National Forests within region #6 conform to various laws and regulations, and the petition set forth special criteria that region #6 forests need to conform to the law.

In response to this petition, on Aug. 18, 1993 Regional Forester Lowe issued a directive that all region #6 National Forest shall structure sales according to a set of "screening" guidelines for an uncertain period of time until revised national direction to the U.S. Forest Service was completed.

The interior screening guidelines significantly changed some aspects of forest management which negatively impacted the projected harvest volume.

None of this is news to local timber industry leaders. In June or July, Tim Lillebo was a guest speaker of "Grant County Conservationist" and explained the impact of the petition to many from the community. In addition, the Forest Service presented an open house orientation to explain the impact of the "screens" in some detail, in September '93.

As one of the two N.R.D.C. coordinators on the Malhuer National Forest, I have discussed the "Interim Screenings" with all of the timber interests and forest staff "ad nauseam." The effort has been to provide as much timber as possible while adhering to the spirit of the "screens".

The comment contained in the radio ads that the forest supervisor is under no 'legal' constraints is true. He is, however, under specific direction from the Region #6 Forester. The petition by N.R.D.C. was an effort to avoid litigation similar to that on the westside forests. To this point in time it is accurate to say the "interim screenings" have allowed more timber harvest than a successful litigation would have allowed.

There may be some purpose in harassing the forest supervisor and forest staff for an action they could not control and it may serve some purpose to inflame the community. I fail to see how either resolves anything.—Ed Holder, Prairie City.

TIMKO SALE SCREEN UPDATE

To: Malheur Timber Operators, Steve Courtney, P.O. Box 928, John Day, OR.
From: Ochoco NF, P.O. Box 490, Prineville, OR.
Date: January 20, 1994.
Subject: TIMKO
Signature: Tom Mafesa.

Steve, Here's an update on sale status.

D-1: Big Summit.
D-2: Paulina.
D-3: Prineville.
D-4: Snow Mountain.

TIMKO report remarks:

Other—NRDC: Means that the progress of the sale has been delayed due to NRDC Petition.

LV: Sales (or portion of original sales) that are deferred at this time.

Call if you have questions.

TOM.

U.S. DEPARTMENT OF AGRICULTURE,
FOREST SERVICE,
Prineville, OR, January 14, 1994.

To: Rangers/Staff.
Subject: Screened Sales—Status.

Here's an update on the status of the timber sale program that we have screened.

1. Sales not subject to the screening process:

District, sale name, and status—

D-1—Kyle Decks—awarded December 1, 1993.

D-2—Roadside Hazard T.R.—awarded December 1, 1993.

D-3—GG—auctioned January 5, 1994.

D-4—Last Gasp—awarded November 1, 1993.

D-4—Bucksprings Roadside—awarded December 1, 1993.

D-4—JUOC—awarded December 13, 1993.

2. Sales released by NRDC:

District, sale name, and status—

D-1—Marks—advertised January 6, 1994.

D-2—Three Forks Salvage—advertised January 6, 1994.

D-3—Colt—advertised January 6, 1994.

D-3—Saddle Sore—awarded.

D-4—May Salvage—auctioned January 5, 1994.

3. Sales reviewed, but not released by NRDC:

District and sale name.

D-1—Harpo, Howie.

D-2—Shown.

D-3—Ironbird, Mck.
D-4—Boundary.
4. Sales needing review by NRDC representative:
District and sale name.
D-3—Janzout, YoBear, Rooster, and M. Maury.
D-4—Mud.
5. Sales to be deferred/re-designed:
District and sale name.
D-1—Deep, Harpoon.
D-2—Rock.
D-4—Dustbox, Tiny Tim.

BILL FISH,
Operations Staff Officer.

OFFERED SALES LISTING—1994

[Criteria for this sales listing—fiscal year target is 1994]

Region, Forest	Sale name	Fiscal year target	Latest gate	Sale volume HBF	Annotation and remarks
Ochoco	Gap	1994	0	1,000.00	Other—NRDC.
Do	Bridge	1994	0	2,000.00	Other—NRDC.
Do	94-Salvage	1994	0	1,000.00	
	total volume accomplished for this gate			4,000.00	
6—Ochoco	Brush	1994	1	1,000.00	Other—NRDC.
Do	Brush (NRDC)	1994	1	3,225.00	LV.
Do	Slos	1994	1	8,400.00	
Do	Rock(FH)	1994	1	8,000.00	Other—NRDC.
Do	Rooster RS	1994	1	900.00	Other—NRDC.
Do	M. Naury Salv	1994	1	1,000.00	
Do	Yobear FH	1994	1	4,000.00	Other—NRDC.
Do	Janzout LV (NRDC)	1994	1	4,000.00	LV.
Do	Yobear FH LV (NRDC)	1994	1	7,000.00	LV.
Do	Rooster RS (NRDC)	1994	1	100.00	LV.
	Total volume accomplished for this gate			37,625.00	
6—Ochoco	Harpoon (WRDC)	1994	3	1,700.00	LV.
Do	Harpoe	1994	3	2,654.00	Other—NRDC.
Do	Deep (NRDC)	1994	3	4,300.00	LV.
Do	Howie (NRDC)	1994	3	2,000.00	LV.
Do	Harpo (NRDC)	1994	3	5,200.00	LV.
Do	Marks (NRDC)	1994	3	3,681.00	LV.
Do	Howie	1994	3	409.00	Other—NRDC.
Do	Three Forks BD (NRDC)	1994	3	70.00	LV.
Do	Shown (NRDC)	1994	3	4,300.00	LV.
Do	Shown(FH)	1994	3	500.00	Other—NRDC.
Do	Iron Bird	1994	3	1,400.00	Other—NRDC.
Do	McK Salvage	1994	3	800.00	Other—NRDC.
Do	McK Salvage LV (NRDC)	1994	3	200.00	LV.
Do	Ironbird LV (NRDC)	1994	3	2,700.00	LV.
Do	Colt FH LV (NRDC)	1994	3	200.00	LV.
Do	Hud	1994	3	1,830.00	Other—NRDC.
Do	Boundary(FH)	1994	3	1,832.00	Other—NRDC.
Do	Dustbox(FH)	1994	3	320.00	Other—NRDC.
Do	Boundary(NRDC)	1994	3	3,468.00	LV.
Do	Hud (NRDC)	1994	3	1,670.00	LV.
Do	Dustbox (NRDC)	1994	3	6,080.00	LV.
Do	41/43 Salvage	1994	3	120.00	
	Total volume accomplished for this gate			45,434.00	
6—Ochoco	Marks	1994	4	1,000.00	
Do	Three Forks Slowdown	1994	4	90.00	
Do	Colt FM	1994	4	2,600.00	
	Total volume accomplished for this gate			3,690.00	
6—Ochoco	Kyle Salvage	1994	6	39.00	
Do	Permits fiscal year 1994, quarter 1	1994	6	1,153.80	
Do	Roadside Hazard T–R.	1994	6	138.00	
Do	Permits fiscal year 1994, quarter 1	1994	6	10.50	
Do	Permits fiscal year 1994, quarter 1	1994	6	101.20	
Do	Last Gasp Salvage	1994	6	269.00	
Do	Buck Spr Roadside Salv	1994	6	116.00	
Do	May Salvage	1994	6	73.00	
Do	Tip Add-on	1994	6	318.00	
Do	Permits fiscal year 1994, quarter 1	1994	6	3.00	
Do	Permits fiscal year 1994, quarter 1	1994	6	202.00	
	Total volume accomplished for this gate			2,425.00	
	Forest volume for gates 1, 2, and 3			53,099.00	
	Forest volume for gates 4, 5, and 6			6,115.30	

NRDC REVIEW OF FOREST SERVICE TIMBER SALES

The following points may be appropriate during the discussion of the Forest Service policy and procedure of allowing the National Resources Defense Council to review timber sales just prior to being offered for sale. This review is offered to no other group and is not required by court directive to the best of our knowledge.

The process, as we understand it, being used by the Forest Service and the NRDC in summary is as follows:

A: The Forest Service goes through its normal timber sale planning process.

B: The Forest Service applies the special screens required by Assistant Secretary Lyons.

C: After that process is completed and has been reviewed at the Ranger District and Forest Supervisor levels, the sales are forwarded to the NRDC in San Francisco, California.

D: The NRDC office in San Francisco, California has one of its field personnel review the sale. (Copy of review form included.) It is then returned to the NRDC for processing.

E: NRDC prepares a recommendation on the sale that is forwarded to the Regional Forester's Office in Portland, Oregon. (Only recommendations for reductions in volume are made by the NRDC).

F: The Regional Forester then reviews the NRDC recommendations and returns the sale to the Forest to be offered for sale. (The Regional Forester has followed all the recommendations made by the NRDC to the best of our knowledge.)

G: The sale is then offered to the general public.

What is wrong with the special relationship the Forest Service has with the NRDC? And what is wrong with the process it is using? The following questions may gain answers to those questions:

One: Allowing the National Resource Defense Council to review timber sales on the eastside forests in Oregon and Washington is a definite violation of regulatory procedure and is from our viewpoint a violation of law.

Two: Why is the Forest Service allowing only one group, the NRDC, to have a "special" review of all eastside Forests timber sales before they are offered for sale?

Three: Why has the Forest Service granted this "special" and "illegal" review to the NRDC?

Four: Why was this review "tacked on" to the process and completely outside of the normal planning system?

Five: Who authorized the special treatment for the NRDC?

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Six: Was the offer to have a special review made to any other user-group or individuals?

Seven: Did not the process allow for only the removal of timber sale volume and did not most of the reviews by the NRDC actually result in less timber volume being offered in the sales?

Eight: Was criteria provided to the NRDC for its review?

Nine: What expertise does the NRDC have that the Forest Service lacks to do proper reviews?

Ten: What was the time delay in offering sales because of the special review status being granted to NRDC?

Eleven: How does the special review by the NRDC fit into the planning system and public review process?

Twelve: Why has this review process been for the most part kept secret by the Forest Service? Who ordered this process to be kept confidential?

Thirteen: Is there not a form that the NRDC uses to review each timber sale? What are the qualifications of the person conducting the review?

Fourteen: How can the Forest Service arbitrarily drop volume from sales without knowing the quality of the report and the qualifications of those who make the recommendations?

Fifteen: How long has this procedure been used? How many timber sales and what volume of timber is involved?

WHAT SHOULD THE FOREST SERVICE BE REQUESTED OR DEMANDED TO DO?

One: The Forest Service should stop this practice immediately.

Two: Those timber sales that were decreased by the action of the NRDC review should be reinstated to the level of the Forest Supervisor recommendation and offered for sale.

Three: Those responsible for implementing this procedure should be suspended from managing the timber sale program and held accountable.

Four: A complete review of the entire relationship between the NRDC and Forest Service should be made and the public briefed on the findings.

Five: The NRDC should be prohibited from participating in any timber sales program or planning for a timber sale program until this situation is resolved and has had a full public hearing.

Six: The Forest Service should apologize to the other users of the National Forests in the States of Washington and Oregon.

Seven: The Senate Energy and Natural Resources Committee should hold a hearing and fully air the issues we have raised.

Eight: The Department of Agriculture should develop a program to instill public confidence back into their Planning and Public Participation programs.

U.S. DEPARTMENT OF AGRICULTURE,
FOREST SERVICE,
January 20, 1994.

DECISION DOCUMENTS, FISCAL YEAR 1994
EASTSIDE SALES

To: Eastside Forest Supervisors.

In my 2430/2600 letter of September 1, 1993, I advised you to stop signing decision notices for timber sale projects. I have determined it is no longer necessary to refrain from signing NEPA decisions on timber sales on the east side.

The NEPA analysis for timber sales should include a range of alternatives based on your Forest Plans and the Purpose and Need Statement as well as the Forest Plan consistency finding. Alternatives that are consistent with the Purpose and Need Statement but not with the screening process can be included in the analysis.

Regarding the consistency finding: If your analysis shows a discrepancy between Forest Plan standards and the requirements of passing the screen, a Forest Plan amendment is necessary to implement the sale. This amendment may be part of the sale decision document.

If you have questions, please call Jim Schuler at 603/326-2322 or Phil Mattson at 603/236-3865.

JOHN E. LOWE,
Regional Forester.

EASTSIDE FOREST SCREENING PROCESS

To: line/staff.

From: Mark A. Boche: R06F04A, Postmark: Dec 16, 93 4:05 PM, Status: Previously read, Subject: Forwarded: Update on Screens.

Comments: From: Mark A. Boche: R06F04A, Date: Dec. 16, 93 4:05 PM Update.

Message: From: Tim C. Rogan: R6/PNW Date: Dec. 16, 93 3:59 PM. John agreed with Jim Overbay last week that the Region would do an BA to amend forest plans to incorporate the screens. Susan Skakel, from the Deachutes and Glen Stein, Halheur are in here this week putting the BA together. Grant Gunderson is doing the BE. A notice will appear in Newspapers around the eastside asking for input to the EA. A biological assessment will be completed by Jan. 3rd and we will initiate consultation with USF&WFS and NMFS. We expect to have the decision notice signed around 1/20/94. The decision will not come under the new appeal regs. The DN will include the updated direction letter on screening. This activity should have no affect on sales all ready screened. You should proceed with preparation for advertisement of the sales the RF has released. We expect to release additional sales in the near future. You should also continue to work on analysis and design of new sales. If you feel a conf call is needed to discuss this further let me know. If any questions contact me or send me a note.

Mr. CRAIG. I think these documents will show very clearly that there appears at this moment to be a paper trail that is convincing evidence that there was an opportunity to give the exclusive right to the Natural Resource Defense Council to help shape and craft timber sales in what is known as a screening process within region 6.

TRIBUTE TO PENNY GERMAN

Mr. STEVENS. Mr. President, the unexpected and untimely death of Penny German, who was a member of my staff, was a blow not only to her family but also to her long-time friends and colleagues in the Senate and in the Pentagon.

A quiet, capable, and very kind woman, Penny worked closely with me and my staff during her years on the Defense Appropriations Subcommittee, and continued her friendship and associations with us when she moved over to the Pentagon to be an assistant to Sean O'Keefe, first when he was Comptroller of the Pentagon and then when he became Secretary of the Navy.

Penny returned to my staff when Sean left the Secretary's post to join the faculty at Penn State University. She then moved over to the minority staff of the Senate Rules Committee. When she left that office on Friday, January 21, she smiled and said she would see us on Monday. But on Monday morning, Penny did not wake up from her sleep.

Former Navy Secretary Sean O'Keefe delivered a moving tribute to Penny to the large crowd that braved icy roads to attend her memorial service last week.

Mr. President, I ask unanimous consent that remarks of former Secretary of the Navy O'Keefe be printed in the RECORD.

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

IN MEMORY OF PENELOPE SULLIVAN GERMAN, DELIVERED BY SEAN O'KEEFE, JAN. 27. 1994

I am sure that as Penny smiles down on us, she is particularly delighted that none less than Father Bill George, S.J. is the guest celebrant at her memorial service today. Fr. George, as most on Capitol Hill know, is considered the father Confessor to all Appropriators. As such, he is particularly busy cleric as we can attest to. Thank you for being here Padre.

It is also a particularly appropriate touch that an Irish piper is here with us today given Penny's sincere ethnic pride. No doubt, Penny is taken with this touch—to your great credit Lewis, as I wish I could say it was my idea.

We must be honest with ourselves at this important service. This gathering is meant for us to grieve for ourselves, for Penny is off to a better place. This is our chance to purge our souls and express our sense of sorrow that we are denied the friendship of a lovely and marvelous human being that we knew to be Penny German.

But I invite you to fatalistically ponder with me, for a moment, the nature of the hereafter. Many of us prescribe to the particularly Celtic notion that the hereafter is defined by the bearer. If that is true, there is little doubt that Penny is busy acting in accord with the way she lived her life—there are no strangers, just friends she hasn't met yet.

I am certain that she is taken by all who have braved the miserable weather to be here today, from the Hill, the Pentagon, and her many friends that she grew up with here or she came to know here in Maryland. By her definition of the hereafter, she is doubtless surrounded by friends she cares about, attending to all to be sure they are made to feel important. No one knows that better than Lewis. You have both been so devoted to each other.

John Kennedy once defined Irish charm as the ability to convince whoever he was with that they were both wonderful people. Penny exhibited that sense of charm in a way that I had never witnessed before.

In testimonial to the point, I recall a friend calling me once who went on and on about what an extraordinary pleasant person he thought Penny to be. In fact, it took him at least a week to realize that he had not accomplished his objective with me—but he nonetheless felt quite good about the experience of having tried. What a gift she had!

I always marveled of such recountances. I have aspired to be half as good the Irish politician that Penny has been on a bad day! I

shall count myself successful when I reach that half way point.

Penny always made a profound impression on people she had known for a short time or as long time. Professional associates from the Pentagon or the Capitol Hill can attest to the same—and she instilled strong friendship and loyalty in all.

She could always find the best in a bad situation as well. What best comes to mind was her light hearted observations of the torrent of what she called "budget words" that seemed to spew forth from others whenever tempers flaired. She always found a way to neutralize tense situations.

To call her a "dedicated public servant" is a poor understatement. She cared passionately for the professionalism of her duties and carried them out more adroitly than anyone I have ever known. She treated her career with the government as an avocation and treated it accordingly.

But most of all, she always selflessly dedicated herself to those around her and made life for all of us around her more pleasant and more fun. God knows, she always made me look better than I am, and I have always been grateful for her selfless loyalty and friendship.

I have little doubt that my friend Penny feels a sense of warmth and affection that she wants to express to those here assembled as well as those she's ever known. We may only begin to understand and capture the depth of her sentiment by the traditional Irish prayer:

May the road rise up to meet you;

May the wind be always at your back;

May the sun shine softly upon you; and until we meet again;

May God hold you in the hollow of His hand.

. . . may Gold bless you, Penny.

FOOD AND DRUG ADMINISTRATION SEAFOOD SAFETY REGULATIONS

Mr. STEVENS. Mr. President, on January 21, 1993, Health and Human Services Secretary Donna Shalala and Food and Drug Administrator David Kessler announced the completion of a comprehensive new seafood safety program based on the hazard analysis critical control point [HACCP] model.

We have been working to develop a comprehensive national seafood safety program for quite a number of years now, and I feel certain that the fishing industry will generally be pleased by this important announcement.

I compliment the Food and Drug Administration [FDA], the National Oceanic and Atmospheric Administration [NOAA], and the many industry and consumer groups who helped in developing these regulations.

The FDA's proposed HACCP plan has not yet been published in the Federal Register, but in my opinion it will receive a good reception when published. The seafood industry and consumer groups have been anticipating the regulations, and the FDA intends to provide adequate time for all who are interested to comment on the proposed rule.

HACCP is a preventative concept that was originally developed by the Pillsbury Company in the 1960's as part of its work on food for the U.S. space program. The basic idea of HACCP is that a processor identifies all of the steps in the process where hazards could occur, then defines preventative measures and operating parameters to control hazards at each of the critical points.

In my State, a HACCP-type program was developed and implemented for seafood over 10 years ago. In fact, my colleagues helped me in 1984 to provide some of the funding used by the State of Alaska to develop this pioneer application of HACCP to seafood.

The FDA has acknowledged the Alaska program in its proposed rule, and that agency has made a point of asking for comments on how the new Federal program should mesh with existing State programs in order to avoid imposing inconsistent Federal and State requirements.

Both the FDA and the National Marine Fisheries Service [NMFS] currently have contracts with the State of Alaska and use State employees to conduct FDA and NMFS inspections. It is my understanding that the FDA used the State of Alaska's plan as a model and consulted with State employees in the development of the new FDA HACCP plan.

In Alaska, our main concern will be to ensure that the new Federal program does not reduce in any way the safety standards we already have in place.

To illustrate how well our State program has worked, I am pleased to inform the Senate that since 1982 there have been no reported incidents of contaminated Alaska seafood reaching consumers, and no cases of botulism caused by Alaska seafood.

This is a significant statistic when you consider that over half of the fish caught in the United States is caught in the waters off Alaska.

One of the great benefits to come from a national HACCP program will be a clarification for U.S. consumers of what we already know because of our Alaska program: that Alaska seafood is completely safe and of the highest possible quality.

The development of a national HACCP plan really began in 1986 when the Appropriations Committee included, at my request, $350,000 in the National Oceanic and Atmospheric Administration budget directing NOAA to work in cooperation with the FDA to design a HACCP inspection program.

I compliment the National Fisheries Institute [NFI] for working with us on the HACCP concept. NFI really got behind the idea of HACCP as the appropriate alternative to the inspection programs used in the meat and poultry industry.

The development of a national seafood inspection program has been largely due to the efforts and leadership of our colleague, Senator HOLLINGS. Senator HOLLINGS' involvement stems all the way back to the late 1960's with halibut and swordfish, and as recently as 1990 and again in 1992, when he introduced legislation that called on the expertise of the FDA and NOAA for a comprehensive National Seafood Inspection Program. The FDA's proposed new program marks the culmination of these efforts.

It is my understanding that the proposed regulations for the FDA plan will be published in the Federal Register next week and be followed by a 90-day public comment period. The FDA anticipates the completion of a final rule by late 1994 or early 1995, with full implementation planned for 1996.

I am looking forward to hearing from processors throughout the United States about this plan, particularly those in Alaska already operating under our similar inspection program, and I encourage the FDA to continue working and cooperating with industry, consumer groups, and States—particularly my State of Alaska that has experience under this system—as it develops the final rule for the new Federal HACCP Program.

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOX SCORE

Mr. HELMS. Mr. President, the Federal debt stood at $4,522,736,108,206.24 as of the close of business yesterday, February 1. Averaged out, every man, woman, and child in America owes a part of this massive debt, and that per capita share is $17,347.70.

DEATH OF BOB BJORKLUND

Mr. DURENBERGER. Mr. President, this past Thursday a giant of the amateur sports scene passed away in Hopkins, MN. Although Bob Bjorklund will be missed by all, the memory of his many and varied contributions will always remain.

Bob was a native of Minneapolis who went on to play football at the University of Minnesota for 3 years, and served as the Golden Gophers cocaptain during their 1940 undefeated National Championship season. After graduation, he played two seasons with the NFL's Philadelphia Eagles, 1941 and 1946, and served as an assistant football coach at Augsburg College in Minneapolis, 1948 and 1950, and freshman football coach at the University of Minnesota during the 1951 season. His athletic achievements were temporarily put on hold as Bob served his country in the U.S. Navy during World War II.

Away from the gridiron, Bob became involved in the U.S. Olympic Committee and served as fundraising chairman for the states of Minnesota, North Dakota, South Dakota, and Iowa. He attended the Olympic Games wherever they were held.

But Bob's interests were not limited to the athletic arena. He had a deep love for politics and served as chairman of the volunteer committee for former U.S. Representative Walter Judd. He was also deeply involved in the community, through his work with the Big Brothers/Big Sisters Program, Goodwill Industries, and the Augsburg fund drive. He also served as a member of the management committee at the YMCA, finance chairman of the Minnesota Association for Retarded Children, and president of the Minneapolis Athletic Club.

Mr. President, with all this activity, one wonders how Bob had time for anything else. But he found time to do a terrific job for Banker's Life Co. from 1947 to 1978. While there, he was a member of the Manager's Advisory Committee from 1956 to 1960 and served as its chairman during the last year of his tenure. He was also president of the General Agency Managers Association.

Bob Bjorklund taught us a lot during his lifetime. By giving of himself, he touched more lives than even he could have imagined. I know he is looking down upon us even as a we speak—and I hope my colleagues will join me in saying a heartfelt "thank you" for all he has done.

Mr. President, I yield the floor.

KEEP UP THE EMBARGO AGAINST VIETNAM

Mr. DORGAN. Mr. President, I wanted to speak briefly today about my reasons for voting as I did last week on the matter of our trade embargo against Vietnam. As you know, this subject arose during the Senate's debate on S. 1281, the State Department authorization bill for fiscal years 1994 and 1995.

During the debate on the embargo, I voted for an amendment offered by Senator SMITH of New Hampshire and against the amendments offered by Senator KERRY of Massachusetts and Senator MCCAIN of Arizona. I did this because of the strength of my belief, that Vietnam has an obligation to make a full accounting of all American MIA's and POW's. The families and friends of missing service personnel deserve nothing less.

The fate of our POW's and MIA's in Vietnam has been a longstanding concern of mine. Back in 1985 in the House, I introduced a bill establishing a commission to report on the status of MIA's and POW's.

I would like to open new trade opportunities for United States products in Vietnam, as I would like to do throughout the world. And I respect the views of many of my colleagues who believe it is time to lift the embargo.

However, I mainly view the question of the embargo as a matter of human dignity rather than of commerce. In my judgment, before we focus on new trade opportunities, we must settle the outstanding issue of accounting for our soldiers. To end the embargo now would throw away our best leverage, our best means to pry loose from Vietnam information about POW/MIA cases—information the Government of Vietnam has an obligation to provide.

That is why I opposed the Kerry and McCain amendments, both of which urged the President to lift the embargo against Vietnam. I voted instead for the Smith amendment, which enabled the President to lift the embargo only if he certified to Congress that:

First, Vietnam had fully resolved those POW/MIA cases where it could be reasonably expected to have further information;

Second, Vietnam had addressed questions related to documents found last year in Russian archives; and

Third, the United States had fully investigated intelligence information that our Government now possesses about POW/MIA matters.

I should also note that, once the President certifies that the Smith conditions are met, he could lift the embargo within 30 days.

To me, these conditions are prerequisites to lifting the embargo against Vietnam. I will continue to press Vietnam to meet these criteria for trading with us.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. The period for morning business is now closed.

FOREIGN RELATIONS AUTHORIZATION ACT

The PRESIDING OFFICER. Under the previous order, the clerk will report S. 1281.

The bill clerk read as follows:

A bill (S. 1281) to authorize appropriations for fiscal years 1994 and 1995 for the Department of State, the U.S. Information Agency, and related agencies, to provide for the consolidation of international broadcasting activities, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Lott-Helms Amendment No. 1315, to establish a prohibition on security assistance for countries that consistently oppose the United States position in the United Nations General Assembly.

AMENDMENT NO. 1315

The PRESIDING OFFICER. Under the previous order, the question occurs on amendment 1315.

Mr. SARBANES. Mr. President, I move to table the Lott amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. SARBANES. Mr. President, were the yeas and nays ordered on the Lott amendment?

The PRESIDING OFFICER. The Senator is correct.

Mr. SARBANES. Then I ask for the yeas and nays on the motion to table.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question occurs on the motion of the Senator from Maryland to lay on the table the amendment of the Senator from Mississippi [Mr. LOTT]. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

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

The result was announced—yeas 66, nays 34, as follows:

[Rollcall Vote No. 17 Leg.]

YEAS—66

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

NAYS—34

Bennett	Exon	McConnell
Brown	Faircloth	Murkowski
Burns	Gorton	Nickles
Byrd	Gramm	Pressler
Cochran	Grassley	Roth
Cohen	Hatch	Shelby
Coverdell	Helms	Smith
Craig	Hutchison	Thurmond
D'Amato	Kempthorne	Wallop
DeConcini	Lott	Warner
Dole	Mack	
Domenici	McCain	

So the motion to lay on the table the amendment (No. 1315) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. DOLE. Mr. President, prior to consideration of the State Department authorization bill, I introduced the Peace Powers Act, together with 12 of my colleagues, to bring greater accountability, oversight, and U.S. interests into the peacekeeping decisionmaking process.

My amendment to the State Department authorization bill was based largely on the Peace Powers Act with the exception of the foreign command issue, which I decided to defer. Although the Mitchell substitute to my

amendment was adopted by the Senate, I am pleased that the Senate also adopted the majority of the provisions in my original amendment—12 out of 15 sections—in a series of amendments to S. 1281. I ask unanimous consent that a summary of these provisions be printed in the RECORD.

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

SENATE ACTION ON PEACE POWERS ACT—12 OF 15 SECTIONS ADDRESSED IN S. 1281

Congressional notification before U.N. Security Council votes on peacekeeping (section 5 of PPA; section 167 of S. 1281, Pressler Committee amendment).

Congressional notification of assistance to the United Nations (section 8 of PPA; section 168 of S. 1281, Pressler Committee amendment).

Comprehensive annual peacekeeping funding request (section 9 of PPA; Dole amendment to S. 1281).

No "raiding" of Defense Department funds for U.N. peacekeeping (section 12 of PPA; Dole sense of Senate amendment to S. 1281).

Full reimbursement for Defense Department "in-kind" contributions (section 11 of PPA; section 170 of S. 1281, Pressler Committee amendment).

Reduced U.S. assessment for peacekeeping to general U.N. budget level of 25% (section 13 of PPA; Dole amendment to S. 1281).

Access for U.S. manufacturers to U.N. peacekeeping contracts (section 14 of PPA; Dodd amendment to S. 1281).

Steps to ensure safety of Americans captured during U.N. peacekeeping operations (section 15 of PPA; Dole amendment to S. 1281).

Withholding 20% of U.S. peacekeeping contributions until Inspector General appointed (section 17 of PPA; Dole-Pressler amendment to S. 1281).

Annual report on U.S. involvement in U.N. peacekeeping activities (section 10 of PPA; section 169 of S. 1281, Pressler Committee amendment).

Transmittal of U.N. resolutions and reports to Congress (section 6 of PPA; Dole amendment to S. 1281).

Purposes of Peace Powers Act (section 2; Mitchell amendment to S. 1281).

Human rights report on U.N. peacekeeping (not in PPA; Dole amendment to S. 1281).

Mr. DOLE. Mr. President, with respect to intelligence sharing with the United Nations—a provision of my original amendment that I did not pursue due to objections raised, the distinguished chairman of the Intelligence Committee has agreed to hold hearings on this matter. As for the matter of billings from the United Nations and U.S. payments of assessments, Secretary Christopher has agreed to provide us with a letter of notification process.

With bipartisan support we have made a good start—we have begun to establish real congressional oversight of U.N. peacekeeping. I would like to thank the managers of the State Department bill and the distinguished majority leader for working with me and the cosponsors of my bill to make this possible.

I know that this is not the first time this year that we will have the opportunity to consider U.N. peacekeeping. No doubt, the issue of U.S. forces serving under foreign command will be back for debate.

The adoption of my amendments on peacekeeping, covering a range of matters—from funding to human rights reporting on U.N. peacekeeping forces—demonstrate that the issue of U.N. peacekeeping is not a partisan one.

This is not about partisanship. It is about the Congress and the executive. It is about the relationship between the United States and the United Nations and the role of the Congress in that relationship.

Right now there are no check and balances. The U.S. Ambassador to the United Nations votes on a peacekeeping operation and the Congress gets the bill. There is no formal or even informal consultation prior to such votes in the Security Council.

But, this is not just about funding, this is about policy: Namely whether and to what extent the United States should subcontract its policies to the U.N. Security Council—which does not necessarily reflect U.S. interests or values. And, the wisdom of granting authority for military operations to Boutros Boutros-Ghali as has been done on the matter of air strikes over Bosnia.

Yesterday's New York Times editorial commenting on my amendment was wrong on the facts—I suggest that next time the editors read my amendment before they pick up their pens. It was also dead wrong on the argument that congressional initiatives which seek to assert control over U.N. peacekeeping limit U.S. options to either unilateral action or no action.

Let me say once again, this legislation only limits U.N. peacekeeping—not operations pursuant to U.N. Security Council decisions, such as Desert Storm, not NATO operations, and not other multilateral operations.

To date the successes of U.N. peacekeeping—if we can call them that—have been few and far between. In Bosnia, U.N. peacekeepers count artillery shells falling on Sarajevo and escort, but do not protect, humanitarian aid convoys. Even Cambodia, which has been anointed as the exemplary U.N. peacekeeping operation, is marred by human rights violations on the part of peacekeepers, corruption, and mismanagement.

Mr. President, while a U.N. force made up of a smorgasbord of military units from all over the globe may be able to handle the maintenance of a ceasefire in some parts of the world, they have been largely incapable of handling complex operations, such as in Bosnia. With the exception of NATO countries, few military forces have a similar level of military and civic training and equipment as those of the United States. Thus, the wisdom of the United States partaking in these U.N. peacekeeping operations must be debated thoroughly.

The administration is reported to be completing its Presidential review of U.N. peacekeeping and will be briefing the Congress in a week or two—I guess they have to finish briefing the editors of the New York Times first.

I look forward to hearing what the administration's proposals are and working on with the majority leader and the relevant committees on this matter further in the coming months. I hope that we will be able to construct a lasting framework for the difficult issues of war and peace in a manner, consistent with the respective powers of the Executive and the Congress.

We will no doubt differ on issues, such as when and how much to turn to the United Nations, how best to lead our allies, and when to act alone, if necessary. Nevertheless, I will be pleased to work together to establish a consensus on this critical issue.

Mr. DOMENICI. Mr. President, the bill we will pass contains two provisions on which Senator HOLLINGS and I took the lead in the Commerce, Justice, State, and judiciary appropriations bill, and they have to do with very important aspects of the U.N. activities. The reason I say they are important is because I am concerned that we are going to wake up one day and find that there are scandals with regard to how the United Nations is spending its money, and the American people who want now to support the United Nations because we make a real difference in the world order today are going to say we should not.

These scandals are right on the horizon and everybody knows about them, with reference to how they contract, with reference to even some fraud and scandalous activities in who gets paid for some of these very difficult security missions, and how the United Nations goes about contracting.

So we started in our appropriations bill some very big pressure on the United Nations to get control over their budgets and fiscal policy. We in the United States have inspectors general. Maybe they can come up with something better.

But in the 1994 appropriations bill, we have withheld almost $30 million, 10 percent of that which goes to the United Nations under our assessment, unless and until they get an inspector general-type process in place and in effect.

I compliment the managers and Senator DOLE and Senator PRESSLER for including in permanent law, in this bill, 20 percent withholding of assessments to the United Nations until they have something like an inspector general system. This could help prevent the scandals that are about to open up with reference to their activities, which will indeed affect whether America will support the United Nations or not.

Second, in that same appropriations bill, we decided that the American business sector was not being treated properly in terms of contracts that were being let for procurements for peacekeeping efforts. As a matter of fact, we had a lot of evidence that they were being discriminated against, if not shut off from having access to selling under procurement contracts to the United Nations. We made it a mandate that they do that, and again the authorization bill adopted those provisions.

I compliment the managers and Senator DOLE and Senator PRESSLER for including that in their overall amendment, because we do need to have a fair shake for our business people in terms of what the United Nations buys from companies to carry out its business, much of which is at our initiative and with our cooperation.

The PRESIDING OFFICER. Under the previous order, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. Under the previous order, the Foreign Relations Committee is discharged from further consideration of H.R. 2333, and the Senate will proceed to its immediate consideration.

The clerk will report.

The bill clerk read as follows:

A bill (H.R. 2333) to authorize appropriations for the Department of State, the United States Information Agency, and related agencies, to authorize appropriations for foreign assistance programs, and for other purposes.

The PRESIDING OFFICER. Under the previous order, all after the enacting clause of H.R. 2333 is stricken and the text of S. 1281, as amended, is inserted in lieu thereof.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The question is on the passage of H.R. 2333.

Mr. KERRY. Have the yeas and nays been ordered?

The PRESIDING OFFICER. The yeas and nays have not been ordered.

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

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The bill having been read a third time, the question is, Shall the bill pass? The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

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

The result was announced—yeas 92, nays 8, as follows:

[Rollcall Vote No. 18 Leg.]

YEAS—92

Akaka	Feinstein	McConnell
Baucus	Ford	Metzenbaum
Bennett	Glenn	Mikulski
Biden	Gorton	Mitchell
Bingaman	Graham	Moseley-Braun
Bond	Gramm	Moynihan
Boren	Grassley	Murkowski
Boxer	Gregg	Murray
Bradley	Harkin	Nickles
Breaux	Hatch	Nunn
Brown	Hatfield	Packwood
Bryan	Heflin	Pell
Bumpers	Helms	Pressler
Burns	Hollings	Pryor
Byrd	Hutchison	Reid
Campbell	Inouye	Riegle
Chafee	Jeffords	Robb
Coats	Johnston	Rockefeller
Cochran	Kassebaum	Roth
Cohen	Kennedy	Sarbanes
Coverdell	Kerrey	Sasser
D'Amato	Kerry	Shelby
Danforth	Kohl	Simon
Daschle	Lautenberg	Simpson
DeConcini	Leahy	Specter
Dodd	Levin	Stevens
Dole	Lieberman	Thurmond
Domenici	Lugar	Warner
Durenberger	Mack	Wellstone
Exon	Mathews	Wofford
Feingold	McCain	

NAYS—8

Conrad	Faircloth	Smith
Craig	Kempthorne	Wallop
Dorgan	Lott	

So the bill (H.R. 2333), as amended, was passed, as follows:

H.R. 2333

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Foreign Relations Authorization Act, Fiscal Years 1994 and 1995".

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

Sec. 1. Short title and table of contents.

TITLE I—DEPARTMENT OF STATE

PART A—AUTHORIZATION OF APPROPRIATIONS

Sec. 101. Administration of foreign affairs.
Sec. 102. International organizations, programs, and conferences.
Sec. 103. International commissions.
Sec. 104. Migration and refugee assistance.
Sec. 105. Other programs.

PART B—AUTHORITIES AND ACTIVITIES

Sec. 111. Authorized strength of the Foreign Service.
Sec. 112. Transfers and reprogrammings.
Sec. 113. Child care facilities at certain posts abroad.
Sec. 114. Expenses relating to certain international claims and proceedings.
Sec. 115. Prohibition on discriminatory contracts.
Sec. 116. Emergencies in the Diplomatic and Consular Service.
Sec. 117. Consular authorities.
Sec. 118. Visas.
Sec. 119. Role of the Foreign Service Institute.
Sec. 120. Report on consolidation of administrative operations.
Sec. 121. Local guard contracts abroad.
Sec. 122. Annual country reports on terrorism.
Sec. 123. Rewards for information regarding acts of international terrorism within the United States.
Sec. 124. Property agreements.
Sec. 125. Capital Investment Fund.
Sec. 126. Technical amendment.

PART C—DEPARTMENT OF STATE ORGANIZATION

Sec. 131. Under Secretary and Assistant Secretary positions.
Sec. 132. Redesignation of position as Assistant Secretary for Democracy, Human Rights, and Labor.
Sec. 133. Redesignation of position as Assistant Secretary for Narcotics, Terrorism, and Crime.
Sec. 134. Administrative expenses for narcotics, terrorism, and crime.
Sec. 135. Coordinator for international communications and information policy.
Sec. 136. Refugee affairs.
Sec. 137. Women's human rights protection.
Sec. 138. Repeals.

PART D—PERSONNEL

Sec. 141. Labor-management relations.
Sec. 142. Waiver of limitation for certain claims for personal property damage or loss.
Sec. 143. Salaries of chiefs of mission.
Sec. 144. Senior Foreign Service performance pay.
Sec. 145. Reassignment and retirement of former Presidential appointees.
Sec. 146. Report on classification of Senior Foreign Service positions.
Sec. 147. Allowances.
Sec. 148. Inapplicability of rollover authority for certain allowances and other payments.
Sec. 149. Grievances.
Sec. 150. Mid-Level Women and Minority Placement Program.
Sec. 151. Employment assistance referral system for certain Department of State employees.
Sec. 152. Foreign language competence within the Foreign Service.
Sec. 153. Designation of Foreign Language Resources Coordinator.
Sec. 154. Foreign Language Translator and Interpreter Career Service Program.
Sec. 155. Assignment of Foreign Service officers with advanced proficiency in foreign languages.

PART E—INTERNATIONAL ORGANIZATIONS

SUBPART A—UNITED NATIONS AND RELATED AGENCIES

Sec. 161. Limitation on contributions to the United Nations and affiliated organizations.
Sec. 162. United Nations Security Council membership.
Sec. 163. Reforms in the World Health Organization.
Sec. 164. Reforms in the Food and Agriculture Organization.
Sec. 165. Reform in budget decisionmaking procedures of the United Nations and its specialized agencies.
Sec. 166. United Nations budgetary and management reform.
Sec. 167. American participation in management of United Nations.
Sec. 168. Policy with respect to the establishment of an international criminal court.
Sec. 169. International criminal court participation.
Sec. 170. Protection of First and Fourth Amendment rights.
Sec. 170A. Japan and Germany becoming permanent members of the United Nations Security Council.
Sec. 170B. Transmittals of United Nations documents.
Sec. 170C. Limitations on United States funding of United Nations peacekeeping activities.
Sec. 170D. United Nations peacekeeping budgetary and management reform.
Sec. 170E. Reporting requirements involving multilateral peacekeeping activities.

SUBPART B—OTHER INTERNATIONAL ORGANIZATIONS
Sec. 171. International Boundary and Water Commission.
Sec. 172. United States membership in the Asian-Pacific Economic Cooperation Organization.
Sec. 173. Extension of the International Organizations Immunities Act to the International Union for Conservation of Nature and Natural Resources.
Sec. 174. Inter-American organizations.
Sec. 175. Prohibition on contributions to the International Coffee Organization.
Sec. 176. Prohibition on contributions to the International Jute Organization.
PART F—OTHER STATE DEPARTMENT-RELATED PROVISIONS
Sec. 181. Migration and refugee amendments.
Sec. 182. United States policy concerning overseas assistance to refugees and displaced persons.
Sec. 183. Interparliamentary exchanges.
Sec. 184. Report on terrorist assets in the United States.
Sec. 185. Coordination of counterterrorism activities.
Sec. 186. Facilitating access to the Department of State building.
Sec. 187. Record of place of birth for Taiwanese-Americans.
Sec. 188. Repeal of reporting requirements.
Sec. 189. Sense of the Senate.
Sec. 190. Value of contracted goods and services.
Sec. 191. Budget justification for security costs.
TITLE II—UNITED STATES INFORMATIONAL, EDUCATIONAL, AND CULTURAL PROGRAMS
PART A—AUTHORIZATION OF APPROPRIATIONS
Sec. 201. Authorization of appropriations.
PART B—USIA AND RELATED AGENCIES AUTHORITIES AND ACTIVITIES
Sec. 211. Changes in administrative authorities.
Sec. 212. Buying power maintenance account.
Sec. 213. Contract authority.
Sec. 214. Prohibition on discriminatory contracts.
Sec. 215. United States transmitter in Kuwait.
Sec. 216. Separate ledger accounts for grantees of the National Endowment for Democracy.
Sec. 217. Limitation concerning participation in international expositions.
Sec. 218. Authority to respond to public inquiries.
Sec. 219. USIA office in Lhasa, Tibet.
Sec. 220. Reports on United States Government exchange programs.
Sec. 221. Scholarships for East Timorese students.
Sec. 222. Cambodian scholarship and exchange programs.
Sec. 223. Increasing African participation in USIA exchange programs.
Sec. 224. Environment and Sustainable Development Exchange Program.
Sec. 225. USIA vocational exchange program.
Sec. 226. American studies collections.
Sec. 227. Technical amendment relating to Near and Middle East research and training.
Sec. 228. Distribution within the United States of United States Information Agency documentary film entitled "Crimes Against Humanity".
Sec. 229. Reduction in force authority with regard to the Foreign Service.
Sec. 230. International exchange programs involving disability-related matters.
PART C—MIKE MANSFIELD FELLOWSHIPS
Sec. 231. Short title.
Sec. 232. Establishment of Mike Mansfield Fellowship Program.
Sec. 233. Program requirements.
Sec. 234. Separation of Government personnel during the fellowships.
Sec. 235. Program review and report.
Sec. 236. Definitions.
TITLE III—UNITED STATES INTERNATIONAL BROADCASTING ACT OF 1994
Sec. 301. Short title.
Sec. 302. Congressional findings and declaration of purposes.
Sec. 303. Establishment of Broadcasting Board of Governors.
Sec. 304. Functions of the Board.
Sec. 305. Foreign policy guidance.
Sec. 306. International Broadcasting Bureau.
Sec. 307. Grants for Radio Free Europe, Radio Liberty, and Radio Free Asia.
Sec. 308. Radio Free Asia.
Sec. 309. Radio Free Europe and Radio Liberty.
Sec. 310. Transition.
Sec. 311. Preservation of American jobs.
Sec. 312. Privatization of Radio Free Europe and Radio Liberty.
Sec. 313. Definitions.
TITLE IV—COMMISSION ON PROTECTING AND REDUCING GOVERNMENT SECRECY
Sec. 401. Short title.
Sec. 402. Purpose.
Sec. 403. Findings.
Sec. 404. Functions of the Commission.
Sec. 405. Composition of the Commission.
Sec. 406. Powers of the Commission.
Sec. 407. Staff of the Commission.
Sec. 408. Final report of Commission; termination.
TITLE V—SPOILS OF WAR ACT OF 1993
Sec. 501. Short title.
Sec. 502. Transfers of spoils of war.
Sec. 503. Prohibition on transfers to countries which support terrorism.
Sec. 504. Report on previous transfers.
Sec. 505. Definitions.
Sec. 506. Construction.
TITLE VI—THE KHMER ROUGE PROSECUTION AND EXCLUSION ACT
Sec. 601. Short title.
Sec. 602. Policy.
Sec. 603. Establishment of State Department office.
Sec. 604. Reporting requirement.
Sec. 605. Exclusion from the United States.
TITLE VII—MISCELLANEOUS
Sec. 701. Peace Corps.
Sec. 702. Reporting requirements on occupied Tibet.
Sec. 703. Policy on Middle East arms sales.
Sec. 704. Providing material support to terrorists.
Sec. 705. Torture convention implementation.
Sec. 706. Applicability of Taiwan Relations Act.
Sec. 707. Reports on relations with Taiwan.
Sec. 708. United States policy concerning Iraqi Kurdistan.
Sec. 709. Additional sanctions against North Korea.
Sec. 710. Waiver of sanctions with respect to the Republic of Serbia and the Republic of Montenegro to promote democracy abroad.
Sec. 711. Claims based on letters of credit for goods shipped but not paid for before imposition of national emergency.
Sec. 712. Enforcement of nonproliferation treaties.
Sec. 713. Sense of Senate on the peace process in Northern Ireland.
Sec. 714. Control of reexports to terrorist countries.
Sec. 715. Reports under the Arms Export Control Act.
Sec. 716. Prohibition on third party incentive payments under the Arms Export Control Act.
Sec. 717. Sense of Senate on United States policy on nuclear weapons proliferation by North Korea.
Sec. 718. Sense of Senate on normalization of relations with Vietnam.
Sec. 719. Study of democracy program effectiveness.
Sec. 720. High-level visits to Taiwan.
Sec. 721. Feedom of Information exemption for certain Open Skies Treaty data.
Sec. 722. Transfer of certain obsolete or surplus defense articles in the war reserve allies stockpile to the Republic of Korea.
Sec. 723. Pilot visa waiver project for Koreans visiting Alaska and Hawaii.
Sec. 724. European nations participation in NATO.
Sec. 725. Policy on termination of United States arms embargo.
Sec. 726. Policy on preparing to reintroduce of tactical nuclear weapons to the Korean peninsula.
Sec. 727. Asylum reforms.
Sec. 728. Amendments to the PLO Commitments Compliance Act.
Sec. 729. Safety of United States personnel in Sarajevo.
Sec. 730. Notification of Congress on certain events involving the MTCR.
Sec. 731. Extension of the Fair Trade in Auto Parts Act of 1988.
Sec. 732. Report on the activities of the People's Mujaheddin of Iran.
Sec. 733. Reimbursement of State and local governments.
Sec. 734. Restoration of withheld benefits.
Sec. 735. Report on the use of foreign frozen or blocked assets.
Sec. 736. Foreign policy.
Sec. 737. Passport security.
Sec. 738. Publishing international agreements.
Sec. 739. Conference on Security and Cooperation in Europe.
Sec. 740. Agreement on State and local taxation.
Sec. 741. Fees for commercial services.
Sec. 742. Personal services contracts abroad.
Sec. 743. United States membership in the International Copper Study Group.
Sec. 744. Prohibition on assistance to countries expropriating United States property.
Sec. 745. Israel's diplomatic status.
Sec. 746. Policy regarding German participation in international peacekeeping operations.
Sec. 747. United States citizens hired abroad.
Sec. 748. Extension of certain adjudication provisions.
Sec. 749. Policy regarding the North Korean nuclear weapons program.
Sec. 750. Report on Russian military operations in the independent states of the former Soviet Union.
Sec. 751. Report on Bosnian refugees.
Sec. 752. Policy regarding the conditions which the Government of the People's Republic of China should meet to continue to receive nondiscriminatory most-favored-nation treatment.
Sec. 753. Implementation of Partnership for Peace.
Sec. 754. Funding for democracy promotion programs.
Sec. 755. Humanitarian activities.
Sec. 756. Limitation on authority to transfer excess defense articles.
Sec. 757. Missile technology exports to certain middle eastern and Asian countries.

Sec. 758. Chinese fleeing coercive population control policies.
Sec. 759. Opposition to financing by international financial institutions for countries expropriating United States property.
Sec. 760. Report on dismantlement of nuclear weapons of the former Soviet Union.
Sec. 761. Report on sanctions on Vietnam.
Sec. 762. Coordinator for counter-terrorism.
Sec. 763. Policy regarding the relationship of Thailand with its neighbors struggling for democracy, Cambodia and Burma.
Sec. 764. Sewage treatment along the United States-Mexico border.

TITLE VIII—ARMS CONTROL AND NONPROLIFERATION ACT OF 1994

Sec. 801. Short title; references in title; table of contents.
Sec. 802. Congressional declarations; purpose.
Sec. 803. Purposes.
Sec. 804. Repeals.
Sec. 805. Director.
Sec. 806. Bureaus, offices, and divisions.
Sec. 807. Presidential special representatives.
Sec. 808. Policy formulation.
Sec. 809. Negotiation management.
Sec. 810. Report on measures to coordinate research and development.
Sec. 811. Negotiating records.
Sec. 812. Verification of compliance.
Sec. 813. Authorities with respect to nonproliferation matters.
Sec. 814. Appointment and compensation of personnel.
Sec. 815. Security requirements.
Sec. 816. Annual report to Congress; authorization of appropriations.
Sec. 817. Conforming amendments.

TITLE IX—ANTI-ECONOMIC DISCRIMINATION ACT OF 1994

Sec. 901. Short title.
Sec. 902. Congressional findings.
Sec. 903. Prohibition on certain sales and leases.

TITLE X—MIDDLE EAST PEACE FACILITATION.

Sec. 1001. Short title.
Sec. 1002. Findings.
Sec. 1003. Authority to suspend certain provisions.

TITLE XI—IRAN-IRAQ ARMS NON-PROLIFERATION AMENDMENTS OF 1994

Sec. 1101. Short title, references in title.
Sec. 1102. Statement of policy.
Sec. 1103. Statement of purpose.
Sec. 1104. Sanctions against persons.
Sec. 1105. Sanctions against certain foreign countries.
Sec. 1106. Waiver.
Sec. 1107. Termination of sanctions.
Sec. 1108. Stay of sanctions.
Sec. 1109. Rules and regulations.
Sec. 1110. Definitions.
Sec. 1111. Sense of the Senate.

TITLE XII—IMMIGRATION AND NATIONALITY ACT

Sec. 1201. Alien physically present in United States.
Sec. 1202. Alien visa.

TITLE XIII—NUCLEAR PROLIFERATION PREVENTION ACT OF 1994

Sec. 1301. Short title.

SUBTITLE A—REPORTING ON NUCLEAR EXPORTS

Sec. 1311. Reports to Congress.

SUBTITLE B—SANCTION FOR NUCLEAR PROLIFERATION

Sec. 1321. Imposition of sanction.
Sec. 1322. Eligibility for assistance.
Sec. 1323. Role of international financial institutions.
Sec. 1324. Amendments to the Federal Deposit Insurance Corporation Improvement Act of 1991.
Sec. 1325. Export-Import Bank.
Sec. 1326. Amendment to the Arms Export Control Act.
Sec. 1327. Reward.
Sec. 1328. Reports.
Sec. 1329. Technical correction.
Sec. 1330. Definitions.
Sec. 1331. Effective date.

SUBTITLE C—INTERNATIONAL ATOMIC ENERGY AGENCY

Sec. 1341. Bilateral and multilateral initiatives.
Sec. 1342. IAEA internal reforms.
Sec. 1343. Reporting requirement.
Sec. 1344. Definitions.

TITLE XIV—CROATIA

Sec. 1401. Findings.
Sec. 1402. Policy towards Croatia.

TITLE XV—UNITED STATES PARTICIPATION IN UNITED NATIONS PEACEKEEPING OPERATIONS

Sec. 1501. Cost assessment report regarding any United States participation in action under Article 42 of the United Nations Charter
Sec. 1502. Congressional notification regarding any United States implementation of Article 43 of the United Nations Charter.
Sec. 1503. Report on United Nations peacekeeping activities.
Sec. 1504. United States participation in United Nations peacekeeping operations.

TITLE I—DEPARTMENT OF STATE

PART A—AUTHORIZATION OF APPROPRIATIONS

SEC. 101. ADMINISTRATION OF FOREIGN AFFAIRS.

(a) IN GENERAL.—The following amounts are authorized to be appropriated for the Department of State under "Administration of Foreign Affairs" to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States and for other purposes authorized by law, including the diplomatic security program:

(1) DIPLOMATIC AND CONSULAR PROGRAMS.—For "Diplomatic and Consular Programs", of the Department of State $1,658,184,000 for the fiscal year 1994 and $1,658,184,000 for the fiscal year 1995.

(2) SALARIES AND EXPENSES.—For "Salaries and Expenses", of the Department of State $455,816,000 for the fiscal year 1994 and $455,816,000 for the fiscal year 1995.

(3) ACQUISITION AND MAINTENANCE OF BUILDINGS ABROAD.—For "Acquisition and Maintenance of Buildings Abroad", $294,850,000 for the fiscal year 1994 and $294,850,000 for the fiscal year 1995.

(4) BUYING POWER MAINTENANCE FUND.—For "Buying Power Maintenance Fund", $4,000,000 for the fiscal year 1994 and $4,000,000 for the fiscal year 1995.

(5) REPRESENTATION ALLOWANCES.—For "Representation Allowances", $4,881,000 for the fiscal year 1994 and $4,881,000 for the fiscal year 1995.

(6) EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE.—For "Emergencies in the Diplomatic and Consular Service", $8,000,000 for the fiscal 1994 and $8,000,000 for the fiscal year 1995.

(7) OFFICE OF THE INSPECTOR GENERAL.—For "Office of the Inspector General", $24,055,000 for the fiscal year 1994 and $24,055,000 for the fiscal year 1995.

(8) PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN.—For "Payment to the American Institute in Taiwan", $15,484,000 for the fiscal year 1994 and $15,484,000 for the fiscal year 1995.

(9) PROTECTION OF FOREIGN MISSIONS AND OFFICIALS.—For "Protection of Foreign Missions and Officials", $10,814,000 for the fiscal year 1994 and $10,814,000 for the fiscal year 1995.

(10) REPATRIATION LOANS.—For "Repatriation Loans", $817,000 for the fiscal year 1994 and $817,000 for the fiscal year 1995, for administrative expenses.

(b) LIMITATIONS.—(1) Of the amounts authorized to be appropriated for "Diplomatic and Consular Programs" under subsection (a)(1)—

(A) $10,000,000 is authorized to be appropriated for each of the fiscal years 1994 and 1995 for grants, contracts, and other activities to conduct research and promote international cooperation on environmental and other scientific issues; and

(B) $500,000 is authorized to be appropriated for each of the fiscal years 1994 and 1995 to carry out the activities of the Office of Cambodian Genocide Investigations established under section 603 of this Act.

(2) Of the amounts authorized to be appropriated for "Salaries and Expenses" under subsection (a)(2), $300,000 is authorized to be appropriated for the fiscal year 1994 and $300,000 for the fiscal year 1995 for the Foreign Language Translator and Interpreter Career Service Program established by section 157.

(3) Of the amounts authorized to be appropriated for "Salaries and Expenses" under subsection (a)(2), $950,000 is authorized to be appropriated for each of the fiscal years 1994 and 1995 to carry out the activities of the Commission on Protecting and Reducing Government Secrecy established under title IV of this Act.

(4) Of the amounts authorized to be appropriated for "Salaries and Expenses" under subsection (a)(2), $300,000 for each of the fiscal years 1994 and 1995 is authorized to be available for the recruitment by the Department of State of Hispanic American students from United States institutions of higher education (as defined in section 1201(a) of the Higher Education Act of 1965) with a high percentage enrollment of Hispanic Americans for the purpose of training such individuals for careers in the Foreign Service and international affairs.

SEC. 102. INTERNATIONAL ORGANIZATIONS, PROGRAMS, AND CONFERENCES.

(a) ASSESSED CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS.—There are authorized to be appropriated for "Contributions to International Organizations", $865,885,000 for the fiscal year 1994 and $1,000,053,000 for the fiscal year 1995 for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States with respect to international organizations and to carry out other authorities in law consistent with such purposes.

(b) WITHHOLDING OF FUNDS.—Notwithstanding any other provision of law, the funds authorized to be appropriated for "Contributions for International Organizations" shall be reduced in the amount of $118,875,000 for each fiscal years 1994 and 1995, and for each year thereafter, unless the President has certified to the Speaker of the House of Representatives and to the President of the Senate that no United Nations agency or United Nations-affiliated agency grants any official status, accreditation, or recognition to any organization which promotes, condones, or seeks the legalization of pedophilia, or which includes as a subsidiary or member any such organization.

(c) CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES.—There are authorized to be appropriated for "Contributions for International Peacekeeping Activities", $422,744,000 for the fiscal year 1994 and

$487,472,000 for the fiscal year 1995 for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States with respect to international peacekeeping activities and to carry out other authorities in law consistent with such purposes.

(d) INTERNATIONAL CONFERENCES AND CONTINGENCIES.—There are authorized to be appropriated for "International Conferences and Contingencies", $6,600,000 for the fiscal year 1994 and $6,600,000 for the fiscal year 1995 for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States with respect to international conferences and contingencies and to carry out other authorities in law consistent with such purposes.

(e) FOREIGN CURRENCY EXCHANGE RATES.—In addition to amounts otherwise authorized to be appropriated by subsections (a) and (b) of this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1994 and 1995 to offset adverse fluctuations in foreign currency exchange rates. Amounts appropriated under this subsection shall be available for obligation and expenditure only to the extent that the Director of the Office of Management and Budget determines and certifies to Congress that such amounts are necessary due to such fluctuations.

SEC. 103. INTERNATIONAL COMMISSIONS.

The following amounts are authorized to be appropriated under "International Commissions" for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States and for other purposes authorized by law:

(1) INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO.—For "International Boundary and Water Commission, United States and Mexico"—

(A) for "Salaries and Expenses" $11,330,000 for the fiscal year 1994 and $11,300,000 for the fiscal year 1995; and

(B) for "Construction" $14,790,000 for the fiscal year 1994 and $17,790,000 for the fiscal year 1995.

(2) INTERNATIONAL BOUNDARY COMMISSION, UNITED STATES AND CANADA.—For "International Boundary Commission, United States and Canada", $760,000 for the fiscal year 1994 and $760,000 for the fiscal year 1995.

(3) INTERNATIONAL JOINT COMMISSION.—For "International Joint Commission", $3,643,000 for the fiscal year 1994 and $3,643,000 for the fiscal year 1995.

(4) INTERNATIONAL FISHERIES COMMISSIONS.—For "International Fisheries Commissions", $16,200,000 for the fiscal year 1994 and $14,200,000 for the fiscal year 1995.

SEC. 104. MIGRATION AND REFUGEE ASSISTANCE.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1)(A) There are authorized to be appropriated for "Migration and Refugee Assistance" for authorized activities, $585,688,000 for the fiscal year 1994 and $585,688,000 for the fiscal year 1995.

(B) Of the amounts authorized to be appropriated under subparagraph (A), $1,500,000 is authorized to be appropriated for each of the fiscal years 1994 and 1995 for humanitarian assistance, including, but not limited to, food, medicine, clothing, medical and vocational training to Burmese, including persons still within Burma, displaced as a result of civil conflict.

(2) There are authorized to be appropriated $80,000,000 for the fiscal year 1994 and $80,000,000 for the fiscal year 1995 for assistance for refugees resettling in Israel.

(b) AVAILABILITY OF FUNDS.—Funds appropriated pursuant to subsection (a) are authorized to be available until expended.

SEC. 105. OTHER PROGRAMS.

The following amounts are authorized to be appropriated for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States and for other purposes authorized by law:

(1) UNITED STATES BILATERAL SCIENCE AND TECHNOLOGY AGREEMENTS.—For "United States Bilateral Science and Technology Agreements", $4,500,000 for the fiscal year 1994 and $4,500,000 for the fiscal year 1995.

(2) ASIA FOUNDATION.—For "Asia Foundation", $18,693,000 for the fiscal year 1994 and $18,693,000 for the fiscal year 1995.

PART B—AUTHORITIES AND ACTIVITIES

SEC. 111. AUTHORIZED STRENGTH OF THE FOREIGN SERVICE.

(a) END FISCAL YEAR 1994 LEVELS.—The number of members of the Foreign Service authorized to be employed as of September 30, 1994—

(1) for the Department of State, shall not exceed 9,100, of whom not more than 820 shall be members of the Senior Foreign Service; and

(2) for the United States Information Agency, shall not exceed 1,200, of whom not more than 175 shall be members of the Senior Foreign Service.

(b) END FISCAL YEAR 1995 LEVELS.—The number of members of the Foreign Service authorized to be employed as of September 30, 1995—

(1) for the Department of State, shall not exceed 9,100, of whom not more than 770 shall be members of the Senior Foreign Service; and

(2) for the United States Information Agency, not to exceed 1,200, of whom not more than 165 shall be members of the Senior Foreign Service.

(c) DEFINITION.—For the purposes of this section, the term "members of the Foreign Service" is used within the meaning of such term under section 103 of the Foreign Service Act of 1980 (22 U.S.C 3903), except that such term does not include—

(1) members of the Service under paragraphs (6) and (7) of such section;

(2) members of the Service serving under temporary resident appointments abroad;

(3) members of the Service employed on less than a full-time basis;

(4) members of the Service subject to involuntary separation in cases in which such separation has been suspended pursuant to section 1106(8) of the Foreign Service Act of 1980; and

(5) members of the Service serving under noncareer limited appointments.

(d) WAIVER AUTHORITY.—(1) Subject to paragraph (2), the Secretary of State and the Director of the United States Information Agency may waive any limitation under subsection (a) or (b) which applies to the Department of State or the United States Information Agency, as the case may be, to the extent that such waiver is necessary to carry on the foreign affairs functions of the United States.

(2) Not less than 15 days before any agency head implements a waiver under paragraph (1), such agency head shall notify the Chairman of the Committee on Foreign Relations of the Senate and the Speaker of the House of Representatives. Such notice shall include an explanation of the circumstances and necessity for such waiver.

SEC. 112. TRANSFERS AND REPROGRAMMINGS.

(a) AMENDMENTS TO THE STATE DEPARTMENT BASIC AUTHORITIES ACT OF 1956.—Section 24 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696) is amended—

(1) in subsection (b)(7), by striking subparagraph (E);

(2) in subsection (d)(1)—

(A) by striking "the second" and inserting "either"; and

(B) by striking "such second" and inserting "such";

(3) in subsection (d)(2) by amending the first sentence to read as follows: "Amounts appropriated for the 'Diplomatic and Consular Programs' account may not exceed by more than 5 percent the amount specifically authorized to be appropriated for such account for a fiscal year."; and

(4) by striking subsection (d)(4).

(b) DIPLOMATIC CONSTRUCTION PROGRAM.—Section 401 of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4851) is amended by striking subsections (c) and (h)(3).

(c) REPROGRAMMING.—Section 34 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2706) is amended in subsection (a)(7) by striking "$500,000" and inserting "$1,000,000".

SEC. 113. CHILD CARE FACILITIES AT CERTAIN POSTS ABROAD.

Section 31 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2703) is amended in subsection (e) by striking "For the fiscal years 1992 and 1993, the" and inserting "The".

SEC. 114. EXPENSES RELATING TO CERTAIN INTERNATIONAL CLAIMS AND PROCEEDINGS.

Section 38 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2710) is amended by adding at the end the following new subsections:

"(c) PROCUREMENT OF SERVICES.—The Secretary of State may use competitive procedures or procedures other than competitive procedures to procure the services of experts for use in preparing or prosecuting a proceeding before an international tribunal or a claim by or against a foreign government or other foreign entity, whether or not the expert is expected to testify, or to procure other support services for such proceedings or claims. The Secretary need not provide any written justification for the use of procedures other than competitive procedures when procuring such services under this subsection and need not furnish for publication in the Commerce Business Daily or otherwise any notice of solicitation or synopsis with respect to such procurement.

"(d) INTERNATIONAL LITIGATION FUND.—

"(1) ESTABLISHMENT.—In order to provide the Department of State with a dependable, flexible, and adequate source of funding for the expenses of the Department related to preparing or prosecuting a proceeding before an international tribunal, or a claim by or against a foreign government or other foreign entity, there is established an International Litigation Fund (hereafter in this subsection referred to as the "ILF"). The ILF may be available without fiscal year limitation. Funds otherwise available to the Department for the purposes of this paragraph may be credited to the ILF.

"(2) REPROGRAMMING PROCEDURES.—Funds credited to the ILF shall be treated as a reprogramming of funds under section 34 and shall not be available for obligation or expenditure except in compliance with the procedures applicable to such reprogrammings. This paragraph shall not apply to the transfer of funds under paragraph (3).

"(3) TRANSFERS OF FUNDS.—Funds received by the Department of State from another agency of the United States Government or pursuant to the Department of State Appropriations Act of 1937 (49 Stat. 1321, 22 U.S.C. 2661) to meet costs of preparing or prosecuting a proceeding before an international tribunal, or a claim by or against a foreign government or other foreign entity, shall be credited to the ILF.

"(4) USE OF FUNDS.—Funds deposited in the ILF shall be available only for the purposes of paragraph (1).".

SEC. 115. PROHIBITION ON DISCRIMINATORY CONTRACTS.

(a) PROHIBITION.—

(1) Except for real estate leases and as provided in subsection (b), the Department of State may not enter into any contract that expends funds appropriated to the Department of State for an amount in excess of the small purchase threshold (as defined in section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11))—

(A) with a foreign person that complies with the Arab League boycott of Israel, or

(B) with any foreign or United States person that discriminates in the award of subcontracts on the basis of religion.

(2) For purposes of this section—

(A) a foreign person complies with the boycott of Israel by Arab League countries when that foreign person takes or knowingly agrees to take any action, with respect to the boycott of Israel by Arab League countries, which section 8(a) of the Export Administration Act of 1979 (50 U.S.C. App. 2407(a)) prohibits a United States person from taking, except that for purposes of this paragraph, the term "United States person" as used in subparagraphs (B) and (C) of section 8(a)(1) of such Act shall be deemed to mean "person"; and

(B) the term "foreign person" means any person other than a United States person as defined in section 16(2) of the Export Administration Act of 1979 (50 U.S.C. App. 2415).

(3) For purposes of paragraph (1), a foreign person shall be deemed not to comply with the boycott of Israel by Arab League countries if that person, or the Secretary of State or his designee on the basis of available information, certifies that the person violates or otherwise does not comply with the boycott of Israel by Arab League countries by taking any actions prohibited by section 8(a) of the Export Administration Act of 1979 (50 U.S.C. App. 2407(a)). Certification by the Secretary of State or his designee may occur only 30 days after notice has been given to the Congress that this certification procedure will be utilized at a specific overseas mission.

(b) WAIVER BY SECRETARY OF STATE.—The Secretary of State may waive the requirements of this section on a country-by-country basis for a period not to exceed one year upon certification to the Congress by the Secretary that such waiver is in the national interest and is necessary to carry on diplomatic functions of the United States. Each such certification shall include a detailed justification for the waiver with respect to each such country.

(c) RESPONSES TO CONTRACT SOLICITATIONS.—(1) Except as provided in paragraph (2) of this subsection, the Secretary of State shall ensure that any response to a solicitation for a bid or a request for a proposal, with respect to a contract covered by subsection (a), includes the following clause, in substantially the following form:

"ARAB LEAGUE BOYCOTT OF ISRAEL

"(a) DEFINITIONS.—As used in this clause—

"(1) the term 'foreign person' means any person other than a United States person as defined in paragraph (2); and

"(2) the term 'United States person' means any United States resident or national (other than an individual resident outside the United States and employed by other than a United States person), any domestic concern (including any permanent domestic establishment of any foreign concern), and any foreign subsidiary or affiliate (including any permanent foreign establishment) of any domestic concern which is controlled in fact by such domestic concern, as determined under regulations of the President.

"(b) CERTIFICATION.—By submitting this offer, the Offeror certifies that it is not—

"(1) taking or knowingly agreeing to take any action, with respect to the boycott of Israel by Arab League countries, which section 8(a) of the Export Administration Act of 1979 (50 U.S.C. App. 2407(a)) prohibits a United States person from taking; or

"(2) discriminating in the award of subcontracts on the basis of religion.".

(2) An Offeror would not be required to include the certification required by paragraph (1), if the Offeror is deemed not to comply with the Arab League boycott of Israel by the Secretary of State or a designee on the basis of available information. Certification by the Secretary of State or a designee may occur only 30 days after notice has been given to the Congress that this certification procedure will be utilized at a specific overseas mission.

(3) The Secretary of State shall ensure that all State Department contract solicitations include a detailed explanation of the requirements of section 8(a) of the Export Administration Act of 1979 (50 U.S.C. App. 2407(a)).

(d) REVIEW AND TERMINATION.—(1) The Department of State shall conduct reviews of the certifications submitted pursuant to this section for the purpose of assessing the accuracy of the certifications.

(2) Upon complaint of any foreign or United States person of a violation of the certification as required by this section, filed with the Secretary of State, the Department of State shall investigate such complaint, and if such complaint is found to be correct and a violation of the certification has been found, all contracts with such violator shall be terminated for default as soon as practicable, and, for a period of two years thereafter, the State Department shall not enter into any contracts with such a violator.

SEC. 116. EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE.

Section 4(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2671(c)) is amended by striking "and the Foreign Service" and by striking "an annual confidential" and inserting "a periodic".

SEC. 117. CONSULAR AUTHORITIES.

(a) PERSONS AUTHORIZED TO ISSUE PASSPORTS ABROAD.—The Act entitled "An Act to regulate the issue and validity of passports, and for other purposes", approved July 3, 1926 (44 Stat. 887, 22 U.S.C. 211a), is amended by striking "by diplomatic representatives of the United States, and by such consul generals, consuls, or vice consuls when in charge," and inserting "by diplomatic and consular officers of the United States, and by other employees of the Department of State who are citizens of the United States,".

(b) NOTARIAL AUTHORITY.—Section 7 of the Act entitled "An Act to provide for the reorganization of the consular service of the United States", approved April 5, 1906 (34 Stat. 100; 22 U.S.C. 4221), is amended by adding at the end the following new sentence: "Pursuant to such regulations as the Secretary of State may prescribe, the Secretary may designate any other employee of the Department of State who is a citizen of the United States to perform any notarial function authorized to be performed by a consular officer of the United States under this Act.".

SEC. 118. VISAS.

(a) SURCHARGE FOR PROCESSING CERTAIN VISAS.—(1) Notwithstanding any other provision of law, the Secretary of State is authorized to charge a fee or surcharge for processing machine readable nonimmigrant visas and machine readable combined border crossing identification cards and nonimmigrant visas.

(2) Fees collected under the authority of subsection (a) shall be deposited in the general fund of the Treasury and available to the Department of State, subject to amounts provided in advance in appropriations Acts, to recover the costs of providing consular services, which shall include the payment of any fees for access to the criminal history records of the Federal Bureau of Investigation for processing visa applications and making immigration eligibility determinations. Such fees shall remain available for obligation until expended.

(3) For fiscal years 1994 and 1995, fees deposited under the authority of paragraph (2) may not exceed a total of $107,500,000.

(4) The provisions of the Act of August 18, 1856 (Revised Statutes 1726–28; 22 U.S.C. 2212–14), concerning accounting for consular fees shall not apply to fees collected under this subsection.

(5) No fee or surcharge authorized under subsection (a)(1) may be charged to a national of a country that is a signatory to the North American Free Trade Agreement.

(b) AUTOMATED VISA LOOKOUT SYSTEM.—Not later than 24 months after the date of the enactment of this Act, the Secretary of State shall implement an upgrade of all overseas visa lookout operations to computerized systems with automated multiple-name search capabilities.

(c) PROCESSING OF VISAS FOR ADMISSION TO THE UNITED STATES.—(1)(A) Beginning 24 months after the date of the enactment of this Act, whenever a United States consular officer issues a visa for admission to the United States, that official shall certify, in writing, that a check of the Automated Visa Lookout System, or any other system or list which maintains information about the excludability of aliens under the Immigration and Nationality Act, has been made and that there is no basis under such system for the exclusion of such alien.

(B) If, at the time an alien applies for an immigrant or nonimmigrant visa, the alien's name is included in the Department of State's visa lookout system and the consular officer to whom the application is made fails to follow the procedures in processing the application required by the inclusion of the alien's name in such system, the consular officer's failure shall be made a matter of record and shall be considered as a serious negative factor in the officer's annual performance evaluation.

(2) If an alien to whom a visa was issued as a result of a failure described in paragraph (1)(B) is admitted to the United States and there is thereafter probable cause to believe that the alien was a participant in a terrorist act causing serious loss of life or property in the United States, the Secretary of State shall convene an Accountability Review Board under the authority of title III of the Omnibus Diplomatic Security and Antiterrorism Act of 1986.

SEC. 119. ROLE OF THE FOREIGN SERVICE INSTITUTE.

Chapter 7 of the Foreign Service Act of 1980 is amended—

(1) in the chapter title, by striking "Foreign Service Institute,";

(2) in section 701 (22 U.S.C. 4021)—

(A) by striking the section title and inserting "Institution for Training.";

(B) in subsection 701(a)—

(i) by striking "the Foreign Service Institute (hereinafter in this chapter referred to as the 'Institute')" and inserting "an institution or center for training (hereinafter in this chapter referred to as the 'institution')"; and

(ii) by striking "Institute" and inserting "institution";

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

"(d)(1) The Secretary of State is authorized to provide for special professional foreign affairs training and instruction of employees of foreign governments through the institution.

"(2) Training and instruction under paragraph (1) shall be on a reimbursable or advance-

of-funds basis. Such reimbursements or advances to the Department of State may be provided by an agency of the United States Government or by a foreign government and shall be credited to the currently available applicable appropriation account.

"(3) Training should be made available in the first instance to officials from newly emerging democratic nations, and then to other nations as deemed to be in the national interest of the United States.

"(4) The authorities of section 704 shall apply to training and instruction provided under this section.";

(3) in subsection 701(b) and sections 702, 704, 705, and 707, by striking "Foreign Service Institute" and "Institute" wherever they appear and inserting "institution".

SEC. 120. REPORT ON CONSOLIDATION OF ADMINISTRATIVE OPERATIONS.

Not later than 180 days after the date of the enactment of this Act, the Secretary of State, jointly with the Director of the United States Information Agency and the Administrator of the Agency for International Development, shall submit to the Chairman of the Committee on Foreign Relations of the Senate and to the Speaker of the House of Representatives a report concerning the feasibility of consolidating domestic administrative operations for the Department of State, the United States Information Agency, and the Agency for International Development. Such report shall include specific recommendations for implementation of such consolidation.

SEC. 121. LOCAL GUARD CONTRACTS ABROAD.

Section 136(c) of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (Public Law 101-246) is amended—

(1) in paragraph (2), by striking "due to their distance from the post";

(2) by redesignating paragraphs (2) and (3) as paragraphs (7) and (8), respectively; and

(3) by inserting after paragraph (1) the following:

"(2) absent compelling reasons, award such contracts through the competitive process;

"(3) in evaluating and scoring proposals for such contracts, award not less than 60 percent of the total points on the basis of technical factors and subfactors;

"(4) allow all solicitations to be bid in United States dollars;

"(5) ensure that contracts awarded to United States firms are paid in United States dollars; and

"(6) ensure that United States diplomatic and consular posts assist United States firms in obtaining local licenses and permits.".

SEC. 122. ANNUAL COUNTRY REPORTS ON TERRORISM.

Section 140 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (22 U.S.C. 2656f) is amended in subsection (b)(2)—

(1) by striking "and" at the end of subparagraph (C);

(2) by striking the period at the end of subparagraph (D) and inserting "; and"; and

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

"(E) efforts by the United States to eliminate international financial support provided to those groups directly or provided in support of their activities.".

SEC. 123. REWARDS FOR INFORMATION REGARDING ACTS OF INTERNATIONAL TERRORISM WITHIN THE UNITED STATES.

Section 36 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708) is amended—

(1) in subsection (b)(1)(A), by striking "and is primarily outside the territorial jurisdiction of the United States"; and

(2) in subsection (i)—

(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 new paragraph:

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

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

"(B) appear to be intended—

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

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

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

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

SEC. 124. PROPERTY AGREEMENTS.

Whenever the Department of State enters into lease-purchase agreements involving property in foreign countries pursuant to section 1 of the Foreign Service Buildings Act (22 U.S.C. 292), the Department shall account for such transactions in accordance with fiscal year obligations.

SEC. 125. CAPITAL INVESTMENT FUND.

(a) ESTABLISHMENT.—There is established within the Department of State a Capital Investment Fund to provide for the procurement of information technology and other related capital investments for the Department of State and to ensure the efficient management, coordination, operation, and utilization of such resources.

(b) FUNDING.—Funds otherwise available for the purposes of subsection (a) may be deposited in such Fund.

(c) AVAILABILITY.—Amounts deposited into the Fund are authorized to remain available until expended.

(d) EXPENDITURES FROM THE FUND.—Amounts deposited in the Fund shall be available for expenditure to procure capital equipment and information technology.

(e) REPROGRAMMING PROCEDURES.—Funds credited to the Capital Investment Fund shall be treated as a reprogramming of funds under section 34 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2710) and shall not be available for obligation or expenditure except in compliance with the procedures applicable to such reprogrammings.

SEC. 126. TECHNICAL AMENDMENT.

Section 2 of the State Department Basic Authorities Act of 1956 is amended by striking "(l) pay" and inserting "(m) pay".

PART C—DEPARTMENT OF STATE ORGANIZATION

SEC. 131. UNDER SECRETARY AND ASSISTANT SECRETARY POSITIONS.

(a) NUMBERS OF UNDER SECRETARIES AND ASSISTANT SECRETARIES.—Section 1 of the Act of May 26, 1949, as amended (22 U.S.C. 2652), is further amended by striking everything after "Deputy Secretary of State" and inserting in lieu thereof "and not more than 5 Under Secretaries of State and not more than 20 Assistant Secretaries of State.".

(b) OTHER SENIOR OFFICIALS.—In addition to such other officials of the Department of State who are authorized to be compensated at level IV of the Executive Schedule of section 5315 of title 5, United States Code, not more than 4 other officers of the Department of State are authorized to be compensated at such level, and shall be appointed by the President, by and with the advice and consent of the Senate.

(c) CONFORMING AMENDMENTS.—(1) Section 9(a) of the Department of State Appropriations Authorization Act of 1973 (22 U.S.C. 2655a) is amended—

(A) by striking "In addition to the positions provided under the first section of the Act of May 26, 1949, as amended (22 U.S.C. 2652), there" and inserting in lieu thereof "There"; and

(B) by inserting before the period at the end of the subsection "and for such other related duties as the Secretary may from time to time designate".

(2) Section 122(a) of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2652b) is amended by striking ", which is in addition to the positions provided under the first section of the Act of May 26, 1949 (22 U.S.C. 2652)".

(3) Section 5314 of title 5, United States Code, is amended by striking:

"Under Secretary of State for Political Affairs and Under Secretary of State for Economic and Agricultural Affairs and an Under Secretary of State for Coordinating Security Assistance Programs and Under Secretary of State for Management.

"Counselor of the Department of State."

and inserting in lieu thereof:

"Under Secretaries of State (5).".

(4) Section 5315 of title 5, United States Code, is amended by striking:

"Assistant Secretary for Oceans and International Environmental and Scientific Affairs, Department of State.",

"Assistant Secretary for International Narcotics Matters, Department of State.",

"Assistant Secretary for South Asian Affairs, Department of State.",

"Legal Adviser of the Department of State.", and

"Chief of Protocol, Department of State.".

(5) Section 5315 of title 5, United States Code, as amended, is further amended by striking:

"Assistant Secretaries of State (15)"

and inserting in lieu thereof:

"Assistant Secretaries of State (20) and 4 other officers of the Department of State appointed by the President, by and with the advice and consent of the Senate.".

(d) OFFICE OF COUNSELOR; LEGAL ADVISER.—(1) The Act entitled "An Act to create the Office of Counselor of the United States" (May 18, 1937; Public Law 75-91; 22 U.S.C. 2655) is repealed.

(2) Section 30 of the Act entitled "An Act for the reorganization and improvement of the Foreign Service of the United States and for other purposes" (May 24, 1924; Public Law 68-135; 22 U.S.C. 2654) is repealed.

(e) ASSUMPTION OF DUTIES.—The individual holding the Office of Counselor on the date of enactment of this Act shall assume the duties of an Under Secretary of State for Global Affairs and shall not be required to be reappointed by reason of the enactment of this section.

SEC. 132. REDESIGNATION OF POSITION AS ASSISTANT SECRETARY FOR DEMOCRACY, HUMAN RIGHTS, AND LABOR.

(a) REDESIGNATION OF POSITION.—The Foreign Assistance Act of 1961 is amended—

(1) in section 116(c) (22 U.S.C. 2151n), by striking "Assistant Secretary for Human Rights and Humanitarian Affairs" and inserting "Assistant Secretary of State for Democracy, Human Rights, and Labor";

(2) in sections 502B(b) (22 U.S.C. 2304(b)), 502B(c)(1) (22 U.S.C. 2304(c)), and 505(g)(4)(A) (22 U.S.C. 2314(g)(4)(A)) by striking "Human

Rights and Humanitarian Affairs" each place it appears and inserting "Democracy, Human Rights, and Labor";

(3) in subsection 573(c) by striking "Human Rights and Humanitarian Affairs" and inserting "Democracy, Human Rights, and Labor"; and

(4) in section 624(f) (22 U.S.C. 2384(f))—

(A) by striking "Human Rights and Humanitarian Affairs" each place it appears and inserting "Democracy, Human Rights, and Labor";

(B) by striking "refugees, prisoners of war," each place it appears and inserting "prisoners of war"; and

(C) in paragraph (1), by inserting before the period at the end of the first sentence ", and such other related duties as the Secretary may from time to time designate".

(b) CONFORMING AMENDMENT.—Section 5(d)(1) of the Arms Export Control Act (22 U.S.C. 2755(d)(1)) is amended by striking "Assistant Secretary of State for Human Rights and Humanitarian Affairs" and inserting in lieu thereof "Assistant Secretary of State for Democracy, Human Rights, and Labor".

(c) ASSUMPTION OF DUTIES.—The individual holding the office of Assistant Secretary of State for Human Rights and Humanitarian Affairs on the date of enactment of this Act shall assume the duties of Assistant Secretary of State for Democracy, Human Rights, and Labor and shall not be required to be reappointed by reason of the enactment of this section.

SEC. 133. REDESIGNATION OF POSITION AS ASSISTANT SECRETARY FOR NARCOTICS, TERRORISM, AND CRIME.

(a) REDESIGNATION OF OFFICE.—Section 115(a) of the Foreign Relations Authorization Act, Fiscal Year 1979 (22 U.S.C. 2652a) is amended—

(1) in the section heading, by striking "INTERNATIONAL NARCOTICS MATTERS" and inserting in lieu thereof "NARCOTICS, TERRORISM, AND CRIME"; and

(2) in the text—

(A) by striking ", in addition to the positions provided under the first section of the Act of May 26, 1949 (22 U.S.C. 2652),";

(B) by striking "International Narcotics Matters" and inserting "Narcotics, Terrorism and Crime"; and

(C) by inserting before the period at the end "and such other related duties as the Secretary may from time to time designate".

(b) ASSUMPTION OF DUTIES.—The individual holding the office of Assistant Secretary of State for International Narcotics Matters on the date of enactment of this Act shall assume the duties of Assistant Secretary of State for Narcotics, Terrorism, and Crime and shall not be required to be reappointed by reason of the enactment of this section.

SEC. 134. ADMINISTRATIVE EXPENSES FOR NARCOTICS, TERRORISM, AND CRIME.

Section 482 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291a) is amended by adding the following new subsection:

"(d) ADMINISTRATIVE ASSISTANCE.—(1) Except as provided in paragraph (2), personnel funded pursuant to this section are authorized to provide administrative assistance to personnel assigned to the bureau designated by the Secretary of State to replace the Bureau for International Narcotics Matters.

"(2) Paragraph (1) shall not apply if to do so would result in a reduction in funds available for antinarcotics assistance to foreign countries.".

SEC. 135. COORDINATOR FOR INTERNATIONAL COMMUNICATIONS AND INFORMATION POLICY.

(a) IN GENERAL.—Section 35 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2707) is amended—

(1) by striking subsection (a); and

(2) in subsection (b)—

(A) by striking the text above paragraph (1) and inserting the following: "The Secretary of State shall be responsible for formulation, coordination, and oversight of foreign policy related to international communications and information policy. The Secretary of State shall—";

(B) by striking paragraph (2);

(C) by redesignating paragraph (1) as paragraph (2);

(D) by inserting before redesignated paragraph (2) the following:

"(1) exercise primary authority for the conduct of foreign policy with respect to such telecommunications functions, including the determination of United States positions and the conduct of United States participation in negotiations with foreign governments and international bodies. In exercising this responsibility, the Secretary shall coordinate with other agencies as appropriate, and, in particular, shall give full consideration to the authority vested by law or Executive order in the Federal Communications Commission, the Department of Commerce and the Office of the United States Trade Representative in this area;";

(E) in redesignated paragraph (2), by striking "with the bureaus and offices of the Department of State and", and inserting before the semicolon "and with the Federal Communications Commission, as appropriate"; and

(F) in paragraph (3), by striking "the Senior Interagency Group on International Communications and Information Policy" and inserting "any senior interagency policymaking group on international telecommunications and information policy and chair such interagency meetings as may be necessary to coordinate actions on pending issues;".

(b) RULE OF CONSTRUCTION.—Nothing in the amendments made by this section affects the nature or scope of the authority that is on the date of enactment of this Act vested by law or Executive order in the Department of Commerce, the Office of the United States Trade Representative, the Federal Communications Commission, or any officer thereof.

SEC. 136. REFUGEE AFFAIRS.

(a) COORDINATION OF REFUGEE AFFAIRS.—Section 301 of the Refugee Act of 1980 (8 U.S.C. 1525) is amended to read as follows:

"SEC. 301. (a) The Secretary of State, together with the Secretary of Health and Human Services and the Attorney General, shall—

"(1) develop overall United States refugee admission and resettlement policy;

"(2) coordinate all United States domestic and international refugee admission and resettlement programs in a manner that assures that policy objectives are met in a timely fashion;

"(3) develop an effective and responsive liaison between the Federal Government and voluntary organizations, Governors and mayors, and others involved in refugee relief and resettlement work to reflect overall United States Government policy; and

"(4) make recommendations to the President and to the Congress with respect to policies for, objectives of, and establishment of priorities for, Federal functions relating to refugee admission and resettlement in the United States.

"(b) In the conduct of the duties described in subsection (a), the Secretary of State, together with the Secretary of Health and Human Services and the Attorney General, shall consult regularly with States, localities, and private nonprofit voluntary agencies concerning the sponsorship process and the intended distribution of refugees.

"(c) The Secretary of State, together with the Secretary of Health and Human Services and the Attorney General, shall design an overall budget strategy to provide individual agencies with policy guidance on refugee matters in the preparation of their budget requests, and to provide the Office of Management and Budget with an overview of all refugee-related budget requests.".

(b) AMENDMENTS TO THE REFUGEE ACT OF 1980.—Title III of the Refugee Act of 1980 is amended—

(1) in the title heading, by striking "UNITED STATES COORDINATOR FOR REFUGEE AFFAIRS" and inserting "UNITED STATES COORDINATION OF REFUGEE AFFAIRS"; and

(2) in the heading of part A, by striking "UNITED STATES COORDINATOR FOR REFUGEE AFFAIRS" and inserting "UNITED STATES COORDINATION OF REFUGEE AFFAIRS".

(c) AMENDMENT TO THE MIGRATION AND REFUGEE ASSISTANCE ACT.—Section 5 of the Migration and Refugee Assistance Act (22 U.S.C. 2605) is amended by adding at the end the following new subsection:

"(c) Personnel funded pursuant to this section are authorized to provide administrative assistance to personnel assigned to the bureau charged with carrying out this Act.".

(d) CONFORMING AMENDMENTS.—(1) Section 411(b) of the Immigration and Nationality Act (8 U.S.C. 1521(b)) is amended by striking "and under the general policy guidance of the United States Coordinator for Refugee Affairs (hereinafter in this chapter referred to as the 'Coordinator')" and inserting "the Secretary of State";

(2) Section 412 of the Immigration and Nationality Act (8 U.S.C. 1522) is amended—

(A) in subsection (a)(2)(A), by striking ", together with the Coordinator," and inserting ", together wiht the Secretary of State,";

(B) in subsections (b)(3) and (b)(4), by striking "in consultation with the Coordinator,"; and

(C) in subsection (e)(7)(C), by striking ", in consultation with the United States Coordinator for Refugee Affairs,".

(3) Section 413(a) of the Immigration and Nationality Act (8 U.S.C. 1523) is amended by striking ", in consultation with the Coordinator,".

(e) TRANSFER OF DUTIES.—If there is an individual who has been confirmed by the Senate as Ambassador at Large for Population, Refugees and Migration on the date of enactment of this Act, that person shall assume on such date the duties of Assistant Secretary of State for Population, Refugees and Migration which were vested in the Assistant Secretary before such date. Such individual shall not be required to be reappointed by reason of the enactment of this section.

SEC. 137. WOMEN'S HUMAN RIGHTS PROTECTION.

(a) FINDINGS.—The Congress finds that—

(1) issues of gender-based discrimination and violence against women have long been ignored or overlooked; and

(2) abuses against women should have greater visibility in the policymaking formulation.

(b) POLICY.—It is the sense of Congress that the Department of State should designate within the appropriate bureau a special assistant to the Assistant Secretary to assure that women's human rights issues are considered in the overall development of international human rights policy.

SEC. 138. REPEALS.

ENVOY TO THE AFGHAN RESISTANCE.—Section 306 of the Department of State Appropriations Act, 1989 (Public Law 100-459) is repealed.

PART D—PERSONNEL

SEC. 141. LABOR-MANAGEMENT RELATIONS.

Section 1017(e) of the Foreign Service Act of 1980 (22 U.S.C. 4117) is amended to read as follows:

"(e)(1) Notwithstanding any other provision of this chapter, participation in the management of a labor organization for purposes of collective bargaining or acting as a representative of a labor organization for such purpose is prohibited under this chapter—

"(A) on the part of any management official or confidential employee;

"(B) on the part of any individual who has served as a management official or confidential employee during the preceding two years; or

"(C) on the part of any other employee if the participation or activity would result in a conflict of interest or apparent conflict of interest or would otherwise be incompatible with law or with the official functions of such employee.

"(2) For the purposes of paragraph (1)(B) the term 'management official' does not include any chief of mission, principal officer, or deputy thereof, or any administrative or personnel officer abroad.".

SEC. 142. WAIVER OF LIMITATION FOR CERTAIN CLAIMS FOR PERSONAL PROPERTY DAMAGE OR LOSS.

(a) CLAIMS RESULTING FROM EMERGENCY EVACUATION IN A FOREIGN COUNTRY.—Subsection 3721(b) of title 31 of the United States Code is amended—

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

(2) by adding after paragraph (1), as so designated, the following:

"(2) The Secretary of State may waive the settlement and payment limitation referred to in paragraph (1) for claims for damage or loss by United States Government personnel under the jurisdiction of a chief of mission in a foreign country if such claims in circumstances where there is in effect a departure from the country authorized or ordered under circumstances described in section 5522(a) of title 5, if the Secretary determines that there exists exceptional circumstances that warrant such a waiver.".

(b) RETROACTIVE APPLICATION.—The amendments made by subsection (a) shall apply with respect to claims arising on or after October 31, 1988.

SEC. 143. SALARIES OF CHIEFS OF MISSION.

Section 401(a) of the Foreign Service Act of 1980 (22 U.S.C. 3961(a)) is amended by striking ", exclusive of danger pay,".

SEC. 144. SENIOR FOREIGN SERVICE PERFORMANCE PAY.

(a) PROHIBITION ON AWARDS.—Notwithstanding any other provision of law, the Secretary of State may not award or pay performance payments for fiscal years 1994 and 1995 under section 405 of the Foreign Service Act of 1980 (22 U.S.C. 3965), until the Director of the Office of Personnel Management issues regulations or otherwise authorizes or recommends the payment of rank awards or performance awards to other Federal employees for such fiscal years under section 4507 or 5384 of title 5, United States Code.

(b) AWARDS IN SUBSEQUENT FISCAL YEARS.—The Secretary may not make a performance award or payment in any fiscal year after a fiscal year referred to in subsection (a) for the purpose of providing an individual with a performance award or payment to which the individual would otherwise have been entitled in a fiscal year referred to such subsection but for the prohibition described in such subsection.

(c) AMENDMENT TO FOREIGN SERVICE ACT OF 1980.—Section 405(b)(4) of the Foreign Service Act of 1980 (22 U.S.C. 3965(b)(4)) is amended to read as follows:

"(4) Any award under this section shall be subject to the limitation on certain payments under section 5307 of title 5, United States Code.".

SEC. 145. REASSIGNMENT AND RETIREMENT OF FORMER PRESIDENTIAL APPOINTEES.

Section 813 of the Foreign Service Act of 1980 (22 U.S.C. 4053) is amended to read as follows:

"SEC. 813. REASSIGNMENT AND RETIREMENT OF FORMER PRESIDENTIAL APPOINTEES.—(a) If a participant completes an assignment under section 302(b) in a position to which the participant was appointed by the President, and is not otherwise eligible for retirement, the participant shall be reassigned in the Service within 90 days after the completion of such assignment and any period of authorized leave.

"(b) If a participant completes an assignment under section 302(b) in a position to which the participant was appointed by the President, and is eligible for retirement, and is not reassigned within 90 days after the completion of such assignment and any period of authorized leave, the participant shall be retired from the Service and receive retirement benefits in accordance with section 806 or section 855, as appropriate.".

SEC. 146. REPORT ON CLASSIFICATION OF SENIOR FOREIGN SERVICE POSITIONS.

(a) AUDIT AND REVIEW.—Within 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall conduct a classification audit of all Senior Foreign Service positions in Washington, District of Columbia, assigned to the Department of State, the Agency for International Development, and the United States Information Agency and shall review the methods for classification of such positions.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Comptroller General shall submit a report of such audit and review to the Chairman of the Committee on Foreign Relations of the Senate and the Speaker of the House of Representatives.

SEC. 147. ALLOWANCES.

(a) AWAY-FROM-POST EDUCATION ALLOWANCE.—Section 5924(4)(A) of title 5, United States Code, is amended by inserting after the first sentence the following: "When travel from school to post is infeasible, travel may be allowed between the school attended and the home of a designated relative or family friend or to join a parent at any location, with the allowable travel expense not to exceed the cost of travel between the school and the post.".

(b) EDUCATIONAL TRAVEL FOR COLLEGE STUDENTS STUDYING ABROAD.—Section 5924(4)(B) of title 5, United States Code, is amended in the first sentence after "in the United States" by inserting "(or to and from a school outside the United States if the dependent is attending that school for less than one year under a program approved by the school in the United States at which the dependent is enrolled, with the allowable travel expense not to exceed the cost of travel to and from the school in the United States)".

SEC. 148. INAPPLICABILITY OF ROLLOVER AUTHORITY FOR CERTAIN ALLOWANCES AND OTHER PAYMENTS.

Section 5307(b) of title 5, United States Code (relating to rollover authority for the making of certain payments to Federal employees) shall not apply to employees of the Department of State.

SEC. 149. GRIEVANCES.

(a) GRIEVANCE BOARD PROCEDURES.—Section 1106 of the Foreign Service Act of 1980 (22 U.S.C. 4136) is amended in the first sentence of paragraph (8) by striking "until the Board has ruled upon the grievance." and inserting "until the date which is one year after such determination or until the Board has ruled upon the grievance, whichever comes first. The Board shall extend the one-year limitation under the preceding sentence and the Department shall continue to suspend such action, if the Board determines that the agency or the Board is responsible for the delay in the resolution of the grievance. The Board may also extend the 1-year limit if it determines that the delay is due to the complexity of the case, the unavailability of witnesses or to circumstances beyond the control of the agency, the Board or the grievant.".

(b) TIME LIMITATION ON REQUESTS FOR JUDICIAL REVIEW.—Section 1110 of the Foreign Service Act of 1980 (22 U.S.C. 4140) is amended in the first sentence by inserting before the period ", if the request for judicial review is filed not later than 180 days after the final action of the Secretary or the Board (or in the case of an aggrieved party who is posted abroad at the time of the final action of the Secretary or the Board, if the request for judicial review is filed not later than 180 days after the aggrieved party's return to the United States)".

SEC. 150. MID-LEVEL WOMEN AND MINORITY PLACEMENT PROGRAM.

(a) PURPOSE.—It is the purpose of this section to promote the acquisition and retention of highly qualified, trained and experienced women and minority personnel within the Foreign Service and to provide the maximum opportunity for the Foreign Service to meet staffing needs and to acquire the services of experienced and talented women and minority personnel and to help alleviate the impact of downsizing, reduction-in-force, and budget restrictions occurring in the defense and national security-related agencies of the United States.

(b) ESTABLISHMENT.—For each of the fiscal years 1994 and 1995, the Secretary of State shall to the maximum extent practicable appoint as Foreign Service officers qualified women and minority applicants who are participants in the priority placement program of the Department of Defense, the Department of Defense outplacement referral program, or the Automated Applicant Referral System. The Secretary shall make such appointments through the mid-level entry program of the Department of State under section 306 of the Foreign Service Act of 1980.

(c) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary of State shall prepare and submit a report concerning the implementation of subsection (a) to the Chairman of the Committee on Foreign Relations of the Senate and the Speaker of the House of Representatives. Such report shall include recommendations on methods to improve implementation of the purpose of this section.

SEC. 151. EMPLOYMENT ASSISTANCE REFERRAL SYSTEM FOR CERTAIN DEPARTMENT OF STATE EMPLOYEES.

(a) REFERRAL SYSTEM.—(1) The Secretary of State, in consultation with the Director of the Office of Personnel Management, shall establish and operate a system that provides job placement assistance to eligible personnel of the Department of State.

(2) The system established under this section shall—

(A) permit eligible personnel to register for job placement assistance under the system;

(B) contain information on vacancies in employment positions throughout the Department;

(C) facilitate the provision of information on the positions referred to in subparagraph (B) to the personnel who register for assistance under subparagraph (A); and

(D) assist, by referral or other means, the personnel referred to in subparagraph (C) in seeking employment in such position.

(3) The Secretary of State shall, to the maximum extent practicable, ensure that the system operated under this section is automated.

(4) The system shall operate from a single location within the continental United States.

(b) ELIGIBLE PERSONNEL.—Personnel eligible for participation in the job placement assistance system established under this section include the following:

(1) Personnel of the Department of State who are involuntarily separated from employment in the Department by reason of a reduction in force of such personnel.

(2) Personnel of the Department who decline to accept a transfer to another position in the Department under such a reduction in force or other program for the consolidation of employment positions within the Department.

(3) Former personnel of the Department whose employment with the Department was terminated for a reason described in paragraph (1) or (2).

(4) Such other personnel of the Department as the Secretary of State determines to be eligible for such participation.

(c) IMPLEMENTATION.—The Secretary of State shall commence operation of the system required under this section not later than 90 days after the date of the enactment of this Act.

(d) REPORT.—Not later than 120 days after the date of enactment of this Act, the Secretary of State shall prepare and submit a report concerning the implementation of subsection (a) to the Chairman of the Committee on Foreign Relations of the Senate and the Speaker of the House of Representatives. Such report shall include recommendations on methods to improve implementation of the job placement assistance system established under this section.

SEC. 152. FOREIGN LANGUAGE COMPETENCE WITHIN THE FOREIGN SERVICE.

(a) MODEL FOREIGN LANGUAGE COMPETENCE POSTS PROGRAM.—Section 161(a) of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (22 U.S.C. 4171 note) is amended by adding at the end the following new sentence: "Implementation of this program shall not deny other posts, not so designated, of required language-qualified personnel.".

(b) ADDITIONS TO LANGUAGE PROFICIENCY IN THE EMPLOYEE EVALUATION REPORT.—Section 164(a) of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (22 U.S.C. 4001(a) note) is amended—

(1) by inserting "(1)" immediately after "Competence.—"; and

(2) by adding at the end the following:

"(2)(A) In any assessment under paragraph (1), if a supervisor believes that an employee's proficiency in a foreign language has declined below the minimum proficiency level required for the employee's current assignment, the supervisor shall recommend that the employee seek remedial language refresher training and, within reasonable limitations, excuse the employee from a portion of his or her regular responsibilities to do so.

"(B) In the event the employee identified under subparagraph (A) is assigned to a language-designated position and is receiving a language differential for having achieved a required level of foreign language proficiency, the supervisor may also require that the employee's current proficiency in the foreign language be reevaluated at the earliest opportunity. In this case the employee's proficiency shall be evaluated by reference to the standards and practices employed by the Foreign Service Institute. If the Foreign Service Institute determines that the employee has failed to maintain the required level of proficiency, the Department of State shall suspend the differential until the required proficiency level is regained.

"(C) For purposes of this section, the earliest opportunity for reevaluation of an employee's foreign language proficiency by the Foreign Service Institute shall be, for employees not already in the Washington, D.C. area, the next time the employee travels to the Washington, D.C. area on official travel orders, or the next time a Foreign Service Institute examiner visits the employee's post of assignment on regularly scheduled travel. No additional travel funds may be expended for this purpose.".

SEC. 153. DESIGNATION OF FOREIGN LANGUAGE RESOURCES COORDINATOR.

(a) FINDINGS.—The Congress finds that—

(1) the post-Cold War era is placing increasing demands on limited Federal foreign language resources available to support diplomacy, intelligence, military preparedness, international security, and global economic competitiveness goals;

(2) the absence of a single interagency mechanism to coordinate Federal foreign language resources represents a significant weakness in the United States Government's ability to mobilize and direct existing foreign language assets in support of national foreign policy goals; and

(3) there is a growing need for coordination of all Federal agencies maintaining and utilizing foreign language resources—

(A) to increase cost-effectiveness through sharing of resources;

(B) to identify foreign language needs and priorities required to support foreign policy objectives; and

(C) to identify foreign language resources capable of supporting global economic competitiveness goals and to facilitate private sector access to those resources.

(b) POLICY.—It is the sense of the Congress that—

(1) the Secretary of State, by virtue of his overall responsibility under section 701(a) of the Foreign Service Act of 1980 (22 U.S.C. 4011(a)) for training and instruction in the field of foreign relations to meet the needs of all Federal agencies, should take the lead in this effort; and

(2) in order to avoid other Federal agencies duplicating the facilities and training provided by the Secretary of State, a goal set out in section 701(b) of the Foreign Service Act of 1980 (22 U.S.C. 4011(b)), the Secretary of State should call upon other Federal agencies to share in the joint management and coordination of Federal foreign language resources.

(c) DESIGNATION OF POSITION AND DUTIES.—(1) The Secretary of State shall appoint a Foreign Language Resources Coordinator (in this subsection referred to as the "Coordinator") who shall be responsible—

(A) for coordinating the efforts of the appropriate agencies of Government—

(i) to strengthen mechanisms for sharing of foreign language resources; and

(ii) to identify Federal foreign language resource requirements in the areas of diplomacy, intelligence, military preparedness, international security, and other foreign policy objectives; and

(B) for making recommendations to the Secretary of State as to which Federal foreign language assets, if any, should be made available to the private sector in support of national global economic competitiveness goals.

(2) All United States Government agencies maintaining and utilizing Federal foreign language training and related resources shall cooperate fully with the Coordinator.

SEC. 154. FOREIGN LANGUAGE TRANSLATOR AND INTERPRETER CAREER SERVICE PROGRAM.

(a) PURPOSE.—It is the purpose of this section—

(1) to enhance the capability of the Department of State to provide cost-effective, timely, and reliable translation and interpretation services for Government use;

(2) to obtain the services of professionally trained translators and interpreters of foreign languages for which the Secretary of State determines there is a shortage of qualified Government personnel which cannot otherwise be filled; and

(3) to stimulate United States institutions of higher education to dedicate more resources to higher levels of proficiency in their foreign language translation and interpretation programs.

(b) PROGRAM.—(1)(A) The Secretary shall establish a program whereby the Department of State would obtain the services of additional translators and interpreters trained at institutions of higher education in the United States.

(B) Such program shall be referred to as the "Foreign Language Translator and Interpreter Career Service Program".

(2)(A) Under such program, the Secretary shall pay the costs of tuition for eligible United States citizens who pursue professional training in translation or interpretation in foreign languages for which the Secretary determines there is a shortage of qualified Government personnel. In exchange, individuals who successfully complete training shall agree to perform such services at an entry-level rate of pay in the Department of State for a period of not less than one year for each year of academic tuition paid.

(B) Such individuals may be detailed or referred for direct employment to other Government agencies in accordance with practices and procedures established by the Secretary.

(c) ELIGIBILITY.—A United States citizen shall be eligible for participation in the program under this section if—

(1) the individual—

(A) is enrolled as a full-time student at an institution of higher education in the United States; and

(B) is pursuing a full-time program in a foreign language translation or interpretation;

(2) the institution and the program meet the accreditation, curriculum, certification, and other standards prescribed by the Secretary; and

(3) the individual submits a written application to the Secretary and meets the minimum criteria prescribed by the Secretary.

(d) NONCOMPLIANCE.—Any individual participating in the program who fails to complete a program meeting the standards prescribed in subsection (c)(2) shall reimburse the Department of State for the Federal funds expended for such individual's tuition, together with interest on such funds (calculated at the prevailing rate).

(e) SURCHARGE FOR CERTAIN FOREIGN LANGUAGE SERVICES.—Notwithstanding any other provision of law, the Secretary of State is authorized to levy a surcharge, or otherwise solicit funds, for providing other executive branch agencies with foreign language translation and interpretation services.

(f) USE OF FUNDS.—Funds collected under the authority of subsections (d) and (e) shall be deposited as an offsetting collection to any Department of State appropriation to recover the cost of providing translation or interpretation services in any foreign language, including the cost of training translators or interpreters pursuant to subsection (b). Such funds may remain available until expended.

(g) DEFINITIONS.—For the purposes of this section—

(1) the term "institution of higher education" has the same meaning given to such term by section 1201(a) of the Higher Education Act of 1965;

(2) the term "Secretary" means the Secretary of State, acting through the Office of Language Services or any successor office; and

(3) the term "shortage of qualified Government personnel" means a shortage or absence of sufficiently trained and qualified personnel to meet minimum requirements for permanent Government employment as translators or interpreters by reference to the standards employed by the Office of Language Services (or successor office), which cannot otherwise be filled from contract rosters or other sources.

SEC. 155. ASSIGNMENT OF FOREIGN SERVICE OFFICERS WITH ADVANCED PROFICIENCY IN FOREIGN LANGUAGES.

(a) PURPOSE.—It is the purpose of this section to encourage the assignment of Foreign Service personnel with language proficiency at the S4/R4 level (full professional proficiency, as tested by the Foreign Service Institute) to posts or positions in which their language capabilities are effectively utilized.

(b) FINDINGS.—The Congress finds that—

(1) the Department of State's Office of the Inspector General noted, in its July 1993 report, that existing foreign language proficiency

among members of the Foreign Service is not adequately weighed in the assignments process, and that existing skills are not adequately utilized, and

(2) the Department of State's Office of the Inspector General urged that the Department has legitimate requirements at overseas posts that can only be satisfied through S4/R4 level skills, and recommended that certain overseas positions be designated at the S4/R4 competence level.

(c) PROGRAM.—(1) Pursuant to section 702 of the Foreign Service Act of 1980 (22 U.S.C. 4022), the Secretary of State shall direct the establishment and apportionment of a certain number of overseas positions, at the S4/R4 level, in each of a majority of overseas missions, as follows:

(A) For missions using world languages with more than nine Foreign Service Officer positions assigned by the Department of State, 8 percent of positions and not less than one position will be established at the S4/R4 level.

(B) For posts using hard or incentive languages, with more than nine Foreign Service Officer positions assigned by the Department of State, the number of S4/R4-designated positions shall be at least four percent of positions, and not less than one position.

(2) Overseas posts and the Department of State shall retain flexibility to apportion S4/R4 language-designated positions within respective overseas posts.

(3) Assignment of personnel with full professional proficiency shall be completed not later than September 30, 1995.

(d) REPORT TO THE CONGRESS.—The Secretary of State shall report to the Congress not later than September 30, 1994, describing the progress made toward implementation of this section.

PART E—INTERNATIONAL ORGANIZATIONS

Subpart A—United Nations and Related Agencies

SEC. 161. LIMITATION ON CONTRIBUTIONS TO THE UNITED NATIONS AND AFFILIATED ORGANIZATIONS.

The United States shall not make any voluntary or assessed contribution—

(1) to any affiliated organization of the United Nations which grants full membership as a state to any organization or group that does not have the internationally recognized attributes of statehood, or

(2) to the United Nations, if the United Nations grants full membership as a state in the United Nations to any organization or group that does not have the internationally recognized attributes of statehood, during any period in which such membership is effective.

SEC. 162. UNITED NATIONS SECURITY COUNCIL MEMBERSHIP.

(a) FINDINGS.—The Congress makes the following findings:

(1) The effectiveness of the United Nations Security Council in maintaining international peace and security depends on its being representative of the membership of the United Nations.

(2) The requirement of equitable geographic distribution in Article 23 of the United Nations Charter requires that the members of the Security Council of the United Nations be chosen by nondiscriminatory means.

(3) The use of informal regional groups of the General Assembly as the sole means for election of the nonpermanent members of the Security Council is inherently discriminatory in the absence of guarantees that all member states will have the opportunity to join a regional group, and has resulted in discrimination against Israel.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the President should direct the Secretary of State to request the Secretary-General of the United Nations to seek immediate resolution of the problem described in this section. The President shall inform the Congress of any progress in resolving this situation, together with the submission to Congress of the request for funding for the "Contributions to International Organizations" account of the Department of State for the fiscal year 1995.

SEC. 163. REFORMS IN THE WORLD HEALTH ORGANIZATION.

(a) SENSE OF THE CONGRESS.—It is the sense of the Congress that United States contributions to the World Health Organization (WHO) should be utilized in the most effective and efficient manner possible, particularly for the reduction of diseases and disabilities in developing countries. The President shall direct the United States representatives to the World Health Assembly, the Executive Board, and the World Health Organization to monitor the activities of the World Health Organization to ensure that such organizations achieve—

(1) the timely implementation of reforms and management improvements, including those outlined in the resolutions of the 46th World Health Assembly related to the external Auditor (WHA 46.21), the Report of the Executive Board on the WHO Response to Global Change (WHA 46.16) and actions for Budgetary Reform (WHA 46.35); and

(2) the effective and efficient utilization and monitoring of resources, including—

(A) the determination of strategic and financial priorities; and

(B) the establishment of realistic and measurable targets in accordance with the established health priorities.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary of State shall submit to the Chairman of the Foreign Relations Committee of the Senate and the Speaker of the House of Representatives a report assessing the World Health Organization's progress in implementing the reforms identified in subsection (a)(1) and (2).

SEC. 164. REFORMS IN THE FOOD AND AGRICULTURE ORGANIZATION.

In view of the longstanding efforts of the United States and the other major donor nations to reform the Food and Agriculture Organization and in view of the findings of the ongoing investigation of the General Accounting Office, it is the sense of the Congress that—

(1) the United States should use the opportunity of the 1993 election of a new Director General of the Food and Agriculture Organization (FAO) to press for long-needed organizational and management reforms; and

(2) it should be the policy of the United States to promote the following reforms in the Food and Agriculture Organization:

(A) Decentralization of the administrative structure of FAO, including eliminating redundant or unnecessary headquarters staff, increased responsibilities of regional offices, increased time for consideration of budget issues by member states, and a more meaningful and direct role for member states in the decisionmaking process.

(B) Reform of the FAO Council, including formation of an executive management committee to provide oversight of management.

(C) Limitation of the term of the Director General and the number of terms which an individual may serve.

(D) Restructuring of the Technical Cooperation Program (TCP), including reducing the number of nonemergency projects funds through the TCP and establishing procedures to deploy TCP consultants, supplies, and equipment in a timely manner.

SEC. 165. REFORM IN BUDGET DECISIONMAKING PROCEDURES OF THE UNITED NATIONS AND ITS SPECIALIZED AGENCIES.

(a) ASSESSED CONTRIBUTIONS.—For assessed contributions authorized to be appropriated by section 102(a) of this Act, the President may withhold 20 percent of the funds appropriated for the United States assessed contribution to the United Nations or to any of its specialized agencies for any calendar year if the United Nations or any such agency has failed to implement or to continue to implement consensus-based decisionmaking procedures on budgetary matters which assure that sufficient attention is paid to the views of the United States and other member states that are the major financial contributors to such assessed budgets.

(b) NOTICE TO CONGRESS.—The President shall notify the Congress when a decision is made to withhold any share of the United States assessed contribution to the United Nations or its specialized agencies pursuant to subsection (a) and shall notify the Congress when the decision is made to pay any previously withheld assessed contribution. A notification under this subsection shall include appropriate consultation between the President (or his representative) and the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

(c) CONTRIBUTIONS FOR PRIOR YEARS.—Subject to the availability of appropriations, payment of assessed contributions for prior years may be made to the United Nations or any of its specialized agencies notwithstanding subsection (a) of this section, section 162(a) of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (Public Law 102–138), section 405 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (Public Law 101–246) and section 143 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (Public Law 99–93) if such payment would further United States interests in that organization.

(d) REPORT TO CONGRESS.—Not later than February 1 of each year, the President shall submit a report to the Congress concerning the payment of assessed contributions to the United Nations and any of its specialized agencies during the preceding calendar year.

(e) REPEAL OF EXISTING LAW.—Subsections (a) through (d) of section 162 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993, are repealed.

SEC. 166. UNITED NATIONS BUDGETARY AND MANAGEMENT REFORM.

(a) WITHHOLDING OF ASSESSED NONPEACEKEEPING CONTRIBUTIONS TO THE UNITED NATIONS.—(1) In fiscal year 1994, 10 percent of the amount of funds authorized to be appropriated for that fiscal year for United States assessed contributions to the United Nations and its specialized agencies shall be withheld from obligation and expenditure until a certification is made under subsection (b).

(2) Beginning with fiscal year 1995 and at the beginning of each fiscal year thereafter, 20 percent of the amount of funds authorized to be appropriated for each fiscal year for United States assessed contributions (other than for peacekeeping activities) to the United Nations and its specialized agencies shall be withheld from obligation and expenditure until a certification is made under subsection (b).

(b) CERTIFICATION.—The certification referred to in subsection (a) is a certification by the President to the Congress that—

(1) the United Nations has established an independent and objective Office of Inspector General to conduct and supervise audits, inspections, and investigations relating to the programs and operations of the United Nations and each of the specialized agencies of the United Nations;

(2) the Secretary General of the United Nations has appointed an Inspector General, with the consent of the General Assembly, solely on the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations;

(3) the United Nations Office of Inspector General is authorized to—

(A) make investigations and reports relating to the administration of the programs and operations of the United Nations and its specialized agencies;

(B) have access to all records and documents or other material available which relate to those programs and operations; and

(C) have direct and prompt access to any official of the United Nations or of any of its specialized agencies, including any head of a specialized agency or official of the United Nations Secretariat;

(4) the United Nations Office of Inspector General is keeping the head of each specialized agency, the Secretary General, the members of the Security Council, and the members of the General Assembly fully informed about problems, deficiencies, and the necessity for, and progress of, corrective action;

(5) the United Nations has established measures to protect the identity of, and to prevent reprisals against, any staff member making a complaint or disclosing information to, or cooperating in any investigation or inspection by the Office of the Inspector General; and

(6) the United Nations has enacted procedures to ensure compliance with the recommendations of the Inspector General.

(c) DEFINITION.—For purposes of this section, the term "United Nations operations" includes any program, project or activity conducted or supported, in whole or in part, by the United Nations or any of its specialized agencies.

SEC. 167. AMERICAN PARTICIPATION IN MANAGEMENT OF UNITED NATIONS.

(a) Funds authorized in section 102(a) of this Act for fiscal year 1995 for the assessed contribution of the United States to the United Nations are authorized to be appropriated only upon a certification by the Secretary of State to the appropriate committees of the Congress that the position of Under Secretary-General of the United Nations for Administration and Management is being held by a citizen of the United States as of October 1, 1994.

(b) Subsection (a) may be waived by the Secretary of State only upon a certification to the appropriate committees of the Congress that—

(1) such waiver is in the national interest of the United States, including the reason or reasons it is in our interest; and

(2) the Secretary of State has confidence the individual holding the position of Under Secretary-General of the United Nations for Administration and Management is committed to efficient management practices and restrained budgets for the United Nations.

(c) If a waiver and certification is made pursuant to subsection (b), such certification shall include a justification why a citizen of the United States does not hold said position, since the United States is the largest single contributor to the United Nations.

(d) It is the sense of the Congress that the position of Under Secretary-General of the United Nations for Administration and Management should be held by a citizen of the United States.

SEC. 168. POLICY WITH RESPECT TO THE ESTABLISHMENT OF AN INTERNATIONAL CRIMINAL COURT.

(a) CONGRESSIONAL FINDINGS.—Congress finds that—

(1) the freedom and security of the international community rests on the sanctity of the rule of law;

(2) the international community is increasingly threatened by unlawful acts such as war crimes, genocide, aggression, crimes against humanity, terrorism, drug trafficking, money laundering, and other crimes of an international character;

(3) the prosecution of individuals suspected of carrying out such acts is often impeded by political and legal obstacles such as amnesties, disputes over extradition, differences in the structure and capabilities of national courts, and the lack of uniform guidelines under which to try such individuals;

(4) the war crimes trials held in the aftermath of World War II at Nuremberg, Germany, and Tokyo, Japan, demonstrated that fair and effective prosecution of war criminals could be carried out in an international forum;

(5) since its inception in 1945 the United Nations has sought to build on the precedent established at the Nuremberg and Tokyo trials by establishing a permanent international criminal court with jurisdiction over crimes of an international character;

(6) United Nations General Assembly Resolution 44/39, adopted on December 4, 1989, called on the International Law Commission to study the feasibility of an international criminal court;

(7) in the years after passage of that resolution the International Law Commission has taken a number of steps to advance the debate over such a court, including—

(A) the provisional adoption of a draft Code of Crimes Against the Peace and Security of Mankind;

(B) the creation of a Working Group on an International Criminal Jurisdiction and the formulation by that Working Group of several concrete proposals for the establishment and operation of an international criminal court; and

(C) the determination that an international criminal court along the lines of that suggested by the Working Group is feasible and that the logical next step would be to proceed with the formal drafting of a statute for such a court;

(8) United Nations General Assembly Resolution 47/33, adopted on November 25, 1992, called on the International Law Commission to begin the process of drafting a statute for an international criminal court at its next session; and

(9) given the developments of recent years, the time is propitious for the United States to lend its support to this effort.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that—

(1) the establishment of an international criminal court with jurisdiction over crimes of an international character would greatly strengthen the international rule of law;

(2) such a court would thereby serve the interests of the United States and the world community; and

(3) the United States delegation should make every effort to advance this proposal at the United Nations.

(c) REQUIRED REPORT.—Not later than February 1, 1994, the President shall submit to Congress a detailed report on developments relating to, and United States efforts in support of, the establishment of an international criminal court with jurisdiction over crimes of an international character.

SEC. 169. INTERNATIONAL CRIMINAL COURT PARTICIPATION.

The United States Senate will not consent to the ratification of a treaty providing for United States participation in an international criminal court with jurisdiction over crimes of an international nature which permits representatives of any terrorist organization, including but not limited to the Palestine Liberation Organization, or citizens, nationals or residents of any country listed by the Secretary of State under section 6(j) of the Export Administration Act of 1979 as having repeatedly provided support for acts of international terrorism, to sit in judgement on American citizens.

SEC. 170. PROTECTION OF FIRST AND FOURTH AMENDMENT RIGHTS.

The United States Senate will not consent to the ratification of any Treaty providing for United States participation in an international criminal court with jurisdiction over crimes of an international character unless American citizens are guaranteed, in the terms establishing such a court, and in the court's operation, that the court will take no action infringing upon or diminishing their rights under the First and Fourth Amendments of the Constitution of the United States, as interpreted by the United States.

SEC. 170A. JAPAN AND GERMANY BECOMING PERMANENT MEMBERS OF THE UNITED NATIONS SECURITY COUNCIL.

(a) The Senate finds that—

(1) in the post-Cold War period, the international community expects the United Nations to play a larger role, particularly in peacekeeping operations that may, on occasion, require the use of force against determined aggressors;

(2) in the past five years the United Nations has engaged in more peacekeeping operations than in the preceding forty;

(3) the Security Council is the United Nations body chiefly responsible for matters of peace and security;

(4) the United Nations structure and the Security Council's roster of permanent members have remained largely unchanged since the United Nations was founded almost half a century ago;

(5) Japan and Germany, as the world's second and third largest economies, respectively, have attained levels of global reach and influence equal to or surpassing current permanent members of the Security Council;

(6) both Japan and Germany have announced their desire to gain permanent membership in the Security Council;

(7) any country accorded permanent membership must be capable of fulfilling the responsibilities of such status, including participation in any United Nations military operations;

(8) according permanent membership to nations not capable of carrying out these responsibilities will allow those countries to play a central role in shaping United Nations peacekeeping operations which could endanger the lives of American and other troops, but in which their own forces could play no part;

(9) currently, in both Japan and Germany the prevailing view is that each country is prohibited from carrying out all the responsibilities that permanent membership entails and appears reluctant to make the changes necessary to gain those capabilities;

(10) in Japan's case, further reconciliation with its Asian neighbors who suffered during the World War II period is recommended, therefore

(b) It is the sense of the Senate that—

(1) in principle, the United States should support both Japan and Germany in their wish to gain permanent membership in the United Nations Security Council; but

(2) neither Japan nor Germany should be admitted as permanent members until they are capable of discharging the full range of responsibilities accepted by all current permanent members of the Security Council.

SEC. 170B. TRANSMITTALS OF UNITED NATIONS DOCUMENTS.

(a) TRANSMITTAL TO CONGRESS OF UNITED NATIONS RESOLUTIONS AND REPORTS.—Section 4 of the United Nations Participation Act of 1945 (22 U.S.C. 287b), as amended by subsection (a), is further amended by adding at the end the following:

"(c)(1) Not later than 72 hours after adoption by the Security Council of a resolution authorizing United Nations peacekeeping activities or any other action under the Charter of the United Nations (including any extension, modification, suspension, or termination of any previously authorized United Nations peacekeeping activity or other action) which would involve the use of United States Armed Forces or the expenditure of United States funds, the Permanent Representative shall transmit the text of such resolution and any supporting documentation to the appropriate congressional committees.

"(2) The Permanent Representative shall promptly transmit to the appropriate congressional committees any report prepared by the United Nations distributed to the members of Security Council assessments of any proposed, ongoing, or concluded United Nations peacekeeping activity.".

(b) DEFINITIONS.—The United Nations Participation Act of 1945 (22 U.S.C. 287 et seq.) is amended by adding at the end the following new section:

"SEC. 10. For purposes of this Act—

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

"(2) the term 'Permanent Representative' means the Permanent Representative of the United States to the United Nations appointed by the President pursuant to section 2 of this Act; and

"(3) the term 'United Nations peacekeeping activities' means any international peacekeeping, peacemaking, peace-enforcing, or similar activity involving the use of nationals of member countries of the United Nations that is authorized by the Security Council under chapter VI or VII of the United Nations Charter.".

SEC. 170C. LIMITATIONS ON UNITED STATES FUNDING OF UNITED NATIONS PEACEKEEPING ACTIVITIES.

(a) It is the sense of the Senate that beginning October 1, 1995, funds made available to the Department of Defense (including funds for "Operation and Maintenance") shall be available for—

(1) United States assessed or voluntary contributions for United Nations peacekeeping activities, or

(2) the unreimbursable incremental costs associated with the participation of United States Armed Forces in United Nations peacekeeping activities unless such activities are necessary to protect American lives or United States national interests,

only to the extent that the Congress has authorized, appropriated or otherwise approved funds for such purposes.

(b) ASSESSED CONTRIBUTIONS FOR UNITED NATIONS PEACEKEEPING ACTIVITIES.—

(1) REASSESSMENT OF CONTRIBUTION PERCENTAGES.—The Permanent Representative should make every effort to ensure that the United Nations completes an overall review and reassessment of each nation's assessed contributions for United Nations peacekeeping activities. As part of the overall review and assessment, the Permanent Representative should make every effort to advance the concept that host governments and other governments in the region where a United Nations peacekeeping activity is carried out should bear a greater burden of its financial cost.

(2) UNITED STATES CONTRIBUTIONS.—(A) The Permanent Representative should make every effort to obtain agreement by the United Nations to a United States assessed contribution for United Nations peacekeeping activities that is no greater a percentage of such contributions by all countries than the United States percentage share of assessed contributions for other United Nations activities.

(B) The Congress declares that, effective for fiscal year 1996, it does not intend to make available funds for payment of United States assessed or voluntary contributions for United Nations peacekeeping activities that exceed 25 percent of the total amount of the assessed and voluntary contributions of all countries for such activities unless, after the date of enactment of this Act, the Congress enacts a statute specifically authorizing a greater percentage contribution.

(C) The Permanent Representative shall inform the Secretary General of the congressional intent expressed in paragraph (2).

(c) UNITED STATES CONTRIBUTIONS TO UNITED NATIONS PEACEKEEPING ACTIVITIES.—Section 4 of the United Nations Participation Act of 1945 (22 U.S.C. 287b) is amended—

(1) by inserting "(a)" before "The President"; and

(2) by adding at the end the following:

"(b)(1) The President shall, at the time of submission of his annual budget request to the Congress, submit a report to the Congress on the anticipated budget for the fiscal year for United States participation in United Nations peacekeeping activities.

"(2) The report required by paragraph (1) shall state—

"(A) the aggregate amount of funds available to the United Nations for that fiscal year, including assessed and voluntary contributions, which may be made available for United Nations peacekeeping activities; and

"(B) the aggregate amount of funds (from all accounts) and the aggregate costs of in-kind contributions that the United States proposes to make available to the United Nations for that fiscal year for United Nations peacekeeping activities.

"(3) The President shall include in his budget submission for fiscal year 1996 a projection of all United States costs for United Nations peacekeeping activities during each of fiscal years 1996, 1997, and 1998, including costs of in-kind contributions and assessed and voluntary contributions.".

(d) DEFINITIONS.—

(1) AMENDMENT.—The United Nations Participation Act of 1945 (22 U.S.C. 287 et seq.) is amended by adding at the end the following new section:

"SEC. 10. For purposes of this Act—

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

"(2) the term 'Permanent Representative' means the Permanent Representative of the United States to the United Nations appointed by the President pursuant to section 2 of this Act.

SEC. 170D. UNITED NATIONS PEACEKEEPING BUDGETARY AND MANAGEMENT REFORM.

(a) WITHHOLDING OF CONTRIBUTIONS FOR UNITED NATIONS PEACEKEEPING.—(1) At the beginning of each fiscal year (beginning with fiscal year 1995), 20 percent of the amounts of funds made available for United States assessed contributions for United Nations peacekeeping activities shall be withheld from obligation and expenditure unless a certification has been made under subsection (b).

(2) For each fiscal year (beginning with fiscal year 1995), the United States may not pay any voluntary contribution for international peacekeeping activities unless a certification has been made under subsection (b).

(b) CERTIFICATION.—The certification referred to in subsection (a) is a certification by the President to the Congress that—

(1) the United Nations has established an independent and objective Office of Inspector General to conduct and supervise audits, inspections, and investigations relating to the United Nations peacekeeping activities carried out by the United Nations;

(2) the Secretary General of the United Nations has appointed an Inspector General, with the consent of the General Assembly, solely the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations;

(3) the United Nations Office of Inspector General is authorized to—

(A) make investigations and reports relating to the administration of the United Nations peacekeeping activities carried out by the United Nations;

(B) have access to all records and documents or other material available which relate to those activities; and

(C) have direct and prompt access to relevant officials of the United Nations, including any official of the United Nations Secretariat;

(4) the United Nations Office of Inspector General is keeping the Secretary General and the members of the Security Council fully informed about problems, deficiencies, and the necessity for, and progress of, corrective action;

(5) the United Nations has established measures to protect the identity of, and to prevent reprisals against, any staff member making a complaint or disclosing information to, or cooperating in any investigation or inspection by the Office of the Inspector General; and

(6) the United Nations has enacted procedures to ensure compliance with Inspector General recommendations.

(c) DEFINITIONS.—For purposes of this section—

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

(2) the term "Permanent Representative" means the Permanent Representative of the United States to the United Nations appointed by the President pursuant to section 2 of this Act.

SEC. 170E. REPORTING REQUIREMENTS INVOLVING MULTILATERAL PEACEKEEPING ACTIVITIES.

(a) UNITED STATES PERSONNEL TAKEN PRISONER WHILE SERVING IN MULTILATERAL PEACEKEEPING FORCES.—

(1) FINDINGS.—The Congress finds that—

(A) until recent years United States military personnel rarely served as part of multilateral forces under the United Nations or regional international organizations;

(B) despite infrequent service as part of multilateral forces, United States personnel, such as Colonel William Higgins in Lebanon, have been captured, tortured, and murdered;

(C) in recent years, United States military personnel have served much more frequently as part of multilateral forces;

(D) the capture and torture of Chief Warrant Officer Michael Durant in Somalia in October 1993 was a horrendous and recent example of the risk to United States personnel in multilateral forces;

(E) continued multilateral service increases the probability that United States military per-

sonnel will be captured, and subject to mistreatment;

(F) United States military personnel captured while serving as part of multilateral forces have not been treated as prisoners of war under the 1949 Geneva Conventions and other international agreements intended to protect prisoners of war; and

(G) failure of United States military personnel serving as part of a multilateral force to receive protection under international law increases the risk to personnel while serving in multinational forces.

(2) POLICY.—It is the sense of the Congress that—

(A) the President should take immediate steps, unilaterally and in appropriate international bodies, to assure that any United States military personnel serving as part of a multilateral force who are captured are accorded the protection accorded to prisoners of war; and

(B) the President should also take all necessary steps to bring to justice all individuals responsible for any mistreatment, torture, or death of United States military personnel who are captured while serving in a multilateral force.

(3) REPORT.—Each report submitted pursuant to section 169 of this Act shall include a separate section setting forth—

(A) the status under international law of members of multilateral peacekeeping forces, including the legal status of such personnel if captured, missing, or detained,

(B) the extent of the risk for United States military personnel who are captured while participating in multinational peacekeeping forces in cases where their captors fail to respect the 1949 Geneva Conventions and other international agreements intended to protect prisoners of war, and

(C) the specific steps that have been taken to protect United States military personnel participating in multinational peacekeeping forces, together (if necessary) with any recommendations for the enactment of legislation to achieve that objective.

(b) HUMAN RIGHTS OBSERVANCE IN UNITED NATIONS PEACEKEEPING ACTIVITIES.—Section 169 of this Act is amended to include the following at the end:

"(5) a description of respect for internationally recognized human rights in countries or territories where a United Nations peacekeeping activity has taken place during the preceding year by United Nations forces including a description of United Nations' efforts to investigate and take appropriate action in cases of alleged human rights violations.".

Subpart B—Other International Organizations

SEC. 171. INTERNATIONAL BOUNDARY AND WATER COMMISSION.

(a) AUTHORIZATION TO RECEIVE PAYMENTS.—Section 2 of the American-Mexican Chamizal Convention Act of 1964 (22 U.S.C. 277d-18) is amended—

(1) by inserting "(a)" before "The"; and

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

"(b) The United States Commissioner is authorized to receive funds from public or private sources in the United States or Mexico for the purpose of sharing in the cost of replacement of the Bridge of the Americas, which crosses the Rio Grande between El Paso, Texas, and Ciudad Juarez, Chihuahua. Notwithstanding any other provision of law, such payments of money shall be credited to any appropriation to the Commission which is currently available. Funds received under this subsection shall be available only for the replacement of such bridge.

"(c) The authority of subsection (b) may be exercised only to the extent or in such amounts as are provided in advance in appropriation Acts.".

(b) EXPENDITURES FOR WATER POLLUTION PROBLEMS.—Title I of the Act of June 20, 1956 (70 Stat. 302; 22 U.S.C. 277d-12), is amended in the fourth undesignated paragraph under the heading "INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO" by striking "Tijuana Rivers," and all that follows before the period and inserting "Tijuana Rivers, or other streams running across or near the boundary, and for taking emergency actions to protect against health-threatening surface and ground water pollution problems along the United States-Mexico boundary".

(c) FALCON AND AMISTAD DAMS MAINTENANCE FUND.—Section 2 of the Act of June 18, 1954 (68 Stat. 255), as amended by the Act of December 23, 1963 (77 Stat. 475), is further amended to read as follows:

"SEC. 2. (a) There is created within the Treasury of the United States a separate fund, which shall be known as the 'Falcon and Amistad Operating and Maintenance Fund' (in this section referred to as the 'Maintenance Fund'). The Maintenance Fund shall be administered by the Administrator of the Western Area Power Administration for use by the Commissioner of the United States Section of the International Boundary and Water Commission to defray the operation, maintenance, and emergency costs of the hydroelectric facilities at the Falcon and Amistad dams.

"(b) All revenues collected in connection with the disposition of electric power generated at the Falcon and Amistad dams, except those revenues paid pursuant to subsection (d) to the general fund of the Treasury of the United States, shall be credited to the Maintenance Fund and shall remain available until expended for defraying the operation, maintenance, and emergency costs of the hydroelectric facilities at the dams.

"(c) The authority of subsection (b) may be exercised only to the extent or in such amounts as are provided in advance in appropriation Acts.

"(d) Revenues in the Maintenance Fund in excess of the operation, maintenance, and emergency needs shall be paid annually to the general fund of the Treasury of the United States to return the costs of replacements and the original investments, with interest.

"(e) All funds received from the Government of Mexico for any energy which might be delivered to that Government by the United States Section of the International Boundary and Water Commission pursuant to any special agreement concluded in accordance with Article 19 of the treaty of February 3, 1944, between the United States and Mexico (Treaty Series 994) shall be credited to the General Fund of the Treasury of the United States.".

SEC. 172. UNITED STATES MEMBERSHIP IN THE ASIAN-PACIFIC ECONOMIC COOPERATION ORGANIZATION.

(a) UNITED STATES MEMBERSHIP.—The President is authorized to maintain membership of the United States in the Asian-Pacific Economic Cooperation (APEC).

(b) PAYMENT OF ASSESSED CONTRIBUTIONS.—For fiscal year 1994 and for each fiscal year thereafter, the United States assessed contributions to APEC may be paid from funds appropriated for "Contributions to International Organizations".

SEC. 173. EXTENSION OF THE INTERNATIONAL ORGANIZATIONS IMMUNITIES ACT TO THE INTERNATIONAL UNION FOR CONSERVATION OF NATURE AND NATURAL RESOURCES.

The International Organizations Immunities Act (22 U.S.C. 288 et seq.) is amended by adding at the end the following new section:

"SEC. 14. The International Union for Conservation of Nature and Natural Resources shall be considered to be an international organization for the purposes of this title and may be extended the provisions of this title in the same manner, to the same extent, and subject to the same conditions, as such provisions may be extended to a public international organization in which the United States participates pursuant to any treaty or under the authority of any Act of Congress authorizing such participation or making an appropriation for such participation.".

SEC. 174. INTER-AMERICAN ORGANIZATIONS.

(a) FINDING.—The Congress finds that the work done by the Inter-American organizations has been of great benefit to the Hemisphere, and the United States itself has experienced a positive return from their efforts.

(b) POLICY.—Taking into consideration the long-term commitment by the United States to the affairs of this Hemisphere and the need to build further upon the linkages between the United States and its neighbors, it is the sense of the Congress that the Secretary of State, in allocating the level of resources for international organizations, should pay particular attention to funding levels of the Inter-American organizations.

SEC. 175. PROHIBITION ON CONTRIBUTIONS TO THE INTERNATIONAL COFFEE ORGANIZATION.

None of the funds authorized to be appropriated by this Act or any other Act may be used to fund any United States contribution to the International Coffee Organization.

SEC. 176. PROHIBITION ON CONTRIBUTIONS TO THE INTERNATIONAL JUTE ORGANIZATION.

None of the funds authorized to be appropriated by this Act or any other Act may be used to fund any United States contribution to the International Jute Organization.

PART F—OTHER STATE DEPARTMENT-RELATED PROVISIONS

SEC. 181. MIGRATION AND REFUGEE AMENDMENTS.

(a) MIGRATION AND REFUGEE ASSISTANCE ACT AMENDMENTS.—Section 2 of the Migration and Refugee Assistance Act of 1962 (22 U.S.C. 2601) is amended—

(1) by striking "the Intergovernmental Committee for European Migration" each place it appears and inserting "the International Organization for Migration";

(2) in subsection (a)—

(A) by striking "the Committee" and inserting "the Organization" each place it appears; and

(B) in the first sentence, by inserting before the period ", as amended in Geneva, Switzerland, on May 20, 1987"; and

(3) in subsection (c)(2), by striking "$50,000,000" and inserting "$100,000,000".

(b) REPEAL.—Section 745 of Public Law 100-204 (22 U.S.C. 2601 note) is repealed.

SEC. 182. UNITED STATES POLICY CONCERNING OVERSEAS ASSISTANCE TO REFUGEES AND DISPLACED PERSONS.

(a) STANDARDS FOR REFUGEE WOMEN AND CHILDREN.—The United States Government, in providing for overseas assistance and protection of refugees and displaced persons, should seek to address the protection and provision of basic needs of refugee women and children who represent 80 percent of the world's refugee popu-

lation. As called for in the 1991 United Nations High Commissioner for Refugees (UNHCR) "Guidelines on the Protection of Refugee Women," whether directly, or through international organizations, the Secretary of State should seek to ensure—

(1) specific attention on the part of the United Nations and relief organizations to recruit and employ female protection officers;

(2) implementation of gender awareness training and field staffing including, but not limited to, security personnel;

(3) the protection of refugee women and children from violence and other abuses on the part of governments or insurgent groups;

(4) full involvement of women refugees in the planning and implementation of—

(A) the delivery of services and assistance; and

(B) the repatriation process;

(5) incorporation of maternal and child health needs into refugee health services and education, specifically to include education on and access to services in reproductive health and birth spacing;

(6) the availability of counseling and other services, grievance processes, and protective services to victims of violence and abuse, including but not limited to rape and domestic violence;

(7) the provision of educational programs, particularly literacy and numeracy, vocational and income generation skills training, and other training efforts promoting self sufficiency for refugee women, with special emphasis on women heads of household;

(8) education for all refugee children, ensuring equal access for girls, and special services and family tracing for unaccompanied refugee minors;

(9) the collection of data that clearly enumerate age and gender so that appropriate health, education, and assistance programs can be planned;

(10) the recruitment, hiring, and training of more women program professionals in the international humanitarian field; and

(11) gender awareness training for program staff of the United Nations High Commissioner for Refugees (UNHCR) and nongovernmental voluntary organizations on implementation of the 1991 UNHCR "Guidelines on the Protection of Refugee Women".

(b) PROCEDURES.—The Secretary of State should adopt specific procedures to ensure that all recipients of United States Government refugee and migration assistance funds implement the standards outlined in subsection (a).

(c) REQUIREMENTS FOR REFUGEE AND MIGRATION ASSISTANCE.—The Secretary of State, in providing migration and refugee assistance, should support the protection efforts set forth under this section by raising at the highest levels of Government the issue of abuses against refugee women and children by governments and insurgent groups that engage in, permit, or condone—

(1) a pattern of gross violations of internationally recognized human rights, such as torture or cruel, inhumane, or degrading treatment or punishment, prolonged detention without charges, or other flagrant denial to life, liberty, and the security of persons;

(2) the blockage of humanitarian relief assistance;

(3) gender-specific persecution such as systematic individual or mass rape, forced pregnancy, forced abortion, enforced prostitution, any form of indecent assault or act of violence against refugee women, girls, and children; or

(4) continuing violations of the integrity of the person against refugee women and children on the part of armed insurgents, local security forces, or camp guards.

(d) INVESTIGATION OF REPORTS.—Upon receipt of credible reports of abuses under subsection (c), the Secretary of State should immediately investigate such reports through emergency factfinding missions or other means of investigating such reports and help identify appropriate remedial measures.

(e) MULTILATERAL IMPLEMENTATION OF THE 1991 UNHCR "GUIDELINES ON THE PROTECTION OF REFUGEE WOMEN".—The Secretary of State should work to ensure that multilateral organizations fully incorporate the needs of refugee women and children into all elements of refugee assistance programs and work to encourage other governments that provide refugee assistance to adopt refugee assistance policies designed to encourage full implementation of the UNHCR's "Guidelines on the Protection of Refugee Women".

SEC. 183. INTERPARLIAMENTARY EXCHANGES.

(a) MEXICO-UNITED STATES INTERPARLIAMENTARY GROUP.—Section 2 of the Act of April 9, 1960 (22 U.S.C. 276i) is amended—

(1) by striking "$100,000" and inserting "$80,000"; and

(2) by striking "$50,000" both places it appears and inserting "$40,000".

(b) CANADA-UNITED STATES INTERPARLIAMENTARY GROUP.—Section 2 of the Act of June 11, 1959 (22 U.S.C. 276e) is amended—

(1) by striking "$50,000" and inserting "$70,000"; and

(2) by striking "$25,000" both places it appears and inserting "$35,000".

(c) DEPOSIT OF FUNDS IN INTEREST-BEARING ACCOUNTS.—Funds appropriated and disbursed pursuant to section 303 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriation Act, 1988 (as added by section 101(a) of Public Law 100–202) (101 Stat. 1329–23; 22 U.S.C. 276 note) are authorized to be deposited in interest-bearing accounts and any interest which accrues shall be deposited, periodically, in the miscellaneous receipts account of the Treasury.

SEC. 184. REPORT ON TERRORIST ASSETS IN THE UNITED STATES.

(a) IN GENERAL.—Section 140(a) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (22 U.S.C. 2656f(a)) is amended—

(1) in paragraph (1), by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(3) by inserting "(1)" immediately after "TERRORISM.—";

(4) by striking "and" at the end of subparagraph (A);

(5) by striking the period at the end of subparagraph (B) and inserting "; and"; and

(6) by adding at the end the following:

"(C) the nature and extent of assets held in the United States on behalf of foreign countries and groups responsible for the acts described in subparagraphs (A) and (B).

"(2) In reporting on the information required by paragraph (1)(C), the Secretary of State shall consult with the Secretary of the Treasury, the Attorney General, and such other heads of relevant departments and agencies of the United States as may be necessary.".

(b) CONFORMING AMENDMENTS.—Section 140(b) of such Act is amended—

(1) in paragraph (1), by striking "subsection (a)(1)" and inserting "subsection (a)(1)(A)"; and

(2) in paragraph (2), by striking "subsection (a)(1)" and inserting "subsection (a)(1)(B)".

SEC. 185. COORDINATION OF COUNTERTERRORISM ACTIVITIES.

(a) FINDINGS.—It is the sense of the Congress that—

(1) international terrorism continues to be a serious threat to the peace and security of democratic nations, the United States included;

(2) international terrorist acts against the United States or its people can only be combatted through a vigorous coordination of efforts on the part of responsible United States Federal agencies; and

(3) United States citizens have continued to be targets of terrorism both at home and abroad.

(b) COORDINATION.—The Congress strongly urges the Secretary of State to take steps to ensure that coordination of counterterrorism activities occupies a high priority within the Department of State by a demonstrated dedication to the assignment of both personnel and resources to the issue of counterterrorism.

SEC. 186. FACILITATING ACCESS TO THE DEPARTMENT OF STATE BUILDING.

(a) PROCEDURES TO FACILITATE ACCESS.—The Office of Diplomatic Security shall establish procedures to ensure that the members and staff of the congressional committees of jurisdiction are granted easy access to the Department of State in the conduct of their duties. Such procedures shall enable an individual employed by any such committee to be granted immediate access to the Department of State building upon the presentation of a valid United States Senate or House of Representatives identification card, if such individual's name appears on a list of staff members provided in advance in writing to the Office of Diplomatic Security by the chairman and ranking member of the committee employing such staff. A copy of such list shall be made available to the reception desk at the Department of State.

(b) PARKING PERMITS.—The Office of Diplomatic Security shall also make available a reasonable number of parking permits to each committee in order to facilitate attendance of meetings at the Department of State.

(c) DEFINITION.—For purposes of this section, the term "congressional committees of jurisdiction" means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives.

SEC. 187. RECORD OF PLACE OF BIRTH FOR TAIWANESE-AMERICANS.

For purposes of the registration of birth or certification of nationality of a United States citizen born in Taiwan, the Secretary of State shall permit the place of birth to be recorded as Taiwan.

SEC. 188. REPEAL OF REPORTING REQUIREMENTS.

The following provisions of law are hereby repealed:

(1) Section 37(d) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2709), relating to firearms regulations for special agents.

(2) Section 214(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 4314), relating to extraordinary protective services to foreign missions.

(3) Section 216(d) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 4316(d)), relating to application of travel restrictions to personnel of certain countries and organizations.

(4) Section 108 of the Foreign Relations Authorization Act, Fiscal Year 1978 (22 U.S.C. 2151n–1), relating to Americans incarcerated abroad.

(5) Section 512(b)(2) of the Foreign Relations Authorization Act, Fiscal Year 1978 (22 U.S.C. 2428a(b)), relating to withdrawal of United States troops from Korea.

(6) Section 412(b) of the Foreign Service Act of 1980 (22 U.S.C. 3972(b)), relating to special differentials for Foreign Service officers.

(7) The second sentence of section 2207(c) of the Foreign Service Act of 1980 (22 U.S.C. 4171(c)), relating to foreign language competence requirements: exceptions.

(8) The second sentence of section 103(b) of the Department of State Authorization Act, Fiscal Years 1982 and 1983 (22 U.S.C. 2656 note), relating to status of certain consulates to be reopened.

(9) Section 9 of the Radio Broadcasting to Cuba Act (22 U.S.C. 1465g), relating to evaluation of Cuba service programming.

(10) Section 130(c) of the Department of State Authorization Act, Fiscal Years 1984 and 1985 (22 U.S.C. 3982 note), relating to merger of Foreign Service Information Corps into the Foreign Service Corps.

(11) Section 207(b) of the Department of State Authorization Act, Fiscal Years 1984 and 1985 (22 U.S.C. 2460 note), relating to foreign travel financed from the United States Information Agency's private sector program.

(12) Section 120(d) of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (Public Law 99–93), relating to Foreign Service associates pilot project.

(13) Section 611 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (22 U.S.C. 4711), relating to United States scholarship program for developing countries.

(14) Section 812(c) of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (Public Law 99–93), relating to Japan's fulfillment of its common defense commitments.

(15) Section 153(d) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (22 U.S.C. 4301 note; Public Law 100–204), relating to United States-Soviet reciprocity in matters relating to embassies.

(16) Section 701(b) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (22 U.S.C. 287e note; Public Law 100–204), relating to status of secondment within the United Nations.

(17) Section 804(b) of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (Public Law 101–246), relating to compliance with commitments by the Palestine Liberation Organization.

(18) Section 1(5) of the joint resolution entitled "Joint resolution relating to NASA and the International Space Year", approved July 31, 1990 (Public Law 101–339), relating to the international space year—1992.

(19) Section 232 of the Conventional Forces in Europe Treaty Implementation Act of 1991 (Public Law 102–228), relating to activities to reduce Soviet military threat.

(20) Section 401(c) of the Conventional Forces in Europe Treaty Implementation Act of 1991 (22 U.S.C. 2551 note), relating to the Arms Control and Disarmament Agency's revitalization report.

SEC. 189. SENSE OF THE SENATE.

It is the sense of the Senate that—

(1) there is a growing concern among some of the Members of this body that the unlimited terms of Office of Inspectors General in Federal agencies may be undesirable, therefore

(2) the issue of amending the Inspector General Act to establish term limits for Inspectors General should be examined and considered as soon as possible by the appropriate committees of jurisdiction.

SEC. 190. VALUE OF CONTRACTED GOODS AND SERVICES.

(a) The United Nations is increasingly contracting out to the private sector various aspects of its peacekeeping operations. The Permanent Representative of the United States to the United Nations should make every effort to ensure that United States contractors are awarded an appropriate portion of these contracts commensurate with the overall contribution of the United States to United Nations peacekeeping.

(b) The Permanent Representative shall report to the Congress in writing annually setting forth the dollar value and percentage of total peacekeeping contracts that have been awarded to United States contractors during the previous year, beginning twelve months after the date of enactment of this Act.

SEC. 191. BUDGET JUSTIFICATION FOR SECURITY COSTS.

Beginning ninety days after the enactment of this Act, and annually thereafter on the day the budget of the United States is submitted to the Congress, the Secretary of State shall submit to the Congress a detailed budget justification on the costs to provide security and protection to the Secretary of State both domestically and internationally. Such justification shall include the number of full-time permanent personnel assigned to Secretarial protection, the cost of salaries, overtime, per diem, travel, equipment and vehicles for carrying out such protective activities.

TITLE II—UNITED STATES INFORMATIONAL, EDUCATIONAL, AND CULTURAL PROGRAMS

PART A—AUTHORIZATION OF APPROPRIATIONS

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—The following amounts are authorized to be appropriated to carry out international information activities, and educational and cultural exchange programs under the United States Information and Educational Exchange Act of 1948, the Mutual Educational and Cultural Exchange Act of 1961, Reorganization Plan Number 2 of 1977, the Radio Broadcasting to Cuba Act, the Television Broadcasting to Cuba Act, the Board for International Broadcasting Act, the Inspector General Act of 1978, the National Endowment for Democracy Act, and to carry out other authorities in law consistent with such purposes:

(1) SALARIES AND EXPENSES.—For "Salaries and Expenses" for the United States Information Agency, $478,854,000 for the fiscal year 1994 and $478,854,000 for the fiscal year 1995.

(2) EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS.—

(A) FULBRIGHT ACADEMIC EXCHANGE PROGRAMS.—For the "Fulbright Academic Exchange Programs", $141,043,000 for the fiscal year 1994 and $141,043,000 for the fiscal year 1995.

(B) OTHER EXISTING PROGRAMS.—For "Hubert H. Humphrey Fellowship Program", "Edmund S. Muskie Fellowship Program", "International Visitors Program", "Israeli-Arab Scholarship Program", "Mike Mansfield Fellowship Program", "Claude and Mildred Pepper Scholarship Program of the Washington Workshops Foundation", "Citizen Exchange Programs", "Congress-Bundestag Exchange Program", "Newly Independent States and Eastern Europe Training", "Institute for Representative Government", "Freedom Support Act Secondary School Exchanges", and "Arts America", $105,879,000 for the fiscal year 1994 and $105,879,000 for the fiscal year 1995.

(C) NEW PROGRAMS.—

(i) GOODWILL GAMES.—For the Goodwill Games, $1,000,000 for the fiscal year 1994.

(ii) EAST TIMOR.—For scholarships for East Timorese students established by section 222, $150,000 for the fiscal year 1994 and $150,000 for the fiscal year 1995.

(iii) CAMBODIA.—For scholarships for Cambodians established by section 223, $500,000 for the fiscal year 1994 and $500,000 for the fiscal year 1995.

(iv) WORLD CUP.—For events associated with the 1994 World Cup soccer finals, $1,500,000 for the fiscal year 1994.

(3) BROADCASTING TO CUBA.—For "Broadcasting to Cuba", $28,351,000 for the fiscal year 1994 and $28,351,000 for the fiscal year 1995.

(4) INTERNATIONAL BROADCASTING ACTIVITIES.—For "International Broadcasting Activities" $560,790,000 for the fiscal year 1994 and $560,790,000 for the fiscal year 1995.

(5) OFFICE OF THE INSPECTOR GENERAL.—For the "Office of the Inspector General", $4,390,000 for the fiscal year 1994 and $4,390,000 for the fiscal year 1995.

(6) NATIONAL ENDOWMENT FOR DEMOCRACY.—For the "National Endowment for Democracy", $35,000,000 for the fiscal year 1994 and $35,000,000 for the fiscal year 1995.

(7) CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE BETWEEN EAST AND WEST.—For the "Center for Cultural and Technical Interchange between East and West", $26,000,000 for the fiscal year 1994 and $26,000,000 for the fiscal year 1995.

(8) INTERNATIONAL BROADCASTING OPERATIONS.—For "International Broadcasting Operations", $395,356,000 for the fiscal year 1996 and $400,784,000 for the fiscal year 1997.

(9) RADIO CONSTRUCTION.—For "Radio Construction", $108,874,000 for the fiscal year 1996 and $111,528,000 for the fiscal year 1997.

(b) AUTHORIZATION WITHIN "SALARIES AND EXPENSES ACCOUNT".—Of the amount authorized to be appropriated by subsection (a)(1), $350,000 is authorized for the fiscal year 1994 for the establishment and operation of a United States Information Agency office in Lhasa, Tibet, under section 219 of this Act and $350,000 is authorized for the fiscal year 1995 for the continued operation of such office.

(c) AUTHORIZATIONS WITHIN "FULBRIGHT ACADEMIC EXCHANGE PROGRAMS".—

(1) Of the amount authorized to be appropriated by subsection (a)(2)(A), $3,000,000 is authorized for the fiscal year 1994 and $3,000,000 for the fiscal year 1995 for the Vietnam scholarship program established by section 229 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (Public Law 102–138).

(2) Of the amount authorized to be appropriated by subsection (a)(2)(A), $2,000,000 is authorized for the fiscal year 1994 and $2,000,000 for the fiscal year 1995 for the "Environment and Sustainable Development Exchange Program" established by section 224 of this Act.

PART B—USIA AND RELATED AGENCIES AUTHORITIES AND ACTIVITIES

SEC. 211. CHANGES IN ADMINISTRATIVE AUTHORITIES.

Section 801 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1471) is amended—

(1) in paragraph (5), by striking "and" after the semicolon;

(2) in paragraph (6), by striking the period at the end and inserting "; and"; and

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

"(7) notwithstanding any other provision of law, to carry out projects involving security construction and related improvements for Agency facilities not physically located together with Department of State facilities abroad.".

SEC. 212. BUYING POWER MAINTENANCE ACCOUNT.

Section 704(c) of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1477b(c)) is amended—

(1) by redesignating clauses (1) and (2) as clauses (A) and (B), respectively;

(2) by inserting "(1)" after "(c)"; and

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

"(2) In carrying out this subsection, there may be established a Buying Power Maintenance account.

"(3) In order to eliminate substantial gains to the approved levels of overseas operations for the United States Information Agency, the Director shall transfer to the Buying Power Maintenance account such amounts appropriated for 'Salaries and Expenses' as the Director deter-

mines are excessive to the needs of the approved level of operations under that appropriation account because of fluctuations in foreign currency exchange rates or changes in overseas wages and prices.

"(4) In order to offset adverse fluctuations in foreign currency exchange rates or foreign wages and prices, the Director may transfer from the Buying Power Maintenance account to the 'Salaries and Expenses' appropriations account such amounts as the Director determines are necessary to maintain the approved level of operations under that appropriation account.

"(5) Funds transferred by the Director from the Buying Power Maintenance account to another account shall be merged with and be available for the same purpose, and for the same time period, as the funds in that other account. Funds transferred by the Director from another account to the Buying Power Maintenance account shall be merged with the funds in the Buying Power Maintenance account and shall be available for the purposes of that account until expended.

"(6) Any restriction contained in an appropriation Act or other provision of law limiting the amounts that may be obligated or expended by the United States Information Agency shall be deemed to be adjusted to the extent necessary to offset the net effect of fluctuations in foreign currency exchange rates or overseas wage and price changes in order to maintain approved levels.

"(7)(A) Subject to the limitations contained in this paragraph, not later than the end of the 5th fiscal year after the fiscal year for which funds are appropriated or otherwise made available for the 'Salaries and Expenses' account, the Director may transfer any unobligated balance of such funds to the Buying Power Maintenance account.

"(B) The balance of the Buying Power Maintenance account may not exceed $50,000,000 as a result of any transfer under this paragraph.

"(C) Any transfer pursuant to this paragraph shall be treated as a reprogramming of funds under section 705 and shall be available for obligation or expenditure only in accordance with the procedures under such section.

"(D) The authorities contained in this section may only be exercised to such an extent and in such amounts as specifically provided in advance in appropriation Acts.".

SEC. 213. CONTRACT AUTHORITY.

Section 802(b) of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1472(b)) is amended by adding at the end the following new paragraph:

"(4)(A) Notwithstanding the other provisions of this subsection, the United States Information Agency is authorized to enter into contracts for periods not to exceed 7 years for circuit capacity to distribute radio and television programs.

"(B) The authority of this paragraph may be exercised for a fiscal year only to such extent or in such amounts as are provided in advance in appropriations Acts.".

SEC. 214. PROHIBITION ON DISCRIMINATORY CONTRACTS.

(a) PROHIBITION.—

(1) Except for real estate leases and as provided in subsection (b), the United States Information Agency may not enter into any contract that expends funds appropriated to the United States Information Agency for an amount in excess of the small purchase threshold (as defined in section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11))—

(A) with a foreign person that complies with the Arab League boycott of Israel, or

(B) with any foreign or United States person that discriminates in the award of subcontracts on the basis of religion.

(2) For purposes of this section—

(A) a foreign person complies with the boycott of Israel by Arab League countries when that foreign person takes or knowingly agrees to take any action, with respect to the boycott of Israel by Arab League countries, which section 8(a) of the Export Administration Act of 1979 (50 U.S.C. App. 2407(a)) prohibits a United States person from taking, except that for purposes of this paragraph, the term "United States person" as used in subparagraphs (B) and (C) of section 8(a)(1) of such Act shall be deemed to mean "person"; and

(B) the term "foreign person" means any person other than a United States person as defined in section 16(2) of the Export Administration Act of 1979 (50 U.S.C. App. 2415).

(3) For purposes of paragraph (1), a foreign person shall be deemed not to comply with the boycott of Israel by Arab League countries if that person, or the Director of the United States Information Agency or his designee on the basis of available information, certifies that the person violates or otherwise does not comply with the boycott of Israel by Arab League countries by taking any actions prohibited by section 8(a) of the Export Administration Act of 1979 (50 U.S.C. App. 2407(a)). Certification by the Director of the United States Information Agency or his designee may occur only 30 days after notice has been given to the Congress that this certification procedure will be utilized at a specific overseas mission.

(b) WAIVER BY THE DIRECTOR OF THE UNITED STATES INFORMATION AGENCY.—The Director of the United States Information Agency may waive the requirements of this section on a country-by-country basis for a period not to exceed one year upon certification to the Congress by the Director that such waiver is in the national interest and is necessary to carry on diplomatic functions of the United States. Each such certification shall include a detailed justification for the waiver with respect to each such country.

(c) RESPONSES TO CONTRACT SOLICITATIONS.—(1) Except as provided in paragraph (2) of this subsection, the Director of the United States Information Agency shall ensure that any response to a solicitation for a bid or a request for a proposal, with respect to a contract covered by subsection (a), includes the following clause, in substantially the following form:

"ARAB LEAGUE BOYCOTT OF ISRAEL

"(a) DEFINITIONS.—As used in this clause—

"(1) the term 'foreign person' means any person other than a United States person as defined in paragraph (2); and

"(2) the term 'United States person' means any United States resident or national (other than an individual resident outside the United States and employed by other than a United States person), any domestic concern (including any permanent domestic establishment of any foreign concern), and any foreign subsidiary or affiliate (including any permanent foreign establishment) of any domestic concern which is controlled in fact by such domestic concern, as determined under regulations of the President.

"(b) CERTIFICATION.—By submitting this offer, the Offeror certifies that it is not—

"(1) taking or knowingly agreeing to take any action, with respect to the boycott of Israel by Arab League countries, which section 8(a) of the Export Administration Act of 1979 (50 U.S.C. App. 2407(a)) prohibits a United States person from taking; or

"(2) discriminating in the award of subcontracts on the basis of religion.".

(2) An Offeror would not be required to include the certification required by paragraph (1), if the Offeror is deemed not to comply with the Arab League boycott of Israel by the Director of the United States Information Agency or a designee on the basis of available information. Certification by the Director of the United States Information Agency or a designee may occur only 30 days after notice has been given to the Congress that this certification procedure will be utilized at a specific overseas mission.

(3) The Director of the United States Information Agency shall ensure that all State Department contract solicitations include a detailed explanation of the requirements of section 8(a) of the Export Administration Act of 1979 (50 U.S.C. App. 2407(a)).

(d) REVIEW AND TERMINATION.—(1) The United States Information Agency shall conduct reviews of the certifications submitted pursuant to this section for the purpose of assessing the accuracy of the certifications.

(2) Upon complaint of any foreign or United States person of a violation of the certification as required by this section, filed with the Director of the United States Information Agency, the United States Information Agency shall investigate such complaint, and if such complaint is found to be correct and a violation of the certification has been found, all contracts with such violator shall be terminated for default as soon as practicable, and, for a period of two years thereafter, the Agency shall not enter into any contracts with such a violator.

SEC. 215. UNITED STATES TRANSMITTER IN KUWAIT.

None of the funds authorized to be appropriated by this or any other Act may be obligated or expended for the design, development, or construction of a United States radio transmitter in Kuwait.

SEC. 216. SEPARATE LEDGER ACCOUNTS FOR GRANTEES OF THE NATIONAL ENDOWMENT FOR DEMOCRACY.

Section 504(h)(1) of the National Endowment for Democracy Act (22 U.S.C. 4413(h)(1)) is amended by striking "accounts" and inserting "bank accounts or separate self-balancing ledger accounts".

SEC. 217. LIMITATION CONCERNING PARTICIPATION IN INTERNATIONAL EXPOSITIONS.

Notwithstanding any other provision of law, the United States Information Agency shall not obligate or expend any funds for a United States Government funded pavilion or other major exhibit at any international exposition or world's fair registered by the Bureau of International Expositions in excess of amounts expressly authorized and appropriated for such purpose.

SEC. 218. AUTHORITY TO RESPOND TO PUBLIC INQUIRIES.

Section 208 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (22 U.S.C. 1461–1a) is amended by adding at the end the following new sentence: "The provisions of this section shall not prohibit the United States Information Agency from responding to inquiries from members of the public about its operations, policies, or programs.".

SEC. 219. USIA OFFICE IN LHASA, TIBET.

(a) ESTABLISHMENT OF OFFICE.—The Director of the United States Information Agency shall establish an office in Lhasa, Tibet, for the purpose of—

(1) disseminating information about the United States;

(2) promoting discussions on conflict resolution and human rights;

(3) facilitating United States private sector involvement in educational and cultural activities in Tibet; and

(4) advising the United States Government with respect to Tibetan public opinion.

(b) APPLICABLE LAWS.—Activities under subsection (a) shall be carried out in accordance with the provisions of the United States Information and Educational Exchange Act of 1948 and the Mutual Educational and Cultural Exchange Act of 1961.

SEC. 220. REPORTS ON UNITED STATES GOVERNMENT EXCHANGE PROGRAMS.

(a) PRESIDENTIAL REPORT.—Section 112 of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2460) is amended by adding at the end the following:

"(f)(1) The President shall ensure that all exchange programs conducted by the United States Government, its departments, and agencies, directly or through agreements with other parties, are reported to the Bureau at a time and in a format prescribed by the Bureau.

"(2) Not later than 90 days after the date of enactment of this subsection, and annually thereafter, the President shall submit to the Chairman of the Committee on Foreign Relations and the Speaker of the House of Representatives a report containing the information required to be reported under paragraph (1). Such report shall include information concerning the objectives of each exchange program supported by the United States, the number of exchange participants, the types of exchange activities, and the total amount of Federal expenditures for such exchanges.".

(b) REPORT BY THE DIRECTOR OF USIA.—Not later than 120 days after the date of enactment of this Act, the Director of the United States Information Agency shall submit to the Chairman of the Committee on Foreign Relations and the Speaker of the House of Representatives a report—

(1) outlining the range of exchange programs administered by the Agency;

(2) identifying possible areas of duplication or inefficiency; and

(3) recommending program consolidation and administrative restructuring as warranted.

SEC. 221. SCHOLARSHIPS FOR EAST TIMORESE STUDENTS.

Notwithstanding any other provision of law, the Bureau of Educational and Cultural Affairs of the United States Information Agency shall make available for each of the fiscal years 1994 and 1995, scholarships for East Timorese students qualified to study in the United States for the purpose of studying at the undergraduate level in a United States college or university. Each scholarship made available under this subsection shall be for not less than one semester of study.

SEC. 222. CAMBODIAN SCHOLARSHIP AND EXCHANGE PROGRAMS.

(a) PURPOSE.—It is the purpose of this section to provide financial assistance—

(1) to establish a scholarship program for Cambodian college and post-graduate students to study in the United States; and

(2) to expand Cambodian participation in exchange programs of the United States Information Agency.

(b) PROGRAM.—(1) The Director of the United States Information Agency shall establish a scholarship program to enable Cambodian college students and post-graduate students to study in the United States.

(2) The Director of the United States Information Agency shall also include qualified Cambodian citizens in exchange programs funded or otherwise sponsored by the Agency, in particular the Fulbright Academic Program, the International Visitor Program, and the Citizen Exchange Program.

(c) DEFINITION.—For the purposes of this section, the term "scholarship" means an amount to be used for full or partial support of tuition and fees to attend an educational institution, and may include fees, books, and supplies, equipment required for courses at an educational institution, living expenses at a United States educational institution, and travel expenses to and from, and within, the United States.

SEC. 223. INCREASING AFRICAN PARTICIPATION IN USIA EXCHANGE PROGRAMS.

(a) FINDINGS.—The Congress finds that—

(1) United States Information Agency (USIA) programs with African countries have continued to decrease over the past three years, occurring at a time when economic reform and the expansion of democratic governments and institutions are taking place in more than 25 countries across Africa;

(2) African institutions are now attempting to reform their education sector to adjust to population and budget pressures, and to revitalize existing infrastructure to restore quality;

(3) higher education is the cornerstone of economic and political development, and will help improve the well-being of Africans citizens; and

(4) USIA programs in Africa are insufficient to meet the expanding needs for educational development and to help strengthen democratic, educational, and free market institutions in Africa.

(b) POLICY.—The Director of United States Information Agency shall expand exchange program allocations to Africa, in particular Fulbright Academic Exchanges, International Visitor Programs, and Citizen Exchanges, and shall further encourage a broadening of affiliations and links between American and African institutions.

SEC. 224. ENVIRONMENT AND SUSTAINABLE DEVELOPMENT EXCHANGE PROGRAM.

(a) PURPOSE.—The purpose of this section is to establish an exchange program to bring students and teachers to the United States for training in the fields of environment and development, with particular emphasis on sustainable development.

(b) PROGRAM AUTHORITY.—Notwithstanding any other provision of law, the Director of the United States Information Agency, through the Bureau of Educational and Cultural Affairs, shall provide scholarships beginning in the fiscal year 1994, and for each fiscal year thereafter, for study at United States institutions of higher education in furtherance of the purpose of this section for foreign students who have completed their undergraduate education and for postsecondary educators.

(c) GUIDELINES.—The scholarship program under this section shall be carried out in accordance with the following guidelines:

(1) Consistent with section 112(b) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2460(b)), all programs created pursuant to this Act shall be nonpolitical and balanced, and shall be administered in keeping with the highest standards of academic integrity and cost-effectiveness.

(2) The United States Information Agency shall administer this program under the auspices of the Fulbright Academic Exchange Program.

(3) The United States Information Agency shall ensure the regional diversity of this program through the selection of candidates from Asia, Africa, Latin America, as well as Europe and the Middle East.

(d) DEFINITION.—For purposes of this section, the term "institution of higher education" has the same meaning given to such term by section 1201(a) of the Higher Education Act of 1965.

SEC. 225. USIA VOCATIONAL EXCHANGE PROGRAM.

(a) AUTHORITY.—Section 102(a) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2452) is amended by adding at the end the following new paragraph:

"(4) vocational exchanges, by financing visits and interchanges of professionals and skilled workers in the fields of government, public administration, infrastructure planning and development, business, and finance for the purpose of increasing practical understanding, management, and problem-solving skills in—

"(A) the institution and improvement of public administration and infrastructure at the national, intergovernmental, regional and local level; and

"(B) the creation and development of private enterprise and free market systems based on the principle of private ownership of property.".

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Director of the United States Information Agency shall submit a detailed report to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives on the action taken by the United States Information Agency to carry out section 102(a)(4) of the Mutual Educational and Cultural Exchange Act of 1961.

SEC. 226. AMERICAN STUDIES COLLECTIONS.

(a) AUTHORITY.—In order to promote a thorough understanding of the United States among emerging elites abroad, the Director of the United States Information Agency is authorized to enter into agreements with universities for the establishment and support of collections at appropriate university libraries located abroad to further the study of the United States.

(b) DESIGN AND DEVELOPMENT.—Such collections—

(1) shall be developed in consultation with United States associations and organizations of scholars in the principal academic disciplines in which American studies are conducted; and

(2) shall be designed primarily to meet the needs of undergraduate and graduate students of American studies.

(c) SITE SELECTION.—In selecting universities abroad as sites for such collections, the Director shall—

(1) ensure that such universities are able, within a reasonable period of the establishment of such collections, to assume responsibility for their maintenance in current form;

(2) ensure that undergraduate and graduate students shall enjoy reasonable access to such collections; and

(3) include in any agreement entered into between the United States Information Agency and a university abroad, terms embodying a contractual commitment of such maintenance and access under this subsection.

SEC. 227. TECHNICAL AMENDMENT RELATING TO NEAR AND MIDDLE EAST RESEARCH AND TRAINING.

Section 228(d) of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2452 note) is amended by inserting "and includes the Republic of Turkey" before the period at the end thereof.

SEC. 228. DISTRIBUTION WITHIN THE UNITED STATES OF UNITED STATES INFORMATION AGENCY DOCUMENTARY FILM ENTITLED "CRIMES AGAINST HUMANITY".

Notwithstanding the second sentence of section 501 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1461), nor any other provision of law, the Director of the United States Information Agency may make available for distribution within the United States the documentary entitled "Crimes Against Humanity", a film about the ensuing conflict in the former Yugoslavia.

SEC. 229. REDUCTION IN FORCE AUTHORITY WITH REGARD TO THE FOREIGN SERVICE.

(a) IN GENERAL.—(1) Title VI of the Foreign Service Act of 1980 (22 U.S.C. 4001 et seq.) is amended—

(A) by redesignating sections 611, 612, and 613 as sections 612, 613, and 614, respectively; and

(B) by inserting after section 610 the following new section:

"SEC. 611. REDUCTIONS IN FORCE.—(a) The Secretary may conduct reductions in force and may prescribe regulations for the separation of members of the Service under such reductions in force which give due effect to—

"(1) organizational need;
"(2) documented employee qualifications, knowledge, skills, or competencies;
"(3) documented employee performance;
"(4) tenure of employment; and
"(5) military preference.
"(b) For purposes of this section the term 'members of the Service' means the individuals described under section 103.".

(2) The table of contents for the Foreign Service Act of 1980 is amended by striking out the items related to section 611, 612, and 613 and inserting in lieu thereof the following:

"Sec. 611. Reductions in force.
"Sec. 612. Termination of limited appointments.
"Sec. 613. Termination of appointments of consular agents and foreign national employees.
"Sec. 614. Foreign Service awards.".

(b) MANAGEMENT RIGHTS.—Section 1005(a) of the Foreign Service Act of 1980 (22 U.S.C. 4105(a)) is amended—

(1) by redesignating paragraphs (3) through (6) as paragraphs (4) through (7), respectively; and

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

"(3) to conduct reductions in force, and to prescribe regulations for the separation of employees under such reductions in force conducted under section 611;".

(c) CONSULTATION.—The Secretary of State shall consult with the Director of the Office of Personnel Management before prescribing regulations for reductions in force under section 611 of the Foreign Service Act of 1980 (as added by subsection (a) of this section).

SEC. 230. INTERNATIONAL EXCHANGE PROGRAMS INVOLVING DISABILITY-RELATED MATTERS.

(a) AUTHORITY.—Section 102(b) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2452(b)) is amended—

(1) by redesignating paragraphs (9) through (11) as paragraphs (10) through (12), respectively; and

(2) by inserting after paragraph (8) the following:

"(9) promoting educational, cultural, medical, and scientific meetings, training, research, visits, interchanges, and other activities, with respect to disability-related matters, including participation by individuals with disabilities (within the meaning of section 3(2) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102(2)) in such activities, through such nonprofit organizations as have a demonstrated capability to coordinate exchange programs involving disability-related matters;".

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Director of the United States Information Agency shall submit a report to the Congress describing the steps taken during the period since the date of enactment of this Act to implement section 102(b)(9) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2452(b)(9)).

(c) ANNUAL SUMMARY OF ACTIVITIES.—As part of the congressional presentation materials submitted in connection with the annual budget request for the United States Information Agency, the Director of the Agency shall include a summary of the international exchange activities carried out under section 102(b)(9) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2452(b)(9)) during the preceding calendar year.

PART C—MIKE MANSFIELD FELLOWSHIPS

SEC. 231. SHORT TITLE.

This part may be cited as the "Mike Mansfield Fellowship Act".

SEC. 232. ESTABLISHMENT OF MIKE MANSFIELD FELLOWSHIP PROGRAM.

(a) ESTABLISHMENT.—(1) There is hereby established the "Mike Mansfield Fellowship Program" pursuant to which the Director of the United States Information Agency will make grants, subject to the availability of appropriations, to the Mansfield Center for Pacific Affairs to award fellowships to eligible United States citizens for periods of 2 years each (or, pursuant to section 233(5)(C), for such shorter period of time as the Center may determine based on a Fellow's level of proficiency in the Japanese language or knowledge of the political economy of Japan) as follows:

(A) During the first year each fellowship recipient will serve as a Fellow in a parliamentary office, ministry, or other agency of the Government of Japan or, subject to the approval of the Center, a nongovernmental Japanese institution associated with the interests of the fellowship recipient, consistent with the purposes of this part.

(2) Fellowships under this part may be known as "Mansfield Fellowships", and individuals awarded such fellowships may be known as "Mansfield Fellows".

(b) ELIGIBILITY OF CENTER FOR GRANTS.—Grants may be made to the Center under this section only if the Center agrees to comply with the requirements of section 233.

(c) INTERNATIONAL AGREEMENT.—The Director of the United States Information Agency should enter into negotiations for an agreement with the Government of Japan for the purpose of placing Mansfield Fellows in the Government of Japan.

(d) PRIVATE SOURCES.—The Center is authorized to accept, use, and dispose of gifts or donations of services or property in carrying out the fellowship program.

SEC. 233. PROGRAM REQUIREMENTS.

The program established under this part shall comply with the following requirements:

(1) United States citizens who are eligible for fellowships under this part shall be employees of the Federal Government having at least two years experience in any branch of the Government, a strong career interest in United States-Japan relations, and a demonstrated commitment to further service in the Federal Government.

(2) Not less than 10 fellowships shall be awarded each year.

(3) Mansfield Fellows shall agree—

(A) to maintain satisfactory progress in language training as a condition of continued receipt of Federal funds; and

(B) to return to the Federal Government for further employment for a period of at least 2 years following the end of their fellowships, unless, in the determination of the Center, the Fellow is unable (for reasons beyond the Fellow's control and after receiving assistance from the Center as provided in paragraph (8)) to find reemployment for such period.

(4) During the period of the fellowship, the Center shall provide each Mansfield Fellow—

(A) a stipend at a rate of pay equal to the rate of pay that individual was receiving when he or she entered the program, plus a cost-of-living adjustment calculated at the same rate of pay, and for the same period of time, for which such adjustments were made to the salaries of individuals occupying competitive positions in the civil service during the same period as the fellowship; and

(B) certain allowances and benefits as that individual would have been entitled to, but for his or her separation from Government service, as a United States Government civilian employee overseas under the Standardized Regulations (Government Civilians, Foreign Areas) of the Department of State, as follows: a living quarters allowance to cover the cost of housing in Japan, a post allowance to cover the significantly higher costs of living in Japan, a temporary quarters subsistence allowance for up to 7 days for Fellows unable to find housing immediately upon arrival in Japan, an education allowance to assist parents in providing their children with educational services ordinarily provided without charge by United States public schools, moving expenses of up to $3,000 for personal belongings of Fellows and their families in their move to Japan and up to $500 for Fellows residing outside the Washington, D.C. area in moving to the Washington, D.C. area, and one-round-trip economy-class airline ticket to Japan for each Fellow and the Fellow's immediate family.

(5)(A) For the first year of each fellowship, the Center shall provide Fellows with intensive Japanese language training in the Washington, D.C., area, as well as courses in the political economy of Japan.

(B) Such training shall be of the same quality as training provided to Foreign Service officers before they are assigned to Japan.

(C) The Center may waive any or all of the training required by subparagraph (A) to the extent that a Fellow has Japanese language skills or knowledge of Japan's political economy, and the 2 year fellowship period shall be shortened to the extent such training is less than one year.

(6) Any Mansfield Fellow not complying with the requirements of this section shall reimburse the United States Information Agency for the Federal funds expended for the Fellow's participation in the fellowship, together with interest on such funds (calculated at the prevailing rate), as follows:

(A) Full reimbursement for noncompliance with paragraph (3)(A) or (9); and

(B) pro rata reimbursement for noncompliance with paragraph (3)(B) for any period the Fellow is reemployed by the Federal Government that is less than the period specified in paragraph (3)(B), at a rate equal to the amount the Fellow received during the final year of the fellowship for the same period of time, including any allowances and benefits provided under paragraph (4).

(7) The Center shall select Mansfield Fellows based solely on merit. The Center shall make positive efforts to recruit candidates reflecting the cultural, racial, and ethnic diversity of the United States.

(8) The Center shall assist any Mansfield Fellow in finding employment in the Federal Government if such Fellow was not able, at the end of the fellowship, to be reemployed in the agency from which he or she separated to become a Fellow.

(9) No Mansfield Fellow may engage in any intelligence or intelligence-related activity on behalf of the United States Government.

SEC. 234. SEPARATION OF GOVERNMENT PERSONNEL DURING THE FELLOWSHIPS.

(a) SEPARATION.—Under such terms and conditions as the agency head may direct, any agency of the United States Government may separate from Government service for a specified period any officer or employee of that agency who accepts a fellowship under the program established by this part.

(b) REEMPLOYMENT.—Any Mansfield Fellow, at the end of the fellowship, is entitled to be reemployed in the same manner as if covered by section 3582 of title 5, United States Code.

(c) RIGHTS AND BENEFITS.—Notwithstanding section 8347(o), 8713, or 8914 of title 5, United States Code, and in accordance with regulations of the Office of Personnel Management, an employee, while serving as a Mansfield Fellow, is entitled to the same rights and benefits as if covered by section 3582 of title 5, United States Code. The Center shall reimburse the employing agency for any costs incurred under section 3582 of title 5, United States Code.

(d) COMPLIANCE WITH BUDGET ACT.—Funds are available under this section to the extent and in the amounts provided in appropriation Acts.

SEC. 235. PROGRAM REVIEW AND REPORT.

(a) PROGRAM REVIEW.—The Director of the United States Information Agency shall review the administration of the program assisted under this part.

(b) ANNUAL REPORT.—Each year at the time of the submission of the President's budget request to the Congress, the Director of the United States Information Agency shall submit to the Chairman of the Committee on Foreign Relations and the Speaker of the House of Representatives a report completed by the Center on the conduct of the program during the preceding year. Each such report shall contain—

(1) an analysis of the assistance provided under the program for the previous fiscal year and the nature of the assistance provided;

(2) an analysis of the performance of the individuals who received assistance under the program during the previous fiscal year, including the degree to which assistance was terminated under the program and the extent to which individual recipients failed to meet their obligation under the program; and

(3) an analysis of the results of the program for the previous fiscal year, including, at a minimum, the cumulative percentage of individuals who received assistance under the program who subsequently became employees of the United States Government and, in the case of individuals who did not subsequently become employees of the United States Government, an analysis of the reasons why they did not become employees and an explanation as to what use, if any, was made of the assistance given to those recipients.

SEC. 236. DEFINITIONS.

For purposes of this part—

(1) the term "agency of the United States Government" includes any agency of the legislative branch and any court of the judicial branch as well as any agency of the executive branch;

(2) the term "agency head" means—

(A) in the case of the executive branch of Government or an agency of the legislative branch other than the House of Representatives or the Senate, the head of the respective agency;

(B) in the case of the judicial branch of Government, the chief judge of the respective court;

(C) in the case of the Senate, the President pro tempore, in consultation with the Majority Leader and Minority Leader of the Senate; and

(D) in the case of the House of Representatives, the Speaker of the House, in consultation with the Majority Leader and Minority Leader of the House; and

(3) the term "Center" means the Mansfield Center for Pacific Affairs.

TITLE III—UNITED STATES INTERNATIONAL BROADCASTING ACT OF 1994

SEC. 301. SHORT TITLE.

This title may be cited as the "United States International Broadcasting Act of 1994".

SEC. 302. CONGRESSIONAL FINDINGS AND DECLARATION OF PURPOSES.

The Congress hereby finds and declares that—

(1) it is the policy of the United States to promote the right of opinion and expression, including the freedom "to seek, receive, and impart information and ideas through any media and regardless of frontiers," in accordance with Article 19 of the Universal Declaration of Human Rights;

(2) open communication of information and ideas among the peoples of the world contributes to international peace and stability, and that the promotion of such communication is in the interests of the United States;

(3) prominent in the implementation of this policy has been United States support for the Voice of America, Radio Free Europe, Radio Liberty, and Broadcasting to Cuba, which have demonstrated their effectiveness in providing accurate and timely information to the people of the world;

(4) the continuation of these broadcasting entities, and the creation of a new broadcasting service to the people of the People's Republic of China and the other communist countries of Asia, would continue the promotion of information and ideas, while advancing the goals of United States foreign policy; and

(5) the reorganization and consolidation of these services will achieve important economies and strengthen the capability of the United States to utilize these instrumentalities to support freedom and democracy in a rapidly changing international environment.

SEC. 303. ESTABLISHMENT OF BROADCASTING BOARD OF GOVERNORS.

(a) ESTABLISHMENT.—There is hereby established within the United States Information Agency a Broadcasting Board of Governors (hereafter in this title referred to as the "Board").

(b) COMPOSITION OF THE BOARD.—(1) The Board shall consist of 8 members, as follows:

(A) Six voting members who shall be appointed by the President, by and with the advice and consent of the Senate.

(B) The Director of the United States Information Agency who shall also be a voting member.

(C) The Director of the International Broadcasting Bureau, who shall be an ex officio member of the Board and may not vote in the determinations of the Board.

(2) The President shall designate one member (other than the Director of the United States Information Agency) as Chairman of the Board.

(3) Exclusive of the Director of the United States Information Agency, not more than three of the members of the Board appointed by the President shall be of the same political party.

(c) TERM OF OFFICE.—The term of office of each member of the Board shall be three years, except that the Director of the United States Information Agency and the Director of the International Broadcasting Bureau of the United States Information Agency shall remain members of the Board during their respective terms of service. Of the other six voting members, the initial terms of office of two members shall be one year, and the initial terms of office of two other members shall be two years, so that the terms of one-third of these voting members of the Board expire each year. The President shall appoint, by and with the advice and consent of the Senate, Board members to fill vacancies occurring prior to the expiration of a term, in which case the members so appointed shall serve for the remainder of such term. Any member whose term has expired may serve until his or her successor has been appointed and qualified.

(d) SELECTION OF BOARD.—Members of the Board appointed by the President shall be citizens of the United States who are not currently regular full-time employees of the United States Government, except the Director of the United States Information Agency. Such members shall be selected by the President from among Americans distinguished in the fields of mass communications, print, broadcast media or foreign affairs.

(e) COMPENSATION.—Members of the Board, while attending meetings of the Board or while engaged in duties relating to such meetings or in other activities of the Board pursuant to this section, including travel time, shall be entitled to receive compensation equal to the daily equivalent of the compensation prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code. While away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 5703) for persons in the Government service employed intermittently. The Director of the United States Information Agency and the Director, International Broadcasting Bureau, United States Information Agency, shall not be entitled to any compensation under this title, but may be allowed travel expenses as provided in the preceding sentence.

SEC. 304. FUNCTIONS OF THE BOARD.

(a) AUTHORITIES.—The Board is authorized—

(1) to provide guidance and oversight to the International Broadcasting Bureau;

(2) to review and evaluate the mission and operation of the International Broadcasting Bureau and to assess the quality, effectiveness, and professional integrity of its programming within the context of the broad foreign policy objectives of the United States;

(3) to review and evaluate, at least annually, the mix of traditional Voice of America programming and surrogate programming and make recommendations to the President, through the Director of the United States Information Agency, regarding the addition or deletion of language services;

(4) to make grants to RFE/RL, Incorporated, or to an alternative entity in accordance with section 307(e);

(5) to review engineering activities to ensure that all broadcasting elements receive the highest quality and cost-effective delivery services;

(6) to undertake such studies as may be necessary to identify areas in which the operations of the International Broadcasting Bureau could be made more efficient and economical;

(7) to submit to the President, through the Director of the United States Information Agency, an annual report which summarizes the activities of the Board and evaluates the operations of the International Broadcasting Bureau;

(8) to the extent it deems necessary to carry out the functions under this title, procure supplies, services, and other personal property;

(9) to appoint such staff personnel for the Board as may be necessary, subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and to fix their compensation in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates; and

(10) to make available for its own use, for official reception and representation expenses, such amount as provided for in an annual appropriations which shall not exceed the amount appropriated to the Board for International Broadcasting for such purposes in fiscal year 1993.

(b) IMPLEMENTATION.—The Director and the Board, in carrying out the functions of subsection (a), shall respect the professional independence and integrity of the International Broadcasting Bureau and its broadcasting services.

SEC. 305. FOREIGN POLICY GUIDANCE.

To assist the Board in carrying out its functions, the Secretary of State, acting through the Director of the United States Information Agency, shall provide information and guidance on foreign policy issues to the Board.

SEC. 306. INTERNATIONAL BROADCASTING BUREAU.

(a) ESTABLISHMENT.—There is hereby established an International Broadcasting Bureau within the United States Information Agency (hereafter in this title referred to as the "Bureau").

(b) ORGANIZATION OF THE BUREAU.—The Bureau, in recognition of and to implement the purposes of this title, shall consist of the following separate elements:

(1) The Voice of America.

(2) The Office of Surrogate Broadcasting.

(3) Such services of the WORLDNET Television and Film Service as determined by the

Board with the concurrence of the Director of the United States Information Agency.

(4) Engineering and Technical Operations.

(5) Such other elements as the Director of the International Broadcasting Bureau may from time to time establish with the concurrence of the Director of the United States Information Agency and the Board.

(c) ORGANIZATION OF THE OFFICE OF SURROGATE BROADCASTING.—The Office of Surrogate Broadcasting shall administer the grants for Radio Free Europe, Radio Liberty, and Radio Free Asia and shall administer the Office of Cuba Broadcasting (including Radio Marti and TV Marti), and such other surrogate services as may from time to time be established.

(d) SELECTION OF THE DIRECTOR OF THE BUREAU.—(1) The Director of the Bureau shall be appointed by the Chairman of the Board, in consultation with the Director of the United States Information Agency and with the concurrence of a majority of the Board. The Director of the Bureau shall be entitled to receive compensation at the rate now or hereafter prescribed by law for level IV of the Executive Schedule.

(2) Section 5315 of title 5, United States Code, is amended by adding at the end the following:

"Director of the International Broadcasting Bureau, the United States Information Agency.".

(e) SEPARATELY IDENTIFIED APPROPRIATION ACCOUNT.—(1) In any fiscal year, funding for the Board and the Bureau shall be made out of a single appropriations account designated "International Broadcasting Activities" or "International Broadcasting Operations", as the case may be.

(2) The Director of the Bureau shall submit proposals on appropriation of broadcasting funds to the Board. The Board shall forward its recommendations concerning the proposed budget for the Board and the Bureau to the Director of the United States Information Agency for his consideration as a part of the Agency's budget submission to the Office of Management and Budget.

(3) The Director of the United States Information Agency shall include in the Agency's submission to the Office of Management and Budget the comments and recommendations of the Board concerning the proposed broadcasting budget.

(4) The Board shall allocate funds appropriated pursuant to paragraph (1) among the separate elements of the International Broadcasting Bureau, subject to the limitations contained in section 307(d).

SEC. 307. GRANTS FOR RADIO FREE EUROPE, RADIO LIBERTY, AND RADIO FREE ASIA.

(a) AUTHORITY.—The Board is authorized to make annual grants to RFE/RL, Incorporated, for the purpose of operating Radio Free Europe, Radio Liberty, and Radio Free Asia as provided for in sections 308 and 309.

(b) BOARD STRUCTURE.—No grant may be made to RFE/RL, Incorporated, unless the certificate of incorporation of RFE/RL, Incorporated, has been amended to provide that—

(1) the Board of Directors of RFE/RL, Incorporated, shall consist of the members of the Broadcasting Board of Governors established under section 303 and of no other members;

(2) such Board of Directors shall make all major policy determinations governing the operation of RFE/RL, Incorporated, and shall appoint and fix the compensation of such managerial officers and employees of RFE/RL, Incorporated, as it deems necessary to carry out the purposes of the grant provided under this title; and

(3) the name of the corporation shall be amended to include reference to Radio Free Asia, and the corporation shall be authorized to carry out the functions described in section 308 with respect to Radio Free Asia.

(c) LOCATION OF PRINCIPAL PLACE OF BUSINESS.—(1) No grant may be made under this section unless RFE/RL, Incorporated, agrees to locate the headquarters of the corporation and its senior administrative and managerial staff within the metropolitan area of Washington, D.C.

(2) Not later than 90 days after the date of enactment of this Act, the Board shall provide a report to Congress on the number of administrative, managerial, and technical staff who will be located within the metropolitan area of Washington, D.C., and the number of employees whose principal place of business will be located outside the metropolitan area of Washington, D.C.

(d) LIMITATION ON GRANT AMOUNTS.—(1) Grants made after September 30, 1995, for the operating costs of Radio Free Europe and Radio Liberty may not exceed $75,000,000 in any fiscal year.

(2) Grants made for the operating costs of Radio Free Asia may not exceed $22,000,000 in any fiscal year.

(3) The total amount of grant funds made available for one-time capital costs of Radio Free Asia may not exceed $8,000,000.

(4) Notwithstanding the provisions of paragraphs (1) and (2), if RFE/RL, Incorporated, determines that there is a need to reallocate resources between funds made available for Radio Free Europe, Radio Liberty, and Radio Free Asia, RFE/RL, Incorporated, may submit a request for the reallocation of such resources to the Board, which may authorize such reallocation after notifying the appropriate congressional committees.

(e) ALTERNATIVE GRANTEE.—If the Board determines at any time that RFE/RL, Incorporated, is not carrying out the functions described in section 308 or 309 in an effective and economical manner, the Board may award the grant to carry out these functions to another entity after soliciting and considering applications from eligible entities in such manner and accompanied by such information as the Board may reasonably require.

(f) NOT A FEDERAL AGENCY OR INSTRUMENTALITY.—Compliance with the requirements of subsection (b) shall not be construed to make such entity a Federal agency or instrumentality.

SEC. 308. RADIO FREE ASIA.

(a) AUTHORITY.—(1) Grants authorized under section 307(a) shall be available to make annual grants for the purpose of carrying out radio broadcasting to the People's Republic of China, Burma, Cambodia, Laos, North Korea, Tibet, or Vietnam.

(2) Such surrogate broadcasting service shall be referred to as "Radio Free Asia".

(b) FUNCTIONS.—Radio Free Asia shall—

(1) provide accurate and timely information, news, and commentary about events in the respective countries of Asia and elsewhere; and

(2) be a forum for a variety of opinions and voices from within Asian nations whose people do not fully enjoy freedom of expression.

(c) SUBMISSION OF DETAILED PLAN FOR RADIO FREE ASIA.—(1) No grant may be awarded to carry out this section unless the Board, through the Director of the United States Information Agency, has submitted to Congress and the Comptroller General of the United States a detailed plan for the establishment and operation of Radio Free Asia, including—

(A) a description of the manner in which RFE/RL, Incorporated, would meet the funding limitations provided in section 307(d)(2);

(B) a statement that the authority to utilize existing transmitters has been obtained for the broadcasting of Radio Free Asia to countries or regions proposed in the plan, and that existing transmitters meet the technical needs of the new service; and

(C) a detailed justification for the number of employees RFE/RL, Incorporated, proposes to hire, the extent to which RFE/RL, Incorporated, intends to utilize technical or other resources of other broadcasting entities, and the manner in which RFE/RL, Incorporated, intends to reimburse such other entities for such utilization of resources.

(2) The plan required by paragraph (1) shall be submitted not later than 120 days after the date of enactment of this Act.

(3) No grant may be awarded to carry out the provisions of this section unless the plan submitted by the Board includes a certification by the Board that Radio Free Asia can be established and operated within the funding limitations provided for in section 307(d)(2).

(4) The Comptroller General of the United States shall review the plan submitted by the Board and shall, not later than 30 days after receipt of the plan, report to the Director of the United States Information Agency, the Board, and the appropriate congressional committees on whether the Comptroller General determines that the fiscal assumptions contained in the plan are adequate and that the plan can be implemented within the funding limitations provided for in this section.

(5) If the Board determines that a Radio Free Asia cannot be established or operated effectively within the funding limitations provided for in this section, the Board may submit, through the Director of United States Information Agency, an alternative plan and such proposed changes in legislation as may be necessary to the appropriate congressional committees.

(d) GRANT AGREEMENT.—(1) Grants awarded under this section shall be subject to the same terms and conditions as are provided in subsections (b), (c), (d), and (e) of section 309 with respect to the functions of Radio Free Europe and Radio Liberty.

(2) Any grant agreement under this section shall require that any contract entered into by RFE/RL, Incorporated, with respect to Radio Free Asia shall specify that all obligations are assumed by RFE/RL, Incorporated, and not by the United States Government, and shall further specify that funds to carry out the activities of RFE/RL, Incorporated, may not be available after September 30, 1999.

(3) Any such grant agreement shall require that any lease agreements entered into by RFE/RL, Incorporated, with respect to Radio Free Asia shall be, to the maximum extent possible, assignable to the United States Government.

(e) LIMITATIONS ON ADMINISTRATIVE AND MANAGERIAL COSTS.—(1) It is the sense of the Congress that administrative and managerial costs for operation of Radio Free Asia should be kept to a minimum and, to the maximum extent feasible, should not exceed the costs that would have been incurred if Radio Free Asia had been operated as a Federal entity rather than as a grantee.

(2) The Board shall include in the annual report required by section 304(a)(7) information on the amount of funds expended on administrative and managerial services by each of the broadcasting services operated through the Bureau, directly or by grant, and the steps it has taken to reduce unnecessary overhead costs for each of the broadcasting services.

(f) ASSESSMENT OF THE EFFECTIVENESS OF RADIO FREE ASIA.—Not later than 3 years after the date funds have been provided to RFE/RL, Incorporated, for the purpose of operating Radio Free Asia, the Board, through the Director of the United States Information Agency, shall submit to the appropriate congressional committees a report on—

(1) whether Radio Free Asia is technically sound and cost-effective,

(2) whether Radio Free Asia consistently meets the standards for quality and objectivity established by law by the United States Information Agency or the Board,

(3) whether Radio Free Asia is received by a sufficient audience to warrant its continuation,

(4) the extent to which such broadcasting is already being received by the target audience from other credible sources; and

(5) the extent to which the interest of the United States is being served by maintaining broadcasting of Radio Free Asia.

(g) SUNSET PROVISION.—The Board may not make any grant for the purpose of operating Radio Free Asia after September 30, 1998, unless the President of the United States determines in his fiscal year 1999 budget submission that continuation of funding for Radio Free Asia for 1 additional year is in the interest of the United States.

(h) NOTIFICATION AND CONSULTATION REGARDING DISPLACEMENT OF VOICE OF AMERICA BROADCASTING.—The Board shall notify the appropriate congressional committees before entering into any agreements for the utilization of Voice of America transmitters, equipment, or other resources that will significantly reduce the broadcasting activities of the Voice of America in Asia or any other region in order to accommodate the broadcasting activities of Radio Free Asia. The Chairman of the Board shall consult with such committees on the impact of any such reduction in Voice of America broadcasting activities.

(i) PRINCIPAL PLACE OF BUSINESS.—Grants may only be made to RFE/RL, Incorporated, if the principal place of business of Radio Free Asia is within the Washington, D.C., metropolitan area, unless the Board determines that another location within the United States is necessary to carry out the functions of Radio Free Asia effectively and in a cost-effective manner.

SEC. 309. RADIO FREE EUROPE AND RADIO LIBERTY.

(a) AUTHORITY.—Grants authorized under section 307(a) shall be available to make annual grants for the purpose of carrying out the same functions as were carried out by RFE/RL, Incorporated, before the date of enactment of this Act with respect to Radio Free Europe and Radio Liberty, consistent with section 2 of the Board for International Broadcasting Act of 1973, as in effect on such date.

(b) GRANT AGREEMENT.—(1) Such grants shall be made pursuant to a grant agreement between the Board and RFE/RL, Incorporated, which requires that grant funds shall only be used for activities which the Board determines are consistent with the purposes of subsection (a) and that RFE/RL, Incorporated, shall otherwise comply with the requirements of this section. Failure to comply with such requirements shall permit the grant to be terminated without fiscal obligation to the United States.

(2) The grant agreement shall impose such conditions as the Board determines may be appropriate pursuant to section 304(a)(3) to reduce overlapping language services and broadcasting service with other broadcasting services operated within the International Broadcasting Bureau.

(3) The grant agreement shall require RFE/RL, Incorporated, to justify in detail each proposed expenditure of grant funds, and such funds may not be used for any other purpose unless the Board gives its prior written approval.

(c) PROHIBITED USES OF GRANT FUNDS.—No grant funds provided under this section may be used—

(1) to pay any salary or other compensation, or enter into any contract providing for the payment thereof in excess of the rates established for comparable positions under title 5 of the United States Code or the foreign relations laws of the United States, except that no employee may be paid a salary or other compensation in an amount in excess of the rate of pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code and that the salary or other compensation limitations provided for in this paragraph shall not be imposed prior to January 1, 1995, with respect to any employee covered by a union agreement requiring a different salary or other compensation;

(2) to pay for any activity for the purpose of influencing the passage or defeat of legislation being considered by Congress;

(3) to enter into a contract or obligation to pay severance payments beyond those required by United States law or the laws of the country where the employee is stationed;

(4) to pay for first class travel for any employee of RFE/RL, Incorporated, or the employee's relative; or

(5) to compensate freelance contractors without the written approval of the Director.

(d) REPORT ON MANAGEMENT PRACTICES.—Not later than March 31 and September 30 of each calendar year, the Inspector General of the United States Information Agency shall submit to the Board, the Director of the United States Information Agency, and the Congress a report on management practices of RFE/RL, Incorporated, under this section during the preceding 6-month period. The Inspector General of the United States Information Agency shall establish a special unit within the Inspector General's office to monitor and audit the activities of RFE/RL, Incorporated, and shall provide for on-site monitoring of such activities.

(e) AUDIT AUTHORITY.—(1) Such financial transactions of RFE/RL, Incorporated, as relate to functions carried out under this section may be audited by the General Accounting Office in accordance with such principles and procedures and under such rules and regulations as may be prescribed by the Comptroller General of the United States. Any such audit shall be conducted at the place or places where accounts of RFE/RL, Incorporated, are normally kept.

(2) The representatives of the General Accounting Office shall have access to all books, accounts, records, reports, files, and all other papers, things or property belonging to or in use by the private entity pertaining to such financial transactions and necessary to facilitate the audit. Such representatives shall be afforded full facilities for verifying transactions with any assets held by depositories, fiscal agents, and custodians. All such books, accounts, records, reports files, papers, and property of RFE/RL, Incorporated, shall remain in the possession and custody of RFE/RL, Incorporated.

(3) Notwithstanding any other provision of law, the Inspector General of the United States Information Agency is authorized to exercise the authorities of the Inspector General Act of 1978 with respect to RFE/RL, Incorporated.

(g) PLAN FOR RELOCATION.—Before relocating the activities of RFE/RL, Incorporated, in the Federal Republic of Germany to another site, the Board for International Broadcasting or the Board, if established, shall submit to the Comptroller General of the United States and the appropriate congressional committees a detailed plan for such relocation, including cost estimates. No funds made available under law may be used for such relocation unless explicitly provided in an appropriation Act or pursuant to a reprogramming notification. Any plan developed pursuant to this subsection shall include provisions for relocating the senior administrative and management personnel of RFE/RL, Incorporated, to the geographic area of Washington, D.C., as provided for in section 307(c).

(h) REPORTS ON PERSONNEL CLASSIFICATION.—(1) Not later than 3 months after the date of enactment of this Act, the Board for International Broadcasting shall submit a report to the Office of Personnel Management containing a justification, in terms of the types of duties performed at specific rates of salary and other compensation, of the classification of personnel employed by RFE/RL, Incorporated.

(2) Not later than 9 months after submission of the report referred to in paragraph (1), the Office of Personnel Management shall submit to Congress a report containing an evaluation of the system of personnel classification used by RFE/RL, Incorporated, with respect to its employees.

(3) The report submitted by the Office of Personnel Management shall include a comparison of the rates of salary or other compensation and classifications provided to employees of RFE/RL, Incorporated, with the rates of salary or other compensation and classifications of employees of the Voice of America stationed overseas in comparable positions and shall identify any disparities and steps which should be taken to eliminate such disparities.

SEC. 310. TRANSITION.

(a) AUTHORIZATION.—(1) The President is authorized to direct the transfer of all functions and authorities from the Board for International Broadcasting to the United States Information Agency, the Board, or the Bureau as may be necessary to implement this title.

(2)(A) Not later than 120 days after the date of enactment of this Act, the Director of the United States Information Agency and the Chairman of the Board for International Broadcasting shall jointly prepare and submit to the President for approval and implementation a plan to implement the provisions of this title. Such report shall include at a minimum a detailed cost analysis to implement fully the recommendations of such plan. Additionally, such plan shall identify all costs in excess of those authorized for such purposes and shall provide that any excess cost to implement such plan shall be derived only from funds authorized in title II, part A, section 201(a)(1) of this Act.

(B) The President shall transmit copies of the approved plan, together with any recommendations for legislative changes that may be necessary, to the appropriate congressional committees.

(b) NEW APPOINTEES.—The Director of the United States Information Agency may assign employees of the Agency for service with RFE/RL, Incorporated, with the concurrence of the president of RFE/RL, Incorporated. Such assignment shall not affect the rights and benefits of such personnel as employees of the United States Information Agency.

(c) BOARD FOR INTERNATIONAL BROADCASTING PERSONNEL.—All Board for International Broadcasting full-time United States Government personnel (except special Government employees) and part-time United States Government personnel holding permanent positions shall be transferred to the United States Information Agency, the Board, or the Bureau. Such transfer shall not cause any such employee to be separated or reduced in grade or compensation.

(d) OTHER AUTHORITIES.—The Director of the United States Information Agency is authorized to utilize the provisions of titles VIII and IX of the United States Information and Educational Exchange Act of 1948, and any other authority available to the Director on the date of enactment of this Act, to the extent that the Director deems necessary in carrying out the provisions and purposes of this title.

(e) REPEAL.—The Board for International Broadcasting Act of 1973 (22 U.S.C. 2871, et seq.) is repealed effective September 30, 1995, or the earliest date by which all members of the Board are appointed, whichever is later.

(f) SAVINGS PROVISIONS.—

(1) CONTINUING EFFECT OF LEGAL DOCUMENTS.—All orders, determinations, rules, regulations, permits, agreements, grants, contracts, certificates, licenses, registrations, privileges, and other administrative actions—

(A) which have been issued, made, granted, or allowed to become effective by the President, any Federal agency or official thereof, or by a court of competent jurisdiction, in the performance of functions which are transferred under this title; and

(B) which are in effect at the time this title takes effect, or were final before the effective date of this title and are to become effective on or after the effective date of this title,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Director of the United States Information Agency or other authorized official, a court of competent jurisdiction, or by operation of law.

(2) PROCEEDINGS NOT AFFECTED.—The provisions of this title shall not affect any proceedings pending before the Board for International Broadcasting at the time this title takes effect, with respect to functions transferred by this title, but such proceedings shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this title had not been enacted, and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this subsection shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this title had not been enacted.

(3) SUITS NOT AFFECTED.—The provisions of this title shall not affect suits commenced before the effective date of this title, and in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this title had not been enacted.

(4) NONABATEMENT OF ACTIONS.—No suit, action, or other proceeding commenced by or against the Board for International Broadcasting or by or against any individual in the official capacity of such individual as an officer of the Board for International Broadcasting shall abate by reason of the enactment of this title.

(5) ADMINISTRATIVE ACTIONS RELATING TO PROMULGATION OF REGULATIONS.—Any administrative action relating to the preparation or promulgation of a regulation by the Board for International Broadcasting relating to a function transferred under this title may be continued by the United States Information Agency with the same effect as if this title had not been enacted.

(6) REFERENCES.—A reference in any provision of law, reorganization plan, or other authority to the Associate Director for Broadcasting of the United States Information Agency shall be considered to be a reference to the Director of the International Broadcasting Bureau of the United States Information Agency.

(7) EFFECT ON OTHER LAWS.—The provisions of, and authorities contained in or transferred pursuant to, this title are not intended to repeal, limit, or otherwise derogate from the authorities or functions of or available to the Director of the United States Information Agency or the Secretary of State under law, reorganization plan, or otherwise, unless such provision hereof—

(A) specifically refers to the provision of law or authority existing on the effective date of this title, so affected; or

(B) is in direct conflict with such law or authority existing on the effective date of this title.

SEC. 311. PRESERVATION OF AMERICAN JOBS.

It is the sense of the Congress that the Director of the United States Information Agency and the Chairman of the Board for International Broadcasting should, in developing the plan for consolidation and reorganization of overseas international broadcasting services, limit, to the maximum extent feasible, consistent with the purposes of the consolidation, elimination of any United States-based positions and should affirmatively seek to transfer as many positions as possible to the United States.

SEC. 312. PRIVATIZATION OF RADIO FREE EUROPE AND RADIO LIBERTY.

(a) DECLARATION OF POLICY.—It is the sense of the Congress that, in furtherance of the objectives of section 302 of this Act, the funding of Radio Free Europe and Radio Liberty should be assumed by the private sector not later than December 31, 1999, and that the funding of Radio Free Europe and Radio Liberty Research Institute should be assumed by the private sector at the earliest possible time.

(b) PRESIDENTIAL SUBMISSION.—The President shall submit with his annual budget submission for the International Broadcasting Bureau established by section 306 of this Act an analysis and recommendations for achieving the objectives of subsection (a).

(c) REPORTS ON TRANSFER OF RFE/RL RESEARCH INSTITUTE.—No later than 120 days after the date of enactment of this Act, the Board for International Broadcasting, or the Board, if established, shall submit to the appropriate congressional committees a report on the steps being taken to transfer RFE/RL Research Institute pursuant to subsection (a) and shall provide periodic progress reports on such efforts until such transfer has been achieved.

SEC. 313. DEFINITIONS.

For the purposes of this title—

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

(2) the term "Director" means the Director of the International Broadcasting Bureau, acting through the Office of Surrogate Broadcasting;

(3) the term "RFE/RL, Incorporated" includes—

(A) the corporation having the corporate title described in section 307(b)(3); and

(B) any alternative grantee described in section 307(e).

(4) the term "salary or other compensation" includes any deferred compensation or pension payments, any payments for expenses for which the recipient is not obligated to itemize, and any payments for personnel services provided to an employee of RFE/RL, Incorporated.

TITLE IV—COMMISSION ON PROTECTING AND REDUCING GOVERNMENT SECRECY

SEC. 401. SHORT TITLE.

This title may be cited as the "Protection and Reduction of Government Secrecy Act".

SEC. 402. PURPOSE.

It is the purpose of this title to establish for a two year period a Commission on Protecting and Reducing Government Secrecy which will examine the implications of the extensive classification of information and to make recommendations to reduce the volume of information classified and to thereby strengthen the protection of legitimately classified information.

SEC. 403. FINDINGS.

The Congress makes the following findings:

(1) During the Cold War an extensive secrecy system developed which limited the public's access to information and reduced the ability of the public to participate with full knowledge in the process of governmental decision-making;

(2) In 1992 alone 6,349,532 documents were classified and approximately three million persons held some form of security clearance;

(3) The burden of managing more than 6 million newly classified documents every year has led to tremendous administrative expense, reduced communication within the government and within the scientific community, reduced communication between the government and the people of the United States, and the selective and unauthorized public disclosure of classified information;

(4) It has been estimated that private industries spend over $14 billion per year implementing government mandated regulations for protecting classified information;

(5) If a smaller amount of truly sensitive information was classified the information could be held more securely;

(6) In 1970 a Task Force organized by the Defense Science Board and headed by Dr. Frederick Seitz concluded that "more might be gained than lost if our Nation were to adopt—unilaterally, if necessary—a policy of complete openness in all areas of information;" and

(7) A bipartisan study commission specially constituted for the purpose of examining the consequences of the secrecy system will be able to offer comprehensive proposals for reform.

SEC. 404. FUNCTIONS OF THE COMMISSION.

The functions of the Commission shall be—

(1) to conduct, for not more than a period of 2 years, an investigation into all matters in any way related to any legislation, executive order, regulation, practice, or procedure relating to the access to or the classification of information or involving security clearances; and

(2) to make such recommendations concerning the classification of national security information as the Commission shall deem necessary, including proposing new legislation.

SEC. 405. COMPOSITION OF THE COMMISSION.

(a) ESTABLISHMENT.—To carry out the purposes of this title, there is established a Commission on Protecting and Reducing Government Secrecy (in this title referred to as the "Commission").

(b) COMPOSITION.—The Commission shall be composed of twelve members, as follows:

(1) Four members appointed by the President, two from the executive branch of the Government and two from private life.

(2) Four members appointed by the President of the Senate, two from Members of the Senate (one from each of the two major political parties) and two from private life.

(3) Four members appointed by the Speaker of the House of Representatives, two from Members of the House of Representatives (one from each of the two major political parties) and two from private life.

(c) CHAIRMAN AND VICE CHAIRMAN.—The Commission shall elect a Chairman and a Vice Chairman from among its members.

(d) QUORUM; VACANCIES.—Seven members of the Commission shall constitute a quorum. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(e) COMPENSATION AND TRAVEL EXPENSES.—(1) Except as provided in paragraph (2), each member of the Commission may be compensated at not to exceed the daily equivalent of the annual rate of basic pay in effect for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which that member is engaged in the actual performance of the duties of the Commission.

(2) Members of the Commission who are full-time officers or employees of the United States or Members of Congress shall receive no addi-

tional pay on account of their service on the Commission.

(3) While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5, United States Code.

SEC. 406. POWERS OF THE COMMISSION.

(a) IN GENERAL.—The Commission or, on the authorization of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this title, hold such hearings and sit and act at such times and places, administer such oaths, and require, by subpena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents as the Commission or such subcommittee or member may deem advisable. Subpenas may be issued under the signature of the Chairman of the Commission, of any such subcommittee, or any designated member, and may be served by any person designated by such Chairman or member. The provisions of sections 102 through 104 of the Revised Statutes of the United States (2 U.S.C. 192–194) shall apply in the case of any failure of any witness to comply with any subpena or to testify when summoned under authority of this section.

(b) COOPERATION WITH OTHER AGENCIES.—The Commission is authorized to secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the Government information, suggestions, estimates, and statistics for the purposes of this title. Each such department, bureau, agency, board, commission, office, establishment, or instrumentality shall, to the extent authorized by law, furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the Chairman or Vice Chairman.

SEC. 407. STAFF OF THE COMMISSION.

(a) IN GENERAL.—The Commission shall have power to appoint and fix the compensation of such personnel as it deems advisable, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(b) CONSULTANT SERVICES.—The Commission is authorized to procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates not to exceed the daily rate paid a person occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

SEC. 408. FINAL REPORT OF COMMISSION; TERMINATION.

(a) FINAL REPORT.—Not later than two years after the date of enactment of this title, the Commission shall submit to the President and to the Congress its final report and recommendations.

(b) TERMINATION.—The Commission, and all the authorities of this title, shall terminate two years after the date of enactment of this Act, or upon the submission of the final report and recommendations in accordance with subsection (a), whichever comes first.

TITLE V—SPOILS OF WAR ACT OF 1993

SEC. 501. SHORT TITLE.

This title may be cited as the "Spoils of War Act of 1993".

SEC. 502. TRANSFERS OF SPOILS OF WAR.

(a) ELIGIBILITY FOR TRANSFER.—Spoils of war in the possession, custody, or control of the United States may be transferred to any other party, including any government, group, or person, by sale, grant, loan or in any other manner, only to the extent and in the same manner that property of the same type, if otherwise owned by the United States, may be so transferred.

(b) TERMS AND CONDITIONS.—Any transfer pursuant to subsection (a) shall be subject to all of the terms, conditions, and requirements applicable to the transfer of property of the same type otherwise owned by the United States.

SEC. 503. PROHIBITION ON TRANSFERS TO COUNTRIES WHICH SUPPORT TERRORISM.

Spoils of war in the possession, custody, or control of the United States may not be transferred to any country determined by the Secretary of State, for purposes of section 40 of the Arms Export Control Act, to be a nation whose government has repeatedly provided support for acts of international terrorism.

SEC. 504. REPORT ON PREVIOUS TRANSFERS.

Not later than 90 days after the date of enactment of this Act, the President shall submit to the appropriate congressional committees a report describing any spoils of war obtained subsequent to August 2, 1990 that were transferred to any party, including any government, group, or person, before the date of enactment of this Act. Such report shall be submitted in unclassified form to the extent possible.

SEC. 505. DEFINITIONS.

As used in this title—

(1) the term "appropriate congressional committees" means the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives, or, where required by law for certain reporting purposes, the Select Committee on Intelligence of the Senate and the Select Committee on Intelligence of the House of Representatives;

(2) the term "enemy" means any country, government, group, or person that has been engaged in hostilities, whether or not lawfully authorized, with the United States;

(3) the term "person" means—

(A) any natural person;

(B) any corporation, partnership, or other legal entity; and

(C) any organization, association, or group; and

(4) the term "spoils of war" means enemy movable property lawfully captured, seized, confiscated, or found which has become United States property in accordance with the laws of war.

SEC. 506. CONSTRUCTION.

Nothing in this title shall apply to—

(1) the abandonment or failure to take possession of spoils of war by troops in the field for valid military reasons related to the conduct of the immediate conflict, including the burden of transporting such property or a decision to allow allied forces to take immediate possession of certain property solely for use during an ongoing conflict;

(2) the abandonment or return of any property obtained, borrowed, or requisitioned for temporary use during military operations without intent to retain possession of such property;

(3) the destruction of spoils of war by troops in the field;

(4) the return of spoils of war to previous owners from whom such property had been seized by enemy forces; or

(5) minor articles of personal property which have lawfully become the property of individual members of the armed forces as war trophies pursuant to public written authorization from the Department of Defense.

TITLE VI—THE KHMER ROUGE PROSECUTION AND EXCLUSION ACT

SEC. 601. SHORT TITLE.

This title may be cited as the "Khmer Rouge Prosecution and Exclusion Act".

SEC. 602. POLICY.

The Congress urges the President—

(1) promptly and actively to assist appropriate organizations to collect relevant data on crimes against humanity committed by the Khmer Rouge in Cambodia between April 17, 1975 and January 7, 1979;

(2) to carry out paragraph (1) consistent with the Agreement on a Comprehensive Political Settlement of the Cambodia Conflict, signed at Paris on October 23, 1991; and

(3) to promote vigorously the establishment of a national or international criminal tribunal for the prosecution of those accused of genocide in Cambodia.

SEC. 603. ESTABLISHMENT OF STATE DEPARTMENT OFFICE.

(a) ESTABLISHMENT.—(1) There is established within the Department of State the Office of Cambodian Genocide Investigation (hereafter in this Act referred to as the "Office").

(2) The Office shall carry out its operations solely within Cambodia.

(3) The Secretary of State shall designate an officer or employee of the Department of State to serve as Director of the Office.

(b) ADMINISTRATION.—(1) The Assistant Secretary of State for East Asian and Pacific Affairs (or any successor Assistant Secretary) shall administer the Office.

(2) The Secretary of State shall make available to the Office such personnel and office space in Cambodia as the Office may require.

(c) PURPOSE.—The purpose of the Office shall be—

(1) to investigate crimes against humanity committed by national Khmer Rouge leaders in the period beginning on April 17, 1975 and ending January 7, 1979;

(2) to provide the people of Cambodia with access to documents, records, and other evidence held by the Office as a result of such investigation;

(3) to submit the relevant data to a national or international penal tribunal that may be convened to formally hear and judge the genocidal acts committed by the Khmer Rouge; and

(4) to develop the United States proposal for the establishment of an international criminal tribunal for the prosecution of those accused of genocide in Cambodia.

SEC. 604. REPORTING REQUIREMENT.

(a) IN GENERAL.—Beginning 6 months after the date of enactment of this Act, and every 6 months thereafter, the President shall submit a report to the appropriate congressional committees—

(1) that describes the activities of the Office, and sets forth new facts learned about past Khmer Rouge practices, during the preceding 6-month period; and

(2) that describes the steps the President has taken during the preceding 6-month period to promote human rights, to support efforts to bring to justice the national political and military leadership of the Khmer Rouge, and to prevent the recurrence of human rights abuses in Cambodia through actions—

(A) which are not related to United Nations activities in Cambodia; and

(B) which are consistent with Article 15 of the Agreement on a Comprehensive Political Settlement of the Cambodia Conflict, signed at Paris on October 23, 1991.

(b) DEFINITION.—For purposes of this section, the term "appropriate congressional committees" means the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

SEC. 605. EXCLUSION FROM THE UNITED STATES.

(a) AMENDMENT TO THE IMMIGRATION AND NATIONALITY ACT.—Section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)) is amended by adding at the end thereof the following new paragraph:

"(10)(A) Any alien, who, at any time during the period beginning on April 17, 1975, and ending on January 7, 1979, was a member of the national military or political leadership of the Khmer Rouge, is excluded.

"(B) For purposes of this paragraph, the national military and political leadership of the Khmer Rouge includes, but is not limited to, the following persons: Pol Pot, Khieu Samphan, Son Sen, Ieng Sary, Nuon Chea, Ke Pauk, Mok, Ieng Thirith, and Yun Yat.".

(b) POLICY REGARDING ADMISSION TO FOREIGN COUNTRIES.—The Congress urges the President to encourage foreign governments similarly to exclude from their countries former and present Khmer Rouge leaders described in section 212(a)(10) of the Immigration and Nationality Act.

TITLE VII—MISCELLANEOUS

SEC. 701. PEACE CORPS.

There are authorized to be appropriated $219,745,000 for the fiscal year 1994 and $234,745,000 for the fiscal year 1995 to carry out the Peace Corps Act.

SEC. 702. REPORTING REQUIREMENTS ON OCCUPIED TIBET.

(a) REPORT ON UNITED STATES-TIBET RELATIONS.—Because Congress has determined that Tibet is an occupied sovereign country under international law and that its true representatives are the Dalai Lama and the Tibetan Government-in-Exile:

(1) it is the sense of the Congress that the United States should seek to establish a dialog with the Dalai Lama and the Tibetan Government-in-Exile concerning the situation in Tibet and the future of the Tibetan people and to expand and strengthen United States-Tibet cultural and educational relations, including promoting bilateral exchanges arranged directly with the Tibetan Government-in-Exile; and

(2) not later than 6 months after the date of enactment of this Act, and every 12 months thereafter, the Secretary of State shall transmit to the Chairman of the Committee on Foreign Relations and the Speaker of the House of Representatives a report on the state of United States-Tibetan Government-in-Exile relations and on conditions in Tibet.

(b) SEPARATE TIBET REPORTS.—(1) Whenever a report is transmitted to the Congress on a country-by-country basis there shall be included in such report, where applicable, a separate report on Tibet listed alphabetically with its own state heading.

(2) The reports referred to in paragraph (1) include, but are not limited to, reports transmitted under sections 116(d) and 502B(b) of the Foreign Assistance Act of 1961 (relating to human rights).

SEC. 703. POLICY ON MIDDLE EAST ARMS SALES.

(a) BOYCOTT OF ISRAEL.—Section 322 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (Public Law 102–138) is amended—

(1) in paragraph (2), by striking "and" at the end; and

(2) in paragraph (3)—

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

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

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

"(C) does not participate in the Arab League primary or secondary boycott of Israel.".

(b) REPORT TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit to the Speaker of the House of Representatives and the Chairman of the Committee on Foreign Relations of the Senate a report concerning steps taken to ensure that the goals of section 322 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (Public Law 102–138) are being met.

SEC. 704. PROVIDING MATERIAL SUPPORT TO TERRORISTS.

(a) OFFENSE.—Chapter 113A of title 18, United States Code, is amended by adding at the end the following new section:

"SEC. 2339. PROVIDING MATERIAL SUPPORT TO TERRORISTS.

"Whoever, within the United States, provides material support or resources or conceals or disguises the nature, location, source, or ownership of material support or resources, knowing or intending that they are to be used in preparation for, or in carrying out, a violation of section 32, 36, 351, 844 (f) or (i), 1114, 1116, 1203, 1361, 1363, 1751, 2280, 2281, 2332, or 2339A of this title or section 902(i) of the Federal Aviation Act of 1958 (49 U.S.C. App. 1472(i)), or in preparation for, or carrying out, the concealment or an escape from the commission of any of the foregoing, shall be fined under this title, imprisoned not more than 10 years, or both. For purposes of this section, the term 'material support or resources' includes currency or other financial securities, financial services, lodging, training, safehouses, false documentation or identification, communications equipment, facilities, weapons, lethal substances, explosives, personnel, transportation, and other physical assets, but does not include humanitarian assistance to persons not directly involved in such violations.".

(b) TECHNICAL AMENDMENT.—The chapter analysis for chapter 113A of title 18, United States Code, as amended by section 601(b)(1), is amended by adding at the end the following new item:

"2339. Providing material support to terrorists.".

SEC. 705. TORTURE CONVENTION IMPLEMENTATION.

(a) IN GENERAL.—Part I of title 18, United States Code, is amended by inserting after chapter 113A the following new chapter:

"CHAPTER 113B—TORTURE

"Sec.
"2340. Definitions.
"2340A. Torture.
"2340B. Exclusive remedies.

"SEC. 2340. DEFINITIONS.

"As used in this chapter—

"(1) 'torture' means an act committed by a person acting under the color of law specifically intended to inflict severe physical or mental pain or suffering (other than pain or suffering incidental to lawful sanctions) upon another person with custody or physical control;

"(2) 'severe mental pain or suffering' means the prolonged mental harm caused by or resulting from—

"(A) the intentional infliction or threatened infliction of severe physical pain or suffering;

"(B) the administration or application, or threatened administration or application, of mind-altering substances or other procedures calculated to disrupt profoundly the senses or the personality;

"(C) the threat of imminent death; or

"(D) the threat that another person will imminently be subjected to death, severe physical pain or suffering, or the administration or application of mind-altering substances or other procedures calculated to disrupt profoundly the senses or personality; and

"(3) 'United States' includes all areas under the jurisdiction of the United States including any of the places described in sections 5 and 7 of this title and section 101(38) of the Federal Aviation Act of 1958 (49 U.S.C. App. 1301(38)).

"SEC. 2340A. TORTURE.

"(a) OFFENSE.—Whoever outside the United States commits or attempts to commit torture shall be fined under this title or imprisoned not more than 20 years, or both, and if death results to any person from conduct prohibited by this subsection, shall be imprisoned for any term of years or for life.

"(b) JURISDICTION.—There is jurisdiction over the activity prohibited in subsection (a) if—

"(1) the alleged offender is a national of the United States; or

"(2) the alleged offender is present in the United States, irrespective of the nationality of the victim or alleged offender.

"SEC. 2340B. EXCLUSIVE REMEDIES.

"Nothing in this chapter shall be construed as precluding the application of State or local laws on the same subject, nor shall anything in this chapter be construed as creating any substantive or procedural right enforceable by law by any party in any civil proceeding.".

(b) TECHNICAL AMENDMENT.—The part analysis for part I of title 18, United States Code, is amended by inserting after the item relating to chapter 113A the following new item:

"113B. Torture ..... 2340.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the later of—

(1) the date of enactment of this Act; or

(2) the date on which the United States has become a party to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

SEC. 706. APPLICABILITY OF TAIWAN RELATIONS ACT.

Section 3 of the Taiwan Relations Act (22 U.S.C. 3301) is amended by adding at the end the following new subsection:

"(d) The provisions of subsections (a) and (b) of this section shall supersede any provision of the August 17, 1982, Joint United States-China Communique related to these matters and regulations, directives, and policies based thereon.".

SEC. 707. REPORTS ON RELATIONS WITH TAIWAN.

Section 12 of the Taiwan Relations Act (22 U.S.C. 3311(d)) is amended by adding at the end the following new subsection:

"(d) Beginning February 1, 1994, and on February 1 of each year thereafter, the Secretary of State shall transmit to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate a report describing and reviewing economic relations between the United States and Taiwan.".

SEC. 708. UNITED STATES POLICY CONCERNING IRAQI KURDISTAN.

(a) FINDINGS.—The Congress finds that—

(1) the international community, pursuant to United Nations Security Council Resolution 688, and with the continuation of Operation Provide Comfort, supports the protection of Iraqi's Kurdish and other ethnic and religious minorities;

(2) notwithstanding the international community's resolve, certain areas of Iraqi Kurdistan remain at risk of an Iraqi invasion;

(3) despite the threat of an Iraqi invasion, the Kurds, along with other minority ethnic and religious groups, have initiated a drive toward self-sufficiency, including—

(A) holding free and fair democratic elections to establish a parliament, which supports Iraq's territorial integrity and the transition to a unified, democratic Iraq;

(B) planning for and administering public services;

(C) reconstructing and rehabilitating the basic infrastructure of Iraqi Kurdistan; and

(D) establishing unified police and security forces;

(4) despite the provision of substantial international humanitarian assistance, and despite the fact that the United Nations blockade on Iraq contains exceptions for humanitarian-related items, the inhabitants of Iraqi Kurdistan still face difficulties because of an internal Iraqi government blockade; and

(5) the Kurds and other ethnic and religious minorities, with appropriate additional support, would have the ability to meet their goal of self-sufficiency and move beyond the need for international assistance.

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

(1) take steps to encourage the United Nations Security Council—

(A) to reaffirm support for the protection of all Iraqi Kurdish and other minorities in Iraqi Kurdistan pursuant to Security Council Resolution 688; and

(B) to consider lifting selectively the United Nations embargo on the areas under the administration of the democratically elected leadership of Iraqi Kurdistan, subject to the verifiable conditions that—

(i) the inhabitants of such areas do not conduct trade with the Iraqi regime; and

(ii) the partial lifting of the embargo will not materially assist the Iraqi regime;

(2) continue to advocate the transition to a unified, democratic Iraq;

(3) take steps to design a multilateral assistance program for the people of Iraqi Kurdistan that supports their efforts to attain self-sufficiency through the provision of—

(A) financial and technical assistance through the democratically elected Kurdish administration to enable the exploitation of natural resources such as oil; and

(B) financial assistance to support the legitimate self-defense and security needs of the people of Iraqi Kurdistan; and

(4) take steps to intensify discussions with the Government of Turkey, whose support and cooperation in the protection of the people of Iraqi Kurdistan is critical, to ensure that the stability of both Turkey and the entire region is enhanced by the measures taken under this section.

SEC. 709. ADDITIONAL SANCTIONS AGAINST NORTH KOREA.

(a) IN GENERAL.—Notwithstanding any other provision of law, no license, instruction, rule, regulation, or order issued under section 5 of the Trading With the Enemy Act of 1917 (50 U.S.C. App. 5) may—

(1) authorize any transaction involving the commercial sale of any good or technology to North Korea; or

(2) authorize any transaction involving the provision of services for travel to North Korea which was not otherwise authorized as of January 2, 1989.

(b) WAIVER.—The President may waive the application of subsection (a) if the President determines that such a waiver would serve the national interest.

SEC. 710. WAIVER OF SANCTIONS WITH RESPECT TO THE REPUBLIC OF SERBIA AND THE REPUBLIC OF MONTENEGRO TO PROMOTE DEMOCRACY ABROAD.

(a) AUTHORITY.—Notwithstanding any other provision of law, the President is authorized and encouraged to exempt from sanctions imposed against the Republic of Serbia and the Republic of Montenegro those United States-supported programs, projects, or activities involving reform of the electoral process, or the development of democratic institutions or democratic political parties, in these two countries.

(b) POLICY.—The President, acting through the United States Permanent Representative to the United Nations, should propose that any action, past or future, by the Security Council pursuant to Article 41 of the United Nations Charter, with respect to the Republic of Serbia or the Republic of Montenegro, should take account of the exemption described in subsection (a).

SEC. 711. CLAIMS BASED ON LETTERS OF CREDIT FOR GOODS SHIPPED BUT NOT PAID FOR BEFORE IMPOSITION OF NATIONAL EMERGENCY.

Title I of the International Claims Settlement Act of 1949 (22 U.S.C. 1621 et seq.) is amended by adding at the end the following new section:

"SEC. 10. Notwithstanding any other provision of law, funds on deposit in United States banks that have been blocked under the International Emergency Economic Powers Act in accounts of foreign banks that issued or confirmed letters of credit for the benefit of United States nationals may be released to pay such letters of credit if the United States beneficiaries lawfully shipped goods or otherwise performed underlying contractual obligations based on such letters of credit before the declaration of a national emergency pursuant to that Act.".

SEC. 712. ENFORCEMENT OF NONPROLIFERATION TREATIES.

(a) POLICY.—It is the sense of the Congress that the President should instruct the United States Permanent Representative to the United Nations to enhance the role of that institution in the enforcement of nonproliferation treaties through the passage of a United Nations Security Council resolution which would state that, any non-nuclear weapon state that is found by the United Nations Security Council, in consultation with the International Atomic Energy Agency (IAEA), to have terminated, abrogated, or materially violated an IAEA full-scope safeguards agreement would be subjected to international economic sanctions, the scope of which to be determined by the United Nations Security Council.

(b) PROHIBITION.—Notwithstanding any other provision of law, no United States assistance, under the Foreign Assistance Act of 1961 shall be provided to any non-nuclear weapon state that is found by the President to have terminated, abrogated, or materially violated an IAEA full-scope safeguard agreement or materially violated a bilateral United States nuclear cooperation agreement entered into after the date of enactment of the Nuclear Non-Proliferation Act of 1978.

SEC. 713. SENSE OF SENATE ON THE PEACE PROCESS IN NORTHERN IRELAND.

(a) FINDINGS.—The Senate makes the following findings:

(1) The people of Northern Ireland, Ireland, and Great Britain earnestly seek a peaceful end to a conflict in the North of Ireland which has caused more than 3,000 deaths since 1969.

(2) The people of the United States, many of whom share a common ancestry and cultural roots with the people of Northern Ireland, Ireland, and Great Britain, are deeply concerned about the continuing conflict and desire to facilitate an early resolution to the conflict.

(3) In 1993, John Hume, head of the Social Democratic and Labour Party and Gerry Adams, President of Sinn Fein, conducted talks on the conflict.

(4) These talks were a significant contribution to a climate encouraging peace in the North of Ireland.

(5) The Government of the United Kingdom and the Government of Ireland have held talks on Northern Ireland culminating in the Joint Declaration issued by the two governments on December 15, which declaration offers a framework for lasting peace in the region.

(b) SENSE OF SENATE.—It is the sense of the Senate that the United States should strongly encourage all parties to the conflict in the North of Ireland to renounce violence and to participate in the current search for peace in the region.

SEC. 714. CONTROL OF REEXPORTS TO TERRORIST COUNTRIES.

Section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)) is amended by adding at the end the following new paragraphs:

"(5) Upon the request of the chairman or ranking minority member of the Committee on Foreign Relations or the Committee on Banking, Housing and Urban Affairs of the Senate or the Committee on Foreign Affairs or the Committee on Banking, Finance and Urban Affairs of the House of Representatives, the President shall include in the notification required by paragraph (2)—

"(A) a detailed description of the goods or services to be offered, including a brief description of the capabilities of any article for which a license to export is sought;

"(B) an evaluation, prepared by the Director of the Arms Control and Disarmament Agency, in consultation with the Secretary of State and the Secretary of Defense, of the manner, if any, in which the proposed export would—

"(i) contribute to an arms race;

"(ii) support international terrorism;

"(iii) increase the possibility of an outbreak or escalation of conflict;

"(iv) prejudice the negotiation of any arms controls; or

"(v) adversely affect the arms control policy of the United States;

"(C) the reasons why the foreign country or international organization to which the export or transfer is proposed to be made needs the goods or services which are the subject of such export or transfer and a description of the manner in which such country or organization intends to use such articles, services, or design and construction services;

"(D) the reasons why the proposed export or transfer is in the national interest of the United States;

"(E) an analysis by the President of the impact of the proposed export or transfer on the military capabilities of the foreign country or international organization to which such export or transfer would be made;

"(F) an analysis by the President of the manner in which the proposed export would affect the relative military strengths of countries in the region to which the goods or services which are the subject of such export would be delivered and whether other countries in the region have comparable kinds and amounts of articles, services, or design and construction services;

"(G) an analysis of the impact of the proposed export or transfer on the United States relations with the countries in the region to which the goods or services which are the subject of such export would be delivered;

"(H) the projected delivery dates of the goods or services to be offered; and

"(I) a detailed description of weapons and levels of munitions that may be required as support for the proposed export.

"(6) If the Congress within 30 calendar days after receiving a notification under paragraph (2) enacts a joint resolution prohibiting the proposed export, then no license may be issued, unless the President states in his notification that an emergency exists which requires such export in the national security interest of the United States. If the President so states that an emergency exists, he shall set forth in the notification a detailed justification for his determination, including a description of the emergency circumstances which necessitate the immediate issuance of the license and a discussion of the national security interest involved.

"(7)(A) Any joint resolution under this subsection shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976.

"(B) For the purpose of expediting the consideration and enactment of joint resolutions under this subsection, a motion to proceed to the con-

sideration of any such joint resolution after it has been reported by the appropriate committee shall be treated as highly privileged in the House of Representatives.

"(8) For purposes of this section, the terms 'export' and 'transfer' shall include any reexport, third party transfer or other consignment of United States-origin goods or services.".

SEC. 715. REPORTS UNDER THE ARMS EXPORT CONTROL ACT.

(a) QUARTERLY REPORTS.—Section 36(a) of the Arms Export Control Act (22 U.S.C. 2776(a)) is amended—

(1) by striking "and" at the end of paragraph (10);

(2) by striking the period at the end of paragraph (11) and inserting "; and"; and

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

"(12) a listing of all offset agreements proposed to be entered into in connection with the sale of any defense article or defense service.".

(b) NUMBERED CERTIFICATIONS WITH RESPECT TO GOVERNMENT-TO-GOVERNMENT SALES.—Section 36(b)(1) of the Arms Export Control Act (22 U.S.C. 2776(b)(1)) is amended after the second sentence by inserting the following new sentence: "Each such numbered certification shall contain a description of any offset agreement proposed to be entered into in connection with such letter of offer to sell.".

(c) NUMBERED CERTIFICATIONS WITH RESPECT TO COMMERCIAL EXPORTS.—Section 36(c)(1) of the Arms Export Control Act (22 U.S.C. 2776(c)(1)) is amended after the first sentence by inserting the following new sentence: "Each such numbered certification shall also contain a description of any offset agreement proposed to be entered into in connection with such export.".

(d) DEFINITIONS.—Section 36 of the Arms Export Control Act (22 U.S.C. 2776) is amended by adding at the end the following:

"(e) For purposes of this section—

"(1) the term 'offset agreement' means an agreement, arrangement, or understanding between a United States supplier of defense articles or defense services and a foreign country under which the supplier agrees to purchase or acquire, or to promote the purchase or acquisition by other United States persons of, goods or services produced, manufactured, grown, or extracted, in whole or in part, in that foreign country in consideration for the purchase by the foreign country of defense articles or defense service from the supplier; and

"(2) the term 'United States person' means—

"(A) an individual who is a national or permanent resident alien of the United States;

"(B) any corporation, business association, partnership, trust, or other juridical entity—

"(i) organized under the laws of the United States or any State, district, territory, or possession thereof; or

"(ii) owned or controlled in fact by individuals described in subparagraph (A); and

"(C) the United States Government or any agency or instrumentality thereof.".

SEC. 716. PROHIBITION ON THIRD PARTY INCENTIVE PAYMENTS UNDER THE ARMS EXPORT CONTROL ACT.

Section 39 of the Arms Export Control Act (22 U.S.C. 2779) is amended by adding at the end the following new subsection:

"(e)(1) No sale may be made, no credits may be extended, no guarantees may be issued, and no licenses may be approved under this Act with respect to the sale of any defense article or defense service to a foreign country unless the United States supplier of such articles or services first certifies that neither the supplier nor any employee, agent, or subcontractor thereof will make any third-party incentive payments for the purpose of satisfying, in whole or in part, any offset agreement with that country.

"(2) For purposes of this subsection—

"(A) the term 'offset agreement' means an agreement, arrangement, or understanding between a United States supplier of defense articles or defense services and a foreign country under which the supplier agrees to purchase or acquire, or to promote the purchase or acquisition by other United States persons of, goods or services produced, manufactured, grown, or extracted, in whole or in part, in that foreign country in consideration for the purchase by the foreign country of defense articles or defense services from the supplier;

"(B) the term 'third-party incentive payments' means cash incentives, fees, or compensation of any kind made by a United States supplier of defense articles or defense services or by any employee, agent, or subcontractor thereof to any other United States person to induce that United States person to purchase or acquire goods or services produced, manufactured, grown, or extracted, in whole or in part, in the foreign country which is purchasing those defense articles or services; and

"(C) the term 'United States person' means—

"(i) an individual who is a national or permanent resident alien of the United States;

"(ii) any corporation, business association, partnership, trust, or other juridical entity—

"(I) organized under the laws of the United States or any State, district, territory, or possession thereof; or

"(II) owned or controlled in fact by individuals described in subparagraph (A); and

"(iii) the United States Government or any agency or instrumentality thereof.".

SEC. 717. SENSE OF SENATE ON UNITED STATES POLICY ON NUCLEAR WEAPONS PROLIFERATION BY NORTH KOREA.

(a) FINDINGS.—The Senate makes the following findings:

(1) North Korea is a signatory to the Treaty on the Non-Proliferation of Nuclear Weapons.

(2) The International Atomic Energy Agency is charged with ensuring that signatories to that treaty meet their obligations under the treaty.

(3) The agency fulfills that mission principally by inspections of nuclear facilities and by other legitimate means necessary to ensure that signatories are in compliance with the terms and obligations of the treaty.

(4) North Korea is the location of seven declared nuclear sites whose inspection is provided for under the terms of the treaty.

(5) The International Atomic Energy Agency suspects that North Korea is also the site of at least two additional undeclared nuclear sites at which liquid and solid nuclear waste is being stored.

(6) Inspection of the undeclared nuclear sites is necessary to ensure the compliance of North Korea with the terms of the treaty.

(7) The Government of North Korea is attempting to place significant restrictions on inspections of its declared nuclear sites and is refusing any inspections of its undeclared nuclear sites.

(8) The national security interests of the United States require the curtailment of the proliferation of weapons of mass destruction, particularly nuclear weapons.

(9) To ensure advancement of the goal of nuclear nonproliferation, a signatory to the Treaty on the Non-Proliferation of Nuclear Weapons must permit inspections of its facilities and comply with any other legitimate requests of the International Atomic Energy Agency that are necessary to ensure that the country is in compliance with the terms and obligations of the treaty.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the President should not engage in negotiations connected with normalization of relations with the Government of North Korea until that government meets its full obligations under the Treaty on the Non-Proliferation of Nuclear Weapons, including any inspection of nuclear sites located in North Korea sufficient to ensure the full compliance by the Government of North Korea with the terms and obligations of the treaty; and

(2) the President undertake such diplomatic activity with respect to the People's Republic of China as is appropriate to enlist the assistance of that country in gaining the compliance of the Government of North Korea with its obligations under the treaty.

(c) DEFINITION.—In this section, the term "normalization of relations" means the following:

(1) Disbanding the United Nations Forces Command and withdrawing United States troops from the Republic of Korea.

(2) Lifting restrictions on trade with and investment in North Korea that are imposed pursuant to United States law on trade with hostile states.

(3) Expanding economic cooperation with North Korea.

(4) Assisting the entry of the North Korea Government into international organizations relating to economic activity.

(5) Granting the diplomatic recognition of the United States to the Government of North Korea.

SEC. 718. SENSE OF SENATE ON NORMALIZATION OF RELATIONS WITH VIETNAM.

It is the sense of the Senate that—

(1) the Government of the United States is committed to seeking the fullest possible accounting of American servicemen unaccounted for during the war in Vietnam;

(2) cooperation by the Government of Vietnam on resolving the fate of those American servicemen unaccounted for has increased significantly over the last three years and is essential to the resolution of outstanding POW/MIA cases;

(3) substantial and tangible progress has been made in the POW/MIA accounting process;

(4) cooperative efforts between the United States and Vietnam should continue in order to resolve all outstanding questions concerning the fate of Americans missing-in-action;

(5) United States senior military commanders and United States personnel working in the field to account for United States POW/MIAs in Vietnam believe that lifting the United States trade embargo against Vietnam will facilitate and accelerate the accounting efforts;

(6) therefore, in order to maintain and expand further United States and Vietnamese efforts to obtain the fullest possible accounting, the President should lift the United States trade embargo against Vietnam expeditiously; and

(7) moveover, as the United States and Vietnam move toward normalization of relations, the Government of Vietnam should demonstrate further improvements in meeting internationally recognized standards of human rights.

SEC. 719. STUDY OF DEMOCRACY PROGRAM EFFECTIVENESS.

(a) FINDINGS.—The Congress finds that—

(1) the National Endowment for Democracy will fund $35,000,000 in democracy development programs overseas in fiscal year 1994;

(2) the Agency for International Development will fund approximately $400,000,000 worth of democracy development programs overseas in fiscal year 1994;

(3) it is in the interest of the United States to have a coordinated approach to the funding of international democracy programs supported by United States Government funds;

(4) both the Agency for International Development and the National Endowment for Democracy have funded overlapping programs in the same country; and

(5) the recent study of the independent Board for International Broadcasting and the United States Information Agency's Voice of America yielded a plan for a new, more cost-effective structure for United States Government-sponsored broadcasting that reduces cost and increases coordination.

(b) REPORT.—(1) Not later than 60 days after the date of enactment of this Act, the President shall establish a commission for the purpose of conducting a study of United States Government-funded democracy support activities, including activities funded through the National Endowment for Democracy and the Agency for International Development. Such commission shall submit a report to the President and to the appropriate committees of the Congress on a streamlined, cost-effective organization of United States democracy assistance.

(2) The report shall include—

(A) a review of all United States-sponsored democracy programs and identification of those programs that are overlapping;

(B) a clear statement of achievable goals and objectives for all United States-sponsored democracy programs, and an evaluation of the manner in which current democracy activities meet these goals and objectives;

(C) a review of the current United States Government organization for the delivery of democracy assistance and recommended changes to reduce cost and streamline overhead involved in the delivery of democracy assistance; and

(D) a review of all agencies involved in delivering United States Government funds in the form of democracy assistance and a recommended focal point or lead agency within the United States Government for overall coordination and consolidation of the effort.

(3) The report required by paragraph (1) shall be submitted not later than 180 days after the commission is established.

SEC. 720. HIGH-LEVEL VISITS TO TAIWAN.

It is the sense of the Congress that—

(a) The President should be commended for his meeting with Taiwan's Minister of Economic Affairs during the Asia-Pacific Economic Cooperation Conference in Seattle;

(b) The President should send Cabinet-level appointees to Taiwan to promote American interests and to ensure the continued success of United States business in Taiwan;

(c) In addition to Cabinet-level visits, the President should take steps to show clear United States support for Taiwan both in our bilateral relationship and in multilateral organizations of which the United States is a member.

SEC. 721. FREEDOM OF INFORMATION EXEMPTION FOR CERTAIN OPEN SKIES TREATY DATA.

(a) IN GENERAL.—Data collected by sensors during observation flights conducted in connection with the Treaty on Open Skies, including flights conducted prior to entry into force of the Treaty, shall be exempt from disclosure under the Freedom of Information Act or any other Act—

(1) in the case of data with respect to a foreign country—

(A) if the country has not disclosed the data to the public; and

(B) if the country has not, acting through the Open Skies Consultative Commission or any other diplomatic channel, authorized the United States to disclose the data to the public; or

(2) in the case of data with respect to the United States, if disclosure of such data could be reasonably expected to cause substantial harm to the national defense as determined by the Secretary of Defense or to the foreign relations of the United States as determined by the Secretary of State.

(b) EXTENSION OF WITHHOLDING OF CERTAIN DATA.—(1) For purposes of subsection (a)(2), data held for a period of 5 years from the date of collection shall be deemed not to cause substantial harm to the national defense or foreign relations of the United States and shall be released unless the head of the agency that made the initial determination determines otherwise, in which case the data may be withheld for an additional period or periods of 5 years each.

(2) In no case may data be withheld under this subsection for more than 10 years from the date of collection.

(3) Determinations under this subsection may not be delegated.

(c) STATUTORY CONSTRUCTION.—This section constitutes a specific exemption within the meaning of section 552(b)(3) of title 5, United States Code.

(d) DEFINITIONS.—For the purposes of this section—

(1) the term "Freedom of Information Act" means the provisions of section 552 of title 5, United States Code;

(2) the term "Open Skies Consultative Commission" means the commission established pursuant to Article X of the Treaty on Open Skies; and

(3) the term "Treaty on Open Skies" means the Treaty on Open Skies, signed at Helsinki on March 24, 1992.

SEC. 722. TRANSFER OF CERTAIN OBSOLETE OR SURPLUS DEFENSE ARTICLES IN THE WAR RESERVE ALLIES STOCKPILE TO THE REPUBLIC OF KOREA.

(a) AUTHORITY.—(1) Notwithstanding section 514 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h), the Secretary of Defense is authorized to transfer to the Republic of Korea, in return for concessions to be negotiated by the Secretary, any or all of the items described in paragraph (2).

(2) The items referred to in paragraph (1) are equipment, tanks, weapons, repair parts, and ammunition that—

(A) are obsolete or surplus items;

(B) are in the inventory of the Department of Defense;

(C) are intended for use as reserve stocks for the Republic of Korea; and

(D) as of the date of enactment of this Act, are located in a stockpile in the Republic of Korea.

(b) CONCESSIONS.—The value of the concessions negotiated by the Secretary of Defense shall be at least equal to the fair market value of the items transferred. The concessions may include cash compensation, services, waiver of charges otherwise payable by the United States, and other items of value.

(c) ADVANCE NOTIFICATION OF TRANSFER.—Not less than 30 days before making a transfer under the authority of this section, the Secretary of Defense shall transmit to the Committee on Foreign Relations of the Senate, the Committee on Foreign Affairs of the House of Representatives, and the congressional defense committees a notification of the proposed transfer. The notification shall identify the items to be transferred and the concessions to be received.

(d) EXPIRATION OF AUTHORITY.—No transfer may be made under the authority of this section more than two years after the date of the enactment of this Act.

SEC. 723. PILOT VISA WAIVER PROJECT FOR KOREANS VISITING ALASKA AND HAWAII.

(a) CONGRESSIONAL FINDINGS.—The Congress finds that—

(1) travel and tourism play a major role in reducing the United States unfavorable balance of trade;

(2) the characteristics of the Korean travel market do not permit long-term planning for longer trips;

(3) applications for United States visas cannot now be processed in a reasonable period of time;

(4) the United States Department of State has directed reductions in staff at the United States Embassy in Seoul, which promise to further expand the time necessary for potential Korean travelers to obtain a United States visa;

(5) most of the nations of the South Pacific and Europe do not currently require Koreans entering their countries to have a visa, thus providing them with a serious competitive advantage;

(6) the United States territory of Guam has been permitted by the United States Government to eliminate visa requirements for Koreans visiting Guam, with resultant impressive increases in travel and tourism from the Republic of Korea;

(7) the existing procedures to add any nation, including the Republic of Korea, to the group of favored nations exempted from United States visa regulations, would require many years during which time the United States could well lose its competitive advantages in attracting travel and tourism from the Republic of Korea; and

(8) the Republic of Korea as a gesture of goodwill has already unilaterally released United States travelers to the Republic of Korea from the necessity of obtaining a visa.

(b) POLICY.—The Secretary of State shall explore the procedures necessary to inaugurate a pilot study project which—

(1) would be aimed at greatly reducing the time and formalities needed to permit the Republic of Korea to join the other visa-waiver nations of the world; and

(2) would immediately permit the noncontiguous States of Alaska and Hawaii to join Guam as visa-free destinations for Korean travelers.

(c) DESCRIPTION OF PILOT PROJECT.—A pilot project conducted under subsection (a) should consist of the following elements:

(1) United States visas would be declared unnecessary for Koreans visiting Alaska or Hawaii.

(2) At United States Customs passport control stations in Alaska and Hawaii, Koreans would be expected to display their return trip airline ticket, with return to be effected within 2 weeks.

(3) At the end of 1 year, if immigration violations do not exceed the numbers experienced for Koreans entering other United States gateways, then the Department of State should consider extending visa waivers to all Koreans visiting the United States.

(d) EFFECTIVE DATE; TERMINATION DATE.—A pilot project conducted under subsection (a) should begin not later than May 1, 1994, and should terminate April 30, 1995.

SEC. 724. EUROPEAN NATIONS PARTICIPATION IN NATO.

(a) The Congress finds that:

(1) The Warsaw Pact has been disbanded and replaced by governments with legitimate political, economic and security interests;

(2) It is in the national interests of the United States to preserve European regional stability through the promotion of political and economic freedom and respect for territorial integrity and national sovereignty;

(3) The North Atlantic Treaty Organization has served and advanced United States and European interests in political stability and collective security for forty-five years;

(4) The Partnership for Peace is a positive step towards maintaining and furthering that security, a step that gives the nations of the East time to prepare for membership, therefore

(b) It is the sense of the Senate that:

(1) European nations which demonstrate both the capability and willingness to support collective defense requirements and established democratic practices including free, fair elections, civilian control of military institutions, respect for territorial integrity and the individual liberties of its citizens, share the goals of the North Atlantic Treaty Organization; and

(2) The United States should urge prompt admission to NATO for those nations after they have demonstrated such capability and willingness as set forth in paragraph (1).

SEC. 725. POLICY ON TERMINATION OF UNITED STATES ARMS EMBARGO.

(a) FINDINGS.—The Congress makes the following findings:

(1) On July 10, 1991, the United States adopted a policy suspending all licenses and other approvals to export or otherwise transfer defense articles and defense services to Yugoslavia.

(2) On September 25, 1991, the United Nations Security Council adopted Resolution 713, which imposed a mandatory international embargo on all deliveries of weapons and military equipment to Yugoslavia.

(3) The United States considered the policy adopted July 10, 1991, to comply fully with Resolution 713 and therefore took no additional action in response to that resolution.

(4) On January 8, 1992, the United Nations Security Council adopted Resolution 727, which decided that the mandatory arms embargo imposed by Resolution 713 should apply to any independent states that might thereafter emerge on the territory of Yugoslavia.

(5) On February 29 and March 1, 1992, the people of Bosnia and Herzegovina voted in a referendum to declare independence from Yugoslavia.

(6) On April 7, 1992, the United States recognized the Government of Bosnia and Herzegovina.

(7) On May 22, 1992, the Government of Bosnia and Herzegovina was admitted to full membership in the United Nations.

(8) Consistent with Resolution 727, the United States has continued to apply the policy adopted July 10, 1991, to independent states that have emerged on the territory of the former Yugoslavia, including Bosnia and Herzegovina.

(9) Subsequent to the adoption of Resolution 727 and Bosnia and Herzegovina's independence referendum, the siege of Sarajevo began and fighting spread to other areas of Bosnia and Herzegovina.

(10) The Government of Serbia intervened directly in the fighting by providing significant military, financial, and political support and direction to Serbian-allied irregular forces in Bosnia and Herzegovina.

(11) In statements dated May 1 and May 12, 1992, the Conference on Security and Cooperation in Europe declared that the Government of Serbia and the Serbian-controlled Yugoslav National Army were committing aggression against the Government of Bosnia and Herzegovina and assigned to them prime responsibility for the escalation of bloodshed and destruction.

(12) On May 30, 1992, the United Nations Security Council adopted Resolution 757, which condemned the Government of Serbia for its continued failure to respect the territorial integrity of Bosnia and Herzegovina.

(13) Serbian-allied irregular forces have occupied approximately 70 percent of the territory of Bosnia and Herzegovina, committed gross violations of human rights in the areas they have occupied, and established a secessionist government committed to eventual unification with Serbia.

(14) The military and other support and direction provided to Serbian-allied irregular forces in Bosnia and Herzegovina constitutes an armed attack on the Government of Bosnia and Herzegovina by the Government of Serbia within the meaning of Article 51 of the United Nations Charter.

(15) Under Article 51, the Government of Bosnia and Herzegovina, as a member of the United Nations, has an inherent right of individual or collective self-defense against the armed attack from the Government of Serbia until the United Nations Security Council has taken measures necessary to maintain international peace and security.

(16) The measures taken by the United Nations Security Council in response to the armed attack on Bosnia and Herzegovina have not been adequate to maintain international peace and security.

(17) Bosnia and Herzegovina has been unable successfully to resist the armed attack from Serbia because it lacks the means to counter heavy weaponry that Serbia obtained from the Yugoslav National Army upon the dissolution of Yugoslavia, and because the mandatory international arms embargo has prevented Bosnia and Herzegovina from obtaining from other countries the means to counter such heavy weaponry.

(18) On December 18, 1992, with the affirmative vote of the United States, the United Nations General Assembly adopted Resolution 47/121, which urged the United Nations Security Council to exempt Bosnia and Herzegovina from the mandatory arms embargo imposed by Resolution 713.

(19) In the absence of adequate measures to maintain international peace and security, continued application to the Government of Bosnia and Herzegovina of the mandatory international arms embargo imposed by the United Nations Security Council prior to the armed attack on Bosnia and Herzegovina undermines that government's right of individual or collective self-defense and therefore contravenes Article 51 of the United Nations Charter.

(20) Bosnia and Herzegovina's right of self-defense under Article 51 of the United Nations Charter includes the right to ask for military assistance from other countries and to receive such assistance if offered.

(b) POLICY ON TERMINATION OF ARMS EMBARGO.—(1) It is the sense of the Senate that the President should terminate the United States arms embargo of the Government of Bosnia and Herzegovina upon receipt from that government of a request for assistance in exercising its right of self-defense under Article 51 of the United Nations Charter.

(2) As used in this subsection, the term "United States arms embargo of the Government of Bosnia and Herzegovina" means the application to the Government of Bosnia and Herzegovina of—

(A) the policy adopted July 10, 1991, and published in the Federal Register of July 19, 1991 (58 Fed. Reg. 33322) under the heading "Suspension of Munitions Export Licenses to Yugoslavia"; and

(B) any similar policy being applied by the United States Government as of the date of receipt of the request described in subsection (a) pursuant to which approval is routinely denied for transfers of defense articles and defense services to the former Yugoslavia.

(c) POLICY ON MILITARY ASSISTANCE.—The President should provide appropriate military assistance to the Government of Bosnia and Herzegovina upon receipt from that government of a request for assistance in exercising its right of self-defense under Article 51 of the United Nations Charter.

SEC. 726. POLICY ON PREPARING TO REINTRODUCE OF TACTICAL NUCLEAR WEAPONS TO THE KOREAN PENINSULA.

(a) FINDINGS.—The Congress makes the following findings:

(1) It was announced by South Korean President Roh Tae Woo on December 18, 1991, that all tactical nuclear weapons had been removed from the Korean peninsula.

(2) On December 31, 1991, North Korea agreed to a denuclearization agreement with South Korea pledging not to possess, manufacture, or use nuclear weapons, not to possess plutonium reprocessing facilities, and to negotiate the establishment of a nuclear inspection system.

(3) On January 30, 1992, North Korea signed a nuclear safeguards agreement with the International Atomic Energy Agency (IAEA), allowing for IAEA regular inspections of nuclear facilities designated by North Korea.

(4) Negotiations between North and South Korea over implementation of the bilateral denuclearization agreement have stalled.

(5) North Korea stated its intention on March 12, 1993, to withdraw from the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), done on July 1, 1968.

(6) North Korea said it would "suspend as long as it considers necessary" its withdrawal from the Treaty on June 11, 1993, but continues to refuse to fully comply with Treaty provisions requiring regular inspections of declared nuclear facilities and allowing special inspections of undeclared sites.

(7) North Korea is the only country to ever formally threaten to withdraw from the Treaty, and effectively remains in a state of noncompliance with the Treaty.

(8) President Clinton has stated that the United States objective is a Korean peninsula free of nuclear weapons, and reaffirmed the United States security commitment to South Korea during a visit there on July 10–11, 1993.

(9) On November 7, 1993, President Clinton stated that "North Korea cannot be allowed to develop a nuclear bomb.".

(10) North Korea has reportedly rejected IAEA inspection procedures of seven declared nuclear sites after agreeing, in principle, with United States officials to allow IAEA investigators to visit each of those sites.

(11) In a statement issued on January 21, 1994, to IAEA authorities, North Korea reportedly declared that "routine or ad hoc" inspections, otherwise known as regular or special inspections, would not be allowed, and an IAEA spokesman stated that "we are not in agreement" about the inspections.

(b) POLICY.—It is the sense of Congress that if North Korea continues to resist the efforts of the international community to allow the IAEA to conduct regular and special inspections of its declared and undeclared nuclear sites and facilities, and refuses to return to, and fully comply with, the Treaty on the Non-Proliferation of Nuclear Weapons, the President should—

(1) fully coordinate with United States allies in the region regarding the military posture of North Korea and the ability of the United States to deter any future nuclear attack against South Korea or Japan; and

(2) in conjunction with United States allies, act to defend United States security interests on the Korean peninsula and enhance the defense capability of United States forces by preparing to reintroduce tactical nuclear weapons in South Korea.

(c) DEFINITION.—For purposes of this section, the term "IAEA" means the International Atomic Energy Agency.

SEC. 727. ASYLUM REFORMS.

(a) FINDINGS.—The Congress finds that—

(1) in the last decade applications for asylum have greatly exceeded the original 5,000 annual limit provided in the Refugee Act of 1980, with more than 150,000 asylum applications filed in fiscal year 1993, and the backlog of cases growing to the current level of 355,000;

(2) this flood of asylum claims has swamped the system, creating delays in the processing of applications of up to several years;

(3) the delay in processing asylum claims due to the overwhelming numbers has contributed to numerous problems, including—

(A) an abuse of the asylum laws by fraudulent applicants whose primary interest is obtaining work authority in the United States while

their claim languishes in the backlogged asylum processing system;

(B) the growth of alien smuggling operations, often involving organized crime;

(C) a drain on limited resources resulting from the high cost of processing frivolous asylum claims through our multi-layered system; and

(D) an erosion of public support for asylum;

(4) asylum, a safe haven protection for aliens abroad who cannot return home, has been perverted by some aliens who use asylum claims to circumvent our immigration and refugee laws and procedures;

(5) a comprehensive revision of our asylum law and procedures is required to address these problems.

(b) POLICY.—It is the sense of the Congress that—

(1) asylum is a process intended to protect certain aliens in the United States who, because of events occurring after their arrival here, cannot safely return home;

(2) persons outside their country of nationality who have a well-founded fear of persecution if they return should apply for refugee status with the local UNHCR, or other relevant international organization, office or at one of our refugee processing centers abroad, if possible;

(3) the immigration, refugee and asylum laws of the United States should be reformed to provide—

(A) a procedure for the expeditious exclusion of asylum applicants who arrive at a port-of-entry with fraudulent documents, or no documents, and make a non-credible claim of asylum; and

(B) the immigration, refugee, and asylum laws of the United States should be reformed to provide for a streamlined affirmative asylum processing system for asylum applicants who make their application after they have entered the United States.

SEC. 728. AMENDMENTS TO THE PLO COMMITMENTS COMPLIANCE ACT.

The PLO Commitments Compliance Act of 1989 (title VIII of Public Law 101–246) is amended—

(1) in section 804(b), by striking "Beginning 30 days after the date of enactment of this Act, and every 120 days thereafter in which the dialogue between the United States and the PLO has not been discontinued", and inserting in lieu thereof "In conjunction with each written policy justification required under section (3)(b)(1) of the Middle East Peace Facilitation Act of 1994 or every 180 days,";

(2) in section 804(b)(1), by striking "regarding the cessation of terrorism and recognition of Israel's right to exist" and inserting in lieu thereof "and each of the commitments described in section (4)(A) of the Middle East Peace Facilitation Act of 1994 (Oslo commitments)";

(3) in section 804(b)(2), by inserting "and Oslo" after "Geneva";

(4) by striking paragraphs (3) and (8) of section 804(b);

(5) by redesignating paragraphs (4), (5), (6), (7), (9), and (10) of section 804(b) as paragraphs (3), (4), (5), (6), (7), and (8), respectively of that section;

(6) in section 802(8), by inserting "and on September 9, 1993" after "1998";

(7) in section 802, by redesignating paragraph (8) as paragraph (10);

(8) by striking "and" at the end of section 802(7); and

(9) by inserting after section 802(7) the following:

"(8) the President, following an attempted terrorist attack upon a Tel Aviv beach on May 30, 1990, suspended the United States dialogue with the PLO;

"(9) the President resumed the United States dialogue with the PLO in response to the commitments made by the PLO in letters to the Prime Minister of Israel and the Foreign Minister of Norway of September 9, 1993; and".

SEC. 729. SAFETY OF UNITED STATES PERSONNEL IN SARAJEVO.

(a) FINDINGS.—The Congress finds that—

(1) the United States has recognized and established diplomatic relations with the Government of Bosnia-Hercegovina;

(2) the United States Ambassador to Bosnia-Hercegovina does not have any secure permanent or semipermanent facilities to conduct United States diplomatic activities in Sarajevo;

(3) the protracted conflict in Bosnia-Hercegovina creates serious physical risks to United States diplomatic personnel serving there;

(4) the United States Ambassador to Bosnia-Hercegovina resides and carries out his duties from Vienna, Austria; and

(5) an increased and more secure United States diplomatic presence in Sarajevo would enhance United States interests in Bosnia-Hercegovina.

(b) POLICY.—(1) It is, therefore, the sense of the Senate that the Secretary of State should immediately take steps to increase the presence of United States diplomatic personnel in Sarajevo, Bosnia-Hercegovina consistent with the objectives of ensuring their physical safety.

(2) Such steps should include secure facilities, communication capability, ground transportation and other capabilities, as appropriate, to enable United States diplomatic personnel to conduct regular official United States diplomatic activities in Sarajevo.

(c) REPORT.—The Secretary of State shall report to the Speaker of the House of Representatives and the Chairman of the Senate Committee on Foreign Relations on the steps taken to enhance the security and safety of United States diplomatic personnel not later than 30 days after the date of enactment of this Act.

SEC. 730. NOTIFICATION OF CONGRESS ON CERTAIN EVENTS INVOLVING THE MTCR.

(a) EXPORT IN SUPPORT OF SPACE LAUNCH VEHICLE (SLV) PROGRAMS.—At least 30 days before the export of any item controlled pursuant to United States obligations under the Missile Technology Control Regime and intended to support the design, development, or production of a Category I system, as defined in the MTCR Annex, to be utilized for the launch of satellites into space, the President shall transmit to Congress a report describing the proposed export and the rationale for approving such export, including the consistency of such export with United States missile nonproliferation policy. The President may waive the 30-day waiting period in any case in which the President certifies in the report that the national security interests of the United States necessitate immediate approval of the export or that the export represents the continuation of a long-standing relationship with an MTCR partner.

(b) UNITED STATES POSITION REGARDING ADMISSION OF NEW MTCR MEMBERS.—At least 30 days before the United States takes the position to favor the admission of a particular country into the Missile Technology Control Regime, the President shall transmit to Congress a report describing the rationale for such position together with all relevant information concerning that country's nonproliferation policies, practices, and commitments. The President may waive the 30-day waiting period in any case in which the President certifies in the report that the national security interests of the United States necessitate immediate approval of the new member.

(c) DEFINITIONS.—For purposes of this section—

(1) the terms "Missile Technology Control Regime" and "MTCR" mean the policy statement, between the United States, the United Kingdom, the Federal Republic of Germany, France, Italy, Canada, and Japan, announced on April 16, 1987, to restrict sensitive missile-relevant transfers based on the MTCR Annex, and any amendments thereto; and

(2) the term "MTCR Annex" means the Guidelines and Equipment and Technology Annex of the MTCR, and any amendments thereto.

SEC. 731. EXTENSION OF THE FAIR TRADE IN AUTO PARTS ACT OF 1988.

(a) IN GENERAL.—Section 2125 of the Fair Trade in Auto Parts Act of 1988 (15 U.S.C. 4704) is amended by striking "1993" and inserting "1998".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on December 30, 1993.

SEC. 732. REPORT ON THE ACTIVITIES OF THE PEOPLE'S MUJAHEDDIN OF IRAN.

(a) Congress makes the following findings:

(1) The People's Mujaheddin of Iran receives material, logistic, and financial support from the Iraq Government.

(2) The People's Mujaheddin of Iran has been involved in terrorist activities since the inception of the organization in 1963.

(3) During the past 30 years, terrorist activities of the People's Mujaheddin of Iran have resulted in the deaths of more than 10,000 Iranians.

(4) The People's Mujaheddin of Iran is responsible for the deaths of several United States military advisers in 1972 and 1973, for the deaths of two Air Force officers in 1975, and for the deaths of three United States employees of the Rockwell International Corporation in 1976.

(5) The People's Mujaheddin of Iran actively and vigorously supported the seizure of the United States Embassy in Tehran, Iran, in 1979.

(6) The Department of State informally recognizes the involvement of the People's Mujaheddin of Iran in international terrorist activities and has refused contact with representatives of the organization.

(7) The annual report of the Secretary of State on terrorist activities does not provide adequate information on the terrorist activities of the People's Mujaheddin of Iran.

(8) The past activities of the People's Mujaheddin of Iran, and the current policy of the Department of State with respect to the organization, create a presumption that the organization is currently engaged in international terrorist activities.

(b) Except as provided in subsection (d), the annual report of the Secretary of State that is submitted to Congress on April 30, 1994, under section 140 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (Public Law 100–204; 22 U.S.C. 2656f) shall include information referred to in subsection (c) on the People's Mujaheddin of Iran.

(c) The report referred to in subsection (b) shall include—

(1) an assessment of the activities of the People's Mujaheddin of Iran in accordance with subsection (a)(1) of such section 140; and

(2) any other relevant information on the People's Mujaheddin of Iran referred to in subsection (a)(2) of such section 140, including a detailed discussion of each of the matters referred to in subparagraphs (A) through (D) of subsection (b)(2) of such section.

(d) The Secretary may elect not to include the information referred to in subsection (c) in the report referred to in subsection (b). In the event of such an election, the Secretary shall transmit to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate a justification for such election.

(e) In the event of an election under subsection (d), not less than sixty days from the submittal of the report referred to in subsection (b), the Secretary shall submit an unclassified report to Congress detailing the structure, cur-

rent activities, external support and history of the People's Mujaheddin of Iran. Such report shall include any connection to organizations operating in the United States.

(f) In this section, the term "People's Mujaheddin of Iran" means the organization also known as the Mujaheddin-e Khalq that is based in Iraq and led by Iranian expatriots Massoud Rajavi or Maryam Rajavi and includes any group or organization associated with such organization, including the Iraqi-based National Liberation Army and the National Council of Resistance of Iran.

SEC. 733. REIMBURSEMENT OF STATE AND LOCAL GOVERNMENTS.

Section 208 of title 3, United States Code, is amended by inserting at the end the following new subsection:

"(c) Out of funds otherwise available for fiscal year 1994 and fiscal year 1995 for 'Protection of Foreign Missions and Officials', the Secretary of State is authorized to reimburse the City of Seattle and State of Washington up to a total of $440,000 for fiscal year 1994 and $500,000 for fiscal year 1995 for unexpected extraordinary security costs associated with the change in the level of the participation in the Asian Pacific Cooperation conference held in Seattle in November 1993 from Ministerial to Heads-of-State.".

SEC. 734. RESTORATION OF WITHHELD BENEFITS.

(a) ELIGIBILITY.—With respect to any person for which the Secretary of State and the Secretary concerned within the Department of Defense has approved the employment or the holding of a position pursuant to the provisions of section 1058, title 10, United States Code, before the date of enactment of this Act, the consents, approvals and determinations under that section shall be deemed to be effective as of January 1, 1993.

(b) TECHNICAL CORRECTION.—Subsection (d) of section 1433 of Public Law 103–160 is repealed.

SEC. 735. REPORT ON THE USE OF FOREIGN FROZEN OR BLOCKED ASSETS.

Not later than 30 days after enactment of this Act, the President shall submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report containing a detailed accounting analysis and justification for all expenditures made from foreign governments' assets that have been frozen or blocked by the United States Government, including but not limited to those expenditures made from Haitian frozen or blocked assets by the Government of President Jean Bertrand Aristide, and those made from Iranian and Iraqi frozen or blocked assets.

SEC. 736. FOREIGN POLICY.

(a) It is the sense of the Senate that the President has determined that sustainable development is one of the goals of United States foreign policy and, therefore, the United States, in conducting bilateral and multilateral negotiations, should, to the maximum extent feasible, take into consideration the principles of sustainable development that encourage broad based economic growth, protect the environment, build human capital and knowledge, and promote democratic participation and development.

(b) It is the further sense of the Senate that domestic producers of environmental goods and services should, to the maximum extent practicable, be notified of any potential business opportunities which result from United States bilateral and multilateral assistance programs and negotiations.

SEC. 737. PASSPORT SECURITY.

(a) It is the sense of the Congress that the Department of State is strongly urged to assure that any new passport issuances should, to the maximum extent practicable—

(1) be secure against counterfeiting, alteration, duplication or simulation;

(2) be easily verifiable with appropriate inspection by public officials and private and commercial personnel; and

(3) contain only American-sourced materials and technology.

(b) The Secretary of State shall provide a report to the Senate Committee on Foreign Relations and the House Committee on Foreign Affairs within 30 days of enactment detailing actions taken by the Department to accomplish the goals set forth in subsection (a).

SEC. 738. PUBLISHING INTERNATIONAL AGREEMENTS.

Section 112a of title I of the United States Code is amended—

(1) by inserting "(a)" immediately before "The Secretary of State"; and

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

"(b) The Secretary of State may determine that publication of certain categories of agreements is not required, provided that the following criteria are met:

"(1) Such agreements are not treaties which have been brought into force for the United States after having received Senate advice and consent pursuant to section 2(2) of Article II of the Constitution of the United States;

"(2) The public interest in such agreements is insufficient to justify their publication, in that (i) as of the date of enactment of this legislation, the agreements are no longer in force, (ii) the agreements do not create private rights or duties, nor establish standards intended to govern government action in the treatment of private individuals, (iii) in view of the limited or specialized nature of the public interest in such agreements, such interest can adequately be satisfied by an alternative means, or (iv) the public disclosure of the text of the agreement would, in the opinion of the President, be prejudicial to the national security of the United States; and

"(3) Copies of such agreements (other than those in subsection (2)(b)(iv)), including certified copies where necessary for litigation or similar purposes, can be made available by the Department of State upon reasonable request.

"(c) Any determination pursuant to subsection (b) shall be published in the Federal Register.".

SEC. 739. CONFERENCE ON SECURITY AND COOPERATION IN EUROPE.

The President is authorized to implement, for the United States, the provisions of Annex 1 of the Decision concerning Legal Capacity and Privileges and Immunities, issued by the Council of Ministers of the Conference on Security and Cooperation in Europe on December 1, 1993, in accordance with the terms of that Annex.

SEC. 740. AGREEMENT ON STATE AND LOCAL TAXATION.

The President is authorized to bring into force for the United States the Agreement on State and Local Taxation of Foreign Employees of Public International Organizations, which was signed by the United States on April 21, 1992: Provided, That, notwithstanding the provisions of Article 1.B of such Agreement, such Agreement shall not require any refunds of monies paid with respect to tax years ending on or before December 31, 1993.

SEC. 741. FEES FOR COMMERCIAL SERVICES.

Title I of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2669 et seq.) is amended by adding the following new section at the end:

"SEC. 52. FEES FOR COMMERCIAL SERVICES.

"(a) AUTHORITY TO CHARGE FEE.—(1) Subject to paragraph (2), the Secretary of State is authorized to charge a fee to cover the actual or estimated cost of providing any person, firm or organization (other than agencies of the United States Government) with commercial services at posts abroad on matters within the authority of the Department of State.

"(2) The authority of this section may be exercised only in countries where the Department of Commerce does not perform commercial services for which it collects fees.

"(b) USE OF FEES.—Funds collected under the authority of subsection (a) shall be deposited as an offsetting collection to any Department of State appropriation to recover the costs of providing commercial services.".

SEC. 742. PERSONAL SERVICES CONTRACTS ABROAD.

Section 2(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2669(c)) is amended by inserting the following before the period: "; and such contracts are authorized to be negotiated, the terms of the contracts to be prescribed, and the work to be performed, where necessary, without regard to such statutory provisions as relate to the negotiation, making, and performance of contracts and performance of work in the United States".

SEC. 743. UNITED STATES MEMBERSHIP IN THE INTERNATIONAL COPPER STUDY GROUP.

(a) UNITED STATES MEMBERSHIP.—The President is authorized to accept the Terms of Reference of and maintain membership of the United States in the International Copper Study Group (ICSG).

(b) PAYMENTS OF ASSESSED CONTRIBUTIONS.—For fiscal year 1995 and thereafter the United States assessed contributions to the ICSG may be paid from funds appropriated for "Contributions to International Organizations".

SEC. 744. PROHIBITION ON ASSISTANCE TO COUNTRIES EXPROPRIATING UNITED STATES PROPERTY.

(a) PROHIBITION.—None of the funds made available to carry out the Foreign Assistance Act of 1961 as amended, the Arms Export Control Act, or the Support for East European Democracy Act may be provided to a country (other than a country described in subsection (c)) whose government (or any agency or instrument thereof)—

(1) has before, on, or after the date of enactment of this Act—

(A) nationalized or expropriated the property of any United States person,

(B) repudiated or nullified any contract or agreement with any United States person, or

(C) taken any other action (such as the imposition of discriminatory taxes or other exactions) which has the effect of seizing ownership or control of the property of any United States person, and

(2) has not, within a period of 3 years (or where applicable, the period described in subsection (b)), returned the property or provided adequate and effective compensation for such property in convertible foreign exchange equivalent to the full value thereof, as required by international law.

(3) the President may waive the prohibition in subsection (a) if he determines and so notifies Congress that it is in the national interest to do so. Such determination must be made on a country by country basis every 180 days.

(b) EXTENDED PERIOD FOR COMPENSATION IN THE CASE OF NEWLY ELECTED DEMOCRATIC GOVERNMENTS.—In the case of a democratically elected foreign government that had been a totalitarian or authoritarian government at the time of the action described in subsection (a)(1), the 3-year period described in subsection (a)(2) shall be deemed to have begun as of the date of the installation of the democratically elected government.

(c) EXCEPTED COUNTRIES AND TERRITORIES.—This section shall not apply to any country established by international mandate through the United Nations or to any territory recognized by the United States Government to be in dispute.

(d) REPORTING REQUIREMENT.—Not later than 90 days after enactment of this Act, and every

180 days thereafter, the Secretary of State shall transmit to the Speaker of the House of Representatives and to the Committee on Foreign Relations of the Senate, a report containing the following:

(1) A list of all countries in which a United States person has an outstanding expropriations claim.

(2) The total number of outstanding expropriation claims made by United States persons against any foreign country.

(3) The period of time in which each claim has been outstanding.

(4) All efforts made on a case by case basis by the United States Government, any international organization, and the country in which the expropriation claim has been made, to return the property or provide adequate and effective compensation for such property.

(e) DEFINITION.—For purposes of this section, the term "United States person" means a United States citizen or corporation, partnership, or association at least 50 percent beneficially owned by United States citizens.

SEC. 745. ISRAEL'S DIPLOMATIC STATUS.

(a) The Congress finds that—

(1) Israel continues to be a leader in the Middle East peace process and the only democracy in the region;

(2) on May 14, 1948, the United States was the first country to accord de facto recognition to Israel;

(3) after over forty-six years of independence Israel is recognized only by 132 countries around the world;

(4) forty-nine countries have no diplomatic relations with Israel, including 32 that collectively receive in fiscal year 1994 over $523,000,000 in United States foreign assistance;

(5) China and India recognized the state of Israel in 1992;

(6) Israel is a legitimate state and sovereign entity that deserves to be accorded full diplomatic recognition by members of the international community; and

(7) the following states will receive direct and indirect United States foreign assistance this year and have failed to recognize Israel: Afghanistan; Algeria; Bahrain; Bangladesh; Botswana; Burundi; Cape Verde; Chad; Djibouti; Ghana; Guinea; Guinea-Bissau; Indonesia; Jordan; Laos; Lebanon; Madagascar; Maldives; Mauritania; Morocco; Namibia; Niger; Oman; Pakistan; Rwanda; Senegal; Somalia; Sri Lanka; Tanzania; Tunisia; Uganda; and Yemen, therefore

(b) It is the sense of the Senate that the Secretary of State should make the issue of Israel's diplomatic status a priority and urge countries that receive American aid to immediately establish full diplomatic relations with the state of Israel.

SEC. 746. POLICY REGARDING GERMAN PARTICIPATION IN INTERNATIONAL PEACEKEEPING OPERATIONS.

(a) FINDINGS.—The Congress finds that—

(1) for more than four decades following the Second World War, Germany was a divided nation;

(2) notwithstanding the creation of the Federal Republic of Germany on September 7, 1949, and the German Democratic Republic on October 7, 1949, the Four Allied Powers retained rights and responsibilities for Germany as a whole;

(3) the Federal Republic of Germany acceded to the United Nations Charter without reservation, "accept[ing] the obligations contained in the Charter . . . and solemnly undertak[ing] to carry them out", and was admitted as a member of the United Nations on September 26, 1973;

(4) the Federal Republic of Germany's admission to the United Nations did not alter Germany's division nor infringe upon the rights and responsibilities of the Four Allied Powers for Germany as a whole;

(5) these circumstances created impediments to the Federal Republic of Germany fulfilling all obligations undertaken upon its accession to the United Nations Charter;

(6) Germany was unified within the Federal Republic of Germany on October 3, 1990;

(7) with the entry into force of the Final Settlement With Respect to Germany on March 4, 1991, the unified Germany assumed its place in the community of nations as a fully sovereign national state;

(8) German unification and attainment of full sovereignty and the Federal Republic's history of more than four decades of democracy have removed impediments that have prevented its full participation in international efforts to maintain or restore international peace and security;

(9) international peacekeeping, peacemaking, and peace-enforcing operations are becoming increasingly important for the maintenance and restoration of international peace and security;

(10) United Nations Secretary General Boutros Boutros-Ghali has called for the "full participation of Germany in peacekeeping, peacemaking, and peace-enforcing measures";

(11) the North Atlantic Council, meeting in ministerial session on June 4, 1992, and December 17, 1992, stated the preparedness of the North Atlantic Alliance to "support, on a case-by-case basis in accordance with our own procedures, peacekeeping activities under the responsibility of the Conference on Security and Cooperation in Europe" and "peacekeeping operations under the authority of the United Nations Security Council";

(12) the Federal Republic of Germany participated in these North Atlantic Council meetings and fully associated itself with the resulting communiques;

(13) the Western European Union (WEU) Ministerial Council, in the Petersberg Declaration adopted June 19, 1992, declared that "As the WEU develops its operational capabilities in accordance with the Maastricht Declaration, we are prepared to support, on a case-by-case basis and in accordance with our own procedures, the effective implementation of conflict-prevention and crisis-management measures, including peacekeeping activities of the CSCE or the United Nations Security Council";

(14) the Federal Republic of Germany presided over this Western European Union Ministerial Council meeting and fully associated itself with the Petersberg Declaration;

(15) the Federal Republic of Germany, by virtue of its political, economic, and military status and potential, will play an important role in determining the success or failure of future international efforts to maintain or restore international peace and security;

(16) Germany is currently engaged in a debate on the proper role for the German military in the international community and, in this regard, on how to amend the provisions of the Federal Republic's Basic Law that govern German military activities;

(17) one important element in the German debate is the attitude of the international community toward full German participation in international peacekeeping, peacemaking, and peace-enforcing operations;

(18) it is, therefore, appropriate for the United States, as a member of the international community and as a permanent member of the United Nations Security Council, to express its position on the question of such German participation; and

(19) distinctions between peacekeeping, peacemaking, and peace-enforcing measures are becoming blurred, making absolute separation of such measures difficult, if not impossible.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) an appropriate response under current circumstances to Germany's past would be for Germany to participate fully in international efforts to maintain or restore international peace and security; and

(2) the President should strongly encourage Germany, in light of its increasing political and economic influence, its successful integration into international institutions, and its commitment to peace and democratic ideals, to assume full and active participation in international peacekeeping, peacemaking, and peace-enforcing operations and to take the necessary measures with regard to its constitutional law and policy and its military capabilities so as to enable the full and active participation of Germany in such operations.

SEC. 747. UNITED STATES CITIZENS HIRED ABROAD.

(a) In order to facilitate the hiring of United States citizens abroad, the Foreign Service Act of 1980 (22 U.S.C. 3901 et seq.) ("the Act"), the State Department Basic Authorities Act (22 U.S.C. 2669 et seq.), and other provisions are amended as follows:

(1) In section 309(b) of the Act by deleting "and" at the end of subsection (b)(3); and by deleting the period at the end of subsection (b)(4) and inserting in lieu thereof "; and (5) as a foreign national employee.".

(2) In section 311 of the Act by striking the section and inserting the following:

"(a) The Secretary, under section 303, may appoint United States citizens, who are family members of government employees assigned abroad or are hired for service at their post of residence, for employment in positions customarily filled by Foreign Service officers, Foreign Service personnel, and foreign national employees.

"(b) The fact that an applicant for employment in a position referred to in subsection (a) is a family member of a Government employee assigned abroad shall be considered an affirmative factor in employing such person.

"(c)(1) Non-family members employed under this section for service at their post of residence shall be paid in accordance with local compensation plans established under section 408.

"(2) Family members employed under this section shall be paid in accordance with the Foreign Service Schedule or the salary rates established under section 407.

"(3) In exceptional circumstances, non-family members may be paid in accordance with the Foreign Service Schedule or the salary rates established under section 407, if the Secretary determines that the national interest would be served by such payments.

"(d) Citizens employed under this section shall not be eligible for benefits under chapter 8 of the Foreign Service Act of 1980, as amended, or under chapters 83 and 84 of title 5, unless the Secretary states in writing or by regulation that specific individuals shall remain eligible for benefits under chapter 83 or 84 of title 5, as appropriate. Each agency should make efforts to find additional funding for retirement coverage for family members.".

(3) In section 404(a) of the Act by deleting the phrase "who are family members of Government employees paid in accordance with a local compensation plan established under".

(4) In section 408 of the Act—

(A) by rewriting the first sentence of subsection 408(a)(1) to read as follows: "The Secretary shall establish compensation (including position classification) plans for foreign national employees of the Service and United States citizens employed under section 311(c)(1).";

(B) in the second sentence of subsection 408(a)(1), by deleting the phrase "employed in the Service abroad who were hired while resid-

ing abroad and to those family members of Government employees who are paid in accordance with such plans";

(C) in the third sentence of subsection 408(a)(1), by deleting the phrase "foreign national" each place it appears; and

(D) by adding a fourth sentence as follows: "For United States citizens under a compensation plan, the Secretary shall also (A) provide these citizens with a total compensation package (including wages, allowances, benefits, and other employer payments, such as for social security) that has the equivalent cost to that received by foreign national employees occupying a similar position at that post and (B) define those allowances and benefits provided under United States law which shall be included as part of this total compensation package, notwithstanding any other provision of law, except that this section shall not be used to override United States minimum wage requirements, or any provision of the Social Security Act or the Internal Revenue Code.

(5) In section 504(b) of the Act by inserting "(other than those employed in accordance with section 311)" immediately after "citizen of the United States".

(6) In section 601(b)(2) of the Act by deleting "and" the last time it appears and by inserting "and other members of the Service" immediately after "categories of career candidates,".

(7) In section 611 of the Act by striking all that follows "Foreign Service Schedule" and inserting in lieu thereof "or who is paid in accordance with section 407 or is a United States citizen paid under a compensation plan under section 408.".

(8) In section 903(a) of the Act by inserting "(other than a member employed under section 311)" immediately after "member of the Service" each place it appears.

(9) In section 1002(8)(A) of the Act by inserting "a member of the Service who is a United States citizen (other than a family member) employed under section 311," immediately after "a consular agent,".

(10) In section 1101(a)(1) of the Act by inserting "(other than a United States citizen employed under section 311 who is not a family member)" immediately after "citizen of the United States".

(11) In section 2(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2669(c)), by inserting the following before the period: "; and such contracts are authorized to be negotiated, the terms of the contracts to be prescribed, and the work to be performed, where necessary, without regard to such statutory provisions as relate to the negotiation, making, and performance of contracts and performance of work in the United States".

SEC. 748. EXTENSION OF CERTAIN ADJUDICATION PROVISIONS.

The Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (Public Law 101-167), is amended—

(1) in section 599D (8 U.S.C. 1157 note)—

(A) in subsection (b)(3), by striking "1993 and 1994" and inserting "1993, 1994, 1995, and 1996"; and

(B) in subsection (e), by striking out "October 1, 1994" each place it appears and inserting in lieu thereof "October 1, 1996"; and

(2) in section 599E (8 U.S.C. 1255 note) in subsection (b)(2), by striking out "September 30, 1994" and inserting in lieu thereof "September 30, 1996".

SEC. 749. POLICY REGARDING THE NORTH KOREAN NUCLEAR WEAPONS PROGRAM.

(a) FINDINGS.—The Congress makes the following findings:

(1) On February 10, 1993, North Korea refused to permit the International Atomic Energy Agency (IAEA) to conduct special inspections, as permitted under the terms of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), of two undeclared nuclear-related sites to clarify discrepancies related to North Korea's nuclear program, and on March 12, 1993, North Korea announced its intention to withdraw from the NPT effective on June 12, 1993, due to the insistence of the IAEA on exercising inspection rights under the NPT.

(2) On April 1, 1993, the IAEA declared North Korea to be in noncompliance with the NPT; on April 2, 1993, the IAEA voted to refer North Korean violations of the Treaty to the United Nations Security Council; and on April 7, 1993, the IAEA issued a formal censure on North Korea for its noncompliance with the NPT, the first censure in the history of the IAEA.

(3) On May 11, 1993, the United Nations Security Council passed a resolution asking North Korea to allow IAEA inspections under the NPT, and on May 12, 1993, North Korea rejected the request of the United Nations Security Council and has since impeded or refused access to any of its sites by IAEA inspectors.

(4) On June 2, 1993, the United States and North Korea initiated a series of meetings in New York to discuss the impasse in nuclear site inspections, which continued until January 4, 1994, when Under Secretary of State Lynn Davis announced that North Korea had agreed to inspections of seven declared nuclear-related sites.

(5) Discussions between the IAEA and North Korea to implement the announced agreement to permit inspections in North Korea have reached an apparent impasse, and the issue is anticipated to be discussed at the IAEA Board of Governors meeting on February 21, 1994.

(6) The People's Republic of China (PRC) has repeatedly stated it would not support any action of the United Nations Security Council to impose sanctions on North Korea, and the PRC may not be cooperating fully and effectively in seeking a resolution of this issue.

(7) The United States must clearly communicate its firm resolve to compel North Korea to comply with the inspections required under the NPT and has instead offered to cancel 1994 Team Spirit joint military exercises with South Korea; indications are that numerous other concessions, such as diplomatic recognition and economic assistance, are also being considered.

(8) The development of nuclear weapons by North Korea would significantly increase the already serious threat to the safety and security of South Korea and the stability of the Pacific region posed by North Korea's military forces, which include—

(A) an army of 1,200,000 men, much of which is positioned near the border with South Korea;

(B) an estimated 250 tons of biological and chemical weapons; and

(C) extended range SCUD-C missiles reportedly armed with chemical warheads, No Dong missiles, and possibly a much longer range intermediate-range ballistic missile in development.

(b) POLICY.—It is the sense of the Congress that—

(1) North Korea must halt its nuclear weapons program and fully comply with the terms of the NPT and the January 30, 1992, full-scope safeguards agreement agreed to by North Korea and the IAEA;

(2) the President should seek international consensus to isolate North Korea economically until North Korea halts its nuclear weapons program and reaches acceptable agreement with the IAEA on inspections of its nuclear facilities and those inspections have begun;

(3) the President should support United States-South Korea joint military exercises as an expression of commitment to the United States-Republic of Korea Mutual Defense Treaty of 1954;

(4) the President should ensure that sufficient United States military forces are deployed in the Pacific region, including the deployment of Patriot batteries in South Korea, in order to be prepared to effectively defend South Korea against any offensive action by North Korea;

(5) the President should make resolution of this issue a matter of urgent national security priority; and

(6) an "acceptable agreement" between the IAEA and North Korea should include regular inspection of all declared nuclear sites as well as special inspections of any suspected nuclear-related site, as agreed to by North Korea in the January 30, 1992, full-scope safeguards agreement with the IAEA.

(c) DEFINITIONS.—For purposes of this section—

(1) the term "IAEA" means the International Atomic Energy Agency;

(2) the term "NPT" means the Treaty on the Non-Proliferation of Nuclear Weapons, done on July 1, 1968 at London, Moscow, and Washington; and

(3) the term "safeguards" means the safeguards set forth in an agreement between a country and the IAEA, as authorized by Article III(A)(5) of the Statute of the International Atomic Energy Agency.

SEC. 750. REPORT ON RUSSIAN MILITARY OPERATIONS IN THE INDEPENDENT STATES OF THE FORMER SOVIET UNION.

(a) IN GENERAL.—Not later than July 1, 1994, the President shall submit to Congress a report on the operations and activities of the armed forces of the Russian Federation, including elements purportedly operating outside the chain of command of the armed forces of the Russian Federation, outside the borders of the Russian Federation and, specifically, in the other independent states that were a part of the former Soviet Union and the Baltic States.

(b) CONTENT OF REPORT.—The report required by subsection (a) shall include, but not be limited to—

(1) an assessment of the numbers and types of Russian armed forces deployed in each of the other independent states of the former Soviet Union and the Baltic States and a summary of their operations and activities since the demise of the Soviet Union in December 1991;

(2) a detailed assessment of the involvement of Russian armed forces in conflicts in or involving Armenia, Azerbaijan, Georgia, Moldova, and Tajikistan, including support provided directly or indirectly to one or more parties to these conflicts;

(3) an assessment of the political and military objectives of the operations and activities discussed in paragraphs (1) and (2) and of the strategic objectives of the Russian Federation in its relations with the other independent states of the former Soviet Union and the Baltic States;

(4) an assessment of other significant actions, including political and economic, taken by the Russian Federation to influence the other independent states of the former Soviet Union and the Baltic States in pursuit of its strategic objectives; and

(5) an analysis of the new Russian military doctrine adopted by President Yeltsin on November 2, 1993, with particular regard to its implications for Russian policy toward the other independent states of the former Soviet Union and the Baltic States.

(c) DEFINITIONS.—For the purposes of this section—

(1) "the other independent states of the former Soviet Union" means Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Tajikistan, Turkmenistan, Ukraine, and Uzbekistan; and

(2) "the Baltic States" means Latvia, Lithuania, and Estonia.

SEC. 751. REPORT ON BOSNIAN REFUGEES.

(a) The Senate finds that:

(1) In Bosnia-Hercegovina the civilian population has been subject to egregious violations of basic human rights, including wide-spread willful killing, the torture of prisoners, deliberate attacks on non-combatants, the intentional impeding of the delivery of food and medical supplies to the civilian population, mass forcible expulsion and deportation of civilians, the abuse of civilians in detention centers, and the wanton devastation and destruction of property.

(2) Ethnic cleansing, the systematic persecution of minorities, indiscriminate attacks on civilians, violations of internationally-held humanitarian principles, and the deliberate targeting of aid workers has been and continues to be common events in the conflict in Bosnia-Hercegovina.

(b) The Department of State shall within 60 days after the enactment of this law brief the Committees of Judiciary of the House of Representatives and the Senate on the steps being taken by the United States to assure that all appropriate efforts are being made to expeditiously identify and assist all cases of Bosnian individuals and families who are requesting third country resettlement and who are eligible to seek refugee status in the United States and who are seeking such refugee status.

SEC. 752. POLICY REGARDING THE CONDITIONS WHICH THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA SHOULD MEET TO CONTINUE TO RECEIVE NONDISCRIMINATORY MOST-FAVORED-NATION TREATMENT.

(a) The Congress finds that:

(1) In an Executive Order of May 28, 1993, the President established conditions for renewal of most-favored-nation (MFN) status for the People's Republic of China in 1994.

(2) This Executive Order requires that in making a recommendation about the further extension of MFN status to China, the Secretary of State shall not recommend extension unless he determines that—

(A) extension will substantially promote the freedom of emigration objectives of section 402 of the Trade Act of 1974; and

(B) China is complying with the 1992 bilateral agreement between the United States and China concerning prison labor.

(3) The Executive Order further requires that in making his recommendation, the Secretary of State shall determine whether China has made overall, significant progress with respect to—

(A) taking steps to begin adhering to the Universal Declaration of Human Rights;

(B) releasing and providing an acceptable accounting for Chinese citizens imprisoned or detained for the non-violent expression of their political and religious beliefs, including such expression of religious beliefs in connection with the Democracy Wall and Tiananmen Square movements;

(C) ensuring humane treatment of prisoners, such as by allowing access to prisons by international humanitarian and human rights organizations;

(D) protecting Tibet's distinctive religious and cultural heritage; and

(E) permitting international radio and television broadcasts into China.

(4) The Executive Order further requires the Executive Branch to resolutely pursue all legislative and executive actions to ensure that China abides by its commitments to follow fair, nondiscriminatory trade practices in dealing with United States businesses, and adheres to the Nuclear Nonproliferation Treaty, the Missile Technology Control Regime guidelines and parameters, and other nonproliferation commitments.

(5) The Chinese government should cooperate with international efforts to obtain North Korea's full, unconditional compliance with the Nuclear Non-Proliferation Treaty.

(6) The President has initiated an intensive high-level dialogue with the Chinese government which began last year with a meeting between the Secretary of State and the Chinese Foreign Minister, including a meeting in Seattle between the President and the President of China, meetings in Beijing with the Secretary of the Treasury, the Assistant Secretary for Human Rights and others, a recent meeting in Paris between the Secretary of State and the Chinese Foreign Minister, and recent meetings in Washington with several Under Secretaries and their Chinese counterparts.

(7) The President's efforts have led to some recent progress on some issues of concern to the United States.

(8) Notwithstanding this, substantially more progress is needed to meet the standards in the President's Executive Order.

(9) The Chinese government's overall human rights record in 1993 fell far short of internationally accepted norms as it continued to repress critics and failed to control abuses by its own security forces, therefore

(b) It is the sense of the Senate that the President of the United States should use all appropriate opportunities, in particular more high-level exchanges with the Chinese government, to press for further concrete progress towards meeting the standards for continuation of MFN status as contained in the Executive Order.

SEC. 753. IMPLEMENTATION OF PARTNERSHIP FOR PEACE.

REPORT.—The President shall submit every six months, beginning six months after the date of enactment of this Act, a detailed report to the Senate Foreign Relations Committee, the House Foreign Affairs Committee, and the House and the Senate Armed Services Committees on the implementation of the "Partnership for Peace" initiative, including an assessment of the progress made by former members of the Warsaw Treaty Organization in meeting the criteria for full membership articulated in Article 10 of the North Atlantic Treaty, wherein any other European state may, by unanimous agreement, be invited to accede to the North Atlantic Treaty if it is in a position to further the principles of the Treaty and to contribute to the security of the North Atlantic area.

SEC. 754. FUNDING FOR DEMOCRACY PROMOTION PROGRAMS.

In addition to the other matters to be reviewed by the commission established by this Act to study the effectiveness of democracy programs funded by the United States, the commission shall also undertake a review of the feasibility and desirability of mandating non-United States Government funding, including matching funds and in-kind support, for democracy promotion programs. If the commission determines that mandating such non-government funding is feasible and desirable it shall make recommendations regarding goals and procedures for implementation.

SEC. 755. HUMANITARIAN ACTIVITIES.

It is the sense of the Senate that the President should not restrict informational, educational, religious, or humanitarian exchanges, or exchanges for public performances or exhibitions, or travel for any such informational, educational, religious, performance, or exhibition exchanges, or travel for furtherance of humanitarian activities, between the United States and any other country.

SEC. 756. LIMITATION ON AUTHORITY TO TRANSFER EXCESS DEFENSE ARTICLES.

(a) TRANSFERS TO COUNTRIES ON THE SOUTHERN AND SOUTHEASTERN FLANK OF NATO.—Section 516(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(b)) is amended—

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

(2) by striking out the period at the end of paragraph (3) and inserting in lieu thereof "; and"; and

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

"(4) the President first considers the effects of the transfer of the excess defense articles on the national technology and industrial base, particularly the extent, if any, to which the transfer reduces the opportunities of entities in the national technology and industrial base to sell new equipment to the country or countries to which the excess defense articles are transferred.".

(b) TRANSFERS TO COUNTRIES PARTICIPATING IN A COMPREHENSIVE NATIONAL ANTINARCOTICS PROGRAM.—Section 517(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321k(f)) is amended—

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

(2) by striking out the period at the end of paragraph (3) and inserting in lieu thereof "; and"; and

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

"(4) the President first considers the effects of the transfer of the excess defense articles on the national technology and industrial base, particularly the extent, if any, to which the transfer reduces the opportunities of entities in the national technology and industrial base to sell new equipment to the country or countries to which the excess defense articles are transferred.".

(c) TRANSFERS TO COUNTRIES ELIGIBLE TO PARTICIPATE IN A FOREIGN MILITARY FINANCING PROGRAM.—Section 519(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321m(b)) is amended—

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

(2) by striking out the period at the end of paragraph (4) and inserting in lieu thereof "; and"; and

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

"(5) the President first considers the effects of the transfer of the excess defense articles on the national technology and industrial base, particularly the extent, if any, to which the transfer reduces the opportunities of entities in the national technology and industrial base to sell new equipment to the country or countries to which the excess defense articles are transferred.".

(d) SALES FROM STOCK UNDER ARMS EXPORT CONTROL ACT.—Section 21 of the Arms Export Control Act (22 U.S.C. 2761) is amended by adding at the end the following new subsection:

"(k) Before entering into the sale under this Act of defense articles that are excess to the stocks of the Department of Defense, the President shall first consider the effects of the sale of the articles on the national technology and industrial base, particularly the extent, if any, to which the sale reduces the opportunities of entities in the national technology and industrial base to sell new equipment to the country or countries to which the excess defense articles are sold.".

(e) LEASES UNDER ARMS EXPORT CONTROL ACT.—Section 61(a) of the Arms Export Control Act (22 U.S.C. 2796(a)) is amended—

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

(2) by redesignating paragraph (3) as paragraph (4);

(3) by inserting after paragraph (2) the following new paragraph (3):

"(3) the President first considers the effects of the lease of the articles on the national technology and industrial base, particularly the extent, if any, to which the lease reduces the op-

portunities of entities in the national technology and industrial base to sell new equipment to the country or countries to which the articles are leased; and''; and

(4) in the matter following paragraph (4), as redesignated by paragraph (2) of this subsection, by striking out ''paragraph (3)'' each place it appears and inserting in lieu thereof ''paragraph (4)''.

SEC. 757. MISSILE TECHNOLOGY EXPORTS TO CERTAIN MIDDLE EASTERN AND ASIAN COUNTRIES.

(a) EXPORTS BY UNITED STATES PERSONS.—Section 72 of the Arms Export Control Act (22 U.S.C. 2797a) is amended—

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

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

''(c) PRESUMPTION.—In determining whether to apply sanctions under subsection (a) to a United States person involved in the export, transfer, or trade of an item on the MTCR Annex, it shall be a rebuttable presumption that such item is designed for use in a missile listed under the MTCR Annex if the President determines that the final destination of the item is a country the government of which the Secretary of State determines, for purposes of 6(j)(1)(A) of the Export Administration Act of 1979, has repeatedly provided support for acts of international terrorism.''.

(b) EXPORTS BY FOREIGN PERSONS.—Section 73 of the Arms Export Control Act (22 U.S.C. 2797b) is amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and

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

''(f) PRESUMPTION.—In determining whether to apply sanctions under subsection (a) to a foreign person involved in the export, transfer, or trade of an item on the MTCR Annex, it shall be a rebuttable presumption that such item is designed for use in a missile listed under the MTCR Annex if the President determines that the final destination of the item is a country the government of which the Secretary of State determines, for purposes of 6(j)(1)(A) of the Export Administration Act of 1979, has repeatedly provided support for acts of international terrorism.''.

SEC. 758. CHINESE FLEEING COERCIVE POPULATION CONTROL POLICIES.

(a) In numbers not to exceed those specified in subsection (e), the Attorney General shall protect from deportion or exclusion to the People's Republic of China nationals of the People's Republic of China who demonstrate a reasonable likelihood that they will be forced to abort a pregnancy or will be subjected to forced sterilization under Chinese Communist Party directives and/or government directives of the People's Republic of China on population or will suffer other severe harm for refusal to comply with such directives, or who demonstrate that they have experienced severe harm on account of their refusal to comply with such directives.

(b) Nothing in this section shall be construed to preclude the Attorney General from deporting or excluding any national of the People's Republic of China to the People's Republic of China if the Attorney General determines that such national is inadmissible to the United States under section 212(a) (2), (3), (6)(E) (if such action were taken knowingly and for gain), or (9) of the Immigration and Nationality Act.

(c) The Attorney General shall, within 90 days of enactment of this section, promulgate regulations and guidelines to carry out the provisions of this section.

(d) Nothing in this section shall be construed as—

(1) Shifting the burden of providing, in each individual case, facts sufficient to establish a claim within the scope of subsection (a) of this section from any person making such claim to the Attorney General; or

(2) Requiring the Attorney General to disapprove such claim in the absence of proof of facts sufficient to establish a claim described in subsection (a) of this section by any person making such claim.

(e) The number of persons receiving the benefit of this section shall not exceed 2,000 applicants in any fiscal year.

(f) The provisions of this section shall take effect on the date of enactment of this Act, and relief under this section shall be available, in numbers not to exceed those specified in subsection (e), to any national of the People's Republic of China who is entitled to such relief under the provisions of this section notwithstanding the pendency of administrative or judicial proceedings or appeals on the date of enactment of this Act, and to any such national whose claim arises on or after the date of enactment.

(g) A person who is not deported or excluded to the People's Republic of China pursuant to subsection (a) of this section shall be entitled to the same associated benefits as a person granted asylum under section 208 of the Immigration and Nationality Act.

(h) This section does not apply to an alien who has received a final conviction of an aggravated felony or who has claimed the benefit of subsection (a) solely for the purpose of evading the immigration laws of the United States.

(i) This section shall remain in effect for a period of three years from its date of enactment.

SEC. 759. OPPOSITION TO FINANCING BY INTERNATIONAL FINANCIAL INSTITUTIONS FOR COUNTRIES EXPROPRIATING UNITED STATES PROPERTY.

(a) PROHIBITION.—The President shall instruct the United States Executive Director of the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the African Development Fund, the Asian Development Bank, the African Development Bank, the European Bank for Reconstruction and Development, and the International Monetary Fund to vote against any loan or other utilization of the funds of the bank for benefit of any country which—

(1) has before, on, or after the date of enactment of this Act—

(A) nationalized or expropriated the property of any United States person,

(B) repudiated or nullified any contract or agreement with any United States person, or

(C) taken any other action (such as the imposition of discriminatory taxes or other exactions) which has the effect of seizing ownership or control of the property of any United States person, and

(2) has not, within a period of 3 years (or where applicable, the period described in subsection (b)), returned the property or provided adequate and effective compensation for such property in convertible foreign exchange equivalent to the full value thereof, as required by international law.

(b) EXTENDED PERIOD FOR COMPENSATION IN THE CASE OF NEWLY DEMOCRATIC GOVERNMENTS.—In the case of a democratically elected foreign government that had been a totalitarian or authoritarian government at the time of the action described in subsection (a)(1), the 3-year period described in subsection (a)(2) shall be deemed to have begun as of the date of the installation of the democratically elected government.

(c) EXCEPTED COUNTRIES AND TERRITORIES.—This section shall not apply to any country established by international mandate through the United Nations or to any territory recognized by the United States Government to be in dispute.

(d) REPORTING REQUIREMENT.—Not later than 90 days after the date of enactment of this Act, and every 180 days thereafter, the President shall transmit to the Speaker of the House of Representatives and to the Committee on Foreign Relations of the Senate, a report containing the following:

(1) A list of all countries against which United States persons have outstanding expropriation claims.

(2) The total number of outstanding expropriation claims made by United States persons against any foreign country.

(3) The period of time in which each claim has been outstanding.

(4) A description on a case-by-case basis of each effort made by the United States Government, or the country in which the expropriation claim has been made, to return the property or provide adequate and effective compensation for such property.

(5) Each project a United States Executive Director voted against as a result of the action described in subsection (a).

(e) DEFINITION.—For purposes of this section, the term ''United States person'' means a United States citizen or corporation, partnership, or association at least 50 percent beneficially owned by United States citizens.

(f) WAIVER.—The President may waive the prohibition in subsection (a) if he determines and so notifies Congress that—

(1) it is in the national interest to do so and such determination must be made on a country by country basis every 180 days; or

(2) the parties have submitted the dispute to arbitration under rules of the Convention for the Settlement of Investment Disputes.

SEC. 760. REPORT ON DISMANTLEMENT OF NUCLEAR WEAPONS OF THE FORMER SOVIET UNION.

(a) REPORT.—In the report required by section 1207 of title XII of Public Law 103–160 and due on April 30, 1994, to be submitted the President, as prepared by the Secretaries of State and Defense in consultation with the Arms Control and Disarmament Agency and the Central Intelligence Agency, shall include the following:

(1) The anticipated timetable for dismantlement of former Soviet Union nuclear and chemical weapons and the status of stocks and production capacity in the Russian Federation, Ukraine, Kazakhstan and Belarus and how appropriated funds are being used to effect this purpose;

(2) The cost of each activity carried out to date, as well as each projected activity;

(3) The United States agency or host country agency responsible for each element of the project;

(4) Obstacles that might hinder the effective use of United States funds in dismantling nuclear and chemical weapons in each of the four nuclear republics of the former Soviet Union and recommendations for overcoming these obstacles;

(5) The specific impact of United States funds on the pace and quality of nuclear and chemical weapons dismantlement in each of the four republics;

(6) A classified appendix detailing actual reduction in weapons and capabilities as a result of the expendature of United States funds.

SEC. 761. REPORT ON SANCTIONS ON VIETNAM.

Not later than 30 days after any action to modify or terminate any prohibition, restriction, condition or limitation on transaction involving commercial sale of any good or technology to the Socialist Republic of Vietnam, or involving the importation into the United States of goods or services of Vietnamese origin, in effect as of

January 27, 1994 under the Act of October 6, 1917 (40 Stat. 411 et seq.), as amended, the President shall submit a report, taking into account information available to the United States Government, to the Senate and the House of Representatives on achieving the fullest possible accounting of United States personnel unaccounted for from the Vietnam War, including—

(1) Progress on recovering and repatriating American remains from Vietnam;

(2) Progress on resolution of discrepancy cases;

(3) the status of Vietnamese cooperation in implementing trilateral investigations with Laos; and

(4) Progress on accelerated efforts to obtain all POW/MIA related documents from Vietnam.

SEC. 762. COORDINATOR FOR COUNTER-TERRORISM.

(a) ESTABLISHMENT.—There shall be within the Department of State a Coordinator for Counter-Terrorism (hereafter in this section referred to as the "Coordinator") who shall be appointed by the President.

(b) RESPONSIBILITIES.—(1) The Coordinator shall perform such duties and exercise such power as the Secretary of State shall prescribe.

(2) The Coordinator shall have as his principal duty the overall supervision (including oversight of policy and resources) of counter-terrorism activities of the Department of State. The Coordinator shall be the principal advisor to the Secretary of State on counter-terrorism matters and (after the Secretary, Deputy Secretary, and the appropriate Under Secretary) shall be the principal counter-terrorism official within the senior management of the Department of State.

(c) RANK AND STATUS.—The Coordinator shall have the rank and status of an Assistant Secretary. The Coordinator shall be compensated at the annual rate of basic pay in effect for a position at level IV of the Executive Schedule under section 5314 of title 5, United States Code.

(d) SENSE OF THE SENATE.—It is the sense of the Senate that there shall be in the Department of State a Deputy Assistant Secretary of State with the rank of ambassador whose sole responsibility shall be the day-to-day management of counter-terrorism activities in the Department of State.

SEC. 763. POLICY REGARDING THE RELATIONSHIP OF THAILAND WITH ITS NEIGHBORS STRUGGLING FOR DEMOCRACY, CAMBODIA AND BURMA.

(a) FINDINGS.—Congress finds that—

(1) the Government of Thailand is to be commended for its return to democracy and its commitment to representative government;

(2) the United States-Thai security relationship is a cornerstone of the Association of Southeast Asian Nations (ASEAN) and a key to stability in Southeast Asia;

(3) Cambodia, Thailand's neighbor to the East, is struggling to prevent violence from disrupting the creation of a democratic state;

(4) the cooperation of Thailand in implementing the Paris Peace Accords was instrumental in assisting Cambodians to achieve their goal of political reconciliation;

(5) Peace in Cambodia promotes stability in Southeast Asia and the continued cooperation of Thailand in bringing lasting peace to that nation is vital. That peace is threatened by the Khmer Rouge, which has attempted to violently disrupt the Cambodian effort to institute an elected government.

(6) The Government of Thailand is commended for the steps it has taken to discontinue the Thai relationship with the Khmer Rouge, and in particular its adherence to United Nations sanctions on timber and petroleum trade between Thailand and Khmer controlled areas of Cambodia.

(7) Prime Minister Chuan Leekpai and the Commander-in-Chief of the Thai military, Wimol Wongawanich, have publicly enunciated a policy of non-support for the Khmer Rouge. Furthermore, Prime Minister Chuan has demonstrated considerable support for the freely elected Government of Cambodia.

(8) The extent to which the Government of Thailand permits trade and particularly military contact with the armed opposition to the newly elected Cambodian government, directly impact the prospects for peace and political reconciliation in Cambodia.

(9) Congress is concerned that elements of the Thai military and companies with close links to the Thai military, continue to operate against the will and policy of the government to support the Khmer Rouge.

(10) Congress is concerned that the Clinton Administration has not articulated its position regarding United States policy toward Burma.

(11) The Senate unanimously declared in S. Res. 112 that it does not recognize the military junta in Burma known as the State Law and Order Restoration Council (referred to as the "SLORC"), since the people of Burma gave the National League for Democracy a clear victory in the election of May 27, 1990.

(12) Nobel Peace Prize winner Daw Aung San Suu Kyi, a leader of the National League for Democracy, has been under house arrest since July 1989. Many of her colleagues who were able to escape imprisonment or death have taken refuge in Thailand, where they have organized to work peacefully to bring democracy to Burma.

(13) The Government of Thailand should be praised for providing safe haven to the many Burmese forced to flee the brutal repression of the SLORC regime. Despite pressure from the SLORC, Thailand has allowed those groups to operate within its borders, and has granted visas for international travel.

(14) Congress is concerned by reports that the Government of Thailand may adopt more restrictive policies towards the Burmese have raised considerable concern. In particular, Congress is concerned by reports that Dr. Sein Win and other Burmese dissidents may not be allowed to return from their trip to the United States and to the United Nations to secure support for their democratic aspirations.

(15) Congress is deeply interested in seeing the peaceful transition of power to those elected in 1990. Aung San Suu Kyi and other senior National League for Democracy leaders imprisoned in Burmese jails, are unable to conduct political activity inside Burma and have never been allowed to take their elected positions. Those who were able to escape must rely on Thailand's continued hospitality.

(16) in recent years there has been an increase in the number of Burmese women and girls conscripted into Thai brothels. Human Rights Watch has recently issued a report documenting the problems faced by these women. Many of these Burmese become virtual slaves, with no way to escape the brothels where they are kept. When these prostitution rings have been broken up by Thai authorities, often those forced into prostitution are detained in jails, or deported to Burma where they are arrested for prostitution, further victimizing them, and

(17) in 1992, Thai Prime Minister Chuan Leekpai pledged to crack down on official involvement in forced and child prostitution. Congress welcomes the Government of Thailand's efforts to eliminate forced prostitution. However, Thai border officials and police are reportedly involved in the transport of these women from Burma, and at times, directly in the brothel operations.

(b) SENSE OF THE CONGRESS.—It is the Sense of the Congress that—

(1) the Government of Thailand should continue and must intensify its efforts to end the relationship between the Khmer Rouge and the Thai military;

(2) the President of the United States should convey to the Government of Thailand American concern over renegade Thai military support for the Khmer Rouge;

(3) the President should adopt the policies called for in S. Res. 112 and to clearly enunciate policy with respect to Burma;

(4) the Government of Thailand should continue to allow the democratic leaders of Burma to operate freely within Thailand and to grant them free passage to allow them to present their case to the world at the United Nations and other international gatherings; and

(5) the Government of Thailand is further urged to prosecute those responsible for the trafficking, forced labor and physical and sexual abuse of women. If Thai officials are found to be involved, they should be prosecuted to the fullest extent of the law. In addition, the Government of Thailand should protect the civil and human rights of Burmese women and refrain from their further victimization.

SEC. 764. SEWAGE TREATMENT ALONG THE UNITED STATES-MEXICO BORDER.

(a) DEFINITIONS.—As used in this section:

(1) COMMISSIONER.—The term "Commissioner" means the United States Commissioner of the International Boundary and Water Commission.

(2) CONSTRUCTION.—The term "construction" has the meaning provided the term under section 212(1) of the Federal Water Pollution Control Act (33 U.S.C. 1292(1)).

(3) TREATMENT WORKS.—The term "treatment works" has the meaning provided the term under section 212(2) of the Federal Water Pollution Control Act (33 U.S.C. 1292(2)).

(b) AGREEMENTS TO CORRECT POLLUTION.—

(1) IN GENERAL.—The Secretary of State, acting through the Commissioner, may enter into an agreement with the appropriate representative of the Ministry of Foreign Relations of Mexico to address the international problems related to pollution caused by the discharge of raw and inadequately treated sewage originating in the Republic of Mexico to waters which form or cross the boundary between the United States and Mexico.

(2) CONTENTS OF AGREEMENTS.—An agreement entered into under paragraph (1) shall consist of recommendations to the appropriate officials of the Federal Government and the Government of Mexico concerning measures to protect the health and welfare of individuals from adverse effects of the pollution referred to in paragraph (1), including recommendations concerning—

(A) whether treatment works should be constructed, operated, and maintained in Mexico or the United States;

(B) estimates of the cost of the planning, construction, operation, and maintenance of the treatment works referred to in subparagraph (A);

(C) formulas for the initial allocation of costs between the United States and Mexico with respect to the planning, construction, operation, and maintenance of the treatment works referred to in subparagraph (A);

(D) a method for the review and adjustment of the formulas recommended under subparagraph (C), not later than 5 years after the date of issuance of the formulas, and every 5 years thereafter, that recognizes that the initial formulas should not be used as a precedent with respect to a subsequent review and adjustment carried out pursuant to this subparagraph; and

(E) an estimated time period for the construction of a treatment works referred to in subparagraph (A).

(c) AUTHORITY OF SECRETARY OF STATE TO PLAN, CONSTRUCT, OPERATE, AND MAINTAIN FACILITIES.—The Secretary of State, acting through the Commissioner, may act jointly with

the appropriate representative of the Government of Mexico to supervise—

(1) the planning of; and

(2) the construction, operation, and maintenance of,

the treatment works recommended in an agreement entered into pursuant to subsection (b)(1).

(d) CONSULTATION WITH THE ADMINISTRATOR AND OTHER OFFICIALS.—In carrying out subsection (b), the Secretary shall consult with the Administrator and other appropriate officials of the Federal Government, and appropriate officials of the governments of States and political subdivisions of States.

(e) ANNUAL REPORT.—

(1) IN GENERAL.—Not later than 90 days after the date of termination of each fiscal year, the Secretary of State, acting through the Commissioner, shall prepare and submit to the President, the Speaker of the House of Representatives, and the Majority Leader of the Senate an annual report concerning the activities of the International Boundary and Water Commission in carrying out the responsibilities of the Secretary of State pursuant to this section.

(2) CONTENTS.—The report required under paragraph (1) shall include—

(A) a summary of the activities of the Commission during the fiscal year;

(B) a review of the problems related to pollution caused by the discharge of raw and inadequately treated sewage from the Republic of Mexico to the waters which form or cross the boundary between the United States and Mexico;

(C) a summary of the progress made by the Commissioner during the fiscal year in entering into agreement pursuant to subsection (b)(1);

(D) a summary of the progress made toward fulfilling the recommendations included in an agreement referred to in subparagraph (C);

(E) a summary of any actions taken by the Commissioner to plan, construct, operate, and maintain treatment works pursuant to this section;

(F) a summary of the consultations made by the Commissioner pursuant to subsection (e);

(G) recommendations that the Commissioner determines will be beneficial in correcting pollution caused by the discharge of raw and inadequately treated sewage from the Republic of Mexico to waters which form or cross the boundary between the United States and Mexico; and

(H) such other information as the Commissioner determines is necessary or appropriate.

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) there is authorized to be appropriated to the Secretary of State such sums as may be necessary to support agreements concluded pursuant to subsection (b).

(2) nothing in this section authorizes funds appropriated pursuant to the fiscal year 1994 appropriations bill for the Departments of Veterans Affairs, Housing and Urban Development, and Independent Agencies (Public Law 103-124).

TITLE VIII—ARMS CONTROL AND NONPROLIFERATION ACT OF 1994–

SEC. 801. SHORT TITLE; REFERENCES IN ACT; TABLE OF CONTENTS.

(a) SHORT TITLE.—This title may be cited as the "Arms Control and Nonproliferation Act of 1994".

(b) REFERENCES IN TITLE.—Except as specifically provided in this title, whenever in this title an amendment or repeal is expressed as an amendment to or repeal of a provision, the reference shall be deemed to be made to the Arms Control and Disarmament Act.

SEC. 802. CONGRESSIONAL DECLARATIONS; PURPOSE.

(a) CONGRESSIONAL DECLARATIONS.—The Congress declares that—

(1) a fundamental goal of the United States, particularly in the wake of the highly turbulent and uncertain international situation fostered by the end of the Cold War, the disintegration of the Soviet Union and the resulting emergence of fifteen new independent states, and the revolutionary changes in Eastern Europe, is to eliminate chemical and biological weapons and to reduce and limit the large numbers of nuclear weapons in the former Soviet Union and, more generally, to prevent the proliferation of weapons of mass destruction and their means of delivery, and of high-technology conventional armaments as well as to prevent regional conflicts and conventional arms races; and

(2) an ultimate goal of the United States continues to be a world in which the use of force is subordinated to the rule of law and international change is achieved peacefully without the danger and burden of destabilizing and costly armaments.

(b) PURPOSE.—The purpose of this title is—

(1) to strengthen the United States Arms Control and Disarmament Agency; and

(2) to improve congressional oversight of the arms control, nonproliferation, and disarmament activities of the United States Arms Control and Disarmament Agency.

SEC. 803. PURPOSES.

Section 2 (22 U.S.C. 2551) is amended in the text following the third undesignated paragraph by striking paragraphs (a), (b), (c), and (d) and by inserting the following new paragraphs:

"(1) The preparation for and management of United States participation in international negotiations and implementation fora in the arms control and disarmament field.

"(2) When directed by the President, the preparation for, and management of, United States participation in international negotiations and implementation fora in the nonproliferation field.

"(3) The conduct, support, and coordination of research for arms control, nonproliferation, and disarmament policy formulation.

"(4) The preparation for, operation of, or, as appropriate, direction of, United States participation in such control systems as may become part of United States arms control, nonproliferation, and disarmament activities.

"(5) The dissemination and coordination of public information concerning arms control, nonproliferation, and disarmament.".

SEC. 804. REPEALS.

The following provisions of law are hereby repealed:

(1) Section 26 (22 U.S.C. 2566), relating to the General Advisory Committee.

(2) Section 36 (22 U.S.C. 2578), relating to arms control impact information and analysis.

(3) Section 38 (22 U.S.C. 2578), relating to reports on Standing Consultative Commission activities.

(4) Section 1002 of the Department of Defense Authorization Act, 1986 (22 U.S.C. 2592a), relating to an annual report on Soviet compliance with arms control commitments.

SEC. 805. DIRECTOR.

Section 22 (22 U.S.C. 2562) is amended to read as follows:

"DIRECTOR

"SEC. 22. (a) APPOINTMENT.—The Agency shall be headed by a Director appointed by the President, by and with the advice and consent of the Senate. No person serving on active duty as a commissioned officer of the Armed Forces of the United States may be appointed Director.

"(b) DUTIES.—(1) The Director shall serve as the principal adviser to the Secretary of State, the National Security Council, and the President and other executive branch Government officials on matters relating to arms control, nonproliferation, and disarmament matters. In carrying out his duties under this Act, the Director, under the direction of the President and the Secretary of State, shall have primary responsibility within the Government for matters relating to arms control and disarmament, and, whenever directed by the President, primary responsibility within the Government for matters relating to nonproliferation.

"(2) The Director shall attend all meetings of the National Security Council involving weapons procurement, arms sales, consideration of the defense budget, and all arms control, nonproliferation, and disarmament matters.".

SEC. 806. BUREAUS, OFFICES, AND DIVISIONS.

Section 25 (22 U.S.C. 2565) is amended to read as follows:

"SEC. 25. BUREAUS, OFFICES, AND DIVISIONS.

"The Director, under the direction of the Secretary of State, may establish within the Agency such bureaus, offices, and divisions as he may determine to be necessary to discharge his responsibilities pursuant to this Act, including a bureau of intelligence and information support and an office to perform legal services for the Agency.".

SEC. 807. PRESIDENTIAL SPECIAL REPRESENTATIVES.

(a) Sections 27 and 28 (22 U.S.C. 2567, 2568) are redesignated as sections 26 and 27, respectively.

(b) Section 26 (as redesignated by subsection (a)) is amended to read as follows:

"PRESIDENTIAL SPECIAL REPRESENTATIVES

"SEC. 26. The President may appoint, by and with the advice and consent of the Senate, Special Representatives of the President for Arms Control, Nonproliferation, and Disarmament. Each Presidential Special Representative shall hold the personal rank of ambassador. Presidential Special Representatives appointed under this section shall perform their duties and exercise their powers under direction of the President and the Secretary of State, acting through the Director. The Agency shall be the Government agency responsible for providing administrative support, including funding, staff, and office space, to all Presidential Special Representatives.".

SEC. 808. POLICY FORMULATION.

Section 33 (22 U.S.C. 2573) is amended to read as follows:

"POLICY FORMULATION

"SEC. 33. (a) FORMULATION.—The Director shall prepare for the President, the Secretary of State, and the heads of such other Government agencies as the President may determine, recommendations and advice concerning United States arms control, nonproliferation, and disarmament policy.

"(b) PROHIBITION.—No action shall be taken pursuant to this or any other Act that would obligate the United States to reduce or limit the Armed Forces or armaments of the United States in a militarily significant manner, except pursuant to the treaty-making power of the President set forth in Article II, Section 2, Clause 2 of the Constitution or unless authorized by the enactment of further affirmative legislation by the Congress of the United States.".

SEC. 809. NEGOTIATION MANAGEMENT.

Section 34 (22 U.S.C. 2574) is amended to read as follows:

"NEGOTIATION MANAGEMENT

"SEC. 34. (a) RESPONSIBILITIES.—The Director, under the direction of the President and the Secretary of State, shall have primary responsibility for the preparation, conduct, and management of United States participation in all international negotiations and implementation fora in the field of arms control and disarmament and shall have primary responsibility, whenever directed by the President, for the preparation, conduct, and management of United States participation in international negotiations and implementation fora in the field of

nonproliferation. In furtherance of these responsibilities Special Representatives of the President for Nonproliferation, established pursuant to section 26, shall, as directed by the President, serve as the United States Government representatives to international organizations, conferences, and activities relating to the field of nonproliferation, such as the preparations for and conduct of the review relating to the Treaty on the Non-Proliferation of Nuclear Weapons.

"(b) FUNCTIONS WITH RESPECT TO THE UNITED STATES INFORMATION AGENCY.—The Director shall perform functions pursuant to section 2(c) of the Reorganization Plan 8 of 1953 with respect to providing to the United States Information Agency official United States positions and policy on arms control, nonproliferation, and disarmament matters for dissemination abroad.

"(c) AUTHORITY.—The Director is authorized—

"(1) to formulate plans and make preparations for the establishment, operation, and funding of inspections and control systems which may become part of the United States arms control, nonproliferation, and disarmament activities; and

"(2) as authorized by law, to put into effect, direct, or otherwise assume United States responsibility for such systems.".

SEC. 810. REPORT ON MEASURES TO COORDINATE RESEARCH AND DEVELOPMENT.

Not later than March 31, 1995, the President shall submit to the Congress a report prepared by the Director of the United States Arms Control and Disarmament Agency, in coordination with the Secretary of State, the Secretary of Defense, the Secretary of Energy, the Chairman of the Joint Chiefs of Staff, and the Director of Central Intelligence, with respect to the procedures established pursuant to section 35 of the Arms Control and Disarmament Act (22 U.S.C. 2575) for the effective coordination of research and development on arms control, nonproliferation, and disarmament among all departments and agencies of the executive branch of Government.

SEC. 811. NEGOTIATING RECORDS.

(a) IN GENERAL.—The Arms Control and Disarmament Act is amended by inserting after section 35 the following:

"NEGOTIATING RECORDS

"SEC. 36. (a) PREPARATION OF RECORDS.—The Director shall establish and maintain records for each arms control, nonproliferation, and disarmament agreement to which the United States is a party and which was under negotiation or in force on or after January 1, 1990, which shall include classified and unclassified materials such as instructions and guidance, position papers, reporting cables and memoranda of conversation, working papers, draft texts of the agreement, diplomatic notes, notes verbal, and other internal and external correspondence.

"(b) NEGOTIATING AND IMPLEMENTATION RECORDS.—In particular, the Director shall establish and maintain a negotiating and implementation record for each such agreement, which shall be comprehensive and detailed, and shall document all communications between the parties with respect to such agreement. Such records shall be maintained both in hard copy and magnetic media.

"(c) PARTICIPATION OF AGENCY PERSONNEL.—In order to implement effectively this section, the Director shall ensure that Agency personnel participate throughout the negotiation and implementation phases of all arms control, nonproliferation, and disarmament agreements.".

(b) REPORT REQUIRED.—Not later than January 31, 1995, the Director of the United States Arms Control and Disarmament Agency shall submit to the Speaker of the House of Representatives and to the chairman of the Committee on Foreign Relations of the Senate a detailed report describing the actions he has undertaken to implement section 36 of the Arms Control and Disarmament Act.

SEC. 812. VERIFICATION OF COMPLIANCE.

Section 37 (22 U.S.C. 2577) is amended to read as follows:

"VERIFICATION OF COMPLIANCE

"SEC. 37. (a) IN GENERAL.—In order to ensure that arms control, nonproliferation, and disarmament agreements can be adequately verified, the Director shall report to Congress, on a timely basis, or upon request by an appropriate committee of the Congress—

"(1) in the case of any arms control, nonproliferation, or disarmament agreement that has been concluded by the United States, the determination of the Director as to the degree to which the components of such agreement can be verified;

"(2) in the case of any arms control, nonproliferation, or disarmament agreement that has entered into force, any significant degradation or alteration in the capacity of the United States to verify compliance of the components of such agreement; and

"(3) the amount and percentage of research funds expended by the Agency for the purpose of analyzing issues relating to arms control, nonproliferation, and disarmament verification.

"(b) STANDARD FOR VERIFICATION OF COMPLIANCE.—In making determinations under paragraphs (1) and (2) of subsection (a), the Director shall assume all measures of concealment not expressly prohibited could be employed and that standard practices could be altered so as to impede verification.

"(c) RULE OF CONSTRUCTION.—Except as otherwise provided for by law, nothing in this section may be construed as requiring the disclosure of sensitive information relating to intelligence sources or methods or persons employed in the verification of compliance with arms control, nonproliferation, and disarmament agreements.

"(d) PARTICIPATION OF THE AGENCY.—In order to ensure adherence of the United States to obligations or commitments undertaken in arms control, nonproliferation, and disarmament agreements, and in order for the Director to make the assessment required by section 51(a)(5), the Director, or the Director's designee, shall participate in all interagency groups or organizations within the executive branch of Government that assess, analyze, or review United States planned or ongoing policies, programs, or actions that have a direct bearing on United States adherence to obligations undertaken in arms control, nonproliferation, or disarmament agreements.".

SEC. 813. AUTHORITIES WITH RESPECT TO NONPROLIFERATION MATTERS.

(a) AMENDMENTS TO THE ARMS EXPORT CONTROL ACT.—(1) Section 38(a)(2) of the Arms Export Control Act (22 U.S.C. 2778(a)(2)) is amended to read as follows:

"(2) Decisions on issuing export licenses under this section shall be made in coordination with the Director of the United States Arms Control and Disarmament Agency, taking into account the Director's assessment as to whether the export of an article would contribute to an arms race, support international terrorism, increase the possibility of outbreak or escalation of conflict, or prejudice the development of bilateral or multilateral arms control or nonproliferation agreements or other arrangements. The Director of the Arms Control and Disarmament Agency is authorized, whenever the Director determines that the issuance of an export license under this section would be detrimental to the national security of the United States, to recommend to the President that such export license be disapproved.".

(2) Section 42(a) of such Act (22 U.S.C. 2791(a)) is amended—

(A) by redesignating clauses (1), (2), and (3) as clauses (A), (B), and (C), respectively;

(B) by inserting "(1)" immediately after "(a)";

(C) by amending clause (C) (as redesignated) to read as follows:

"(C) the assessment of the Director of the United States Arms Control and Disarmament Agency as to whether, and the extent to which, such sale might contribute to an arms race, support international terrorism, increase the possibility of outbreak or escalation of conflict, or prejudice the development of bilateral or multilateral arms control or nonproliferation agreements or other arrangements;"; and

(D) by adding at the end the following:

"(2) Any proposed sale made pursuant to this Act shall be approved only after consultation with the Director of the United States Arms Control and Disarmament Agency. The Director of the Arms Control and Disarmament Agency is authorized, whenever the Director determines that a sale under this section would be detrimental to the national security of the United States, to recommend to the President that such sale be disapproved.".

(3) Section 71(a) of such Act (22 U.S.C. 2797(a)) is amended by inserting "and the Director of the Arms Control and Disarmament Agency" after "The Secretary of Defense".

(4) Section 71(b)(1) of such Act (22 U.S.C. 2797(b)(1)) is amended by inserting "and the Director of the United States Arms Control and Disarmament Agency" after "Secretary of Defense".

(5) Section 71(b)(2) of such Act (22 U.S.C. 2797(b)(2)) is amended by inserting "and the Director of the United States Arms Control and Disarmament Agency" after "The Secretary of Commerce".

(6) Section 71(c) of such Act (22 U.S.C. 2797(c)) is amended by inserting "to include the Director of the Arms Control and Disarmament Agency" after "other appropriate Government agencies".

(7) Section 73(d) of such Act (22 U.S.C. 2797(d)) is amended by inserting "and the Director of the United States Arms Control and Disarmament Agency" after "The Secretary of Commerce".

(b) AMENDMENT TO THE NUCLEAR NON-PROLIFERATION ACT.—Section 309(c) of the Nuclear Non-Proliferation Act of 1978 (42 U.S.C. 2139(a)) is amended in the second sentence by striking out ", as required,".

SEC. 814. APPOINTMENT AND COMPENSATION OF PERSONNEL.

Section 41(b) (22 U.S.C. 2581(b)) is amended by striking all that follows "General Schedule pay rates," and inserting in lieu thereof "except that—

"(1) the Director may, to the extent the Director determines necessary, appoint in the excepted service, and fix the compensation of, employees possessing specialized technical expertise without regard to provisions of title 5, United States Code, governing appointment or compensation of employees of the United States,

"(2) an employee who is appointed under this provision may not be paid a salary in excess of the rate payable for positions of equivalent difficulty or responsibility, and in no event, may be paid at a rate exceeding the maximum rate in effect for level 15 of the General Schedule, and

"(3) the number of employees appointed under this paragraph shall not exceed ten percent of the number of positions allowed under the Agency's full-time equivalent limitation.".

SEC. 815. SECURITY REQUIREMENTS.

Section 45(a) (22 U.S.C. 2585) is amended in the third sentence—

(1) by inserting "or employed directly from other Government agencies" after "persons detailed from other Government agencies"; and

(2) by striking "by the Department of Defense or the Department of State" and inserting "by such agencies".

SEC. 816. ANNUAL REPORT TO CONGRESS; AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Title IV of the Arms Control and Disarmament Act is amended—

(1) by striking sections 49 and 50;

(2) by redesignating sections 51 and 53 as sections 49 and 50, respectively; and

(3) by inserting after section 50 (as redesignated by paragraph (2)) the following new sections:

"ANNUAL REPORT TO CONGRESS

"SEC. 51. (a) IN GENERAL.—Not later than January 31 of each year, the President shall submit to the Speaker of the House of Representatives and to the chairman of the Committee on Foreign Relations of the Senate a report prepared by the Director, in consultation with the Secretary of State, the Secretary of Defense, the Secretary of Energy, the Chairman of the Joint Chiefs of Staff, and Director of Central Intelligence, on the status of United States policy and actions with respect to arms control, nonproliferation, and disarmament. Such report shall include—

"(1) a detailed statement concerning the arms control and disarmament objectives of the executive branch of Government for the forthcoming year;

"(2) a detailed statement concerning the nonproliferation objectives of the executive branch of Government for the forthcoming year;

"(3) a detailed assessment of the status of any ongoing arms control or disarmament negotiations, including a comprehensive description of negotiations or other activities during the preceding year and an appraisal of the status and prospects for the forthcoming year;

"(4) a detailed assessment of the status of any ongoing nonproliferation negotiations or other activities, including a comprehensive description of the negotiations or other activities during the preceding year and an appraisal of the status and prospects for the forthcoming year;

"(5) a detailed assessment of adherence of the United States to obligations undertaken in arms control, nonproliferation, and disarmament agreements, including information on the policies and organization of each relevant agency or department of the United States to ensure adherence to such obligations, a description of national security programs with a direct bearing on questions of adherence to such obligations and of steps being taken to ensure adherence, and a compilation of any substantive questions raised during the preceding year and any corrective action taken; and

"(6) a detailed assessment of the adherence of other nations to obligations undertaken in all arms control, nonproliferation, and disarmament agreements to which the United States is a participating state, including information on actions taken by each nation with regard to the size, structure, and disposition of its military forces in order to comply with arms control, nonproliferation, or disarmament agreements, and shall include, in the case of each agreement about which compliance questions exist—

"(A) a description of each significant issue raised and efforts made and contemplated with the other participating state to seek resolution of the difficulty;

"(B) an assessment of damage, if any, to the United States security and other interests; and

"(C) recommendations as to any steps that should be considered to redress any damage to United States national security and to reduce compliance problems.

"(b) CLASSIFICATION OF THE REPORT.—The report required by this section shall be submitted in unclassified form, with classified annexes, as appropriate.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 52. (a) AUTHORIZATION OF APPROPRIATIONS.—To carry out the purposes of this Act, there are authorized to be appropriated—

"(1) $57,500,000 for fiscal year 1994 and $59,375,000 for fiscal year 1995; and

"(2) such additional amounts as may be necessary for each fiscal year for which an authorization of appropriations is provided for in paragraph (1) of this subsection for increases in salary, pay, retirement, other employee benefits authorized by law, and other nondiscretionary costs, and to offset adverse fluctuations in foreign currency exchange rates.

"(b) TRANSFER OF FUNDS.—Funds appropriated pursuant to this section may be allocated or transferred to any agency for carrying out the purposes of this Act. Such funds shall be available for obligation and expenditure in accordance with the authorities of this Act or in accordance with the authorities governing the activities of the agencies to which such funds are allocated or transferred.

"(c) LIMITATION.—Not more than 12 percent of any appropriation made pursuant to this Act shall be obligated or reserved during the last month of the fiscal year.".

(b) EFFECTIVE DATE.—So much of the amendment made by subsection (a) as inserts section 52 of the Arms Control and Disarmament Act shall be deemed to have become effective as of October 1, 1993.

SEC. 817. CONFORMING AMENDMENTS.

(a) Section 2 (22 U.S.C. 2551) is amended—

(1) in the second undesignated paragraph, by inserting ", nonproliferation," after "Arms control"; and

(2) in the second and third undesignated paragraphs, by inserting ", nonproliferation," after "arms control" each place it appears.

(b) Section 28 (22 U.S.C. 2568) is amended—

(1) in the first sentence, by striking "field of arms control and disarmament" and inserting "fields of arms control, nonproliferation, and disarmament"; and

(2) in the second sentence, by inserting ", nonproliferation," after "arms control".

(c) Section 31 (22 U.S.C. 2571) is amended—

(1) in the text above paragraph (a), by striking "field of arms control and disarmament" each of the three places it appears and inserting "fields of arms control, nonproliferation, and disarmament";

(2) in the first sentence, by inserting "and nonproliferation" after disarmament; and

(3) in the fourth sentence, by inserting ", nonproliferation," after arms control each of the eight places it appears.

(d) Section 35 (22 U.S.C. 2575) is amended by inserting ", nonproliferation," after "arms control".

(e) Section 39 (22 U.S.C. 2579) is amended by inserting ", nonproliferation," after "arms control" each of the two places it appears.

TITLE IX—ANTI-ECONOMIC DISCRIMINATION ACT OF 1994

SEC. 901. SHORT TITLE.

This title may be cited as the "Anti-Economic Discrimination Act of 1994".

SEC. 902. CONGRESSIONAL FINDINGS.

The Congress finds that—

(1) certain countries maintain an economic boycott of Israel, including a secondary boycott of companies that have investments in or trade with Israel;

(2) the secondary boycott has caused economic damage to the countries that maintain the boycott as well as to Israel;

(3) the secondary boycott causes great difficulties for United States firms that trade with Israel, depriving them of trade opportunities and violating internationally accepted principles of free trade;

(4) the United States has a longstanding policy opposing the Arab League boycott and United States law prohibits American firms from providing information to Arab countries to demonstrate compliance with the boycott;

(5) many American companies may be denied contracts in the West Bank and Gaza for infrastructure development because they conduct business with Israel;

(6) many American companies may be denied contracts by the Kuwaiti Government for the reconstruction of Kuwait because they conduct business with Israel;

(7) under the Administration's leadership the United States has sent a clear, consistent and unambiguous message that the Arab League boycott of companies that do business with Israel is an obstacle to peace and should be terminated;

(8) the United States has laws prohibiting United States firms from providing Arab states with the requested information about compliance with boycott regulations;

(9) the United States Trade Representative, in August 1993, commissioned the International Trade Commission to undertake a study of the boycott's impact on United States businesses which will provide, for the first time, a carefully researched estimate of the impact of the boycott on the United States;

(10) the Administration has conducted an active diplomatic campaign to convince Arab League countries that the time to end the boycott and economic discrimination against United States businesses is now;

(11) the Administration's efforts have produced encouraging developments, as for example, with statements by officials of the Arab League that at its next meeting in March, the Arab League states will consider ending their discrimination against firms that do business with Israel and the decision to postpone the October 1993 meeting of the Central Boycott Committee;

(12) under United States leadership, the G–7 countries have unconditionally called for an end to the Arab boycott;

(13) the President, the Vice President, the Secretary of State and other senior Administration officials have assured the Congress that they will speak forcefully and candidly, in every forum which touches upon the search for peace in the Middle East, about the need to end the boycott;

(14) the Congress wishes to support the efforts of the Administration and to help see the promises made to date translated into tangible results;

(15) the statements made by Arab leaders must be translated into action, as measured by quarterly reports from the Office of Anti-Boycott Compliance.

SEC. 903. PROHIBITION ON CERTAIN SALES AND LEASES.

(a) PROHIBITION.—No defense article or defense service may be sold or leased by the United States Government to any country or international organization that, as a matter of policy or practice, is known to have sent letters to United States firms requesting compliance with, or soliciting information regarding compliance with, the secondary or tertiary Arab boycott, unless the President determines, and so certifies to the appropriate congressional committees, that that country or organization does not currently maintain a policy or practice of making such requests or solicitations.

(b) WAIVER.—

(1) 1-YEAR WAIVER.—On or after the effective date of this section, the President may waive, for a period of 1 year, the application of subsection (a) with respect to any country or organization if the President determines, and reports to the appropriate congressional committees, that—

(A) such waiver is in the national interest of the United States, and such waiver will promote the objectives of this section to eliminate the Arab boycott; or

(B) such waiver is in the national security interest of the United States.

(2) EXTENSION OF WAIVER.—If the President determines that the further extension of a waiver will promote the objectives of this section, the President, upon notification of the appropriate congressional committees, may grant further extensions of such waiver for successive 12-month periods.

(3) TERMINATION OF WAIVER.—The President may, at any time, terminate any waiver granted under this subsection.

(c) DEFINITIONS.—As used in this section—

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

(2) the terms "defense article" and "defense service" have the meanings given to such terms by paragraphs (3) and (4), respectively, of section 47 of the Arms Export Control Act.

(d) EFFECTIVE DATE.—This section shall take effect 1 year after the date of enactment of this Act.

TITLE X—MIDDLE EAST PEACE FACILITATION

SEC. 1001. SHORT TITLE.

This title may be cited as the "Middle East Peace Facilitation Act of 1994".

SEC. 1002. FINDINGS.

The Congress finds that—

(1) the Palestine Liberation Organization has recognized the State of Israel's right to exist in peace and security and to amend its covenant to recognize that fact; accepted United Nations Security Council Resolutions 242 and 338; committed itself to the peace process and peaceful coexistence with Israel, free from violence and all other acts which endanger peace and stability; and assumed responsibility over all Palestine Liberation Organization elements and personnel in order to assure their compliance, prevent violations, and discipline violators;

(2) Israel has recognized the Palestine Liberation Organization as the representative of the Palestinian people;

(3) Israel and the Palestine Liberation Organization signed a Declaration of Principles on Interim Self-Government Arrangements on September 13, 1993, at the White House;

(4) the United States has resumed a bilateral dialogue with the Palestine Liberation Organization; and

(5) in order to implement the Declaration of Principles on Interim Self-Government Arrangements and facilitate the Middle East peace process, the President has requested flexibility to suspend certain provisions of law pertaining to the Palestine Liberation Organization.

SEC. 1003. AUTHORITY TO SUSPEND CERTAIN PROVISIONS.

(a) IN GENERAL.—Subject to subsection (b), beginning July 1, 1994, the President may suspend for a period of not more than 180 days any provision of law specified in subsection (c). The President may continue the suspension for a period or periods of not more than 180 days if, before each such period, the President satisfies the requirements of subsection (b). Any suspension shall cease to be effective after 180 days, or at such earlier date as the President may specify.

(b) CONDITIONS.—

(1) CONSULTATION.—Prior to each exercise of the authority provided in subsection (a), the President shall consult with the relevant congressional committees. The President may not exercise that authority until 30 days after a written policy justification is submitted to the relevant Congressional Committees.

(2) PRESIDENTIAL CERTIFICATION.—The President may exercise the authority provided in subsection (a) only if the President certifies to the relevant congressional committees each time he exercises such authority that—

(A) it is in the national interest of the United States to exercise such authority; and

(B) the Palestine Liberation Organization continues to abide in good faith by all the commitments described in paragraph (4).

(3) REQUIREMENT FOR CONTINUING PLO COMPLIANCE.—Any suspension under subsection (a) of a provision of law specified in subsection (c) shall cease to be effective if the President certifies to the relevant congressional committees, or if the Congress determines by Joint Resolution, that the Palestine Liberation Organization has not continued to abide in good faith by all the commitments described in paragraph (4).

(A) Any joint resolution under this subsection shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976.

(B) For the purpose of expediting the consideration and enactment of joint resolutions under this subsection, a motion to proceed to the consideration of any such joint resolution after it has been reported by the appropriate committee shall be treated as highly privileged in the House of Representatives.

(4) PLO COMMITMENTS DESCRIBED.—The commitments referred to in paragraphs (2) and (3) are the commitments made by the Palestine Liberation Organization—

(A) in its letter of September 9, 1993, to the Prime Minister of Israel; in its letter of September 9, 1993, to the Foreign Minister of Norway to—

(i) recognize the right of the State of Israel to exist in peace and security;

(ii) accept United Nations Security Council Resolutions 242 and 338;

(iii) renounce the use of terrorism and other acts of violence;

(iv) assume responsibility over all PLO elements and personnel in order to assure their compliance, prevent violations and discipline violators;

(v) call upon the Palestinian people in the West Bank and Gaza Strip to take part in the steps leading to the normalization of life, rejecting violence and terrorism, and contributing to peace and stability; and

(vi) submit to the Palestine National Council for formal approval the necessary changes to the Palestinian Covenant regarding recognizing Israel's right to exist in peace and security, and

(B) in, and resulting from the implementation of, the Declaration of Principles on Interim Self-Government Arrangements signed on September 13, 1993.

(c) PROVISIONS THAT MAY BE SUSPENDED.—The provisions that may be suspended under the authority of subsection (a) are the following:

(1) Section 307 of the Foreign Assistance Act of 1961 (22 U.S.C. 2227) as it applies with respect to the Palestine Liberation Organization or entities associated with it.

(2) Section 114 of the Department of State Authorization Act, Fiscal years 1984 and 1985 (22 U.S.C. 287e note) as it applies with respect to the Palestine Liberation Organization or entities associated with it.

(3) Section 1003 of the Foreign Relations Authorization Act, Fiscal years 1988 and 1989 (22 U.S.C. 5202).

(4) Section 37 of the Bretton Woods Agreement Act (22 U.S.C. 286w) as it applies to the granting to the Palestine Liberation Organization of observer status or other official status at any meeting sponsored by or associated with the International Monetary Fund. As used in this paragraph, the term "other official status" does not include membership in the International Monetary Fund.

(d) RELEVANT CONGRESSIONAL COMMITTEES DEFINED.—As used in this section, the term "relevant congressional committees" means—

(1) the Committee on Foreign Affairs, the Committee on Banking, Finance and Urban Affairs, and the Committee on Appropriations of the House of Representatives; and

(2) the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

TITLE XI—IRAN-IRAQ ARMS NON-PROLIFERATION AMENDMENTS OF 1994

SEC. 1101. SHORT TITLE, REFERENCES IN TITLE.

(a) SHORT TITLE.—This title may be cited as the "Iran-Iraq Arms Non-Proliferation Amendments of 1994".

(b) REFERENCE IN TITLE.—Except as specifically provided in this title, whenever in this title an amendment or repeal is expressed as an amendment to or repeal of a provision, the reference shall be deemed to be made to the National Defense Authorization Act for Fiscal Year 1993.

SEC. 1102. STATEMENT OF POLICY.

It is the policy of the United States to halt the proliferation of advanced conventional weapons within Iran and Iraq.

SEC. 1103. STATEMENT OF PURPOSE.

It is the purpose of this title to impose additional sanctions against those foreign countries and persons that transfer destabilizing numbers and types of advanced conventional weapons, or goods and technology that assist in enhancing the capabilities of Iran and Iraq to manufacture and deliver such weapons.

SEC. 1104. SANCTIONS AGAINST PERSONS.

Section 1604 is amended to read as follows:

"(a) PROHIBITION.—If the President determines that any person has transferred or retransferred goods or technology so as to contribute knowingly and materially to the efforts by Iran or Iraq (or any agency or instrumentality of either such country) to acquire destabilizing numbers and types of advanced conventional weapons, then—

"(1) the sanctions described in subsection (b) shall be imposed; and

"(2) the President may apply, in the discretion of the President, the sanctions described in subsection (c).

"(b) MANDATORY SANCTIONS.—The sanctions to be imposed pursuant to subsection (a)(1) are as follows:

"(1) PROCUREMENT SANCTION.—Except as provided in subsection (d), the United States Government shall not procure directly or indirectly, or enter into any contract for the procurement of, any goods or services from the sanctioned person.

"(2) EXPORT SANCTION.—The United States Government shall not issue any license for any export by or to the sanctioned person.

"(c) DISCRETIONARY SANCTIONS.—The sanctions referred to in subsection (a)(2) are as follows:

"(1) TRANSITING UNITED STATES TERRITORY.—

"(A) Notwithstanding any other provision of law (other than a treaty or other international agreement), no employee or official of a sanctioned person and no good or technology that is manufactured, produced, sold, or shipped by the sanctioned person may transit by vessel or aircraft any territory subject to the jurisdiction of the United States. The Secretary of Transportation may promulgate regulations, as necessary, to provide for the implementation of this sanction in the most effective manner.

"(B) The Secretary of Transportation may provide for such exceptions from this paragraph as the Secretary considers in the interest of the United States.

"(2) FINANCIAL INSTITUTIONS.—(A) The President may by order prohibit any depositary insti-

tution that is chartered by, or that has its principal place of business within, a State or the United States from making any loan or providing any credit to the sanctioned person, except for loans or credits for the purpose of purchasing food or other agricultural commodities.

"(B) As used in this paragraph, the term 'depository institution' means a bank or savings association, as defined in section 3 of the Federal Deposit Insurance Act.

"(3) USE OF AUTHORITIES OF THE INTERNATIONAL EMERGENCY ECONOMIC POWERS ACT.—The President may exercise the authorities of the International Emergency Economic Powers Act to prohibit any transaction involving any property in which the sanctioned person has any interest whatsoever except for transactions involving the provision of humanitarian assistance.

"(4) PROHIBITION ON VESSELS THAT ENTER PORTS OF SANCTIONED COUNTRIES TO ENGAGE IN TRADE.—

"(A) IN GENERAL.—Beginning on the 10th day after a sanction is imposed under this Act against a country, a vessel which enters a port or place in the sanctioned country to engage in the trade of goods or services may not if the President so requires within 180 days after departure from such port or place in the sanctioned country, load or unload any freight at any place in the United States.

"(B) DEFINITIONS.—As used in this paragraph, the term 'vessel' includes every description of water craft or other contrivance used, or capable of being used, as a means of transportation in water, but does not include aircraft.

"(d) EXCEPTIONS.—The sanction described in subsection (b)(1) shall not apply—

"(1) in the case of procurement of defense articles or defense services—

"(A) under existing contracts or subcontracts, including the exercise of options for production quantities to satisfy operational military requirements essential to the national security of the United States;

"(B) if the President determines that the person or other entity to which the sanctions would otherwise be applied is a sole source supplier of the defense articles or services, that the defense articles or services are essential, and that alternative sources are not readily or reasonably available; or

"(C) if the President determines that such articles or services are essential to the national security under defense coproduction agreements;

"(2) to products or services provided under contracts entered into before the date on which the President makes a determination under subsection (a);

"(3) in the case of contracts entered into before the date on which the President makes a determination under subsection (a), with respect to—

"(A) spare parts which are essential to United States products or production; or

"(B) component parts, but not finished products, essential to United States products or production; or

"(C) routine servicing and maintenance of products, to the extent that alternative sources are not readily or reasonably available;

"(4) to information and technology essential to United States products or production; or

"(5) to medical or other humanitarian items.

"(e) CONSULTATION WITH AND ACTIONS BY FOREIGN GOVERNMENT OF JURISDICTION.—

"(1) CONSULTATIONS.—Whenever the President makes a determination under subsection (a) with respect to a foreign person, the Congress urges the President—

"(A) to initiate consultations immediately with the government with primary jurisdiction over that foreign person with respect to the imposition of sanctions pursuant to this section; and, as appropriate,

"(B) to take steps in the United Nations and other multilateral groups to negotiate comprehensive multilateral sanctions pursuant to the provisions of chapter 7 of the United Nations Charter, including a partial or complete embargo, against the government of the foreign country of primary jurisdiction over that sanctioned person, as long as that government has not taken specific and effective actions, including appropriate penalties, to terminate the involvement of the sanctioned person or firm in the activities described in section 1604(a).

"(2) ACTIONS BY GOVERNMENT OF JURISDICTION.—In order to pursue such consultations with the government, the President may delay imposition of sanctions pursuant to subsections (b) and (c) for up to 90 days. Following these consultations, the President shall impose sanctions immediately unless the President determines and certifies to the Congress that that government has taken specific and effective actions, including appropriate penalties, to terminate the involvement of the foreign person in the activities described in subsection (a). The President may delay the imposition of sanctions for up to an additional 90 days if the President determines and certifies to the Congress that that government is in the process of taking the actions described in the preceding sentence.

"(3) REPORT TO CONGRESS.—Not later than 90 days after the application of sanctions under this section, the President shall submit to the Committee on Foreign Relations and the Committee on Governmental Affairs of the Senate and the Committee on Foreign Affairs of the House of Representatives a report on the status of consultations with the appropriate government under this subsection, and the basis for any determination under paragraph (2) of this subsection that such government has taken specific corrective actions.".

SEC. 1105. SANCTIONS AGAINST CERTAIN FOREIGN COUNTRIES.

Section 1605 is amended—

(1) in subsection (a)(2), by striking "sanction" and inserting "sanctions";

(2) in subsection (c)—

(A) by striking "SANCTION.—The sanction referred to in subsection (a)(2) is" and inserting "SANCTIONS.—The sanctions referred to in subsection (a)(2) are"; and

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

"(3) DIPLOMATIC RELATIONS.—The President is urged to downgrade or suspend diplomatic relations between the United States and the government of the sanctioned country.

"(4) SUSPENSION OF TRADE AGREEMENTS.—The President may exercise the authorities of the International Emergency Economic Powers Act to suspend any trade agreement with the sanctioned country, except those affecting imports into the United States for the sanctioned country.

"(5) REVOCATIONS OF LICENSES FOR EXPORT OF NUCLEAR MATERIAL.—The Nuclear Regulatory Commission is authorized to revoke any license for the export of nuclear material pursuant to a nuclear cooperation agreement with the sanctioned country.

"(6) PRESIDENTIAL ACTION REGARDING AVIATION.—

"(A)(i) The President is authorized to notify the government of a sanctioned country of his intention to suspend the authority of foreign air carriers owned or controlled by the government of that country to engage in foreign air transportation to or from the United States.

"(ii) The President is authorized to direct the Secretary of Transportation to suspend at the earliest possible date the authority of any foreign air carrier owned or controlled, directly or indirectly, by that government to engage in foreign air transportation to or from the United States, notwithstanding any agreement relating to air services.

"(B)(i) The President may direct the Secretary of State to terminate any air service agreement between the United States and a sanctioned country in accordance with the provisions of that agreement.

"(ii) Upon termination of an agreement under this subparagraph, the Secretary of Transportation is authorized to take such steps as may be necessary to revoke at the earliest possible date the right of any foreign air carrier owned, or controlled, directly or indirectly, by the government of that country to engage in foreign air transportation to or from the United States.

"(C) The President may direct the Secretary of Transportation to provide for such exceptions from this subsection as the President considers necessary to provide for emergencies in which the safety of an aircraft or its crew or passengers is threatened.

"(D) For purposes of this paragraph, the terms 'aircraft', 'air carrier', 'air transportation', and 'foreign air carrier' have the meanings given those terms in section 101 of the Federal Aviation Act of 1958 (49 U.S.C. 1301).

"(7) OTHER SANCTIONS.—The President may apply the sanctions described in section 1605(c) with respect to actions of a foreign government.".

SEC. 1106. WAIVER.

Section 1606 is amended—

(1) by striking "waiver" each place it appears and inserting "modification, and waiver"; and

(2) by striking "waive" each place it appears and inserting "modify or waive".

SEC. 1107. TERMINATION OF SANCTIONS.

The Act is amended by inserting after section 1606 the following new section:

"SEC. 1606A. TERMINATION OF SANCTIONS.

"Except as otherwise provided in this title, the sanctions imposed pursuant to the Act shall apply for a period of at least 24 months following the imposition of sanctions and shall case to apply thereafter only if the President determines and certifies to the Congress that—

"(1) reliable information indicates that the government of jurisdiction has taken specific and effective action, including appropriate penalties, to terminate the involvement of the sanctioned person in the sanctionable activity;

"(2) the President has received reliable assurances from the sanctioned government that such government will not, in the future, violate this Act.".

SEC. 1108. STAY OF SANCTIONS.

The Act is amended by inserting after section 1607 the following new section:

"(a) CRITERION FOR STAY.—The President may stay the imposition of any sanction on any entity in order to protect—

"(1) ongoing criminal investigations, or

"(2) sensitive intelligence sources and methods which are being used to acquire further information on the proliferation of advanced conventional weapons, weapons of mass destruction, or missiles that would be comprised by the publication of the sanctioned entity's name.

"(b) DETERMINATION.—The President shall exercise the authority described in paragraph (1) only when the President determines that the non-proliferation goals of the Act are better served by delaying the imposition of sanctions rather than by compromising the criminal investigation or intelligence sources and methods at issue.

"(c) LIFTING OF STAY.—The President shall lift any stay imposed pursuant to this subsection as soon as the basis for the determination made pursuant to paragraph (2) no longer exists.

"(d) NOTIFICATION AND REPORT TO CONGRESS.—Whenever the duration of any stay im-

posed pursuant to this subsection exceeds 120 days, the President shall promptly report to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives the rationale and circumstances that led the President to exercise the stay authority.".

SEC. 1109. RULES AND REGULATIONS.

The Act is amended by inserting after section 1607 the following new section:

"SEC. 1607A. RULES AND REGULATIONS.

"The President is authorized to prescribe such rules and regulations as the President may require to carry out this Act.".

SEC. 1110. DEFINITIONS.

Section 1608 is amended by adding at the end the following new paragraph;

"(8) The term 'goods or technology' includes any item of the type that is listed on the Nuclear Referral List under section 309(c) of the Nuclear Non-Proliferation Act of 1978, the United States Munitions List (established in section 38 of the Arms Export Control Act), or the MTCR Annex (as defined in section 74(4) of the Arms Export Control Act) or any item that is subject to licensing by the Nuclear Regulatory Commission.

"(9) The term 'United States' includes territories and possessions of the United States and the customs waters of the United States, as defined in section 401 of the Tariff Act of 1930 (19 U.S.C. 1401).".

SEC. 1111. SENSE OF THE SENATE.

Whereas both Iran and Iraq have re-emerged as continuing threats to the peace and stability of the Middle East and thus pose a threat to the stability of the post-Cold War world, it is the sense of the Senate that the conference agreement on H.R. 2333 should include as additional discretionary sanctions under section 1105 of this title denial of Most-Favored-Nation status to a sanctioned country and suspension of special trade privileges for a sanctioned country which were extended pursuant to the Generalized System of Preferences or the Caribbean Basin Initiative.

TITLE XII—IMMIGRATION AND NATIONALITY ACT

SEC. 1201. ALIEN PHYSICALLY PRESENT IN UNITED STATES.

Section 245 of the Immigration and Nationality Act, as amended (8 U.S.C. 1255), is amended by adding at the end thereof the following new subsection:

"(i)(1) Notwithstanding the provisions of subsections (a) and (c) of this section, an alien physically present in the United States who (A) entered the United States without inspection; or (B) is within one of the classes enumerated in subsection (c) of this section may apply to the Attorney General for the adjustment of his or her status to that of an alien lawfully admitted for permanent residence. The Attorney General may accept such application only if the alien remits with such application a sum equalling five times the fee required for the processing of applications under this section as of the date of receipt of the application. The sum specified herein shall be in addition to the fee normally required for the processing of an application under this section.

"(2) Upon receipt of such an application and the sum hereby required, the Attorney General may adjust the status of the alien to that of an alien lawfully admitted for permanent residence if (A) the alien is eligible to receive an immigrant visa and is admissible to the United States for permanent residence; and (B) an immigrant visa is immediately available to the alien at the time the application is filed.

"(3) Sums remitted to the Attorney General pursuant to paragraphs (1) and (2) of this subsection shall be disposed of by the Attorney General as provided in sections 286 (m), (n), and (o) of this title.".

SEC. 1202. ALIEN VISA.

Section 212(a)(9) of the Immigration and Nationality Act, as amended (8 U.S.C. 1182(a)(9)), is amended by adding at the end thereof the following:

"(D) An alien applying for an immigrant visa who has been physically present in the United States within the ninety day period immediately preceding the date of such application is excludable.".

TITLE XIII—NUCLEAR PROLIFERATION PREVENTION ACT OF 1994

SEC. 1301. SHORT TITLE.

This title may be cited as the "Nuclear Proliferation Prevention Act of 1994".

Subtitle A—Reporting on Nuclear Exports

SEC. 1311. REPORTS TO CONGRESS.

Section 601(a) of the Nuclear Non-Proliferation Act of 1978 (22 U.S.C. 3281(a)) is amended—

(1) in paragraph (4), by striking "and" after the semicolon;

(2) in paragraph (5), by striking the period and inserting a semicolon; and

(3) by adding after paragraph (5) the following:

"(6) a description of the implementation of nuclear and nuclear-related dual-use export controls in the preceding calendar year, including a summary by type of commodity and destination of—

"(A) all transactions for which—

"(i) an export license was issued for any good controlled under section 309(c) of the Nuclear Non-Proliferation Act of 1978;

"(ii) an export license was issued under section 109 b. of the 1954 Act;

"(iii) approvals were issued under the Export Administration Act of 1979, or section 109 b.(3) of the 1954 Act, for the retransfer of any item, technical data, component, or substance; or

"(iv) authorizations were made as required by section 57 b.(2) of the 1954 Act to engage, directly or indirectly, in the production of special nuclear material;

"(B) each instance in which—

"(i) a sanction has been imposed under section 1321(a) of the Nuclear Proliferation Prevention Act of 1994, section 1002(b)(1) of the Arms Export Control Act, or section 601 or 602 of the Federal Deposit Insurance Corporation Improvement Act of 1991;

"(ii) sales or leases have been denied under section 3(f) of the Arms Export Control Act or transactions prohibited by reason of acts relating to proliferation of nuclear explosive devices as described in section 40(d) of that Act;

"(iii) a sanction has not been imposed by reason of section 1321(c)(2) of the Nuclear Proliferation Prevention Act of 1994 or the imposition of a sanction has been delayed under section 1002(b)(4) of the Arms Export Control Act; or

"(iv) a waiver of a sanction has been made under—

"(I) section 1321(f) of the Nuclear Proliferation Prevention Act of 1994,

"(II) section 620E(d) of the Foreign Assistance Act of 1961, or paragraph (5) or (6)(B) of section 1002(b) of the Arms Export Control Act,

"(III) section 605 of the Federal Deposit Insurance Corporation Improvement Act of 1991;

"(IV) section 40(g) of the Arms Export Control Act with respect to the last sentence of section 40(d) of that Act, or

"(V) section 614 of the Foreign Assistance Act of 1961 with respect to section 620E of that Act or section 3(f), the last sentence of section 40(d), or 1002(b)(1) of the Arms Export Control Act; and

"(C) the progress of those independent states of the former Soviet Union that are non-nuclear-weapon states and of the Baltic states towards achieving the objective of applying full scope safeguards to all their peaceful nuclear activities.

Portions of the information required by paragraph (6) may be submitted in classified form, as necessary. Any such information that may not be published or disclosed under section 12(c)(1) of the Export Administration Act of 1979 shall be submitted as confidential.".

Subtitle B—Sanction for Nuclear Proliferation

SEC. 1321. IMPOSITION OF SANCTION.

(a) DETERMINATION BY THE PRESIDENT.—

(1) IN GENERAL.—Except as provided in subsection (b)(2), the President shall impose the sanction described in subsection (c) if the President determines in writing that a foreign person or a United States person, on or after the effective date of this subtitle, has materially and with requisite knowledge contributed—

(A) through the export from the United States of any goods or technology that are subject to the jurisdiction of the United States, or

(B) through the export from any other country of any goods or technology that would be, if they were exported from the United States, subject to the jurisdiction of the United States,

to the efforts by any individual, group, or non-nuclear-weapon state to acquire unsafeguarded special nuclear material or to use, develop, produce, stockpile, or otherwise acquire any nuclear explosive device.

(2) PERSONS AGAINST WHICH THE SANCTION IS TO BE IMPOSED.—The sanction shall be imposed pursuant to paragraph (1) on—

(A) the foreign person or United States person with respect to which the President makes the determination described in that paragraph;

(B) any successor entity to that foreign person or United States person;

(C) any foreign person or United States person that is a parent or subsidiary of that person if that parent or subsidiary materially and with requisite knowledge assisted in the activities which were the basis of that determination; and

(D) any foreign person or United States person that is an affiliate of that person if that affiliate materially and with requisite knowledge assisted in the activities which were the basis of that determination and if that affiliate is controlled in fact by that foreign person.

(3) OTHER SANCTIONS AVAILABLE.—The sanctions which are required to be imposed for activities described in this subsection are in addition to any other sanction which may be imposed for the same activities under any other provision of law.

(4) DEFINITION.—For purposes of this subsection, the term "requisite knowledge" means situations in which a person "knows", as "knowing" is defined in section 104 of the Foreign Corrupt Practices Act of 1977 (15 U.S.C. 78dd–2).

(b) CONSULTATION WITH AND ACTIONS BY FOREIGN GOVERNMENT OF JURISDICTION.—

(1) CONSULTATIONS.—If the President makes a determination described in subsection (a)(1) with respect to a foreign person, the Congress urges the President to initiate consultations immediately with the government with primary jurisdiction over that foreign person with respect to the imposition of the sanction pursuant to this section.

(2) ACTIONS BY GOVERNMENT OF JURISDICTION.—In order to pursue such consultations with that government, the President may delay imposition of the sanction pursuant to this section for up to 90 days. Following these consultations, the President shall impose the sanction unless the President determines and certifies in writing to the Congress that that government has taken specific and effective actions, including appropriate penalties, to terminate the involvement of the foreign person in the activities

described in subsection (a)(1). The President may delay the imposition of the sanction for up to an additional 90 days if the President determines and certifies in writing to the Congress that that government is in the process of taking the actions described in the preceding sentence.

(3) REPORT TO CONGRESS.—Not later than 90 days after making a determination under subsection (a)(1), the President shall submit to the Committee on Foreign Relations and the Committee on Governmental Affairs of the Senate and the Committee on Foreign Affairs of the House of Representatives a report on the status of consultations with the appropriate government under this subsection, and the basis for any determination under paragraph (2) of this subsection that such government has taken specific corrective actions.

(c) SANCTION.—

(1) DESCRIPTION OF SANCTION.—The sanction to be imposed pursuant to subsection (a)(1) are, except as provided in paragraph (2) of this subsection, that the United States Government shall not procure, or enter into any contract for the procurement of, any goods or services from any person described in subsection (a)(2).

(2) EXCEPTIONS.—The President shall not be required to apply or maintain the sanction under this section—

(A) in the case of procurement of defense articles or defense services—

(i) under existing contracts or subcontracts, including the exercise of options for production quantities to satisfy requirements essential to the national security of the United States;

(ii) if the President determines in writing that the person or other entity to which the sanction would otherwise be applied is a sole source supplier of the defense articles or services, that the defense articles or services are essential, and that alternative sources are not readily or reasonably available; or

(iii) if the President determines in writing that such articles or services are essential to the national security under defense coproduction agreements;

(B) to products or services provided under contracts entered into before the date on which the President publishes his intention to impose the sanction;

(C) to—

(i) spare parts which are essential to United States products or production;

(ii) component parts, but not finished products, essential to United States products or production; or

(iii) routine servicing and maintenance of products, to the extent that alternative sources are not readily or reasonably available;

(D) to information and technology essential to United States products or production; or

(E) to medical or other humanitarian items.

(d) ADVISORY OPINIONS.—Upon the request of any person, the Secretary of State may, in consultation with the Secretary of Defense, issue in writing an advisory opinion to that person as to whether a proposed activity by that person would subject that person to the sanction under this section. Any person who relies in good faith on such an advisory opinion which states that the proposed activity would not subject a person to such sanction, and any person who thereafter engages in such activity, may not be made subject to such sanction on account of such activity.

(e) TERMINATION OF THE SANCTION.—The sanction imposed pursuant to this section shall apply for a period of at least 12 months following the imposition of the sanction and shall cease to apply thereafter only if the President determines and certifies in writing to the Congress that—

(1) reliable information indicates that the foreign person or United States person with respect to which the determination was made under subsection (a)(1) has ceased to aid or abet any individual, group, or non-nuclear-weapon state in its efforts to acquire unsafeguarded special nuclear material or any nuclear explosive device, as described in that subsection; and

(2) the President has received reliable assurances from the foreign person or United States person, as the case may be, that such person will not, in the future, aid or abet any individual, group, or non-nuclear-weapon state in its efforts to acquire unsafeguarded special nuclear material or any nuclear explosive device, as described in subsection (a)(1).

(f) WAIVER.—

(1) CRITERION FOR WAIVER.—The President may waive the application of the sanction imposed on any person pursuant to this section, after the end of the 12-month period beginning on the date on which that sanction was imposed on that person, if the President determines and certifies in writing to the Congress that the continued imposition of the sanction would have a serious adverse effect on vital United States interests.

(2) NOTIFICATION OF AND REPORT TO CONGRESS.—If the President decides to exercise the waiver authority provided in paragraph (1), the President shall so notify the Congress not less than 20 days before the waiver takes effect. Such notification shall include a report fully articulating the rationale and circumstances which led the President to exercise the waiver authority.

(g) DEFINITIONS.—For purposes of this section—

(1) the term "foreign person" means—

(A) an individual who is not a citizen of the United States or an alien admitted for permanent residence to the United States; or

(B) a corporation, partnership, or other nongovernment entity which is created or organized under the laws of a foreign country or which has its principal place of business outside the United States; and

(2) the term "United States person" means—

(A) an individual who is a citizen of the United States or an alien admitted for permanent residence to the United States; or

(B) a corporation, partnership, or other entity which is not a foreign person.

SEC. 1322. ELIGIBILITY FOR ASSISTANCE.

(a) AMENDMENTS TO THE ARMS EXPORT CONTROL ACT.—(1) Section 3 of the Arms Export Control Act (22 U.S.C. 2753) is amended by adding at the end the following new subsection:

"(f) No sales or leases shall be made to any country that the President has determined is in material breach of its binding commitments to the United States under international treaties or agreements concerning the nonproliferation of nuclear explosive devices (as defined in section 1330(3) of the Nuclear Proliferation Prevention Act of 1994) and unsafeguarded special nuclear material (as defined in section 1330(6) of that Act).".

(2) Section 40 of such Act (22 U.S.C. 2780) is amended—

(A) in subsection (d), by adding at the end the following new sentence: "For purposes of this subsection, such acts shall include all activities that the Secretary determines willfully aid or abet the international proliferation of nuclear explosive devices to individuals or groups or willfully aid or abet an individual or groups in acquiring unsafeguarded special nuclear material."; and

(B) in subsection (l)—

(i) in paragraph (2), by striking "and" after the semicolon;

(ii) in paragraph (3), by striking the period at the end and inserting a semicolon; and

(iii) by adding at the end the following:

"(4) the term 'nuclear explosive device' has the meaning given that term in section 1330(3) of the Nuclear Proliferation Prevention Act of 1994; and

"(5) the term 'unsafeguarded special nuclear material' has the meaning given that term in section 1330(6) of the Nuclear Proliferation Prevention Act of 1994.".

(b) AMENDMENT TO THE FOREIGN ASSISTANCE ACT OF 1961.—

(1) Notwithstanding any other provision of law, Presidential Determination No. 82-7 of February 10, 1982, made pursuant to section 670(a)(2) of the Foreign Assistance Act of 1961, shall have no force or effect with respect to any grounds for the prohibition of assistance under section 1002(a)(1) of the Arms Eport Act arising on or after the effective date of this subtitle.

(2) Section 620E(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2375(d)) is amended to read as follows:

"(d) The President may waive the prohibitions of section 1001 of the Arms Export Control Act with respect to any grounds for the prohibition of assistance under that section arising before the effective date of subtitle B of the Nuclear Proliferation Prevention Act of 1994 to provide assistance to Pakistan if he determines that to do so is in the national interest of the United States.".

SEC. 1323. ROLE OF INTERNATIONAL FINANCIAL INSTITUTIONS.

(a) IN GENERAL.—The Secretary of the Treasury shall instruct the United States executive director to each of the international financial institutions described in section 701(a) of the International Financial Institutions Act (22 U.S.C. 262d(a)) to use the voice and vote of the United States to oppose any direct or indirect use of the institution's funds to promote the acquisition of unsafeguarded special nuclear material or the development, stockpiling, or use of any nuclear explosive device by any non-nuclear-weapon state.

(b) DUTIES OF UNITED STATES EXECUTIVE DIRECTORS.—Section 701(b)(3) of the International Financial Institutions Act (22 U.S.C. 262d(b)(3)) is amended to read as follows:

"(3) whether the recipient country—

"(A) is seeking to acquire unsafeguarded special nuclear material (as defined in section 1330(6) of the Nuclear Proliferation Prevention Act of 1994) or a nuclear explosive device (as defined in section 1330(3) of that Act);

"(B) is not a State Party to the Treaty on Non-Proliferation of Nuclear Weapons; or

"(C) has detonated a nuclear explosive device; and".

SEC. 1324. AMENDMENTS TO THE FEDERAL DEPOSIT INSURANCE CORPORATION IMPROVEMENT ACT OF 1991.

The Federal Deposit Insurance Corporation Improvement Act of 1991 is amended by adding at the end the following new title:

"TITLE VI—SANCTIONS ON FINANCIAL INSTITUTIONS

"SEC. 601. PRESIDENTIAL DETERMINATION.

"(a) IN GENERAL.—The prohibitions in section 603 shall be imposed on a financial institution if the President determines in writing that such financial institution, on or after the date which is 60 days after the date of enactment of this section, has materially and with requisite knowledge contributed, through provision of financing or other services, to the efforts by any individual, group, or non-nuclear-weapon state to acquire unsafeguarded special nuclear material or to use, develop, produce, stockpile, or otherwise acquire any nuclear explosive device, as these standards and terms would be applied under section 1321(a) of the Nuclear Proliferation Prevention Act of 1994.

"(b) PRESIDENTIAL ORDER.—Whenever the President makes a determination under subsection (a) with respect to a financial institution, the President shall issue an order specify-

ing a date within 180 days after such determination on which the prohibitions in section 603 shall begin to apply to such institution.

"SEC. 602. ADDITIONAL ENTITIES AGAINST WHICH SANCTIONS ARE TO BE IMPOSED.

"The prohibitions described in section 603 shall also be imposed, pursuant to section 601, on—

"(1) any successor entity to the financial institution with respect to which the President makes a determination under section 601(a);

"(2) any foreign person or United States person that is a parent or subsidiary of that financial institution if that parent or subsidiary materially and with requisite knowledge assisted in the activities which were the basis of that determination; and

"(3) any foreign person or United States person that is an affiliate of that financial institution if that affiliate materially and with requisite knowledge assisted in the activities which were the basis of such determination and if that affiliate is controlled in fact by that financial institution.

"SEC. 603. PROHIBITIONS.

"The following prohibitions shall apply to a financial institution with respect to which a determination is made under section 601(a) and to the entities described in section 602:

"(1) BAN ON DEALINGS IN GOVERNMENT FINANCE.—

"(A) DESIGNATION AS PRIMARY DEALER.—Neither the Board of Governors of the Federal Reserve System nor the Federal Reserve Bank of New York may designate, or permit the continuation of any prior designation of, such financial institution or any such entity as a primary dealer in United States Government debt instruments.

"(B) GOVERNMENT FUNDS.—Such financial institution or any such entity shall not serve as agent of the United States Government or serve as repository for United States Government funds.

"(2) RESTRICTIONS ON OPERATIONS.—Such financial institution or any such entity shall not, directly or indirectly—

"(A) commence any line of business in the United States in which it was not engaged as of the date of the determination; or

"(B) conduct business from any location in the United States at which it did not conduct business as of the date of the determination.

"SEC. 604. CONDITIONS AND TERMINATION OF SANCTIONS.

"The same requirements for consultation with the foreign government of jurisdiction, where appropriate, and for termination of sanctions shall apply under this title as are provided in subsections (b) and (e), respectively, of section 1321 of the Nuclear Proliferation Prevention Act of 1994.

"SEC. 605. WAIVER.

"The President may waive the imposition of any prohibition imposed on any financial institution or other entity pursuant to section 601 or 602 if the President determines and certifies in writing to the Congress that the imposition of such prohibition would have a serious adverse effect on the safety and soundness of the domestic or international financial system or on domestic or international payments systems.

"SEC. 606. DEFINITIONS.

"As used in this title—

"(1) the term 'financial institution' includes—

"(A) a depository institution, including a branch or agency of a foreign bank;

"(B) a securities firm, including a broker or dealer;

"(C) an insurance company, including an agency or underwriter;

"(D) any other company that provides primarily financial services; or

"(E) any subsidiary of any entity described in subparagraph (A), (B), (C), or (D);

"(2) the term 'requisite knowledge' means situations in which a person 'knows', as 'knowing' is defined in section 104 of the Foreign Corrupt Practices Act of 1977 (15 U.S.C. 78dd–2); and

"(3) the terms 'foreign person' and 'United States person' have the meanings given those terms in section 1321(g) of the Nuclear Proliferation Prevention Act of 1994.".

SEC. 1325. EXPORT-IMPORT BANK.

Section 2(b)(4) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(4)) is amended in the first sentence by inserting after "device" the following: "(as defined in section 1330(3) of the Nuclear Proliferation Prevention Act of 1994), or that any country has willfully aided or abetted any non-nuclear-weapon state (as defined in section 1330(4) of that Act) to acquire any such nuclear explosive device or to acquire unsafeguarded special nuclear material (as defined in section 1330(6) of that Act).".

SEC. 1326. AMENDMENT TO THE ARMS EXPORT CONTROL ACT.

(a) IN GENERAL.—The Arms Export Control Act is amended by adding at the end the following new chapter:

"CHAPTER 10—NUCLEAR NONPROLIFERATION CONTROLS

"SEC. 1001. NUCLEAR ENRICHMENT TRANSFERS.

"(a) PROHIBITIONS; SAFEGUARDS AND MANAGEMENT.—Except as provided in subsection (b) of this section, no funds authorized to be appropriated by the Foreign Assistance Act of 1961 or this Act may be used for the purpose of providing economic assistance (including assistance under chapter 4 of part II of the Foreign Assistance Act of 1961), providing military assistance or grant military education and training, providing assistance under chapter 6 of part II of that Act, or extending military credits or making guarantees, to any country which, on or after August 4, 1977, delivers nuclear enrichment equipment, materials, or technology to any other country, or receives such equipment, materials, or technology from any other country, unless before such delivery—

"(1) the supplying country and receiving country have reached agreement to place all such equipment, materials, or technology, upon delivery, under multilateral auspices and management when available; and

"(2) the recipient country has entered into an agreement with the International Atomic Energy Agency to place all such equipment, materials, technology, and all nuclear fuel and facilities in such country under the safeguards system of such Agency.

"(b) CERTIFICATION BY PRESIDENT OF NECESSITY OF CONTINUED ASSISTANCE; CONCURRENT RESOLUTION OF DISAPPROVAL BY CONGRESS.—(1) Notwithstanding subsection (a) of this section, the President may furnish assistance which would otherwise be prohibited under such subsection if he determines and certifies in writing to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate that—

"(A) the termination of such assistance would have a serious adverse effect on vital United States interests; and

"(B) he has received reliable assurances that the country in question will not acquire or develop nuclear weapons or assist other nations in doing so.

Such certification shall set forth the reasons supporting such determination in each particular case.

"(2)(A) A certification under paragraph (1) of this subsection shall take effect on the date on which the certification is received by the Congress. However, if, within thirty calendar days after receiving this certification, the Congress adopts a concurrent resolution stating in substance that the Congress disapproves the furnishing of assistance pursuant to the certification, then upon the adoption of that resolution the certification shall cease to be effective and all deliveries of assistance furnished under the authority of that certification shall be suspended immediately.

"(B) Any concurrent resolution under this paragraph shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976.

"(C) For the purpose of expediting the consideration and adoption of concurrent resolutions under this paragraph, a motion to proceed to the consideration of any such resolution after it has been reported by the appropriate committee shall be treated as highly privileged in the House of Representatives.

"SEC. 1002. NUCLEAR REPROCESSING TRANSFERS, ILLEGAL EXPORTS FOR NUCLEAR EXPLOSIVE DEVICES, TRANSFERS OF NUCLEAR EXPLOSIVE DEVICES, AND NUCLEAR DETONATIONS.

"(a) PROHIBITIONS ON ASSISTANCE TO COUNTRIES INVOLVED IN TRANSFER OF NUCLEAR REPROCESSING EQUIPMENT, MATERIALS, OR TECHNOLOGY; EXCEPTIONS; PROCEDURES APPLICABLE.—(1) Except as provided in paragraph (2) of this subsection, no funds authorized to be appropriated by the Foreign Assistance Act of 1961 or this Act may be used for the purpose of providing economic assistance (including assistance under chapter 4 of part II of the Foreign Assistance Act of 1961), providing military assistance or grant military education and training, providing assistance under chapter 6 of part II of that Act, or extending military credits or making guarantees, to any country which (A) on or after August 4, 1977, delivers nuclear reprocessing equipment, materials, or technology to any other country or receives such equipment, materials, or technology from any other country (except for the transfer of reprocessing technology associated with the investigation, under international evaluation programs in which the United States participates, of technologies which are alternatives to pure plutonium reprocessing), or (B) is a non-nuclear-weapon state which, on or after August 8, 1985, exports illegally (or attempts to export illegally) from the United States any material, equipment, or technology which would contribute significantly to the ability of such country to manufacture a nuclear explosive device, if the President determines that the material, equipment, or technology was to be used by such country in the manufacture of a nuclear explosive device. For purposes of clause (B), an export (or attempted export) by a person who is an agent of, or is otherwise acting on behalf of or in the interests of, a country shall be considered to be an export (or attempted export) by that country.

"(2) Notwithstanding paragraph (1) of this subsection, the President in any fiscal year may furnish assistance which would otherwise be prohibited under that paragraph if he determines and certifies in writing during that fiscal year to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate that the termination of such assistance would be seriously prejudicial to the achievement of United States nonproliferation objectives or otherwise jeopardize the common defense and security. The President shall transmit with such certification a statement setting forth the specific reasons therefor.

"(3)(A) A certification under paragraph (2) of this subsection shall take effect on the date on which the certification is received by the Congress. However, if, within 30 calendar days after receiving this certification, the Congress adopts a concurrent resolution stating in substance

that the Congress disapproves the furnishing of assistance pursuant to the certification, then upon the adoption of that resolution the certification shall cease to be effective and all deliveries of assistance furnished under the authority of that certification shall be suspended immediately.

"(B) Any concurrent resolution under this paragraph shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976.

"(C) For the purpose of expediting the consideration and adoption of concurrent resolutions under this paragraph, a motion to proceed to the consideration of any such resolution after it has been reported by the appropriate committee shall be treated as highly privileged in the House of Representatives.

"(b) PROHIBITIONS ON ASSISTANCE TO COUNTRIES INVOLVED IN TRANSFER OR USE OF NUCLEAR EXPLOSIVE DEVICES; EXCEPTIONS; PROCEDURES APPLICABLE.—(1) Except as provided in paragraphs (4), (5), and (6), in the event that the President determines that any country, after the effective date of subtitle B of the Nuclear Proliferation Prevention Act of 1994—

"(A) transfers to a non-nuclear-weapon state a nuclear explosive device,

"(B) is a non-nuclear-weapon state and either—

"(i) receives a nuclear explosive device, or

"(ii) detonates a nuclear explosive device,

"(C) transfers to a non-nuclear-weapon state any design information or component which is determined by the President to be important to, and known by the transferring country to be intended by the recipient state for use in, the development or manufacture of any nuclear explosive device, or

"(D) is a non-nuclear-weapon state and has sought and received any design information or component which is determined by the President to be important to, and intended by the recipient state for use in, the development or manufacture of any nuclear explosive device,

then the President shall forthwith report in writing his determination to the Congress and shall forthwith impose the sanctions described in paragraph (2) against that country.

"(2) The sanctions referred to in paragraph (1) are as follows:

"(A) The United States Government shall terminate assistance to that country under this Act, except for humanitarian assistance or food or other agricultural commodities.

"(B) The United States Government shall terminate—

"(i) sales to that country under the Arms Export Control Act of any defense articles, defense services, or design and construction services, and

"(ii) licenses for the export to that country of any item on the United States Munitions List.

"(C) The United States Government shall terminate all foreign military financing for that country under this Act.

"(D) The United States Government shall deny to that country any credit, credit guarantees, or other financial assistance by any department, agency, or instrumentality of the United States Government, except that the sanction of this subparagraph shall not apply—

"(i) to any transaction subject to the reporting requirements of title V of the National Security Act of 1947 (relating to congressional oversight of intelligence activities), or

"(ii) to humanitarian assistance.

"(E) The United States Government shall oppose, in accordance with section 701 of the International Financial Institutions Act (22 U.S.C. 262d), the extension of any loan or financial or technical assistance to that country by any international financial institution.

"(F) The United States Government shall prohibit any United States bank from making any loan or providing any credit to the government of that country, except for loans or credits for the purpose of purchasing food or other agricultural commodities.

"(G) The authorities of section 6 of the Export Administration Act of 1979 shall be used to prohibit exports to that country of specific goods and technology (excluding food and other agricultural commodities), except that such prohibition shall not apply to any transaction subject to the reporting requirements of title V of the National Security Act of 1947 (relating to congressional oversight of intelligence activities).

"(3) As used in this subsection—

"(A) the term 'design information' means specific information that relates to the design of a nuclear explosive device and that is not available to the public; and

"(B) the term 'component' means a specific component of a nuclear explosive device.

"(4)(A) Notwithstanding paragraph (1) of this subsection, the President may, for a period of not more than 30 days of continuous session, delay the imposition of sanctions which would otherwise be required under paragraph (1)(A) or (1)(B) of this subsection if the President first transmits to the Speaker of the House of Representatives, and to the chairman of the Committee on Foreign Relations of the Senate, a certification that he has determined that an immediate imposition of sanctions on that country would be detrimental to the national security of the United States. Not more than one such certification may be transmitted for a country with respect to the same detonation, transfer, or receipt of a nuclear explosive device.

"(B) If the President transmits a certification to the Congress under subparagraph (A), a joint resolution which would permit the President to exercise the waiver authority of paragraph (5) of this subsection shall, if introduced in either House within thirty days of continuous session after the Congress receives this certification, be considered in the Senate and House of Representatives in accordance with subparagraphs (C) and (D) of this paragraph.

"(C) Any joint resolution under this paragraph shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976.

"(D) For the purpose of expediting the consideration and adoption of joint resolutions under this paragraph, a motion to proceed to the consideration of such a joint resolution after it has been reported by the appropriate committee shall be treated as highly privileged in the House of Representatives.

"(E) For purposes of this paragraph, the term "joint resolution" means a joint resolution the matter after the resolving clause of which is as follows: "That the Congress having received on a certification by the President under section 670(b)(4) of the Foreign Assistance Act of 1961 with respect to, the Congress hereby authorizes the President to exercise the waiver authority contained in section 670(b)(5) of that Act.", with the date of receipt of the certification inserted in the first blank and the name of the country inserted in the second blank.

"(5) Notwithstanding paragraph (1) of this subsection, if the Congress enacts a joint resolution under paragraph (4) of this subsection, the President may waive any sanction which would otherwise be required under paragraph (1)(A) or (1)(B) if he determines and certifies in writing to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate that the imposition of such sanction would be seriously prejudicial to the achievement of United State nonproliferation objectives or otherwise jeopardize the common defense and security. The President shall transmit with such certification a statement setting forth the specific reasons therefor.

"(6)(A) In the event the President is required to impose sanctions against a country under paragraph (1)(C) or (1)(D), the President shall forthwith so inform such country and shall impose the required sanctions beginning 30 days after submitting to the Congress the report required by paragraph (1) unless, and to the extent that, there is enacted during the 30-day period a law prohibiting the imposition of such sanctions.

"(B) Notwithstanding any other provision of law, the sanctions which are required to be imposed against a country under paragraph (1)(C) or (1)(D) shall not apply if the President determines and certifies in writing to the Committee on Foreign Relations and the Committee on Governmental Affairs of the Senate and the Committee on Foreign Affairs of the House of Representatives that the application of such sanctions against such country would have a serious adverse effect on vital United States interests. The President shall transmit with such certification a statement setting forth the specific reasons therefor.

"(7) For purposes of this subsection, continuity of session is broken only by an adjournment of Congress sine die and the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of any period of time in which Congress is in continuous session.

"(8) The President may not delegate or transfer his power, authority, or discretion to make or modify determinations under this subsection.

"(c) 'NON-NUCLEAR-WEAPON STATE' DEFINED.—As used in this section, the term "non-nuclear-weapon state" means any country which is not a nuclear-weapon state, as defined in Article IX(3) of the Treaty on the Non-Proliferation of Nuclear Weapons.

"SEC. 1003. DEFINITION OF NUCLEAR EXPLOSIVE DEVICE.

"As used in this chapter, the term 'nuclear explosive device' has the meaning given that term in section 1330(3) of the Nuclear Proliferation Prevention Act of 1994.".

(b) REPEALS.—Sections 669 and 670 of the Foreign Assistance Act of 1961 are hereby repealed.

(c) REFERENCES IN LAW.—Any reference in law as of the date of enactment of this Act to section 669 or 670 of the Foreign Assistance Act of 1961 shall, after such date, be deemed to be a reference to section 1001 or 1002, as the case may be, of the Arms Export Control Act.

SEC. 1327. REWARD.

Section 36(a) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708(a)) is amended—

(1) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively;

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

(3) by adding at the end the following:

"(2) For purposes of this subsection, the term 'act of international terrorism' includes any act substantially contributing to the acquisition of unsafeguarded special nuclear material (as defined in section 1330(6) of the Nuclear Proliferation Prevention Act of 1994) or any nuclear explosive device (as defined in section 1330(3) of that Act) by an individual, group, or non-nuclear-weapon state, as defined in section 1330(4) of that Act.".

SEC. 1328. REPORTS.

(a) CONTENT OF ACDA ANNUAL REPORT.—Section 51 of the Arms Control and Disarmament Act, as inserted by this Act, is amended—

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

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

(3) by adding after paragraph (6) the following new paragraph:

"(7) a discussion of any material noncompliance by foreign governments with their binding commitments to the United States with respect to the prevention of the spread of nuclear explosive devices (as defined in section 1330(3) of the Nuclear Proliferation Prevention Act of 1994) by non-nuclear-weapon states (as defined in section 1330(4) of that Act) or the acquisition by such states of unsafeguarded special nuclear material (as defined in section 1330(6) of that Act), including—

"(A) a net assessment of the aggregate military significance of all such violations;

"(B) a statement of the compliance policy of the United States with respect to violations of those commitments; and

"(C) what actions, if any, the President has taken or proposes to take to bring any nation committing such a violation into compliance with those commitments."; and

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

"(c) REPORTING CONSECUTIVE NONCOMPLIANCE.—If the President in consecutive reports submitted to the Congress under this section reports that any designated nation is not in full compliance with its binding nonproliferation commitments to the United States, then the President shall include in the second such report an assessment of what actions are necessary to compensate for such violations.".

(b) REPORTING ON DEMARCHES.—(1) It is the sense of the Congress that the Department of State should, in the course of implementing its reporting responsibilities under section 602(c) of the Nuclear Non-Proliferation Act of 1978, include a summary of demarches that the United States has issued or received from foreign governments with respect to activities which are of significance from the proliferation standpoint.

(2) For purposes of this section, the term "demarche" means any official communication by one government to another, by written or oral means, intended by the originating government to express—

(A) a concern over a past, present, or possible future action or activity of the recipient government, or of a person within the jurisdiction of that government, contributing to the global spread of unsafeguarded special nuclear material or of nuclear explosive devices;

(B) a request for the recipient government to counter such action or activity; or

(C) both the concern and request described in subparagraphs (A) and (B).

(c) REPEAL.—Section 52 of the Arms Control and Disarmament Act (22 U.S.C. 2592), as in effect before the enactment of this Act, is hereby repealed.

SEC. 1329. TECHNICAL CORRECTION.

Section 133 b. of the Atomic Energy Act of 1954 (42 U.S.C. 2160c) is amended by striking "20 kilograms" and inserting "5 kilograms".

SEC. 1330. DEFINITIONS.

For purposes of this subtitle—

(1) the term "goods or technology" means nuclear materials and equipment and sensitive nuclear technology (as such terms are defined in section 4 of the Nuclear Non-Proliferation Act of 1978), all export items designated by the President pursuant to section 309(c) of the Nuclear Non-Proliferation Act of 1978, and all technical assistance requiring authorization under section 57 b. of the Atomic Energy Act of 1954;

(2) the term "IAEA safeguards" means the safeguards set forth in an agreement between a country and the International Atomic Energy Agency, as authorized by Article III(A)(5) of the Statute of the International Atomic Energy Agency;

(3) the term "nuclear explosive device" means any device, whether assembled or disassembled, that is designed to produce an instantaneous release of an amount of nuclear energy from special nuclear material that is greater than the amount of energy that would be released from the detonation of one pound of trinitrotoluene (TNT);

(4) the term "non-nuclear-weapon state" means any country which is not a nuclear-weapon state, as defined by Article IX (3) of the Treaty on the Non-Proliferation of Nuclear Weapons, signed at Washington, London, and Moscow on July 1, 1968;

(5) the term "special nuclear material" has the meaning given that term in section 11 aa. of the Atomic Energy Act of 1954 (42 U.S.C. 2014aa); and

(6) the term "unsafeguarded special nuclear material" means special nuclear material which is held in violation of IAEA safeguards or not subject to IAEA safeguards (excluding any quantity of material that could, if it were exported from the United States, be exported under a general license issued by the Nuclear Regulatory Commission).

SEC. 1331. EFFECTIVE DATE.

The provisions of this subtitle, and the amendments made by this subtitle, shall take effect 60 days after the date of the enactment of this Act.

Subtitle C—International Atomic Energy Agency

SEC. 1341. BILATERAL AND MULTILATERAL INITIATIVES.

It is the sense of the Congress that in order to maintain and enhance international confidence in the effectiveness of IAEA safeguards and in other multilateral undertakings to halt the global proliferation of nuclear weapons, the United States should seek to negotiate with other nations and groups of nations, including the IAEA Board of Governors and the Nuclear Suppliers Group, to—

(1) build international support for the principle that nuclear supply relationships must require purchasing nations to agree to full-scope international safeguards;

(2) encourage each nuclear-weapon state within the meaning of the Treaty to undertake a comprehensive review of its own procedures for declassifying information relating to the design or production of nuclear explosive devices and to investigate any measures that would reduce the risk of such information contributing to nuclear weapons proliferation;

(3) encourage the deferral of efforts to produce weapons-grade nuclear material for large-scale commercial uses until such time as safeguards are developed that can detect, on a timely and reliable basis, the diversion of significant quantities of such material for nuclear explosive purposes;

(4) pursue greater financial support for the implementation and improvement of safeguards from all IAEA member nations with significant nuclear programs, particularly from those nations that are currently using or planning to use weapons-grade nuclear material for commercial purposes;

(5) arrange for the timely payment of annual financial contributions by all members of the IAEA, including the United States;

(6) pursue a prohibition on international commerce in highly enriched uranium for use in research reactors while encouraging multilateral cooperation to develop and to use low-enriched alternative nuclear fuels;

(7) oppose efforts by non-nuclear-weapon states to develop or use unsafeguarded nuclear fuels for purposes of naval propulsion;

(8) pursue an international open skies arrangement that would authorize the IAEA to operate surveillance aircraft and would facilitate IAEA access to satellite information for safeguards verification purposes;

(9) develop an institutional means for IAEA member nations to share intelligence material with the IAEA on possible safeguards violations without compromising national security or intelligence sources or methods;

(10) require any exporter of a sensitive nuclear facility or sensitive nuclear technology to a non-nuclear-weapon state to notify the IAEA prior to export and to require safeguards over that facility or technology, regardless of its destination; and

(11) seek agreement among the parties to the Treaty to apply IAEA safeguards in perpetuity and to establish new limits on the right to withdraw from the Treaty.

SEC. 1342. IAEA INTERNAL REFORMS.

In order to promote the early adoption of reforms in the implementation of the safeguards responsibilities of the IAEA, the Congress urges the President to negotiate with other nations and groups of nations, including the IAEA Board of Governors and the Nuclear Suppliers Group, to—

(1) improve the access of the IAEA within nuclear facilities that are capable of producing, processing, or fabricating special nuclear material suitable for use in a nuclear explosive device;

(2)(A) facilitate the IAEA's efforts to meet and to maintain its own goals for detecting the diversion of nuclear materials and equipment, giving particular attention to facilities in which there are bulk quantities of plutonium; and

(B) if it is not technically feasible for the IAEA to meet those detection goals in a particular facility, require the IAEA to declare publicly that it is unable to do so;

(3) enable the IAEA to issue fines for violations of safeguards procedures, to pay rewards for information on possible safeguards violations, and to establish a 'hot line' for the reporting of such violations and other illicit uses of weapons-grade nuclear material;

(4) establish safeguards at facilities engaged in the manufacture of equipment or material that is especially designated or prepared for the processing, use, or production of special fissionable material or, in the case of non-nuclear-weapon states, of any nuclear explosive device;

(5) establish safeguards over nuclear research and development activities and facilities;

(6) implement special inspections of undeclared nuclear facilities, as provided for under existing safeguards procedures, and seek authority for the IAEA to conduct challenge inspections on demand at suspected nuclear sites;

(7) expand the scope of safeguards to include tritium, uranium concentrates, and nuclear waste containing special fissionable material, and increase the scope of such safeguards on heavy water;

(8) revise downward the IAEA's official minimum amounts of nuclear material ("significant quantity") needed to make a nuclear explosive device and establish these amounts as national rather than facility standards;

(9) expand the use of full-time resident IAEA inspectors at sensitive fuel cycle facilities;

(10) promote the use of near real time material accountancy in the conduct of safeguards at facilities that use, produce, or store significant quantities of special fissionable material;

(11) develop with other IAEA member nations an agreement on procedures to expedite approvals of visa applications by IAEA inspectors;

(12) provide the IAEA the additional funds, technical assistance, and political support necessary to carry out the goals set forth in this subsection; and

(13) make public the annual safeguards implementation report of the IAEA, establishing a public registry of commodities in international nuclear commerce, including dual-use goods, and creating a public repository of current nu-

clear trade control laws, agreements, regulations, and enforcement and judicial actions by IAEA member nations.

SEC. 1343. REPORTING REQUIREMENT.

(a) REPORT REQUIRED.—The President shall, in the report required by section 601(a) of the Nuclear Non-Proliferation Act of 1978, describe—

(1) the steps he has taken to implement sections 1341 and 1342, and

(2) the progress that has been made and the obstacles that have been encountered in seeking to meet the objectives set forth in sections 1341 and 1342.

(b) CONTENTS OF REPORT.—Each report under paragraph (1) shall describe—

(1) the bilateral and multilateral initiatives that the President has taken during the period since the enactment of this Act in pursuit of each of the objectives set forth in sections 1341 and 1342;

(2) any obstacles that have been encountered in the pursuit of those initiatives;

(3) any additional initiatives that have been proposed by other countries or international organizations to strengthen the implementation of IAEA safeguards;

(4) all activities of the Federal Government in support of the objectives set forth in sections 1341 and 1342;

(5) any recommendations of the President on additional measures to enhance the effectiveness of IAEA safeguards; and

(6) any initiatives that the President plans to take in support of each of the objectives set forth in sections 1341 and 1342.

SEC. 1344. DEFINITIONS.

As used in this subtitle—

(1) the term "highly enriched uranium" means uranium enriched to 20 percent or more in the isotope U–235;

(2) the term "IAEA" means the International Atomic Energy Agency;

(3) the term "near real time material accountancy" means a method of accounting for the location, quantity, and disposition of special fissionable material at facilities that store or process such material, in which verification of peaceful use is continuously achieved by means of frequent physical inventories and the use of in-process instrumentation;

(4) the term "special fissionable material" has the meaning given that term by Article XX(1) of the Statute of the International Atomic Energy Agency, done at the Headquarters of the United Nations on October 26, 1956;

(5) the term "the Treaty" means the Treaty on the Non-Proliferation of Nuclear Weapons, signed at Washington, London, and Moscow on July 1, 1968; and

(6) the terms "IAEA safeguards", "non-nuclear-weapon state", "nuclear explosive device", and "special nuclear material" have the meanings given those terms in section 1330 of this Act.

TITLE XIV—CROATIA

SEC. 1401. FINDINGS.

The Congress finds that:

(a) The international boundaries between the independent countries of the former Yugoslavia are the same as the internal borders among the constituent republics of the former Yugoslavia as specified in the 1974 Yugoslav Federal Constitution (except with regard to the border between Serbia and Montenegro) and cannot be altered without the consent of all countries concerned.

(b) The Government of Croatia is violating the sovereignty of Bosnia-Hercegovina by sending thousands of Croatian troops to Hercegovina, ostensibly to counter an offensive against ethnic Croatian civilians by Bosnian Government forces.

(c) Croatian forces are interfering with United Nations peacekeeping operations, including the delivery of humanitarian aid to Bosnia-Hercegovina.

SEC. 1402. POLICY TOWARDS CROATIA.

It is the sense of the Senate that the President should consider taking the following actions—

(a) Instruct the United States Executive Director or representative at all international financial institutions of which the United States is a member to vote against all loans except for loans directed at programs which serve basic human needs to Croatia;

(b) Provide no assistance to Croatia (except for humanitarian and refugee assistance);

(c) Make no sales to Croatia of any kind of military equipment;

(d) Prohibit the licensing of commercial military sales to Croatia;

(e) Provide no credits, and provide no guarantees of any credits to Croatia;

(f) Prohibit the sale or transfer to Croatia of any item subject to export controls by any agency of the United States;

(g) Direct the Secretary of Transportation to revoke the right of any air carrier designated by the Government of Croatia to provide service to the United States; and

(h) Negotiate comprehensive multilateral sanctions pursuant to the provisions of Chapter 7 of the United Nations Charter.

TITLE XV—UNITED STATES PARTICIPATION IN UNITED NATIONS PEACEKEEPING OPERATIONS

SEC. 1501. COST ASSESSMENT REPORT REGARDING ANY UNITED STATES PARTICIPATION IN ACTION UNDER ARTICLE 42 OF THE UNITED NATIONS CHARTER.

(a) IN GENERAL.—Except as provided in subsection (b), at least 15 days before—

(1) any obligation of funds for United States participation in international peace operations, or

(2) any vote by the Security Council to take action under Article 42 of the Charter of the United Nations which would involve the use of United States Armed Forces,

the President shall submit to the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives a report containing a cost assessment of the participation of the United States Armed Forces in those operations.

(b) EXCEPTION.—The period for submission of the report specified in subsection (a) shall not apply if the President determines that an emergency exists which prevents submission of the report in a timely manner.

(c) DEFINITION.—For purposes of this section, the term "United States participation in international peace operations" means the use of the United States Armed Forces—

(1) pursuant to, or consistent with, action taken by the Security Council under Article 42 of the Charter of the United Nations; or

(2) consistent with the United Nations Participation Act of 1945.

SEC. 1502. CONGRESSIONAL NOTIFICATION REGARDING ANY UNITED STATES IMPLEMENTATION OF ARTICLE 43 OF THE UNITED NATIONS CHARTER.

(a) IN GENERAL.—Except as provided in subsection (b), at least 15 days before any agency or entity of the United States Government makes available armed forces, assistance, or facilities to the United Nations under Article 43 of the United Nations Charter, the President shall so notify the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives.

(b) EXCEPTION.—The period for notifying Congress in subsection (a) shall not apply if the President determines that an emergency exists which prevents making a notification in a timely manner.

(c) DEFINITION.—For purposes of this section, the term "assistance" means assistance of any kind, including the provision of logistical support and the grant of rights of passage.

SEC. 1503. REPORT ON UNITED NATIONS PEACEKEEPING ACTIVITIES.

Not later than 90 days after the date of enactment of this Act, and each year thereafter at the time of the President's budget submission to Congress, the Secretary of State, after consultation with the heads of other relevant Federal agencies (including the Department of Defense), shall submit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a report on United States contributions to United Nations peacekeeping activities. Such report shall include—

(1) the overall cost of all peacekeeping operations as of the date of the report;

(2) the costs of each peacekeeping operation;

(3) the amount of United States contributions (assessed and voluntary) on an operation-by-operation basis; and

(4) an assessment of the effectiveness of ongoing peacekeeping operations, their relevance to United States national interests, the efforts by the United Nations to resolve the relevant armed conflicts, and the projected termination dates for such operations.

SEC. 1504. UNITED STATES PARTICIPATION IN UNITED NATIONS PEACEKEEPING OPERATIONS.

(a) FINDINGS.—The Congress finds that—

(1) the President of the United States has asserted that reform of United Nations peacekeeping operations is to be of the highest national priority in furtherance of United States national security objectives;

(2) at the direction of the President of the United States the National Security Council is coordinating a comprehensive review of United States policy towards United Nations peacekeeping operations on which the Congress of the United States is to be consulted;

(3) in cooperation with the Congress of the United States, the purpose of the National Security Council review is to reform policies and programs governing United States participation in United Nations operations;

(4) in conjunction with the President's review, the Majority Leader of the United States Senate has requested the Committee on Foreign Relations, the Committee on Armed Services, and the Senate Select Committee on Intelligence to examine thoroughly the proper role of United States troops in the post-Cold War world and the implications for United States foreign policy with the intent of enacting legislation, in cooperation with the President, regarding United States policy toward post-Cold War conflicts, United States involvement in peacekeeping operations, and of establishing a process to ensure proper accommodations of legislative and executive branch prerogatives in addressing such issues;

(5) such a process will embody sound constitutional principles and reflect the appropriate roles of the President and the Congress relating to the use of United States Armed Forces both in unilateral and multilateral operations in order for such operations to enjoy the support of both the executive and legislative branches and the American people; and

(6) the concerned committees of jurisdiction have initiated a process of examination of the appropriate use of United States Forces.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the primacy of United States national security interests with respect to United States participation in and support for United Nations peacekeeping activities must be maintained;

(2) congressional oversight of United Nations peacekeeping activities and other United Nations activities must be strengthened;

(3) coordination between the executive and legislative branches of Government regarding United States participation in and support for United Nations peacekeeping operations must be improved and communication between the two branches prompt;

(4) the Congress should be notified in advance of the intent to approve United Nations peacekeeping operations;

(5) for United Nations peacekeeping operations that would involve the participation of United States combat forces, such notification should include detailed information concerning command and control arrangements for such forces, their military mission and objectives, and their rules of engagement; and

(6) United States contributions to United Nations peacekeeping activities must be fair and equitable.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senate insists on its amendment, requests a conference with the House of the disagreeing votes of the two Houses on H.R. 2333, and the Chair is authorized to appoint conferees on the part of the Senate.

The Chair retains the authorization to appoint conferees.

Under the previous order, S. 1281 is indefinitely postponed.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

UNANIMOUS-CONSENT AGREEMENT—AMENDMENT NO. 1348, AS MODIFIED

Mr. KERRY. Mr. President, by unanimous consent, we have worked out one modification that came about as a consequence of the speed with which we moved last night. I think it is cleared on all sides.

I, therefore, ask unanimous consent for a modification of the Dole amendment No. 1348, on page 2, line 6, insert "unreimbursable" after the word "the" and on page 2, line 8, insert "unless such activities are necessary to protect American lives or U.S. national interests" after the word "activities."

The PRESIDING OFFICER. Is there objection? The Republican leader is recognized.

Mr. DOLE. Reserving the right to object, and I do want to cooperate with the managers and also with the administration, I think the point I will make is, I hope the distinguished Senator from Massachusetts would fight to retain this provision in conference. I know the administration objects to the use of the word "retained."

We can offer these amendments on other bills but it seems to me we have been working together. We have agreed with the administration on every objection that was raised. I hope that they will not try to scuttle what we thought we were doing in good faith after we agree on it and then permit a unanimous-consent request, which I am prepared to do.

I just want the record to reflect we have worked with the administration and with the Senator from Massachusetts and the Senator from North Carolina. We believe we have worked out a good compromise. We hope it prevails in conference.

Mr. KERRY. Mr. President, let me just say to the distinguished minority leader that I intend to work with him and with the administration in order to try to guarantee that we hold on to the objectives which are contained within the Senator's amendments. I happen to agree. I think there is much in what the Senator sought to do that absolutely expresses the will of the Congress and I think the interests of the American people.

I think the need for this particular modification at this moment underscores some of what many of us were suggesting, which is that there are complications in this which we need to work through, but I can pledge to the Senator to work with him and with the administration to guarantee that the substance and objectives contained within those amendments are going to become part of this legislation. I cannot guarantee the specific language yet, but I certainly speak to the objectives.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request propounded by the Senator from Massachusetts? If not, that will be the order of the Senate.

The Chair requests the modification be delivered to the desk.

The modification is as follows:

On page 2, line 6, insert "unreimbursable" after "the".

On page 2, line 8 insert "unless such activities are necessary to protect American lives or U.S. national interests" after "activities".

The PRESIDING OFFICER. The Chair recognizes the majority leader.

Mr. MITCHELL. Mr. President, I want to commend the distinguished Senator from Massachusetts, Senator KERRY, and the distinguished Senator from North Carolina, Senator HELMS, and the most distinguished chairman of the committee, Senator PELL, of Rhode Island, for their leadership and patience, perseverance and skill in gaining enactment of this bill with a very substantial bipartisan vote of support.

By coincidence, the bill that we are now taking up will also be managed by a Senator from Massachusetts [Mr. KENNEDY]. All Members of the Senate have long known that he is an extremely skillful and able manager of legislation. Senator KERRY managing this major bill now makes it clear that both Senators from Massachusetts possess that skill. We are very grateful to them. Senator KERRY really did an outstanding job. I think he deserves great credit and commendation.

The PRESIDING OFFICER. The Republican leader.

Mr. DOLE. Mr. President, I yield to the chairman.

Mr. PELL. Mr. President, I just want to say that the manager of the bill did an excellent job, and I am very grateful to him. He should get the whole credit.

The PRESIDING OFFICER. The Republican leader.

Mr. DOLE. Mr. President, I want to underscore the remarks made by the majority leader. This was a very tough bill. In some years it never comes up because it can go on for week after week after week. The fact that Senator KERRY and Senator HELMS were able to work together, as they demonstrated last night in disposing of 22 amendments which did not require bringing people back here at 10 o'clock, is an indication of, I think, a good working relationship and willingness to work out some of these very difficult problems.

So I want to add my commendation to that of the majority leader's to both the distinguished Senator from Massachusetts, [Mr. KERRY], and the distinguished Senator from North Carolina, [Mr. HELMS]. I think it is a good indication, it is a good start. It is the first bill we have had this year. I hope it is an indication of working together.

We are going to have the rest of the year this next bill, there will be amendments, but we will not have any delay. We hope to finish it by tomorrow evening. I know the majority leader has commented on that. We hope to accommodate him. There is a supplemental; I understand there is a nomination or two, and the majority leader has mentioned S. 4. I need to talk to him about that particular legislation.

GOALS 2000: EDUCATE AMERICA ACT

The PRESIDING OFFICER. Under order 106, the Senate now turns to consideration of S. 1150. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1150) to improve learning and teaching by providing a national framework for education reform; to promote the research, consensus building, and systematic changes needed to ensure equitable educational opportunities and high levels of educational achievement for all American students; to provide a framework for reauthorization of all Federal education programs; to promote the development and adoption of a voluntary national system of skill standards and certifications, and for other purposes.

The Senate proceeded to consider the bill.

AMENDMENT NO. 1356

(Purpose: In the nature of a substitute)

Mr. KENNEDY. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY] proposes an amendment numbered 1356.

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

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

(The text of the amendment will be printed in today's RECORD under "Amendments Submitted.")

Mr. KENNEDY. Mr. President, I ask unanimous consent that the amendment be adopted and considered original text for the purposes of amendment.

Mr. JEFFORDS. Mr. President, I will object at this time solely until such time as we can determine the impact upon the amendment process. So at this time, I would have to object.

The PRESIDING OFFICER. Objection is heard.

Mr. KENNEDY. Mr. President, I understand and respect the objection of my friend from Vermont. Just in terms of the understanding of the membership, the changes between the original text and the substitute incorporate a number of the suggestions, as my colleagues have pointed out—the Senator from Vermont, Senator JEFFORDS and also Senator KASSEBAUM—in terms of additional kinds of flexibility for the States.

I understand that the principal objection is dealing with the parliamentary situation, and so we will go ahead and have the debate on the substance of the legislation. We are prepared to consider any of the amendments with regards to the underlying legislation, and we will obviously incorporate any decisions by the Senate in any vehicle that is eventually reported out of the Senate.

And so we are ready to do business in the Senate, pending consideration of the Members about the parliamentary situation.

Mr. JEFFORDS. Mr. President, we in no way intend to impede the process. I think there will be pretty close unanimity on the bill when we complete it. However, I wish to make sure that this side of the aisle is protected in the ability to offer second-degree amendments, et cetera.

I thank the Chair.

PRIVILEGE OF THE FLOOR

Mr. KENNEDY. Mr. President, I ask unanimous consent that Matthew Alexander, a member of the staff of the committee, be afforded privileges of the floor during pendency of the bill.

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

Mr. KENNEDY. Mr. President, today the Senate begins action on the Goals 2000: Educate America Act. This legislation, designed to make more rapid progress toward meeting the national education goals, has strong, bipartisan support on the Labor and Human Resources Committee.

The reason for this bipartisan support is clear. Education reform is not a Democratic issue or a Republican issue. It is a national issue, and all of us recognize that it is time for the Federal Government to do more to help communities across the country improve their schools.

During the recess, I visited the Fenway School in Boston, and I met students and teachers who brought home to me what education reform can mean and why better and different schools are at the heart of solving so many of our problems, not only in education, but in other areas as well, especially crime control and welfare reform.

One of the students whom I met was Efrain Gutierrez, an 18-year-old sophomore. He had dropped out of his old school, but now he is getting straight A's at this small, highly personalized and completely reorganized school. When I asked him what he had done when he was not in school, he said, "I don't think you want to know."

We can authorize billions of dollars for fighting crime, but few programs will be as successful as a school like the Fenway that gives students a place to belong and to succeed and to enhance their own self-esteem.

Another student, Charlene Hampton, graduated last year and is starting nurse training at community college. At 19, Charlene has a five-year-old child, but the Fenway School has made it possible for her to still come to classes and get her work done. Charlene will succeed and become an independent and productive member of our city and society. We would need less welfare reform if we had more school reform.

There are many stories like these, and there are many schools like the Fenway. If they were here to talk to us, they would echo the statement of Fenway teacher Eileen Shakespeare, who said, "If I could ask you to take a single message back to Washington, it would be this: 'Please have a sense of urgency about what we are doing here with students, and help us.'"

We need that sense of urgency in the Congress. Let us act now, and pass this legislation, an important first step in providing greater Federal support for States and local communities to reform their schools.

The Goals 2000: Educate America Act will enact into law the six national education goals. It will establish a bipartisan National Education Goals Panel to report on progress toward achieving those goals. The goals are well-known, but they bear repeating.

First, all children in America will start school ready to learn;

Second, the high school graduation rate will increase to at least 90 percent;

Third, U.S. students will leave grades 4, 8, and 12 having demonstrated competency over challenging subject matter, including English, mathematics, science, foreign language, civics and government, arts, history, geography, economics, and every school in the United States will ensure that all students learn to use their minds well so students may be prepared for responsible citizenship, further learning, and productive employment in our Nation's economy;

Fourth, U.S. students will be first in the world in mathematics and science achievement;

Fifth, every adult American will be literate and possess the skills necessary to compete in a global economy and exercise the rights and responsibilities of citizenship; and

Sixth, every school in the United States will be free from drugs and violence and will offer a disciplined environment conducive to learning.

Goals 2000 incorporated in this legislation places the emphasis on our investment in education on results; codify the national education goals and the National Education Goals Panel which includes two House Members and two Senators, among others. It will encourage the development and use of high academic standards for all students, world class standards, such as those which are used in other industrialized countries; create an incentive grant program for States to support comprehensive education reform—and will have an opportunity to debate that ad nauseam.

This is a voluntary program and we are encouraging States to develop that comprehensive education reform. Nothing is required, no contingency on other educational programs if they do not care to participate; provide funds for use by States for ongoing teacher training and professional development; promote flexibility by providing authority for the Secretary to waive certain Federal regulations to assist States in implementing reform.

We are permitting the States and local communities and education structures to be able to get to the waiver of certain rules and regulations. Some important ones like the issues on civil rights and the protections of the disabled and special needs children not so. But in other areas, we are permitting them as part of their reform program to get waivers by the Secretary so that they can implement their reform and we are permitting greater flexibility for the Secretary to permit States as an entity to be more expansive in terms of waiving certain kinds of requirements.

We permit States to use funds granted under the act to promote public school choice, charter schools, and magnet schools.

We will elaborate on those—encouragement for those initiatives as well.

We create a National Education Standard and Improvement Council to oversee development of voluntary national standards, promote parental and community involvement in education and promote bottoms-up education reform in every school and community.

This is a bottoms-up education reform with support from the top down. But it is basically and essentially a bottoms-up program of school reform.

Provide planning grants to the States to increase the use of technology to increase student learning, create a mechanism to establish national work force skills standards. Those are some of the matters which we will have a chance during the course of this debate to elaborate on.

It is equally important to emphasize what Goals 2000 does not do. While all these provisions are important, one of the most important is the Congress encourage the development of standards. A month or so ago, the Washington Post published a good example of what the content standards might look like.

Here are a few of the examples, Mr. President. These are guidelines for science knowledge recommended by the American Association for the Advancement of Science. By the end of the second grade, all students should know circles, squares, triangles, and other shapes, which can be found in things in nature and in things that people build; water left in an open container disappears, but water in a closed container does not disappear; thermometers, magnifiers, rulers can take measurements and are often more useful than just observing an object. We will get into the kinds of elements that we will be talking about in terms of the goals and in terms of the standards.

But I would hope that the Members will include this in the course of the debate and see from this report exactly what we are attempting to do in terms of the early grades—the second grade, 5th, 8th—and finally 12th grade.

Besides content standards in course subjects the bill also encourages the development of new assessments that will gauge how well the students have mastered the content. In other words, performance standards and the assessment schools are using right now just do not do the job.

There is enormous innovation in terms of a number of the school reforms in terms of how they do this kind of assessment, in terms of oral presentation, in terms of portfolio examinations, in terms of other kinds of reviews to determine the individual's understanding of the material that is being discussed and needs to be comprehended.

This is a third kind of standard that this bill deals with, the standards that are the most controversial, that is, opportunity to learn standards. These will describe the things that are obviously needed for a student to learn. Basically, what we are talking about is the departure point. What you want is a departure point so that the children that ended this whole assistance are going to have a relatively equal kind of departure point in terms of the schools themselves, textbooks and trained teachers and other aspects. Then we want to have the content standards and the assessment standards. That is what we are attempting to achieve.

Those opportunities to learn standards will describe things that are obviously needed for a student to learn, well-trained teachers, up-to-date materials, curriculum that makes sense, an orderly and safer school.

Just as important as what the Goals 2000 does is what it does not do. We do not federalize education. We do not establish a national curriculum or the equivalent of a national school board. It requires States adopt national standards. We do not require that the States adopt national standards or submit State standards for Federal Government approval. We do not create unfunded mandates. And we do not make the receipt of any other federal funds contingent upon the provisions of Goals 2000.

It does not dictate to the State how much to spend, how to license teachers, or what textbooks to use. It does not establish school-based health clinics. It does not mandate or encourage value-based or outcomes-based education. And it is not surprising that this bill passed the House of Representatives with a strong bipartisan support, 307 to 118, with 57 Republicans in support.

Mr. GUNDERSON stated in his endorsement: Goals 2000 is the kind of foundation for improvement of education at the State and local level that we want. And I encourage my colleagues on both sides of the aisle to vote for this bill when we come to final passage. Now is the time for the Senate in a similar bipartisan spirit to also act.

There has been a great deal of reform activity in the States in the decades since the well-known report nations at risk sounded the alarm about the decline in American education 10 years ago. But there has been no national consensus about how the Federal Government should respond to the national crisis. Two past Presidents and five Congresses have been unable to come together to support legislation that would lay out the best approval to deal with that crisis. Goals 2000 will end that delay and make the Federal Government a full-fledged partner in the important effort to re-create America's schools and prepare students for the 21st century.

Despite the rhetoric to the contrary, American education has never been short on innovation. There are examples of excellence and innovation in schools across the country. We have all visited them and been impressed. What we have not figured out, however, is how to create a better overall system—how to look at the one or two good schools in a district and make sure all the others share the best practices and best strategies of the best schools.

We know the elements of a good school—a clear focus on well-defined standards for all students; no tracking of students into dead-end programs; schedules that give students personal attention; new ways to measure student performance; opportunities for health and other social services; increased time for core subjects; instruction that connects subjects to each other, and is adapted to different ways of learning; and finally, more investment in children before they fail, not after.

President Clinton and Secretary of Education Riley have committed themselves to creating a system of schools like these. It is the kind of system that many have advocated for many years—a system that is based on high content and performance standards for all students, that invests in students and teachers alike, and that coordinates Federal, State and local efforts.

Goals 2000 is a step toward achieving all these principles. It will create the framework and national education policy we need. Better education is at the heart of a better future for poor children and the Nation.

There is no magic solution, but essential steps, taken together and implemented simultaneously by Federal, State, and local officials, can form the basis for a more effective education system that meets the needs of all children.

I cannot stress the word "local" too strongly. It is teachers who educate children, not school boards or States or Congress. The single greatest challenge facing American schools is to help teachers rethink their classroom practices and break out of the habits of our "factory model system of education."

That challenge cannot be met in Washington or in State capitals. It must be met teacher by teacher, school by school, in each of the 1 million classrooms in America.

As award-winning educator Deborah Meier from Central Park East School in Harlem has said "It is clear that since we need a new kind of school to do a new kind of job, we need a new kind of teacher too." Congress cannot legislate that teachers change their habits of mind and the way they teach students. But we can help local districts create conditions that make it possible for them to adopt the best and the most effective practices.

Goals 2000 will help to create those conditions. By codifying into law the national education goals, we will strengthen our commitment to reach them. Having every child ready to

learn, attaining a 90 percent high school completion rate, meeting check points for having 4th, 8th, and 12th graders master challenging material, becoming first in the world in math and science achievement, making sure every adult American has learned to read, and having safe and drug-free schools are daunting goals. But our country has faced other difficult challenges, and with leadership and dedication and participation from people from many different parts of our society, we will succeed. They must be achieved if we are to remain competitive in the global marketplace.

Mr. President, I see other of my colleagues on the floor at this time that are eager to make a statement and comments.

I will at a later time elaborate on a few additional kinds of matters, but at the outset I first of all commend the chairman of our Education Committee, my friend and colleague, Senator CLAIBORNE PELL. Senator PELL, as a chairman of the Education Committee, has as all of us in this body know demonstrated time in and time out the strong commitment, first of all, in education, starting at the earliest of years as well as into higher education which bears his mark over a long and distinguished career.

He has made many contributions to the country, but I think perhaps his longest-standing contribution will be the work that he has done in education. I think all of us on that committee are very much aware of the strong effort that he always made in terms of bipartisanship in assuring that education would not be a partisan matter.

I think as we begin this real debate today and as we have the strong bipartisan support in that committee we acknowledge his continuing leadership in the areas of education, and this legislation certainly bears so much of his input and creativity, and we will look forward, after our friend and colleague Senator JEFFORDS, hearing from him.

Mr. PELL. I thank the Senator very much.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. JEFFORDS. Mr. President, first, I appreciate the accolades of the chairman of the full committee for the chairman of the Subcommittee on Education, Senator PELL, who worked for many years with my predecessor, Senator Stafford, and accomplished so much to improve the education of this country. I am just honored to be able to serve with him and look forward to serving with him for the years to come.

Mr. President, as to the impression that we are leaving with the opening statements, that this may be a love-in, and that we have a unanimous agreement, and that once we have passed this bill the Nation's problems will disappear, I wish that were to be the case.

But I think we will all understand when we fully understand the dimensions of the goals and the dimensions of the problems that this is a beginning of a prolonged effort in the sense it should have been here years ago but what will be a prolonged effort to improve the education of America. It does, however, represent a bipartisan compromise to improve teaching and learning and making our schools really ready to go into the work force in the 21st century.

My support for this bill sprouts not from a naive belief in some theory, but from the very real experience in my home State of Vermont. We are proud of our long history of education reform, and in a large way the State of Vermont has provided one of the prototypes for this legislation today. As we have learned in Vermont and across the country, there is no mission more important that providing opportunities for our future generations.

Right now, the educational system in this country does so much for too few, while doing too little for so many. Goals 2000 puts us on a path toward reversing this trend—so that we offer more opportunities to more students in more schools across this Nation. Vermont has taken a lead in school reform, and we have begun to see the results. The time to act is now—this bill will help States apply reforms that work, that give more students a better education and brighter opportunities.

Briefly, as Senator KENNEDY has stated, the bill codifies the six national education goals and adds a seventh goal acknowledging the importance of parental involvement. It incorporates the existing national education goals panel and creates a body to certify national model standards and assessments. At the heart of the bill is a State grant program to improve teaching and learning through planning through comprehensive education reform and restructuring. Finally, it establishes a national skill standards board to serve as a catalyst to stimulate the development and adoption of a voluntary national system of skill standards. S. 1150 represents a major step forward in the effort to encourage wide-scale reform in our Nation's schools.

The provisions of this bill have a long history. This is to remember because it has been a long time that we have been looking at the problem but have done little or nothing, in fact probably things to make detrimental to improvement. In 1983, the landmark report, "A Nation at Risk," brought to the public's attention what many already knew—that we faced a rising tide of mediocrity in our schools which threatened our very future as a nation and as a people. In no uncertain terms, this report described the problems that were plaguing American schools—low expectations for students, a watered-down curriculum, minimal requirements for high school graduation, and a shortage of high-quality, experienced teachers. The Commission found the situation to be so serious that it made the following observation:

> If an unfriendly power had attempted to impose on America the mediocre educational performance that exists today, we might well have viewed it as an act of war.

As a result of these alarming findings, "A Nation at Risk" set out four recommendations to make our system of education second to none in the world. First, they recommended, we set high standards for all students in basic subject areas such as mathematics, history, English, and science—not just for college-bound students, but for all students—and that we provide the necessary supports to help students reach those standards. Second, we hold students to those high standards by requiring their mastery as a condition for high school graduation, college entrance, and entry into the workplace. Third, we increase the amount of time our children spend in school by lengthening the schoolday and school year, and by using the time students are in school more productively. Finally, we improve the preparation of teachers and make teaching a rewarding and respected profession.

It has been 10 years since the Commission made these recommendations during the Reagan years. What have we done to implement them?

Well, since the beginning of the eighties overall Federal support for education, after adjusting for inflation, has decreased by 5 percent. Funds for elementary and secondary education declined 15 percent while postsecondary education funds declined 24 percent. As many as 30 States right now are in a crisis over the funding of education in their own States and generally the States have also decreased their spending for education. Is our educational system today second to none? Of course, the answer is "no." At best, we are no worse off than we were 10 years ago. At worst, the next generation of graduates from America's high schools will not be prepared to meet the challenges of the next century.

We have made some progress, however; 6 years later in 1989, then-President Bush convened the education summit, in Charlottesville, VA. That meeting brought the national leadership together with all 50 Governors to address education reform. As a result, our Nation's top State policymakers along with the President produced six national goals for our schools that are contained in this bill. It is now 4 years later and we are getting around to try to put those goals into place.

These goals specified that by the year 2000, first, all students would arrive at school ready to learn; second, that the graduation rate would increase to at least 90 percent; third,

that students would master challenging content in core subject areas; fourth, that our students would be first in the world in math and science; fifth, that all adults would be literate and prepared for life-long learning.

Let me just remind you that right now we have about 30 million Americans who are pretty much totally illiterate, and we have another 45 million that are functionally illiterate. That is 75 million Americans that fall under goal 5.

Goal 6, that our schools would offer children a disciplined and drug-free environment.

I do not have to tell anyone that this has not been reached since 1989. In fact, it is a scare to every parent in America now as to what is going to go on in the schools the next day.

Failed attempts last year to enact legislation have delayed legislative action on these goals until now—almost 5 years after they were established and 10 years after "A Nation at Risk" brought our attention to the problem. Since that time, nearly 30 million young adults have graduated from high school, many without the skills they will need to be productive workers. Another 40 million children have entered kindergarten without the benefit of needed school or preschool reform.

Some of my colleagues have asked why we need this bill. Others have questioned whether we can afford this bill. I cannot help but ask how can we afford not to pass this bill and do what is necessary to accomplish the goals. Mr. President, the situation in our schools is so serious that we must enact this bill and do much, much more. Let me provide some statistics to illustrate how we are doing relative to our goals.

Goal 1 states that all children should enter school ready to learn. Yet, today we are not even close to attaining this goal. Nearly one-half of all infants born in the United States begin life with one or more factors that places him or her at risk for future educational failure. Only 37 percent of 2-year-olds have complete immunizations against major childhood diseases. And nearly half of all 3- to 5-year-olds, especially those most at risk, receive no preschool education. We only provide Head Start for some 30 percent of those that are eligible. Clearly, many children are coming to school today without the preparation they need to be successful learners. Yet despite this demonstrated need, we still have not fully funded proven programs like Head Start and Even Start.

The second goal states that we want the high school graduation rate to increase to at least 90 percent by the year 2000. Yet today, almost 13 percent of all 16- to 24-year-olds are high school dropouts, including nearly 35 percent of Hispanic youths and 19 percent of African-American youths. This issue is critical for our future economic security. Fewer than half of recent high school dropouts had a job in 1991. Of all mothers on welfare, one-half of them failed to finish high school. Of the more than 1.1 million persons incarcerated in 1990, 82 percent were high school dropouts. That gives you an idea of what might be very helpful in the crime area. The average annual cost of supporting a prisoner is $22,500. That means our annual cost of incarceration is about $22 billion a year. And that does not include anything done to try to bring them back into our society. But it obviously indicates that we can save huge amounts of money if we can decrease the dropout rates to enable those that are right now incarcerated to be able to get employment.

Goals 3 and 4 state that we want our students to demonstrate high achievement and to be first in the world in mathematics and science. Again, we have a long way to go to reach those goals. The "1993 National Assessment of Educational Progress" indicates more than 75 percent of students at all grade levels failed to achieve even the basic level of proficiency in these areas and over 60 percent failed to meet the proficiency level in English. In international comparisons—and this is where it is so critical to remind ourselves that we are entering a very, very competitive world market system in the future of our Nation. And improving our standard of living depends entirely on our ability to compete in those world markets.

In international comparisons, American students consistently score below most other industrialized nations. In the "1992 International Assessment of Educational Progress," U.S. 13-year-olds scored second to last among 15 nations in mathematics achievement.

Make no mistake about it. These disturbing statistics are not about someone else's children and they are not someone else's problem. These are our children, our future work force, and our future leaders. The quality of our public schools in America is directly related to the standard of living of each and every one of our citizens.

As badly as we need reform, we must remember that reform costs money. In some cases, schools have funded reform efforts by cutting back on facilities maintenance, or even some educational program activities. Clearly, this defeats the point and is one reason that this bill is important. Goals 2000 authorizes $400 million in fiscal year 1994 for State and local reform efforts, planning basically.

State and local communities will develop plans, through broad-based panels, to encourage the improvement of teaching and learning within the State. Each State and each plan will be unique. Goals 2000 does not prescribe how reform should occur but recognizes the rightful ownership by local communities and State administrators.

Numerous States have already embarked on innovative and successful programs to restructure education. My own State of Vermont is among the States that is committed to systemic reform with high standards and clear goals.

Educators, businesses, and community members have joined forces in Vermont to provide every student an opportunity to master high skills. Known as the Green Mountain Challenge, Vermont's school reform initiative is a partnership of teachers, principals, superintendents, school boards, employers, parents, and human services professionals. It is reform designed to listen to and respect the concerns of teachers and parents while simultaneously establishing clear goals and benchmarks from the top.

Let me tell you some of the changes that you may see taking place if you visit the classrooms of Vermont. In one school, you will walk into a classroom where groups of elementary school students are actively working together on a long-term project to research and build a model rain forest in their classroom. In another school, you will find older students tutoring their younger peers in an exercise that improves the reading skills of both participants. In yet other schools, you will see students of all ages and all abilities grouped together to form learning communities.

But communities and States cannot do it alone. Federal funding and incentives are imperative for reform. The GAO, in a recent report, points out that in the absence of Federal actions, maintaining commitment, and finding resources for systemwide reform may be impossible for many districts. Federal funds must not undermine local and State control but Federal funds are critical to technical assistance, information dissemination, and professional development.

Last Congress President Bush introduced America 2000, a bill similar to this bill. America 2000 passed the Senate 92 to 6, but the conference report failed by a slim margin. I voted against conference report because of some problems I found with it, but I am confident that this year we can go forward with those problems being satisfied.

While this situation was unfortunate, I believe we have a new opportunity to place our mark on education reform. Let me be very clear to my fellow colleagues who, like me, voted against that conference report—we have a different bill before us today. The bill is also different from the House bill and different from the bill as originally introduced by President Clinton and deserves our careful attention and support.

I commend my colleagues, Senators KENNEDY, PELL, and KASSEBAUM for their commitment to and work on this bill. The bill which came out of committee reflects a spirit of compromise

and makes a number of important changes to what was originally introduced. Let me go over in detail some of the important revisions made by the committee.

First of all, changes made by the committee free States and school districts to develop school improvement plans that best meet the needs of the children in their communities and their schools. The committee bill removes the overly prescriptive requirements and mandates which describe in detail how States should address the specifics of their reform plans. At the local level, the committee changes allow for significantly more local flexibility and remove requirements that the local improvement plans exactly match State plans. Fortunately, the committee recognized that in order for Goals 2000 to be successful on the local level, parents, local educators, and community members must be able to tailor the plan to the needs of their students and must feel ownership over the process and have accountability for the results.

Second, the committee bill drives more of the funds to the local level—and reserves fewer funds for national activiites—than the bill as introduced. We know that the most important changes will occur in schools and classrooms, and that the most successful reform will have grassroots, bottom-up support. As a result, the percentage reserved for national activities is reduced from 6 to 4 percent.

Third, S. 1150, as reported, removes the mandate that States develop standards to gauge students' opportunity to learn. Although it is critically important that States seek to provide every student with an opportunity to learn challenging content, we felt that it was not wise to require that States use particular strategies in order to do so. The committee substitute requires all States to address the issue in some fashion in their State plan, but leaves the specifics up to each individual State.

I have heard some concern expressed that the development of model standards at the national level would force a national curriculum and Federal standards for school spending on to the States. This is entirely not true. First of all, these model national standards are completely voluntary for their adoption. The bill specifies that no State has to adopt or implement any standards in order to receive Federal funds under this act or any other Federal legislation. The standards are being developed simply to provide guidance for those States if they wish to develop standards of their own. Second, we added provisions to the bill to clarify that these model standards must be general enough to allow any State to use them and must not be so specific as to restrict State or local prerogatives concerning instructional methods. They also state that nothing in this act would override the Department of Education Organization Act which outlines the respective State and Federal relationships. I hope this is clear.

The committee bill supports the important role of locally determined bodies, such as school boards and State education agencies, in monitoring the school reform plans and does not seek to replace them with duplicative structures. We believe that the creation of a State panel is an essential element for planning purposes, but this panel should not be burdened with the task of monitoring the progress of individual schools and districts. Not only does the Goals 2000 Act take bold steps toward widescale reform of our Nation's education system, it also starts to erect the framework for building the necessary bridge between the worlds of education and work. Title V of the bill establishes a National Skill Standards Board designed to coordinate the development of a voluntary national system of skill standards, assessment and certification. This will be incredibly important as we go forward, to assure that our mobile work force will have the skills necessary to get the jobs that are available.

The intention of this title is to facilitate lifelong learning opportunities and promote attainment of high skills for all Americans. It focuses on workers at all stages of the work and career spectrum, including young adults seeking a first job, unemployed or displaced workers seeking reemployment, and experienced workers seeking better jobs. These standards would provide workers with portable and recognizable credentials to certify mastery of identifiable skills required for successful performance in the work place in the modern world.

From the outset, let me acknowledge that some have questioned the inclusion of this title in the education reform package. They ask would it not be more appropriate to place provisions establishing voluntary, national, industry-recognized skill standards in comprehensive work force preparation legislation? Since this provision was not part of the original Goals 2000 bill, I initially shared these concerns. However, I am now convinced that this matter is significantly related to our educational goals and properly placed within this legislation. Education does not end after high school. It must be a continuum from birth to adulthood. Voluntary skill standards will help encourage the high skills necessary for American workers to compete and succeed in the high technology world of the 21st century.

This bill addresses the concerns that Members on this side of the aisle have expressed to me. It further incorporates the recommendations of distinguished education experts such as Commissioner Rick Mills from Vermont who testified before the committee on his experience as a leader in the area of school reform and restructuring.

Some opponents may question the necessity of spending Federal dollars to accomplish State education reform. But, as the experience of the 1980's makes clear, even the most ardent reformers can fall short of their goals if the tools at their disposal are not sufficient to overcome the obstacles in their way. And obstacles there are many—drugs, violence, single parenthood, alcohol abuse, poor nutrition, and physical abuse. Children come to school carrying more baggage than just books.

Our schools must be able to identify these problems and deal with them. Our schools have taken on the role of a social agency in this regard, but we have not provided the teachers or the administrators with any more money to assist them in caring for our children. It is time we begin looking at what we must do to make those goals attainable.

The state of our education system poses a clear and present danger to this country—yet, we have failed to take the current threat seriously. We have not understood that now is the time to commit our resources to education, health, and social services programs in the same way we committed ourselves to fight the cold war. We have not been willing to admit that the threat from within is as great as that which we perceive from without.

Enacting Goals 2000 is essential to the future of our children and the future of our educational system. Our outdated system is no longer adequate for our changing society. It is not producing the highly skilled and fully literate adult population that our society must have.

I believe Goals 2000 is the beginning of a new commitment of the Federal Government to improve the educational opportunities of our young people.

Mr. President, I urge my colleagues to join me and Senator KENNEDY and members of the committee who have worked very hard and diligently to provide a bill which can help us go into the next century with the kind of confidence we will need in order to provide our Nation with the standard of living it requires.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. PELL. Mr. President, I strongly support enactment of S. 1150, the Goals 2000: Educate America Act school reform bill. President Clinton's proposal is important and needed legislation. Far too often, American students are not sufficiently challenged in the classroom. As a result, they frequently place lowest in international achievement rankings. Goals 2000 seeks to reverse that tide. It establishes clear,

high expectations for every student, school, and community. It spurs State and local education reform efforts. And it strengthens the linkage between school and workplace. Goals 2000 is truly a mandate for change.

It has become increasingly clear that American competitiveness is dependent on a world-class work force, and is dependent on a world-class educational system. Excellence without equity is recipe for economic defeat, and equity without excellence is a hollow promise. Goals 2000 serves both as a framework and catalyst to improve and reform our educational system. In essence, it acknowledges that excellence and equity in education are inextricably linked.

First, Goals 2000 codifies the National Education Goals developed by then-Governor Clinton, President Bush, and the Nation's Governors in 1989. We have made very few modifications to the goals in committee in order to maintain their broad bipartisan appeal. One change of note, however, is the inclusion of civics and government as an area in which by the year 2000, students will be expected to demonstrate competency over challenging subject matter. I have long held that it is absolutely critical for students to understand how our Government works, as well as the rights and responsibilities of citizenship in a democracy.

Second, Goals 2000 provides for the development of rigorous voluntary content standards that identify exactly what students should know and be able to do in specific subject areas. We have also included authority for the Secretary to support the development of model national leadership projects to integrate standards from different subject areas, such as English and history, into a single coherent instructional program. Subjects need not and should not be taught in isolation of one another.

Further, Goals 2000 establishes voluntary opportunity-to-learn standards that define the teaching and learning conditions necessary for all students to have a fair and equitable chance at receiving a world-class education. Opportunity-to-learn standards will empower the public to hold not only schools but also policymakers accountable for the results they produce. They are essential to an education of equity and excellence.

What pleases me most about President Clinton's initiatives is that it also provides for the development of quality, thought-provoking assessments. For over 25 years I have called for better assessments tied to national standards so that we might measure students actual knowledge of subject matter and better target our limited Federal resources. Moreover, standards and assessments are essential if State and local officials are to establish, as AFT President Al Shanker recently stated:

> The clear consequences for success and failure so that students have the incentive to work hard and achieve because they know that something important—like a high school diploma, college entrance or access to a good job—is at stake.

Third, and perhaps most important, Goals 2000 provides a $400 million school improvement grant program to help spur systemwide State and local education reform. Educators, and State and local community leaders will receive the guidance and support they need to develop and implement their own education reform plans. Funds will go toward improved and ongoing teacher training, parental and community involvement, performance-based assessments tied to challenging curricula, and real incentives for schools and students.

I am especially pleased that the grant program contains a special emphasis on financially distressed areas. Education reform requires resources, particularly in our most needy areas. In Rhode Island, a healthy proportion of the more than $1.5 million the State may receive under the Goals 2000 program should go to such financially strapped areas as Central Falls, Providence, Pawtucket, and Newport. Admittedly, $1.5 million is an austere level of funding for austere times. But put into the hands of those closest to schoolchildren, not Washington bureaucrats, even a small amount of funding—as little as $10,000—can lead to a process that can change an entire school.

Fourth, Goals 2000 provides schools with greater flexibility in their use of Federal funds. Under program flexibility, educators will be able to serve children as a whole, rather than as a collection of isolated needs. I think it is important to note, however, that flexibility is not our end goal. Our goal is increased achievement and opportunity for children. And therein lies the genius of Goals 2000. The development of high standards and quality assessment provides for a level of program accountability to guide future decisions regarding more or less flexibility at the local level. Without quality assessments, we would have no way of measuring if services are delivered to the students who need them most.

Finally, to improve the linkage between school and work, Goals 2000 creates a skills standards board to identify essential work force skills and establishes a voluntary national system of occupational certification. Workers, and those seeking work, will receive clear guidance as to the skills that are necessary to enter a particular field. Skill standards will increase worker mobility, enabling workers to take their skills to where jobs exist. These standards are an important first step toward a future skills training initiative.

Mr. President, we have delayed the enactment of education reform legislation too long. I am afraid that is in large part due to the intervention of politics. I have long believed that partisanship should have little to do with our work in education. We may have differences of approach and emphasis, but those differences should not be rooted in party label. For the good of children, we ought to steer clear of partisanship when it comes to education policy. I am pleased to say that Goals 2000 is a change from the past. The school reform bill before us has been developed and improved in a bipartisan fashion. We have taken a good bill and made it better. It merits our strong support and swift enactment.

In closing, I will comment on the fact that when I go around and make speeches to young people, at the end of the speech period—and I have done this many, many, many times—I ask the students if they feel they are properly challenged, learning to the limit of their abilities. I find that very often, usually the children will say no. You ask them to put up their hands and maybe 95 percent of those who raised their hands will say they have not been properly challenged. This is in spite of the fact that the teachers are directly behind me as I ask this question.

I think this bill is a good bill and a step down the road we should take and should have taken some time ago.

I yield the floor.

Mrs. KASSEBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mrs. KASSEBAUM. Mr. President, I rise today to offer my support for S. 1150, the Goals 2000: Educate America Act. Senate bill 1150 contains many of the same basic elements as President Bush's America 2000 initiative and the Senate-passed version of S. 2 during the last Congress.

For those of you who may be hearing opposition to this bill, let me tell you at the outset that this bill does not: federalize education, establish a national curriculum or school board; require that States adopt national standards or submit standards for Government approval; tie any other Federal education funds to compliance with Goals 2000 provisions; dictate to States how much they need to spend per pupil, how to license their teachers, the proper teacher-pupil ratio, which textbooks to use, et cetera; impose unfunded mandates on States; and mandate or encourage values-based education or the establishment of school-based clinics.

This legislation reflects the bipartisan consensus of the Senate that fundamental education reform will be accomplished only by strengthening the connection between communities and their schools and by renewing the absolutely vital partnership among parents, teachers, and students. This legislation stresses the need to raise our standards

and expectations for student performance. Students, I believe, are ready and willing to rise to this challenge. The bill encourages the strengthening of our Nation's teaching force and provides teachers and administrators with the training and support they need.

Our vision for education may be national in scope, but responsibility for its delivery rests squarely in hands at the local level. In fact, my single greatest concern with the legislation as originally proposed by the administration was that it was too bureaucratic, prescriptive, and top-down in its approach.

Republican Senators have been instrumental in making significant improvements to the bill both before and after its introduction. We have worked very hard to develop a bill with few of the defects of the conference bill, S. 2, which we opposed last year. I believe that the committee has successfully minimized the level of Federal involvement to that necessary to encourage higher standards without stifling local innovation and decisionmaking.

This legislation does not seek to displace local and State control over schools. Rather, it provides support for innovative thinking and experimentation in the way we educate our students. We also worked to ensure that the focus of education reform advocated in this bill remained on educational achievement, rather than on inputs and resources. I believe that the Goals 2000 bill making its way through the Senate represents a true mixture of bottom-up education reform with local, State, and Federal support and partnership.

At the heart of S. 1150 is a grant program to States, school districts, principals, and teachers to plan and implement dramatic and needed reforms of their schools and school systems. This program represents 95 percent of the authorized funds. States, school districts, and schools are encouraged to engage in education reform designed to raise standards and expectations for all students and improve student academic achievement.

The legislation also allows local education agencies to waive Federal regulations which impede the ability of teachers to focus on providing the best possible education for their students. This proposal puts teachers back in the decision making role of determining the best ways to teach their students.

I have heard various criticisms of this bill. Most of them have been aimed at the House version or earlier Senate versions of this legislation. Let me address some of these criticisms. Goals 2000 does not establish or promote a national school board or a national curriculum. I would not support either of those moves.

While the Goals 2000 State grant program does encourage that participating States, school districts, and schools have high expectations for students and hold all students to high standards of academic achievement, those expectations and standards would be entirely locally determined. Other decisions about whether to include values or sex education in the curricula or whether to open school-based clinics would remain local decisions, as they always have been.

This bill does not impose unfunded Federal mandates. In fact, the opposite is true. Like the Bush administration, S. 1150, provides States, school districts, and schools with an option to obtain waivers from Federal statutes and regulations that impede education reform. In addition, the National Governors Association, which vehemently opposes unfunded Federal mandates, has indicated its support for the Senate bill.

Another charge is that the bill threatens to change the focus from school and student outcomes and achievement as measures of educational progress back to the inputs, such as resources, upon which we have traditionally relied to monitor our educational system. However, the Senate committee amendment modifies the bill's language on delivery or opportunity-to-learn standards, as these input requirements are called, and the House bill is very different on this point.

The House bill requires the National Education Goals Panel to identify actions that should be taken by Federal, State, and local governments to achieve State opportunity-to-learn standards. It would also require the Goals Panel to report on the progress of States in meeting such standards. The Senate will does not insert the federally funded Goals Panel into this type of monitoring role.

The House bill is also much more prescriptive and restrictive with respect to opportunity-to-leave standards in the State grants. The Senate bill, by comparison, only requires that States establish strategies for providing all students with an opportunity to learn, but States decide whether they will adopt specific standards to accomplish this aim.

I should also mention briefly title V of the bill, which will establish a National Skill Standards Board to assist in the development of national, occupational skill standards. I must confess to some skepticism as to the usefulness of these standards and the need for such a board. Nevertheless, I am prepared to defer to the judgment of those in the business community who support this effort. But, I strongly believe businesses, both large and small, must be adequately represented in the development of standards if this project is to work. The Secretary of Labor shares this view and has agreed to a compromise approach that I believe will provide more balanced representation on the Skills Standards Board.

Finally, some oppose this bill because it does not include Federal money for private school choice. As in S. 2, which passed by a vote of 92 to 6, a State or school district may use their Federal grant to implement public school choice as part of its plan. The bill does not prohibit private school choice, only the use of Federal dollars for such activity.

I recognize that private schools have made substantial contributions to the education of many children, and I believe that the existence of a private school system provides healthy competition for public schools. However, as a nation we have made a commitment to education by providing free public schools and requiring that children attend. To honor this commitment fully, all schools must be good ones.

Frankly, I would have preferred not to include Federal funding of any school choice in this bill. I support school choice if a school district decides that it is a feasible option and will improve education achievement in the district's public schools. However, choice, whether private or public, is a State and local issue, as are decisions about how to fund it. I see no reason for a Federal role in this decision.

Ultimately, the real solutions to improving our schools will be found outside Washington. However, I believe that this legislation can be of assistance in encouraging States and localities to seek improvement of local schools and to think boldly in terms of reform. It is on that basis that I offer my support for S. 1150.

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, before she leaves the floor, it is moments such as this where I should say amen and sit down because, frankly, the Senator from Kansas has said virtually everything I wanted to say about this legislation, particularly in some of her last few points about the flexibility of this bill.

My hope is—and I know this does not happen with great frequency, Mr. President, but my hope is, because this legislation is attracting so much attention, Members would take some time—it is not a lengthy bill—that they might read this one. I know I may be asking a lot in some instances but, just merely reading this legislation I think would allay about 95 percent of the concerns that have been raised in other forums.

The Senator from Kansas points out what this bill does not include, and I would urge people to read her statement because she is exactly correct. There have been a lot of statements about what is in this bill. Read the bill and read the statement by the Senator from Kansas and you will have a good beginning as to what is included.

I think the one central feature that is so critically important is the notion

of local flexibility, the ability for school districts and States to be experimental, to try things that work in their communities and their States. That has not always been the way we have crafted legislation in the education area, but this particular product is such an effort, to really maximize those choices.

I hope it does not need stating, but I will repeat it again. If at any point in our history the need for having the best educated generation this country has ever produced it is now. We just passed the NAFTA bill which is going to open some wonderful opportunities economically in this hemisphere.

When we have 50 percent of our high school graduates not going on to college at all and you realize how important it is going to be to have an educated work force, I do not think it needs to be reemphasized that we must do everything possible to increase and improve the quality of educational opportunity at the elementary and secondary level. I want to underscore what the Senator from Kansas has said about parents. And Senator BOND of Missouri deserves great credit for offering the parents-as-first-teachers concept,

Because it is absolutely true. I have a sister who teaches young children in Hartford, CT, from the largest inner city elementary school in the State. She would be the first to tell you were she here. She is a very good teacher. She works very hard. But even at the very young age of 4, 5, 6 years of age when she receives these children as her charges so much damage has already been done. It is almost impossible to try to reverse some of the problems these children bring to the classroom at that young age.

They are not yet adolescents or teenagers. These are the youngest children.

So involving parents is so critically important if we are going to be successful, getting parents to come to those schools, to be involved in the total aspect of their child's lives. This bill makes an effort at that.

President Bush deserves great credit, by the way. He authored the conference that met in Virginia that initiated this particular proposal, and hence underscoring the point again that the Senator from Kansas has made about the bipartisan nature of this effort. We are not going to agree on every aspect. Some may have particular problems of one feature or another. But this is an opportunity for us to really put our stamp on the educational needs of this country at a tremendously important and critical juncture.

Again, I urge my colleagues to read the bill, read the statement by the Senator from Kansas. I commend the Senator from Rhode Island, Senator PELL, who has been a champion for years in education, and our colleague from Vermont, Senator JEFFORDS as well; my colleague from Illinois who is here, Senator SIMON, who has spent years working these areas.

I look forward, by the way—and I would end on this particular note—to working with my colleague from Vermont. He and I have been raising the proposal of having the Federal Government commit more of its resources over the next decade to education. It is controversial. But nonetheless, I think it is a wonderful opportunity for us to alleviate some of the property tax burden that people pay in this country for education. Two-thirds of the property taxes in Connecticut go for local education. A lot of those dollars go to special education programs and the like. If the Federal Government can begin to assume some of that financial responsibility we cannot only do more, but I think also alleviate some of the particular financial burdens that people have.

That is another issue and a time for another debate. I did not want to miss the opportunity to let my colleagues know that the Senator from Vermont and I intend to pursue that particular approach through other vehicles along the way in our commitment to doing what we can to improve the quality of our education.

So, Mr. President, I look forward to the debate over the next few days on this issue. There will be some major issues of some controversy.

Let me underscore as well the point on the voucher issue. Again there has been a lot of talk about this. But frankly, this is not a matter for us taking tax dollar revenues and subsidizing other school systems which is exactly the wrong direction. I have great respect for the private and parochial school systems in this country. I am a product of them. But I also believe my parents made a choice at that time. They did not think that making a choice excluded them or precluded them from bearing an obligation to support education in this country. In a sense to promote that idea because we are angry with what we see going on in our schools today is to ask those who have the least to pay the greatest burden in this area. I do not think we ought to do that. I do not think we can afford to do it no matter how appealing it may be.

So my hope is our colleagues will think long and hard before deciding to go move in that direction.

On that note, Mr. President, I ask our colleagues to look at the bill, to read it, to read the statements again, particularly that of the Senator from Kansas today, and to ultimately support what I think is a very good product.

Mr. President, I yield to my colleague from Illinois. I know he has some important comments.

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER (Mr. DORGAN). The Chair recognizes the Senator from Illinois [Mr. SIMON].

Mr. SIMON. Thank you, Mr. President.

I agree with everything he said. There is all sweetness and light. It will not be all sweetness and light when we get to these amendments.

But what we are asking is on that voluntary basis, and the Senator from Kansas used the word voluntary and I would underscore it. That is what this calls for, a voluntary establishment of high academic standards. And then do something that I have heard the Senator from Rhode Island say over and over again. In fact, I have stolen this process from him. He says, "When I speak to students, I ask them if they are being challenged enough." And overwhelmingly they say they are not being challenged enough. I have stolen that technique from the Senator from Rhode Island without giving him credit, I regret to say. But absolutely we ought to be doing more.

Parental involvement; Senator DODD has talked about this, Senator HATFIELD has been excellent on this. The PTA has been urging us to do more. The local school councils established by the city of Chicago did not cost us a penny; gotten parents involved, and there is no question that has helped the Chicago schools.

Senator WELLSTONE and I will be offering an amendment to strengthen the opportunity-to-learn standards. I hope we can get something worked out on that.

And then I would finally urge that we recognize—this is one piece of the puzzle. This is a step forward. It is a small step forward. We need other steps forward. I think the direct lending was one for higher education. The school to work will be one. Then we get to a more major issue, and that is the reauthorization of the Elementary and Secondary Education Act.

One other item: The Presiding Officer who has been great in this whole budget revenue field—and we are pleased that he is here from the State of North Dakota. We face the fact that we passed unanimously a Senate resolution saying let us increase 1 percent a year what we are doing out of the budget for education. It was easy to pass that resolution. Pretty soon, we are going to be at the budget. Then we are going to find out whether we just gave that lip service, or whether we are going to do it.

That is when the crunch comes. I hope we will do something.

Some of my colleagues have heard me talk before about when I was in the fourth or fifth grade. I do not remember when it was. I was taking that geography lesson. I learned that we were a rich nation because of all of our natural resources. And I believed that up until, I do not know, 15 years ago when

all of a sudden I realized the nations that were moving more rapidly economically in terms of increasing their national income were nations that had virtually no natural resources—Japan, Taiwan, Sweden. I realized these nations are investing in their human resources. That is what we have to do.

This bill is one step in that direction. I applaud this step. We have to take more steps.

I applaud Senator PELL, Senator JEFFORDS, and Senator KASSEBAUM and everyone who has played a roll in this. I am pleased to join in support of it.

I yield the floor, Mr. President.

Mr. GREGG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, first, let me express my respect, especially for the prior speakers and their commitment to and concern for education and improving education in our country.

That is I believe a universal concern, of course. I do not think it is unique to either party. And it is something that has been outlined by the Senator from Illinois who has made some exceptionally aggressive efforts in this area which I greatly admire, as he has outlined. This is critical to the future capacity to have high quality education.

Really, if you want to look at the resources of our Nation, the true resources are the minds of our children. This is especially true as we move into the information and communication century, which will be the 21st century.

We all recognize this. Of course, this bill is a statement by the administration and by members of the leadership of this committee as to how they think it should be addressed and how they feel we should improve education throughout this country. All the speakers to date have been high in their praise of this bill. I must demur. I think that this piece of legislation has some very serious flaws.

I sought the goals of the bill. The goals, of course, were designed by the Governors Conference in Charlottesville which was convened by President Bush. I guess I am the only Member of this body who was a member of that conference because at the time the conference was convened I was serving as Governor of my State.

Those goals were excellent. They have been outlined by both the chairman of the committee and the Senator from Vermont. I will not go over them again. But they do define well what we as a nation should be pursuing in the area of education.

The problem, however, is that this bill is not an enactment of those goals only. This bill did not stop at just stating that these goals were a good idea. It went well beyond that.

Had in fact the bill been a restatement or an affirmation of the decision of the Governors at Charlottesville and acceptance of those goals and had this bill been an attempt by the Federal Government to be a partner in pursuing those goals and assisting the States, especially in the area of assessment in order to determine whether or not the goals have been obtained, then I would have no problem with this bill. But that is not what this bill does.

This bill, although having an innocuous term, reaches well beyond just the definition of the goals or the attempt to assist the States. It is a significant power grab by the Federal Government for the structure to try to obtain control—control is maybe too strong a word—but to try to obtain a significant and dominant role in the manner and methodology of education of our children in the elementary-secondary school systems.

You might ask what is wrong with that? Well, because that is not the way the American education system has worked.

Traditionally, the Federal role in education has been defined and targeted in, laser like, in its areas of responsibility. Traditionally, the Federal Government has picked certain arenas where it felt that the States maybe were not doing everything they could or where it could help the States and address those issues. Special education is probably the most well known of that, but certainly the chapter 1 and the Elementary and Secondary School Act assistance is part of it, too. And that really has worked fairly well, where the Federal Government has picked a defined and limited role to address elementary and secondary school education and has done so in partnership with the States and left to the States and to the local communities the dominant and pervasive role of educating our children as they work their way through the first 12 grades.

Why has it worked? It has worked because quality education—and this was a conclusion which we reached at Charlottesville, and it has not been talked about here, and I can understand why, listening to the speakers who went before me—depends primarily, even more so than on money, on local participation. High quality school systems in this country, whether they are at the elementary level or at the secondary level, wherever you find them, always have one very dominant factor, and that is a high degree of local participation in designing the way the school is run.

They also have a lot of other factors, of course. Some of that involves money. A lot of it involves a first-class principal with energy, and a good teaching staff, of course, is critical. But most important is a commitment by the community to make sure that the education of their children in their town is the best that can be provided.

Local control cannot be obtained through Federal regulation. In fact, Federal regulation is anathema to local control. In fact, probably in the most aggressive experiment the Federal Government has taken on in the area of education is the area of 94-142, which is the special education area. In insisting and setting up a Federal structure on how children shall be educated who have handicaps and disabilities, the Federal Government's dominance in that area has become so aggressive that it has in many instances undermined what might have been initiatives on the local level which would have created even a better atmosphere for that child.

That grew out of the history of the fact that many of these children were not receiving the adequate education they needed and the Federal Government stepped in. But I tend to think the pendulum has swung too far in that area. We will have a chance to discuss that on later legislation in some considerable depth.

In that area specifically, the Federal Government has created a regulatory morass of huge proportions, and it has not even funded the obligation that it has put on the local school systems to help educate the disabled and handicapped child, which is an outrage in and on its face; the fact that we passed a bill in this Congress that said that the Federal Government was going to tell the States and the communities how to educate these disabled kids and then said we would pay 40 percent of it and we end up paying 6 percent of it, and thus the school systems had to scramble around and relocate resources to take care of these children.

But the fact is that quality education cannot be driven from the top. Quality education has to involve having the parent, the principal, the teacher, and the local school board feel that they are empowered with the capacity to make the decisions which make a difference in the way education is delivered. That is what it comes down to. That is how you develop quality education. And that is what the Governors concluded at Charlottesville; that most of the high quality systems involve large flexibility and a large amount of autonomy on the local and State level.

So we have this bill come forward, which in an innocuous term is called voluntary, and we have heard that phrase mentioned here on innumerable occasions—this is voluntary, this is voluntary, this is voluntary—to the point where you have to refer to a Shakesperian phrase which I believe is "methinks she doth protest too much." The fact is this is not voluntary. It is only voluntary in words, but in practice it is substantively a directive.

Why? Well, there are a number of reasons. The language of the bill, to begin with. I refer you simply to the language of the bill. It does not talk about voluntary in the operative language. It talks about voluntary in the political language. In the operative

language it uses a word like "shall." The States shall present a plan. The plan shall comply with the opportunity-to-learn standards. I refer the Members of this body to the bill itself and to section 306 for some of that language and some of the other critical sections.

So the language of the bill is not voluntary. In its operative and most effective and in the terms which create legal obligation, the language of the bill is very definitive.

Well, then you will hear people say, well, States do not have to participate; they do not have to put in for this $400 million, so, therefore, it is obviously voluntary. That is a truly ironic argument. I mean anybody who has been in the Government knows the pressure which will be raised within the various States to obtain some of this funding should it be appropriated. The educational communities within the States, the parents within the States, the States themselves, the State legislatures, if you put $400 million on the table, there is going to be a huge, practical momentum to obtain those funds.

And that is the way human nature is, and that is the way of the body politic.

So, as a practical matter, there is very little that is voluntary in the State's choice to pursue this. You are not going to have the States of Idaho or Arkansas or Mississippi not want to get a percentage of that $400 million. Obviously, they are going to want to and they are going to feel that, since it is their tax dollars they send here to Washington to begin with, they ought to be able to get some of them back.

I think it is a very reasonable approach. It is not avarice on their part. It happens to be a reasonable desire to recover some of the tax dollars they send to Washington.

So when the Federal Government puts $400 million on the table and says, here we are going to divide it up to the States in the context that it is voluntary that the States are going to participate in that, it is absurd. The States are going to be under pressure from their constituents. And once they opt into the plan, the language is not voluntary. It is "shall." They shall have a plan; they shall comply with this standard and that standard.

Then, of course, I know that the mea culpas have been put out there that this will not be used in later cases to obtain Federal funds. States will not be tested on their applications under chapter 1 by any standards that are stepped up under this bill. And even this bill has language in there that says something to that effect.

But let me tell you, that is not the way it works. It is not the way it has ever worked. Anybody who has ever dealt with the Federal Government and has tried to participate in a program knows that once the Federal Government sets up a standard, which they do under this bill, once those standards are put in place, those standards become the criteria which are either used exclusively or at least as a major element of the decision process in obtaining other funds which are related to that matter.

It would be like saying that, when the EPA set their standards on how you define clean water, the State applying for a clean water grant could ignore those standards. Of course they cannot and they are not going to be able to ignore the standards that are set out here if they wish to apply for other Federal grants.

Clearly, this bill and the language in this bill will create in the area of designing and defining the methodology of teaching, the methodology of education at the elementary and secondary school level, the methodology of curriculum, clearly that language will be used as a test against which to gauge other applications for other grant programs. To say otherwise, I think, is to ignore the history of the way the Federal Government assigns grant programs.

Voluntary? Well, it is not voluntary. I think I have pointed out three reasons why it is not voluntary. But let me point out a fourth reason why it is not voluntary so we can put an end to this use of this word "voluntary" around this floor relative to this bill.

It is not voluntary because once the Federal Government, under this national NESIC—which is the new subboard of the National Goals board—once NESIC has set up the standards which they determine to be the best way to teach a kid in the first, second, third, fourth, fifth, sixth and through the twelfth grade, once they have set up those standards, no matter how specific they are —and I suspect they will begin fairly generalized in their terms but will evolve into a fair amount of specifics fairly quickly—the opportunity-to-learn standards, once those standards are set up, they become the benchmark for the litigation community in this country.

Any good lawyer pursuing a case on behalf of a local group that feels it has been affronted or feels that it is not receiving proper attention to its concerns in education, when they bring that lawsuit against that local school board and they are looking around for ways in which to defend their position—let us say that they believe that American history should be taught under one form and the local school system is teaching it in another form, and they determine that under the NESIC standards their form is the form that is appropriate, they are going to use those standards in court. They are going to cite them.

You can say, "Well, that doesn't matter. That is just some set of standards that is brought in."

Well, sure, it is just some set of standards brought in. It just happens to be standards set up by the U.S. Government as the best way to educate children. You do not think a court is going to take that rather seriously, especially a Federal court where most of these cases are brought; or a jury is going to be impressed by a group of standards set up by a Federal organization on how you should teach, what math books you should use, what curriculum you should use, how big the classroom should be, how many books should be in the library, what type of gym should be designed?

I can tell you they are going to take that seriously when that case is brought, even though it may just be a group of Federal standards sitting out there set up by a board that has no direct regulatory authority over the local school board.

Clearly, clearly, it is going to become the anvil upon which the hammer of activist lawsuits directed at local communities in order to try to redirect what may have been the very appropriate political decision of the local community school board—it is going to be the anvil upon which that hammer is struck.

So, voluntary, this is not. It is politically nice to call it voluntary. I understand that. Because you would not want to say you were mandating something on the States, would we? That might be truth in packaging.

There are a lot of problems with this piece of legislation. But let me speak specifically to a couple that we will be offering amendments on.

First—in listening to the discussions of some of my colleagues, I guess it is not going to be such a problem; probably will be accepted—is that this legislation has the capacity to lead to an unfunded mandate. But I understand from both the ranking member and the chairman of this committee that it is not an unfunded mandate specifically stated as such, so I presume no one will have an objection. I will offer that and will make it clear that nothing in this bill will be deemed an unfunded mandate.

There is language in this bill which really undercuts the capacity of the Governors to be a player in the sense that the plan can be delivered to the Federal education authority without the Governor's approval, even through the education department solely. And there are some States that are structured in a way where the education department is independent of the Governor. The Governor does not even appoint the commissioner of education. Therefore, we will try to correct that problem by making sure that Governors have the final say on any plan that is developed under this program.

There is the issue of litigation, which I just talked about. I heard a number of people say, including the ranking member, that this is not going to be used for purposes of litigation. Maybe

it was not him, but I know somebody said that here. So we will try to address that.

I heard a number of people say that this would not be used for purposes of designing curriculum or controlling class size. We will offer a series of specific amendments so that this bill cannot be used for the purpose of teacher instruction practices, curriculum definition, limitation on class size, national building standards for schools, or equalizing spending per pupil.

We will make it absolutely clear within this bill that what is being represented here—which is, this a voluntary bill and which is not going down into the specifics of day-to-day operations of school systems—is the way it is. And I presume those will not be too controversial, because everybody already stood up and said the bill does not do that to begin with.

Where I think the controversy, obviously, is going to arise is on the issue of the opportunity-to-learn standard section of the bill. I still do not understand why it is in here. I have listened to the administration. I have listened to the Secretary of Education. Their goals are obtainable. In fact, if you listen to what they say, they do not even mention this topic. And they are very legitimate and thoughtful goals.

I have a tremendous amount of respect for Secretary of Education, Governor Riley. If you listen to him talk, he is saying exactly what needs to be said. He is saying we should enact the goals of the Governor's Conference, which this bill does, and then we should design assessment standards to make sure that those goals are reached and have content standards within that.

He does not talk about opportunity to learn. "Opportunity-to-learn," that is a nice euphemism. What it really means is Federal methodology for teaching. That is really the proper definition of it, if you are going to be accurate. It is the methodology of how people teach and what they are taught and the atmosphere in which they are taught.

The chairman of the committee described it as the jumping-off place. That is a pretty good term, actually, for it. Then he used terms like: Do they arrive at school ready to learn? Do they have an atmosphere to learn in? And what are they going to be taught from? I think that is essentially what he was saying.

That is a good way to describe it. It is a jumping-off place. It is a jumping-off place in which the Federal Government is going to define the place. Where is the place? It is the school, that is the place. It is the school. It is going to define the school under this process. Opportunity-to-learn standards are a methodology for teaching and education in the school.

The size of the school comes into issue. The curriculum specifically comes into issue. I heard somebody come up and say curriculum is not affected here. Curriculum is specifically—specifically—identified as one of the things that, under the opportunity-to-learn standards, people must be concerned with.

In fact, let me read the list, because I know a lot of folks dc not have time to read these bills. They are long and convoluted, and it takes a long time. And since there is so much agreement among the leaders of the committee, I am sure a lot of people are willing to walk away and say it is an easy vote. But let me read the list of what is involved here:

"* * * opportunity-to-learn standards * * * shall address"— it does not say it is a voluntary opportunity to address these. It says, "shall address."

"the quality and availability of curricula, instructional materials, and technologies;"

That is pretty much the whole ball of wax. That is called education at the elementary and secondary school level.

"* * * opportunity-to-learn standards * * * shall address the capability of teachers to provide high-quality instruction to meet diverse learning needs in each content area;"

That, I think, is a phrase which is meant to say: Do not try any of this alternative certification, folks. It is not going to make it.

Those States which have been experimenting with hiring teachers from outside the traditional teaching fields because the teachers have an expertise in a field they feel the children should know about will, I think, run headlong into the standard that is proposed under that one. That is a real labor sleeper.

"* * * opportunity-to-learn standards * * * shall address the extent to which teachers and administrators have ready and continuing access to professional development, including the best knowledge about teaching, learning, and school improvement;

"the extent to which curriculum, instructional practices, and assessments are aligned to content standards; and

"other factors—"

This is sort of a catch-all. If we did not pick up everything in education that we want to be under our control,

"other factors that the Council deems appropriate to ensure that all students receive a fair opportunity to achieve the knowledge and skills described in the voluntary national content standards and the voluntary national student performance standards certified by the Council."

It is a very sweeping and pervasive definition of what is the methodology of teaching. It is a method, Federal methodology, a plan for education. The way it works under this law, just so people understand it, as I understand it—maybe I do not fully understand it, but I think I do—is that if you wish to put in for a grant under this bill, you are, under this law, required to have addressed the issue of opportunity-to-learn standards.

We went through the issue of voluntary questions. That does not mean you have to comply with what NESIC says is the opportunity-to-learn standards. No, you do not. But your school improvement plan has to have an opportunity-to-learn section.

I have to say, if you are applying for a grant and your opportunity-to-learn standards, which were developed maybe at some community-based effort and you are pretty proud of them, come up, but they are not consistent with the opportunity-to-learn standards which were developed by NESIC, the national school board group, your chances of being a successful competitor for that grant I have to believe are significantly reduced. So, as a practical matter, I think that is another lever that is used here to force compliance with that standard.

So there will be a contentious debate. Maybe it will not be contentious. Maybe it will be brief and to the point. In any event, it will be a discussion, and there will be an amendment offered by myself to eliminate the opportunity-to-learn standards, which are unnecessary to the basic purposes of this bill and to the goals of the Secretary of Education. In fact, if they were eliminated, this bill would be a very tolerable one.

Those are some of the issues which we shall be raising. I will also be raising, if the Senator from Indiana does not raise it, and I suspect he will, the question of choice, which has already been addressed here. As I feel, if you are going to give schools any flexibility at all, you ought to give them a chance to have real choice, not just public school choice. Public school choice is not choice, of course, in New Hampshire and most States, because in most States that do not have large urban areas, there is only one public high school.

So as Secretary Riley was kind enough to state at one of our hearings, there really is not any choice in a community that only has one high school. You limit choice to public schools.

I think there is probably a large segment of this Nation which is subject to the one high school situation, if they are just looking at public schools. So choice should be made available to rural communities as well as to urban communities, to suburban communities as well as to urban communities, by expanding it, the opportunity to private school as well as public school, if the States wish to do that. It would be up to the States, obviously, to make that decision.

These are the reservations which I have about this bill and they come to, really, this very simple point. You cannot correct the problems of education

in this country by having the Federal Government usurp the authority of the parents, the principals, and the teachers, in their capacity to develop the imaginative and creative curriculums and ideas on teaching our children.

This bill leads logically to a system where Federal influence in the design and methodology of teaching our children in the elementary and secondary school system will be expanded in an exponential way. We have never done this in this Nation. We have always allowed our local communities to make these decisions because we have always understood the importance of keeping the power of wielding and delivering knowledge to our children in the hands of the parents rather than in the hands of the bureaucratic few here in Washington.

This bill puts us on a very slippery slope which, in my opinion, leads inevitably to a dramatic expansion in the role of the Federal Government, in a dominant way—not in a partnership way—in the education of our children in elementary and secondary schools.

So I will be offering a number of amendments to try to correct those concerns and I, obviously, will appreciate the body's consideration of those amendments.

I yield my time.

Mrs. KASSEBAUM. Mr. President, I wonder if the Senator from New Hampshire—I know the Senator from Montana is going to speak, but I would just like to ask a couple of questions.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. GREGG. I will be happy to yield to the Senator.

Mrs. KASSEBAUM. Mr. President, perhaps the Senator from New Hampshire was not on the floor when I was speaking because I stressed the importance of local control. Having been a school board member myself in a rural area, a rural school district area of the State of Kansas, and my own children going through that school district, nothing is more important in my mind than local control; a community being able, and parents being able to have a direct voice in the type of education that their students are receiving.

So I would beg to differ with the Senator from New Hampshire. I do not believe this is usurping the authority of parents, nor should it. It is one thing that I feel strongly about.

I agree with the Senator from New Hampshire on some of the things he said about the opportunity-to-learn language. I do not see it as being a threat because I think it is basically sort of just fuzzy language. It is not in any way requirements that are going to lead to control, again, by the Federal Government.

So I do not think this is a significant power grab. I know that the Senator from New Hampshire worries about it being the camel's nose under the tent. That is what we all worry about frequently with legislation, and we have to be very cognizant of that and be aware of any consequences, if, indeed, it becomes that.

I know others want to speak, but I want to mention two things. When the Senator from New Hampshire talked about certification and standards that would be developed, these are like the math instructors developing standards for math; that in the fourth grade, a student would be required to be able to multiply certain types of mathematical procedures. I do not even know what that would be, but these are requirements that I think many of the teachers hope, whether it is in science or geography or math, that students at various levels would be able to maintain.

This is not going to be anything that nationally we are going to prescribe to, that nationally we are going to try and set. We are not going to set the textbooks. I just worry about that. I know there are concerns, and I do not mean to get into it, but I do not like to take worst case scenarios and create fears about what might be done when really there is no language in this bill to indicate that is what would happen.

Some of the amendments I know that the Senator from New Hampshire is going to offer to make sure that it does not happen will probably be ones that will be acceptable to the committee, if it provides any level of comfort.

I just particularly wanted to address, as a former school board member myself, my absolute dedication to local control.

Mr. GREGG. If the Senator will yield to me for an answer, I hope I did not in any way imply that she is not committed to local control. As a former school board member, I am sure she is, but the practical impact of this bill—obviously, I disagree with her sense of where it goes. I do not think it is a worst case example I am talking about. This language is very specific.

I refer the Senator from Kansas back to section 211.

Mrs. KASSEBAUM. Under what title?

Mr. GREGG. Two hundred thirteen, sub 3, which outlines the power and the directive for an opportunity-to-learn standard structure. It is very specific. It says quality, availability of curriculum instruction, materials and technology. That is not designing math courses. That is saying whether or not you are going to teach Euclidean geometry or some other type of geometry. One could come to that conclusion.

If they wanted to get to the point that the Senator from Kansas had wanted to get to, which is to set a standard to make sure all third graders know multiplication and all eighth graders know algebra I, if they wanted to get to that, they could have done it without having to go to methodology. They could have done it by assessment. But this is a methodology bill, not an assessment bill in that section.

I must disagree with the Senator's evaluation of the impact of the bill. Obviously, we are going to disagree on that.

Mrs. KASSEBAUM. Mr. President, just to respond, if the Senator will allow a bit more exchange here. I agree with the Senator from New Hampshire on that. It is not language I necessarily think is necessary. It is not mandatory language, as you know. It is only there as a voluntary guideline.

I share the Senator's concern because I think from that it could lead to other consequences if, indeed, it ever became mandatory.

Mr. GREGG. If the Senator will yield to me further, as a practical matter, it is mandatory. I believe it is unquestionably going to end up being language which is not only put in place—directives and specific criteria on what type and how people should be taught—but that it is going to become language which is going to become the enforcing mechanism throughout our school systems in a very short time after its adoption.

Mrs. KASSEBAUM. I yield the floor, Mr. President.

Mr. BURNS addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Montana [Mr. BURNS].

Mr. BURNS. Mr. President, as we have heard this colloquy between my friend from New Hampshire and my good friend from Kansas, I would like to make some of the same points. There are some very good things in this bill. There are some things that give us all a little heartburn. I will say, "on a voluntary basis" is mentioned 75 times in this bill. That sounds like overkill to me, and it also raises my curiosity about why it should be mentioned that many times.

Education in my State is probably the No. 1 issue. We have gone through a restructuring of our higher education. The money that is collected on personal property taxes in Montana is a driving force in every local Government. We are trying to do more with less.

My concern, coming out of local government, is the thing called unfunded mandates. Those unfunded mandates may be cloaked in many disguises. There are quite a few of them in this piece of legislation, but as it works its way through the debate, I hope that we can deal with some of those.

I do support the seven national education goals because I think we, as a nation, should have something to shoot for, but it seems like whenever you start setting a bureaucracy in place, those goals take on a new meaning.

Let us take for instance, without this piece of legislation, our goal is to have 90 percent or more of the children grad-

uate from high school. In Montana, we are at 89 percent now without this piece of legislation. We can also say from our Department of Education on the Federal level, we can set some goals, but I think we are going to have to leave the flexibility to the States to decide how we attain or reach those goals.

Students should know their subjects, including math and science. Adults should be literate. Our schools should be safe and parents should participate in the schools, and I think most parents do. I was a cosponsor of Senator HATFIELD's bill on the issue, and I am glad that is incorporated in this piece of legislation. But the real question boils down to: How do we achieve those goals? Who actually controls the reform and the kinds of reforms that are to be undertaken? That is where I have some problems with this bill.

Under 2000, meeting these goals requires the establishment of three new bureaucracies and creates a new office in the Department of Education. When are we going to learn around here that when you create these bureaucracies, we can sometimes deal with the fiscal responsibilities, on occasion, but we have a terrible time dealing with the bureaucracies, because as it is set up, they are nonresponsive and unelected faces, and they will not respond to the likings of our people.

The National Education Goals Panel, the National Education Standards and Improvement Council—those bureaucracies alone are going to cost the taxpayers $6 million the first year and "such sums as necessary" in the next 4 years. That is before we ever send any recommendations to the States or buy one textbook or offer any advice on how we attain goals.

The unelected bureaucracies will be in charge of approving plans that States develop to improve education. I have a problem with that, too. That is saying that somebody on the banks of the Potomac is smarter than my school board at home in Montana, and I cannot believe that. For the folks here, I do not think they really understand the conditions under which we have to educate our children compared to the way they educate theirs.

In order to qualify for a piece of the $393 million in Federal money that is being dangled in front of them—and we know how tight budgets are everywhere else, especially in my State—States will agree to have their reform plan approved by these bureaucracies. It does not take a rocket scientist to figure that out.

Under this bill, States are required to include the quantity, quality, and availability of curriculum and the instructional technologies in line with the NESIC, whatever that council thinks is necessary.

Also, that same Council would evaluate these plans according to other specified factors that it deems appropriate. In other words, they have the ability to change their standards, to sort of change the rules without any congressional oversight or any input from the States, whenever they start making their application for moneys.

That is just one way that the Federal Government is going to get more involved in this business of educating your kids. In other words, where are the decisions going to be made? Are they going to be made in Garfield County, MT or Williams County, ND, or are those decisions going to be made in Washington, DC.

Let me emphasize that word "voluntary." It appears, like I said, 75 times in this piece of legislation—75 times. Now, that tells me somebody is trying to sell merely by repetition and not by meaning. You are looking at an old fellow who used to go up and down the road selling things. If you sell things voluntarily, I probably said voluntary every sales call. So whoever put that in there all that many times is very wise because they will keep using it every day.

While some might say this is to emphasize the need of voluntary, indeed I think it is mentioned many times just to lull folks into a false sense of security.

ANOTHER AREA

Let us talk about opportunity-to-learn standards. Some standards input is needed to give all students a chance to learn. Nobody can quarrel with that, on a generic level that is. Most would agree that students need certain inputs: A teacher, dedicated teachers—and we have thousands of them—classroom, all to learn. But who defines the inputs? Who makes that definition? Is it made here or is it made at the local level? It could be extended to a number of areas including school building standards, spending per student, and class size.

I want this spending by student to be looked at a little bit because I think South Dakota—I am not real sure—has the highest national SAT scores and yet spends less per student than any other State in the Union. Montana is not too far behind. And so we know that money is not the answer. Spending per student could become one of those standards dictated by the bureaucracy. So we have to look at those inputs.

I can see lawsuits being filed on this bill also. It seems like it is every time we turn around. And we all know that complying with court rulings is not voluntary. I would be the first to admit there is always room for improvement. I think Montana has a fine education system, ranks near the top of the United States in many categories. There are a lot of caring teachers, dedicated professional people, principals and parents who are working to prepare their young ones for learning. These efforts are being undertaken as we speak without Federal control or Federal interference.

As I said before, we need to trust parents and schools to work out their solutions without the heavy hand of Government.

The bill contains some positive provisions—I have already mentioned some of those—including parental participation as a goal. In addition, the bill has technology provisions that are a step forward. Schools often lag behind in bringing up-to-date technologies into the classrooms due to budget constraints. I would venture to say we have done a lot of work in distance learning in eastern Montana. We have hooked schools together and they share resources through teachers who can teach in four classrooms at the same time. They can see the teacher. The teacher can see them. The interaction is through television at distances of as much as 100 miles.

I serve on the Subcommittee on Science, Technology and Space of the Commerce Committee. We are going to continue to look at the technologies that are available and should be made available to not only education in the rural areas but also inner city areas where they are having an eroding tax base, where they can share resources with teachers, not only within their own district but also outside the district, and distance is nothing; you can have an instructor clear across the country.

One of our most modern schools is the Cold Stream School outside of Missoula, MT. John Goagland, a fourth grade teacher, uses multimedia with fourth graders who are doing some wonderful things, and they did that without Government telling them they had to do it. We have these kinds of professional teachers in our system. They exist in every system. And sometimes goals and rules and regulations set here hinder that kind of imagination and ingenuity that is going to be needed to educate our kids in the future.

Those technologies will have to be used. We will also have to look at using these new tools with teachers. Our teachers will have to be taught in our colleges. Teachers must learn to use new tools. New technologies, of course, get outdated quickly but nonetheless the update is always there. We have set up a Montana Telecommunications Advisory Council to inventory those projects, to see how these new tools of technology play a part in inventory and what we need to do to prepare for the future.

I do not know how many States have a boarding school that is a public school. Garfield County, MT, is bigger than Delaware. It only has one high school and so all the kids have to come in, but it is a boarding school. They come in on Mondays. They go to

school. They stay there all week. Fridays, the parents come and get them and take them home on the weekend.

Now, there are schools where you are going to have to use new technologies in teaching, new tools, because those kids, those young Americans deserve the same quality of education as any other young American in any urbanized district that has great resources for their schools.

So we are doing that. And not only does that system have implications in education but it also has implications in rural health care as we move forward. So I am pleased that the bill will help promote some awareness in those areas and the protection for technology down the line.

Finally, the bill does not contain strict mandatory opportunity-to-learn standards that were included in the original bill. As many of my colleagues know, the OTL standards in the original bill would require States to develop OTL plans as a condition for receiving Goal 2000 funding, and the committee substitute removed this absolute mandate.

So this discussion will move along and, of course, I will have a couple of amendments. I hope they would be accepted by my colleagues. We are dealing with an area which may have as much impact on the direction of this country as any other piece of legislation we will consider this year, when you start talking about how we are going to educate our young people. I heard a young person address their class the other day, and he said, "As seniors in this high school, we young people are not 100 percent of the population of this country. But we are 100 percent of the future."

That is how important this issue is, and we have to do it right the first time.

I thank the Chair and I yield the floor.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Vermont.

Mr. JEFFORDS. I would like to respond to a certain extent to my two colleagues. Certainly, I can really say nothing more than Senator KASSEBAUM has already stated on the issue of voluntary. I would point out that most of those words were added at the urging of members of the committee who are deeply concerned that it might become mandatory.

I would also point out to the Senator from Montana, I also get concerned when I see words mentioned so frequently, but I will point out that our colleague from New Hampshire has six amendments that will put in a new term which is more satisfactory to the Senator; it says it is not mandatory. So I want the Senator to know that there may be six more terms which are essentially voluntary.

I hope that does not disturb the Senator, because we did appreciate his support the last time. We hope to make it much better than it was the last time. I think we have done that.

Let me make a couple of comments in response to my good friend from New Hampshire. I share his concern, as the Senator from Kansas pointed out, about making sure that our school boards are not in any way mandated on what kind of standards they will be using in the classroom. But I would also point out that we have to remember why we are here, because of the at-risk report which came out during the Reagan administration that let us know some 10 years ago how we were slipping behind with respect to our competition. As we move into the future, this Nation has to be in the forefront of educational activities such that we understand and know the dimensions of what is required for the 21st century. If we are not ready for that, then we are going to slip, as we have over the last decade to a certain extent, behind in our ability to compete. Thus we have to remember why we are here.

One of the reasons we are here is that all present indications are that we have slipped behind and are slipping further behind in the ability to be able to have the forces to meet the competition in the next century and even now.

So, if the Senator is satisfied that we are going to meet the competition when we are 13th out of 15 for our kids in the critical subjects of math and science, or if the Senator is happy that 75 percent of our students are not qualified in those subjects, or if the Senator is satisfied that they cannot even reach the minimum requirement of 60 percent in English, and if he somehow feels confident that, notwithstanding that, we are going to be capable to reach the dimensions necessary to meet the competition, I have to differ with the Senator.

But I have to remind us that the standards of what should be out there, what they should be learning, may not be available to all the schools in this Nation; that the voluntary standards are being established to ensure that our curriculum in this country will place us first in math and science by the year 2000. If our schools around this country are not aware of what is necessary in their curricula, then they ought to be made aware of what will be helpful for them to reach that goal. That is the whole purpose here. It is not to enforce anyone to do anything.

Finally, I think there is a basic misunderstanding of what the function of the Federal Government is here, and we have to know what the constitutional functions of the States are. The States have the primary responsibility for education. I am dedicated to ensure that does not change, and you cannot change it basically unless we change the Constitution. So what we are here for is to help the States and to make sure that they can meet the challenges.

And 941–42, which the Senator used as an example, came about not as a result of a Federal mandate. It came about as a result of court mandates in the States insisting that every child in America have an appropriate education. As a result of that, the Congress provided a program to establish the guidelines in order to establish what would be considered an appropriate education.

We guaranteed at that time—at least I thought we guaranteed when I voted for it—to provide 40 percent of it, recognizing that it would force a burden upon the States in order to do that. However, the court cases or the lawyers that are bringing cases are bringing it under State law as to what is an appropriate education, not under Federal law.

Furthermore, as to the other example, where you thought if they establish standards, they will use it. Well, the lawyers will use any standard they can find. If you make a leap, not a very big leap, to the fact that lawyers are beginning to understand that a school system does not provide the kind of education which is necessary for their child, their student, to be able to survive in the modern world, we may have cases coming up in the State courts which will say that the school standards are not appropriate. I cannot guarantee that. But that will be a State issue, not a Federal issue. The lawyers may well do that. We may get decisions that say, unless the States improve their educational system, use the kind of tools that are available to them, establish the kind of curricula they should have in order for their students to be able to meet the demands of our society in the present or the future, you make a case.

But, again, all we are trying to do here is to provide the tools that will be necessary to the local governments and to the States in order to be able to assure that we meet the goals that the Senator agreed to in Charlottesville, and the States will be in a position to better do that through guidance and having people take a look at their plans and be able to give them comments on it.

So I hope that the Senator will understand that there is absolutely no intent in this bill to do anything other than to help the States for what is a State mandate; that is, to provide appropriate education to their students.

So I hope that anything which indicates that this is a leap to require mandates—if the Senator looks through the language, the things the Senator is referring to, it only refers to that in order to get the money, you have to provide a plan. But it does not say what the plan has to have. It says you are supposed to meet certain cri-

teria, which anyone would suggest is essential for anyone to have a plan. There is no attempt in any way—

The Senator from New Hampshire was very instrumental in the committee ensuring that these voluntary words got added. He wants to add six or so more. We can deal with that. I do not want anyone to leave here with any feeling on either side of the aisle that we in any way intend to usurp the normal processes of the local schools and States of having primary responsibility to provide education in this Nation.

Mr. President, I yield the floor.

Mr. GREGG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, let me respond to my colleague and friend from across the Connecticut River on a few points and then offer an amendment.

Nobody is satisfied with what is happening in education. That is unquestionably the case. We are all very concerned that as a Nation our children are not able to compete in the international economy or the global marketplace. We do not even know whether we can compete with our neighboring States in many cases. But the way you would address that is not to penalize the system. The way you address that is by giving more autonomy to your local schools, teachers, and parents to develop and educate the children in a manner which will reach the goals we have outlined. You give them the assessment standards necessary to accomplish that and to test themselves. You do not tell them how to do the methodology of teaching. You tell them the outcome of what it should be. I would suggest what the efforts should be to allow them to make their own assessment whether their children are being educated well and competitively.

But this bill does not do that. This bill does just the opposite. If I were to characterize the response of the Senator, it is almost that we work for the Federal Government, and we are here to help you.

We have heard that before. I think there is reason to be cynical about that because of the traditional events.

The Senator said that lawyers have a right to sue, and then he said these were tools for the local government.

It is not tools for the local government you are creating here. It is tools for lawyers to sue to take away autonomy from local governments and local school boards, in most cases elected or at least appointed by elected officials, and reflected by the parents' concerns, usually, and reflected by parents and teachers. It takes away the autonomy of that school board and gives it to a court and allows lawyers to use the standard set here in Washington —which may have absolutely good intentions but which may be inconsistent with the decision made in Vermont on what should be taught—allowing lawyers to take that standard set here in Washington into the courtroom in the Federal court Montpelier, and insist that the school board in Rutland change their curriculum, redesign their buildings, not certify a teacher who they have certified to teach there because it did not meet this new Federal standard which has been created by this national school board called NESIC.

It is not voluntary. I outlined before the four reasons why it is not voluntary. I do not want to go over them ad nauseum. I think it worth reminding everyone the language in here is not voluntary. It is political language of the bill. There is $400 million on the table and competition for that. It is not a voluntary event. It is something every State wants to participate in, and feels it has to participate in.

Down the road we are going to see the standard set by this NESIC national school board used as standards for evaluating applications and grants for other Federal programs that involve education, and we have a lawsuit waiting in the wings for enforcement.

So I do not believe it is voluntary. Yes, I want to put language in the bill which says specific areas will not be mandated. The reason I have chosen to do that is not because I think more language is necessary that is nonfunctional, such as voluntary is in this bill, but because I think we need some functional language in this bill which unequivocally makes it clear that, first, this is not going to create unfunded mandates and, second, there are certain areas where there clearly is no authority given for the purposes of designing national methodology. And that is what the amendments go to which the Senator referred to.

So let me begin, if it is appropriate at this time, by offering an amendment.

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

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

Mr. JEFFORDS. Mr. President, I yield to the Senator from New Hampshire.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Hampshire.

Mr. GREGG. Mr. President, I withdraw my amendment pending the action of the Senator from Vermont.

The PRESIDING OFFICER. The Senator has that right.

Mr. JEFFORDS. Mr. President, I at this time withdraw my objection to the adoption of the Kennedy substitute and I ask unanimous consent that it be adopted and considered as original text.

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

So the amendment (No. 1356) was agreed to.

Mr. DURENBERGER. Mr. President, as we begin this debate, I want to express my appreciation to Senators KENNEDY, KASSEBAUM, PELL, and JEFFORDS for their leadership in bringing the administration's Goals 2000 to this point in the legislative process.

As we begin this debate, I believe it's important that we—and the American people—have a clear understanding of what this legislation is—and what it is not.

Goals 2000 is not a new Federal education program.

And, despite our best efforts through amendments on the floor, Goals 2000 must not become a vehicle for each of us to promote our own particular solution to the serious problems now facing public education in this country.

I think of Goals 2000 as a basic set of principles for reforming public education—something akin to the six principles the President used to help shape the health care reform proposal that he and the First Lady have now put before us.

In that sense, it's appropriate that we take up this proposal before we consider reauthorizing the Elementary and Secondary Education Act. ESEA is a much better place to answer the "how" questions—at least as they apply to Federal education programs and policies. Goals 2000 should be limited to defining the "what."

As we begin this debate, Mr. President, I also want to thank the authors of this bill for their willingness to incorporate a number of changes and improvements that I and others have suggested.

This is a different and better bill because of those changes.

For example, I want to call attention to the authority this legislation now gives both States and local school districts to use a portion of their Federal grants to help start innovative new public schools, including charter schools.

The chairman knows of my strong personal interest in these provisions. I especially appreciate his support for charter schools, which are now a part of the education reform strategies of nine States—including both Massachusetts and my own State of Minnesota.

Mr. President, I also strongly support the changes that have been made in the mandate waiver section of this bill. These changes will help test new ways of holding schools accountable for what students actually learn.

My distinguished colleague from Oregon and I have an amendment to offer that builds on these provisions, by demonstrating ways that States can

play a more direct role in reducing the burdens of both Federal and State mandates.

Through those demonstrations, we hope to test ways of replacing uniform and burdensome rules with new forms of accountability that are based on results and that can be individually tailored to each school and to each student.

Finally, Mr. President, I appreciate the changes that have been made to address concerns that I and others have raised throughout this debate about the role in education of reform of so-called opportunity to learn standards.

This legislation now makes it clear that States will not be required to adopt such standards or include them in their education improvement plans.

It's also now clear that adopting or meeting opportunity to learn standards will not be required of States, districts or schools as a condition of participating in Federal education programs or as a condition of receiving Federal education funds.

The chairman is aware of my strong objections to uniform and mandatory opportunity to learn standards. But, I'm now satisfied that the changes that have been made do adequately address my most serious concerns.

At the same time, Mr. President, I will not hesitate to vigorously oppose any efforts—on the floor or in conference—to change this legislation to use opportunity to learn standards to prescribe how school reform must be done.

Mr. President, like most Members of this body, I have received numerous calls and letters in recent weeks from constituents who are angry and who are deeply concerned about this bill.

They have been told that this bill creates a new national school board that will run local schools.

They have been told that this bill prohibits home schooling or that it imposes new, prescriptive regulations on nonpublic education.

They have been told this bill will allow social workers to arbitrarily remove children from the care of their parents.

There are many important issues raised by this legislation, Mr. President. And there may be some very legitimate reasons to oppose it.

But, I want to assure my constituents who are calling me based on these kinds of fears—that I would never vote to approve this bill if those fears had any real basis in fact.

Mr. President, the objectives of this legislation can be stated very simply: We must produce a 21st century work force that can compete, a work force that can assure long-term economic security for every single American.

Unfortunately, Mr. President, we can't get to that goal with a 19th century system of elementary and secondary education.

I want to emphasize the word "system" because that's what we have to reform. We need to stop blaming the teachers and the students and the parents.

Today, Mr. President, that system is in a serious state of distress.

But, as we try to address that reality, we're not being honest if we believe this legislation—even if fully funded and implemented—will result in the kind of significant improvements that a 21st century America, will need.

I say that because this legislation depends mainly on plans and on incremental changes in existing schools.

Real change in behavior, Mr. President, doesn't come from plans, or by relying just on existing schools.

I do agree with the chairman that setting high standards that focus on results can help offer concrete goals for change.

But, real improvements in what students learn will only come when there's a reason to change. And, just like health care and a lot of other public services, real change will only come when market forces are present that encourage and reward success.

To get that kind of change, education must be viewed from a consumer standpoint.

That means, Mr. President, that parents and students must have the right to choose which schools their children attend; that teachers and parents and communities must have the right to start and run innovative, new schools; that schools must be as diverse as the needs of today's increasingly diverse students; and, that new forms of accountability must be tested that offer schools and teachers incentives and rewards for improved results.

All over America, Mr. President, States are taking steps to both redesign and redefine public education to implement these and other fundamental reforms.

My own State of Minnesota has been among the leaders by lessening the burdens of input-oriented rules and regulations; by redirecting accountability toward improved results; by making it possible for parents and students to choose which public schools they attend; and, by increasing the number and diversity of public school choices that are available.

One of the architects of Minnesota's version of education reform is John Brandl, a professor at the Humphrey Institute of Public Affairs at the University of Minnesota, and a former member of the Minnesota State Senate.

In a recent article on the Clinton-Gore plan for reinventing government, Professor Brandl offered the following advice on how best to achieve real change.

"To restructure government," Professor Brandl argues, "is to arrange it so that people acting in their own interest will also tend to accomplish a greater good. Governments that aren't designed this way will not be efficient, much less innovative."

"Competition is one way of arranging government," Brandl continues, "so that people watching out for themselves will also meet public purposes. In the long run, a government program not characterized by either competition or a sense of community will probably fail."

I personally hope that John Brandl's advice will be followed, Mr. President, as this bill goes forward in the legislative process, and as we consider other Federal education proposals in the weeks and months that lie ahead.

Mr. President, I would like to support this legislation because of the improvements I've discussed and because I believe it helps establish a framework for the kind of real reform that can—and must now take place.

At the same time, Mr. President, I've noted those issues and amendments that might cause me to oppose this legislation, either now, or when it comes back from conference.

Finally, Mr. President, I believe we must realize the limitations of this legislation, and, we must accept the reality that achieving the goals it would make law will require the leadership of States and the dedicated efforts of teachers, parents, and students in every community in America.

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

Ms. MOSELEY-BRAUN. Mr. President, I rise today as an original cosponsor of the Goals 2000: Educate America Act, legislation designed to address the educational needs of our children by providing a coherent, national framework for education reform.

I support this legislation because it is in the interest of our Nation to maintain quality public education for everyone.

Education is not just a private benefit but a public good.

It is the cornerstone of a healthy democracy.

It is the means by which we prepare our children to succeed—to make a living, to participate in the community, to enjoy the arts, and to understand the technology that has reshaped our workplace.

Mr. President, the National Education Goals Panel recently reported that:

Most children from poor families never attend preschool;

Eighty percent of eighth graders do not have access to computers;

Fifty percent of 10th graders feel unsafe at school; and

Twelve percent of all students nationwide fail to complete high school.

In fact, the National Education Goals Panel concluded that "at no point in a learner's life—before formal schooling, during the school years, or as adults—are we doing as well as we should be or as well as we can."

The Goals 2000: Educate America Act addresses these problems by creating a comprehensive framework for education reform founded on the 6 national education goals adopted by our Nation's Governors in 1989.

These goals state that by the year 2000:

All children will begin school ready to learn;

Ninety percent of high school students will graduate;

All students will leave grades 4, 8, and 12 having demonstrated competence in English, math, science, foreign languages, civics and government, arts, history, geography, and economics;

American students will rank first internationally in math and science;

All American adults will be literate; and

All American schools will be free of drugs and violence.

This framework for education reform is also based on a seventh goal which builds on the role of parents as their children's first and most important teachers.

Mr. President, these 7 national education goals are similar to the education goals already developed by several States across the country.

The Illinois State Board of Education, for example, has developed eight State education goals that are also designed to promote school readiness, adult literacy, and academic achievement.

Mr. President, Goals 2000 encourages States to meet the national education goals by authorizing $400 million to help them develop their own internationally competitive content and performance standards which define what students should know and be able to do in order to compete in the emerging global market.

Goals 2000 also encourages States to meet the national education goals by authorizing the National Education Standards and Improvement Council and the National Education Goals Panel to certify and approve voluntary national content and performance standards in important subject areas.

Although this legislation also authorizes these bodies to certify content and performance standards submitted voluntarily by States, it does not require American students to meet any national standards because our public education system distinguishes itself from other public education systems in the world by its pluralism, diversity, and local control.

Mr. President, Goals 2000 encourages States to measure their progress in meeting the national education goals by authorizing the National Education Standards and Improvement Council to certify assessments, submitted voluntarily by States, which measure the achievement of all students.

Many administrators currently exclude students with disabilities and students with limited-English proficiency from their assessments in order to raise their school's overall achievement levels.

This legislation will also help States develop comprehensive systems of assessments like the Illinois Goal Assessment Program which currently measures the achievement of public school students in reading, writing, mathematics, science, and social studies.

These systems of assessments will help States:

Evaluate the extent to which students are meeting State and national education goals;

Chart the progress of individual schools, local school districts, and the State over time; and

Generate information that can be used for accountability, policy-making, and school improvement.

Mr. President, Goals 2000 recognizes the important relationship between education and employment by establishing a National Skill Standards Board to endorse voluntary national skill standards, assessments, and certifications for broad clusters of occupations.

In fact, this legislation encourages all Americans—including representatives from business, trade associations, employee organizations, and educational institutions—to work together to define the knowledge and skills needed to create secure economic futures for American employees and employers alike.

Nonetheless, Goals 2000 recognizes that there are possible dangers in assessing the achievement of students—especially economically and socially disadvantaged students.

As Stephen Jay Gould highlights in his book "The Mismeasure of Man," intelligence and achievement tests have been misused throughout history to "rank people in a single series of worthiness, to find that oppressed people and disadvantaged groups—races, classes, or sexes—are invariably inferior and deserve their status."

Goals 2000 limits these dangers in two important ways.

First, it increases the Federal Government's share of public education, which dropped from 9.8 percent in 1980 to just over 6 percent in 1992, while targeting 65 percent of State grants and 50 percent of local grants to schools with large numbers of economically and socially disadvantaged students.

Goals 2000 also limits the possible negative effects of assessments by authorizing the National Education Standards and Improvement Council to certify voluntary national opportunity-to-learn standards.

These standards will define the teaching and learning conditions students need in order to have a fair opportunity to achieve the knowledge and skills described in the voluntary national content and performance standards.

More specifically, this legislation requires the National Education Standards and Improvement Council to certify voluntary national opportunity-to-learn standards which address:

The quality and availability of curricula, instructional materials, and technologies;

The capability of teachers to provide high-quality instruction to meet diverse learning needs in each content area;

The extent to which teachers and administrators have ready and continuing access to professional development; and

The extent to which curriculum, instructional practices, and assessments are aligned to content standards.

Mr. President, while I firmly believe that these educational inputs must be addressed when certifying voluntary national opportunity-to-learn standards, I am convinced that emerging education reforms are doomed unless we house them in adequate school facilities.

I will be introducing an amendment which would require the National Education Standards and Improvement Council to certify national voluntary opportunity-to-learn standards that address "the extent to which school facilities provide a safe and secure environment for learning and instruction and have the requisite libraries, laboratories, and other resources necessary to provide an opportunity-to-learn".

I will also be introducing separate legislation in the very near future which will help local school districts meet State performance standards and the National Education Goals through the repair, renovation, alteration, and construction of public elementary and secondary schools.

Mr. President, I would like to conclude my remarks by urging my colleagues to support the Goals 2000: Educate America Act and by reminding them that passing this legislation is only the first step in reforming our Nation's system of public education.

After we develop standards and assessments to measure the educational needs of our children, we have a responsibility as public servants to see to it that they are met.

I firmly agree with statements made by Shirley Malcolm in a recent Office of Technology Assessment report that: "If we are prepared to do more, once we know more, perhaps the dangers of inequity possible in new assessments are worth the risk. But absent the resolve to intervene, one could argue that assessment becomes little more than voyeurism".

Mr. President, I ask for unanimous consent to have the full text of my remarks included at this point in the RECORD.

AMENDMENT NO. 1358

(Purpose: To establish a limitation on unfunded Federal mandates)

Mr. GREGG. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from New Hampshire [Mr. GREGG] proposes an amendment numbered 1358.

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

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

The amendment is as follows:

At the end of title IV, insert the following:

SEC. . ADDITIONAL FEDERAL REQUIREMENTS.

(a) PURPOSE.—The purpose of this section is to ensure that the funds provided under this Act cannot be utilized by the Federal Government to contribute to an unfunded Federal mandate.

(b) REQUIREMENTS.—Subject to subsection (c) and notwithstanding any other provision of Federal law, no provision of Federal law shall require a State, in order to receive funds under this Act, to comply with any Federal requirement, other than a requirement of this Act as in effect on the effective date of this Act.

(c) RULE OF CONSTRUCTION.—Any provision of Federal statutory or regulatory law, in effect on or after the effective date of this Act, shall be subject to subsection (b) unless such law explicitly excludes the application of subsection (b) by reference to this section.

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

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

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I thank the Senator from New Hampshire for his cooperation in addressing some of the concerns that he has.

He has submitted a series of amendments. I believe there are about 12 in all. I think we are making very good headway toward accepting some and working with him on some of the language to see if they cannot be accommodated. We will describe in greater detail the reasons for the acceptance of those particular measures and we will attempt to work with him on language clarifications on the others.

But I think we are making good progress and responding to some of the questions he has which we believe basically implicitly is in the legislation, but we would accommodate him in a number of those areas explicitly as to what the understanding would be.

So we are in the process of working those through. It is our intention to consider those as the first amendments that we would adopt.

But what I would like to indicate to our other colleagues is that we are prepared to deal with other amendments that have been submitted to the Senate and which we have reviewed and are prepared to debate and, to the extent possible, if they are consistent with the thrust of the legislation, would be accepted. If not, we would be glad to debate them and have the Senate make a judgment on those.

So I hope, for those Senators who do have some amendments, that we will be able to address those at the earliest possible time.

I note that the hour now is 2:30. I know later on this afternoon, there will be those who will wonder whether we are going to finish action on this legislation. Now is the time that we can dispose of these measures.

We are quite prepared to debate them. There are a number of those that have been at least proposed, and we are quite prepared to move ahead on those amendments.

So we will have a quorum now, awaiting other amendments. But we want to urge our colleagues to come to the floor and to offer those amendments, because we are prepared to accept them. The majority leader has indicated that we plan to stay in this evening. If we are able to make good progress, like we have been making earlier, I think we have a good opportunity to move this legislation right along for acceptance in the not-too-distant future.

So we will have a short quorum call. We have some noncontroversial, bipartisan amendments. As I understand, there are some school choice amendments; there are a number of amendments on what we call social issues; there are a number on Federal control. I think we will be addressing those measures.

Then there is a series of other amendments, as well, probably about 15 other amendments, some of which we have, as I look down the list, been able to work out. Although they have not been submitted, they have been worked out.

So I urge my colleagues who do have amendments and want to have a debate on those amendments to come to the floor so that we can get started on those measures.

At this time, 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. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. HARKIN. Mr. President, I want to take this opportunity to speak for a few moments about Goals 2000 and about the importance of this legislation and why we must expeditiously get this bill through the Senate, work it out with the House and get it to the President for signature.

I know a lot of attention is focused this year on health care, and that is going to be important in changing our health care system in this country. I realize that is important, but I believe that what we are about right now is more important for the future of this country and whether we will be economically competitive in the year 2000 and beyond than any other piece of legislation to come before us this year.

We all know that education is vital to the economic well-being of our country. In order to succeed in the increasingly competitive international marketplace, we must have the best educated and healthiest, best skilled workers in the world.

This bill we have now before us, Goals 2000: Educate America Act, will make this happen.

I would, at the outset, like to commend the distinguished chairman of the Labor and Human Resources Committee, Senator KENNEDY, for his great and dynamic leadership on this issue. I want to also pay a great deal of thanks, highest respect to the Secretary of Education, Richard Riley, again, for making this such a high priority of his and for focusing our attention on Goals 2000. He has been tireless in his endeavors to get this measure before us and to bring the American people along to where I think they now understand more fully just what Goals 2000 is all about.

I also want to thank Secretary of Labor, Robert Reich, again for all of his help, all of them for their outstanding leadership in developing this legislation. This administration is strongly committed to improving American education, and this bill reflects that commitment.

The bill before us makes a number of reforms. It sets very important education goals, establishes voluntary academic and occupational standards to make U.S. workers competitive. It provides grants to States and school districts to implement systemic reform. Finally, the legislation also recognizes that not all schools are created equal, and it calls for the adoption of voluntary opportunity-to-learn standards.

Again, I want to reemphasize, as the chairman has and others will as we go through this debate, that the standards in this bill are voluntary and nothing in this legislation will undermine local controls of schools. We all know what the goals are. I will not go through those six goals again. The goals were adopted, as you know, at the Charlottesville Education Summit in 1990. I believe we have all pretty much signed off on these goals, regardless of political affiliation.

The legislation, however, before us will add two more goals that appro-

priately recognize the vital role of parents and classroom teachers. Goal seven calls for development of partnerships to increase parental involvement in our Nation's schools, a most worthy goal. And goal eight calls for ensuring that the Nation's teaching force has access to the professional development programs that they need.

Reaching these goals will certainly not be easy. They are very ambitious and challenging. Reaching them, as I said, will not be easy, but this legislation sends a clear and unequivocal message that these goals must be accomplished to ensure the future of our Nation.

As I have pondered these goals since 1990, and as I serve on the Labor and Human Resources Committee, I have come to feel that there is probably one goal still missing. Not that I am going to offer an amendment to add another goal. We can all keep adding goals to this thing. There will be an amendment, I believe, offered by Senator SIMON, and others, dealing with the opportunities-to-learn act that will touch on what I consider to be a lack of a goal that should be in here. And that has to do with what I feel is that every child ought to have access to quality facilities, quality educational facilities.

I recommend to you and to anyone else, Mr. President, a book that they ought to read if they want to find out about education in America. It is one book by Jonathan Kozol. It is called "Savage Inequalities." Read that book and you will find out why our education system in this country is in dire condition.

I have pointed that out a lot of times by referring to the local situation we have here. And 12 miles from this very Capitol where I live, in Fairfax County, VA, we have some of the finest schools in the country. Both of my kids go to public schools. They are great public schools. They have great teachers, the finest facilities and labs—language labs and science labs—and everything else from grade school right through high school. It is a high-income area. A lot of people live out there, make pretty good money, and they pay high property taxes. They have a great school system 12 miles from the Capitol.

Also, 4 blocks from here, you have dilapidated, rundown schools that are not only an eyesore but it sends a strong message to the kids that go to school that this is what we care about, this is all we care about your education; that we send you to these facilities everyday where the roofs are leaking, toilets do not work, they smell, they have no good facilities and, obviously, they cannot attract good teachers.

And these kids go to these rundown facilities every day. Why? Well, because the people who live in that area do not have a very high income and pay insufficient property taxes to provide quality facilities.

Jonathan Kozol, in Savage Inequalities, points this out time after time across this country, inequalities between the haves and have-nots in terms of the educational facilities that are there for kids. Unless and until we have some other system of funding for facilities, this will continue in this country. So that is why I believe there is one goal that is missing, and that is every child ought to have access to a quality facility in education.

The only way we are going to do it is by having a different source of funding for those facilities. I believe it is part of the infrastructure of this country, and I think all of us ought to be investing in those facilities. I will have more to say about that later when Senator SIMON calls up his amendment, but at the outset I wanted to say, Mr. President, that while I fully support these goals and the other two goals that are being added, which are very important, I believe we ought to also pay attention to the lack of facilities, quality facilities, in so many areas of our country.

Mr. President, I do want to, however, right now focus on what I believe to be the cornerstone of any efforts we make to improve not only education but the quality of life for our kids and future generations to improve the competitive edge that we have in the world today. I believe the cornerstone of that is goal No. 1, the first goal: That by the year 2000 all children will start school ready to learn.

When we look at all the goals, I believe that is the most important, the single most important. I am pleased that the bill includes additional language suggested by Senator DODD and myself which stresses the importance of this goal. I wish to thank Senator KENNEDY for his support in making these changes. Early intervention and prevention must be a top priority. We must recognize that the ability of a child to succeed in school is directly related to the health and well-being of that child from day one.

About 4 years ago, the Committee on Economic Development issued a report which called on us to rethink the way we approach education.

Now, this committee was made up not of social scientists, nor those who have dedicated their lives to education per se. The Committee on Economic Development was made up of some of the captains of American industry, CEO's, and others, of some of the larger and more powerful corporations in America. They had a subcommittee set up to look at education. When they issued their report, here is what they said:

> We must rethink education in America, that education begins at birth and preparation for education begins before birth.

I wholeheartedly agree with that statement made by the Committee on Economic Development over 4 years ago. We must focus on prevention rather than remediation. We have become very good in our country at patching and fixing and mending—it costs us a lot of money and it never does the job very well—rather than fixing the structure right in the first place.

So early intervention programs, such as thinking that education begins at birth and preparation begins before birth, if we think in terms of education in the long run, are going to save us money.

We know all the figures: A dollar invested in comprehensive preschool education like Head Start saves $3 later on. A dollar invested in immunizations saves $10 in later medical costs. A dollar invested in comprehensive prenatal care saves about $4 in later health costs. One dollar invested in the WIC programs for pregnant women saves an additional $3 in Medicaid costs. These are investments that up front save us money and make our lives better.

I recall the first hearing held by the Labor and Human Resources Committee on this piece of legislation. For the first time ever, two Cabinet Secretaries sat down at a committee hearing and testified together, the Secretary of Labor and the Secretary of Education. I remember saying that we were missing the third leg of that stool because HHS Secretary Donna Shalala was not present. The chairman assured me she would have been, but there was a scheduling problem and she could not be there.

I know that we have the understanding of this administration on the importance of early childhood health and education, and the crucial roles they play in making sure that all children start school ready to learn. Later this year, we will take another important step when we reauthorize the Head Start Program, and I look forward to working on that legislation.

This legislation, Goals 2000, authorizes funding for States and local schools, as we note, to implement systemic reform. All of our States, I am sure, are involved in that. But again I wish to repeat, for emphasis' sake, that we can have all of the systems reform we want in elementary education, secondary education, and beyond, but unless and until we take the admonition of the Committee on Economic Development and we focus on prenatal care and postnatal care and early childhood intervention and development programs, all of this is just going to be patching and fixing and mending one more time.

We know scientifically and medically that much of a child's brain capacity is developed long before they begin elementary school. Those of us who are parents, which includes most of us, I am sure, at one time or another, remember when our children were 2 years old, 3 years old, and how rapidly they

learned. Every day, new words, new concepts; the brain was developing very rapidly.

Children who do not have any kind of intellectual stimulation or who lack nutrition, who lack the kind of support and challenge they need at those ages, are going to fall behind.

So again I say that the first goal in Goals 2000 is the most important. Unless we do that, forget about the rest of them; they are just words on paper and we are just paddling upstream.

So we must focus on early childhood education. We have to break down whatever barriers exist legislatively and conceptually to enable us to address this on a national level, to reach down, and to make sure that we have the resources available at the local level for a comprehensive Head Start.

Most people think that Head Start is only for 3-, 4-, and 5-year-olds. Well, right now it is only for 4- and 5-year-olds. We are trying to get 3-year-olds in it, but people think that is all it is for. The legislation establishing Head Start does not stipulate that you have to wait until age 3. We can go right down to age 1. It is only a lack of will and a lack of commitment that we have not done that. If you really want to have an effective Head Start Program, let us get these kids right after birth and start a Head Start Program right then, and not wait until they are 4 years old.

So I just wanted to make those points, because in all of this debate, I know we are going to have a lot of amendments that deal with a lot of things like vouchers, I am sure, and various and sundry types of items dealing with sex education, and I suppose we will have amendments on condoms in schools and everything else. I am sure we will have a lot of heated debate about this. Prayer in school may even come up, and we will debate these things. I am sure the cameras will roll, and it will probably be on the evening news.

But those are the things that should not deter us from our focus on early childhood education. Let us have the debates on these amendments. I am sure that people feel very strongly about them. But they should not take away our focus on what is most important, and what is most important is making sure that goal one is realized.

Mr. President, I would just add one other thing in that regard. Last month, I visited Moulton Elementary School in Des Moines with Secretary Riley to learn about an innovative elementary school counseling program called Smoother Sailing.

It is based on a simple premise, intervene before the crisis instead of trying to pick up the pieces after one occurs, and a recognition that many children in our society today face enormous challenges. Not all of our children are privileged to live in secure two-parent families that have decent incomes, clothing, shelter, and all the amenities of life. A lot of our kids live in very rough circumstances. They live in homes maybe with a single parent suffering from the trauma of a divorce, some who are victims of physical or sexual or mental abuse. These kids need our help.

We have not in the past had any kind of counseling in elementary schools for these kids. A program started in Des Moines actually started with a private sector grant to the schools of Des Moines to test an idea. The idea was if we could get one qualified counselor—I do not mean a counselor about what you have to take in school. I mean a counselor that is qualified in counseling to counsel kids in terms of the social problems they have; the problems they may have at home, the problems they may have interacting with other people.

If you could reduce that down to one counselor for say 250 kids, could they see a marked decrease in the incidence of school violence, absenteeism, and a corresponding increase in the grades of these at-risk kids? They tried this experiment.

They hired more counselors. They put these counselors in these grade schools. These are professional counselors, well trained. These are not just someone that you say, OK, now you are a counsel, now go counsel. They have been doing this for several years now, and lo and behold, it has worked.

The attendance is up. Classroom disruptions and violence among kids is down, and the test scores have improved. By any yardstick of measurement it has been a resounding success.

Again, this is another indication of where early intervention works when you get the kids early.

Goals 2000 will promote the development of innovative programs like this and others that systematically change our Nation's schools rather than mandating exactly what we do. Goals 2000 says here is our goal, you and the local school figure out how best you want to attain those goals. I believe the Des Moines school district with the implementation of Smoother Sailing has already been ahead of the curve on that.

Lastly, Mr. President, I chair the Subcommittee on Disability Policy. I want to just take a few moments to discuss Goals 2000, and how it relates to students with disabilities.

In 1990, the Americans with Disabilities Act was passed into law. It prohibits discrimination on the basis of disability. Furthermore, part B of IDEA, the Individuals With Disabilities Education Act, extends to all students the right to a free and public education based upon the unique needs of the child.

I want to say that Goals 2000 is fully consistent with the Americans With Disabilities Act and it is consistent with and compliments part B of IDEA and section 504 of the Rehab Act of 1973.

This legislation will promote reform in our schools. It will set standards of excellence for all students, and most certainly includes students with disabilities.

As I reflect upon this legislation, I am reminded of a challenge issued to us over 30 years ago when President John Kennedy declared that the United States was sending men to the Moon. This is what he said at Rice University in Houston, TX, in September 1962:

> We choose to go to the Moon in this decade and to do other things, not because they are easy but because they are hard, because that goal will serve to organize and measure the best of our energies and skills, because that challenge is one which we are willing to accept, one we are unwilling to postpone, and one that we intend to win.

Mr. President, I want to compliment the distinguished chairman of our Committee on Labor and Human Resources, Senator KENNEDY, for carrying on his brother's legacy in this regard. We are establishing these national education goals, not because they are easy but because they are hard, and reaching them is a challenge that we are willing to accept, one that we cannot postpone.

We must dedicate our energies and skills to reaching them, and we fully intend to do so because our future depends on it.

So I am hopeful again that, in all of the debate on these amendments that will be coming up, we keep in mind what the ultimate goal of this legislation is.

Thank you very much, Mr. President.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. WELLSTONE). The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

LEAVE OF ABSENCE

Mr. STEVENS. Mr. President, pursuant to rule 6, paragraph 2, I ask leave of the Senate to be absent from the votes of the Senate for the remainder of the day. Because I must proceed with a medical test this afternoon, I will not be able to return to the Senate.

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

Mr. STEVENS. I thank the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. PELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mrs. FEINSTEIN. Mr. President, if I may, I am a cosponsor and a strong supporter of Goals 2000 because I believe that, on the whole, our schools are going to benefit from the creation and dissemination of a national framework of some standards. However, I think it should be clear to everyone who has looked at the bill and understands the current academic performance of our youth that the creation of national standards and Goals 2000 will not be sufficient alone, nor will they necessarily improve the success of students in our Nation's public education system, unless other things are done as well.

What I have found in California is that the standards of our schools and the standards of our learning fluctuate widely. Some schools perform effectively; some not so well; most are mediocre. I am particularly concerned by the widespread practice of what is called social promotion, by which students are passed along from grade to grade regardless of whether they pass their courses successfully. This is done in hopes that if they do not learn one year, they will learn the next year.

But what I see happening is that as students reach the fifth, sixth, seventh and eighth grade, and they have not learned their fundamentals, they drop out mentally, and then they drop out physically. They become the truants, they become the discipline problems, and increasingly their opportunities to find a worthwhile life diminish. We see schools that graduate youngsters that cannot read or write, multiply, divide, or add, recognize China on a map, fill out an employment application, or count the change in their pockets. That actually happens in many of the schools in my State.

I believe that the practice of social promotion is a key part of the current problem in education. As a result of this practice, classroom standards deteriorate, the credibility of the entire education system diminishes, and too many students graduate from high school without possessing the necessary skills to continue their education or even to successfully enter into the job market. They have a certificate of graduation, but it means nothing.

Now, as long as children are simply passed along from grade to grade, schools will never be able to produce the quality, the learning climate, and the discipline that is necessary for children to achieve high academic standards.

While Goals 2000 will certainly lead to the adoption of new educational standards by many schools, it does not specify how participating schools should implement these standards in a meaningful way. The mere act of establishing goals which are voluntary does little to ensure their achievement. Will these goals actually be translated or implemented into real action in a meaningful way?

Schools need more than just goals. They need more flexibility. They need more accountability. They need more funds for our most disadvantaged children.

I believe very strongly—and I am a product of a decentralized public education system, so perhaps I am somewhat biased—but I believe that centralized public education—the huge educational bureaucracies, huge administrative bureaucracies—is ineffective and inefficient.

I would like to see our system decentralized. I would like to see the large administrative bureaucracies eliminated, the money put into principals, teachers, parents; I would like to see that schools are run by principals who know what the standards are and then they have the obligation to enforce these standards and to see that they work in the schools. I believe in that way you can have a student that has completed grade 4 and knows what the expectation of learning is when you complete grade 4; the same for grade 5; the same for grade 6, 7, 8, and on.

The lack of student and school accountability in Goals 2000 concerns me, particularly because I know the Nation is looking at Goals 2000 and expecting real educational change from its enactment.

I have been trying to work with my colleagues and the Department of Education to explore ways of including more accountability in this and future education legislation. I have sent out a "Dear Colleague" letter. I have tried to see how many are willing to make standards of achievement mandatory—and there is very little response. To propose that if schools buy into this program, if they take the Federal money, that the standards should be mandatory is not yet an idea whose time has come. But I believe it will be one day.

I believe as experiments with chartered schools and other developments flourish, we will develop the kind of competition within our school system that is necessary. With that progress, I think will come some precision in academic standards.

When I went to public school, you were held back if you did not reach the course level. That is no longer the case. You get promoted even if you are getting failing grades. I am one that believes that social promotion gives a false sense of accomplishment to a youngster, and they get a very rude awakening when they cannot fill out that employment application.

I believe there are a variety of ways we could make sure that academic standards are implemented in a meaningful way.

For example, I believe we should move toward making standards mandatory. Schools should phase out the widespread practice of social promotion; and schools should be required to provide the necessary remedial help for students who are struggling.

I also believe that asking schools to do more than just passing students along from year to year is not asking them to do too much. Many schools have found effective ways to make sure that all students succeed academically before they are promoted to the next grade: Before and after school programs, use of instructional aids, peer tutoring arrangements, parent involvement initiatives, and multiage groupings are but some.

In taking the position in favor of accountability and high standards linked to specific school policies, I am not targeting public school educators or attempting to punish children who are struggling to succeed academically. Moreover, I understand the need to make the standards in Goals 2000 voluntary and to avoid taking authority from the State and local education agencies that are closest to the needs of their students.

But at the same time I must say I do not see them taking the necessary actions to assure accountability and to assure achievement levels in each of the grades. I feel compelled to begin to speak out about the need to achieve real educational reform.

I think our society must do right by our children. We owe them a challenging curriculum, excellent teaching, and academic policies that encourage and enable them to obtain further success. Schools need to equip our children for the future, not just hand them off.

In California, the State industry is moving toward a high-skilled workplace. You will not be able to get a factory job in California in 20 years without some college education. You will not be able to get a job without good basic skills, some knowledge of the world around us, and the ability to think and learn.

I will never forget when the semiconductor industry told me that they wanted to hire foreign nationals for certain jobs because our students did not have the required skills available and did not know how to think. We must teach our students how to think. We must teach them how to reason. And we must recognize that the classroom, more than any other program, is the ticket to a job. It, in effect, is the golden key to opportunity in our future.

My decentralized public school learning was what gave me the ability to get into Stanford University. I had strict teachers, strict accountability, and that students were held back if they did not learn; we were counseled, we were kept after school and, in a less complicated day, I will admit, in a less diverse world, I will admit, we did learn.

But there is no lack of youngsters wanting to learn today. Our classrooms are complicated. Some of our schools have as many as 50 languages in them. That is an enormous task for teachers.

I hope that this Goals 2000 program is going to be a first step. I know there is sensitivity among legislators about local control, about big brother not dictating what must happen in schools. But I also know that if there is no motion from the States to achieve accountability in education, to achieve promotion on the basis of merit and achievement, then our youngsters' future is going to be doomed.

I look forward to working with the leadership—Senator PELL, Senator KENNEDY, and others—to craft legislation which might be placed on later educational initiatives.

We know how much basic arithmetic a youngster must learn, what the standards should be for each of the grades. What is necessary is that we apply it, and that we insist on it.

With that in mind, I am pleased to support Goals 2000, not because it is going to be Nirvana for public education, but simply because it is a first step toward a national structure which aims at saying there are certain goals that we as a nation seek to achieve for our youngsters.

Thank you, Mr. President.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. PELL. Mr. President, I just want to say a word in support of the amendment of the Senator from California. She knows I thought it was a very good one. But when we tried to circulate it a little bit, there was no universal support for it. But I will be glad to help any way I can and I look forward to working with her.

Mrs. FEINSTEIN. I thank the Senator for his support.

Mr. PELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 1358, AS MODIFIED

Mr. GREGG. Mr. President, I send to the desk a modification of my amendment.

The PRESIDING OFFICER. The Senator has a right to modify his amendment.

Mr. GREGG. This modification replaces the amendment that is pending at the desk.

The PRESIDING OFFICER. The amendment is so modified.

This amendment, as modified, is as follows:

On page 115, at the end of title IV, insert the following:

SEC. . PROHIBITION ON FEDERAL MANDATES, DIRECTION, AND CONTROL.

Nothing in this Act shall be construed to authorize an officer or employee of the Federal Government to mandate, direct, or control a State, local educational agency, or school's curriculum, program of instruction, or allocation of State or local resources or mandate a State or any subdivision thereof to spend any funds or incur any costs not paid for under this Act.

Mr. GREGG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 1358, AS FURTHER MODIFIED

Mr. KENNEDY. Mr. President, I have talked with the Senator from New Hampshire on his modification. We have over the period of time been addressing this issue. I am wondering on the modification on line 7, instead of the word "require" could we substitute the word "mandate"? I think that was agreeable to the Senator.

Mr. GREGG. I have no objection.

Mr. KENNEDY. I ask unanimous consent that it be in order.

The PRESIDING OFFICER. Without objection, the amendment will be so modified.

Mr. KENNEDY. Mr. President, perhaps the Senator would like to address the Senate on this issue. We are prepared to accept this amendment, and then we are prepared to accept a series of amendments, the Gregg amendments, and we still have perhaps one other on which we are in the process of working out language. We then expect there will be debate on the opportunities-to-learn program, the views of the Senator from New Hampshire. I see the Senator from Wisconsin and the Senator from Illinois. So we would proceed on that measure.

Then I am very hopeful we will have the Senator from Indiana [Mr. COATS] here to debate the issues on school choice, and we could get started on that in terms of the very late, late afternoon.

Then hopefully we might get into some of the other issues that are here. We have actually had some of what is called the general social issues, that those are going to be matters which are going to be raised. There are a series of amendments on those, and we would like to address them in the early part of the evening.

We have worked out a number of different amendments which will be discussed further and are being incorporated into this legislation or into other education legislation. I know the Senate has been extremely patient with the floor managers, but we have been making important progress.

I yield the floor.

Mr. GREGG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. I thank the Chair. I wish to thank the chairman of the committee and the manager of the bill on the Republican side for their cooperation and courtesy, and staff on both the Republican and Democratic sides, for their assistance in working out some of these amendments.

As I understand it, we now have agreement on eight amendments. The amendment that is pending at the desk is agreed to. The purpose of the amendment pending at the desk is to assure that this bill will not become an unfunded mandate. I think we all appreciate the burdens being put on the States and local communities as a result of Federal mandates which are not funded. This is a very significant concern, I know, in my State. It is a concern I think throughout this body. There are a number of Members of this body who have dedicated a considerable amount of energy to this issue.

At least as it relates to this bill, we will have very specific and very, I believe, effective language in it to make it clear that if the Federal Government tells the State to do something or tells the local community to do something, the Federal Government will have to pay for the costs of that mandate.

The other amendments which I believe have been worked out deal with making it specific in the bill that certain activities that have been traditionally locally controlled will not be overwhelmed by the nature of this goals panel or the activities of NISEC, and they include the language that makes it clear that there is no mandate in this bill that would affect teacher instructional practices, teacher certification systems, limitations on class size, curriculum content, national school building standards, or equalized spending per student.

Obviously, all of these issues are very sensitive issues which should remain in the domain of the local school boards and with States, and this language makes it clear that they do in the context of this bill.

The final amendment which I understand has been agreed to involves the litigation issue which I raised in my opening statement, and attempts, although I do not think it can ever guarantee it, knowing the imagination of members of the bar, at least to limit the usage of this bill as an anvil upon which the hammer of litigation can be used to drive the activities of local school boards and to affect local school policy by requiring that it comply with the standards that are set out by any Secretary under this bill.

I very much appreciate, again, the cooperation of the leadership of the committee in addressing these issues and I look forward to the adoption of these amendments and yield back my time.

Mr. KENNEDY. Mr. President, just very briefly, it was never our intent to establish in this legislation an unfunded mandate or to require that as a result of this legislation, we would be requiring of the States expenditures that the States did not desire. We have been working with legal counsel about how that particular language will reflect that position. I believe Senator JEFFORDS and myself are in accord with what the Senator from New Hampshire is desirous of, and that is that the Federal Government is not going to mandate to the States additional kinds of funding on the basis of this legislation in which the States themselves are not going to be involved.

That is clearly our intention. The Senator's amendment I think captures that. We have agreed to accept this language. We will work very closely with the Senator, obviously, in the conference. But we are strongly committed to that concept and to that principle. If there are better ways we can work that in terms of language, we are open to it. But we have no difference in supporting the Senator's principle.

I urge the Senate to accept the amendment as modified.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. JEFFORDS. I echo the words of Senator KENNEDY from Massachusetts, and also my good friend across the border in New Hampshire. I certainly believe the last thing we want to do is mandate additional expenditures at State levels with all of the crises they are having now in funding.

Certainly, I agree that is not what we intend here, and therefore I certainly, speaking for myself as the manager from our side, would agree with the amendment.

The PRESIDING OFFICER. Is there any further debate on amendment 1358, as modified?

If not, the question is on agreeing to the amendment.

The amendment (No. 1358), as modified, was agreed to.

AMENDMENT NO. 1359

(Purpose: To provide that nothing in the Goals 2000: Educate America Act shall be construed to mandate limitations on class size for a State, local educational agency or school)

AMENDMENT NO. 1360

(Purpose: To provide that nothing in the Goals 2000: Educate America Act shall be construed to mandate a Federal teacher certification system for a State, local educational agency or school)

AMENDMENT NO. 1361

(Purpose: To provide that nothing in the Goals 2000: Educate America Act shall be construed to mandate teacher instructional practices for a State, local educational agency or school)

AMENDMENT NO. 1362

(Purpose: To provide that nothing in the Goals 2000: Educate America Act shall be construed to mandate equalized spending per pupil for a State, local educational agency or school)

AMENDMENT NO. 1363

(Purpose: To provide that nothing in the Goals 2000: Educate America Act shall be construed to mandate national building standards for a State, local educational agency or school)

AMENDMENT NO. 1364

(Purpose: To provide that nothing in the Goals 2000: Educate America Act shall be construed to mandate curriculum content for a State, local educational agency or school)

AMENDMENT NO. 1365

Mr. KENNEDY. Mr. President, we have a series of amendments which have all been proposed by Senator GREGG. These seven amendments are offered en bloc on behalf of the Senator from New Hampshire.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY], for Mr. GREGG, proposes amendments numbered 1359, 1360, 1361, 1362, 1363, 1364, and 1365, en bloc.

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

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

The amendments are as follows:

AMENDMENT NO. 1359

On page 115, line 17, strike "and".

On page 115, line 20, strike the period and insert "; and".

On page 115, between lines 20 and 21, insert the following:

(3) to mandate limitations or class size for a State, local educational agency or school.

AMENDMENT NO. 1360

On page 115, line 17, strike "and".

On page 115, line 20, strike the period and insert "; and".

On page 115, between lines 20 and 21, insert the following:

(3) to mandate a Federal teacher certification system for a State, local educational agency or school.

AMENDMENT NO. 1361

On page 115, line 17, strike "and".

On page 115, line 20, strike the period and insert "; and".

On page 115, between lines 20 and 21, insert the following:

(3) to mandate teacher instructional practices for a State, local educational agency or school.

AMENDMENT NO. 1362

On page 115, line 17, strike "and".

On page 115, line 20, strike the period and insert "; and".

On page 115, between lines 20 and 21, insert the following:

(3) to mandate equalized spending per pupil for a State, local educational agency or school.

AMENDMENT NO. 1363

On page 115, line 17, strike "and".

On page 115, line 20, strike the period and insert "; and".

On page 115, between lines 20 and 21, insert the following:

(3) to mandate national school building standards for a State, local educational agency or school.

AMENDMENT NO. 1364

On page 115, line 17, strike "and".

On page 115, line 20, strike the period and insert "; and".

On page 115, between lines 20 and 21, insert the following:

(3) to mandate curriculum content for a State, local educational agency or school.

AMENDMENT NO. 1365

Strike line 24 on page 44 and everything that follows through line 2 on page 45, and inserting in lieu thereof:

"(g) CONSTRUCTION.—Nothing in this Act shall be construed to—

"(1) require any State to have standards certified pursuant to subsection (b) or (d) in order to participate in any Federal program; or

"(2) create a legally enforceable right for any person against a State, local educational agency, or school based on a standard or assessment certified by the Council or the criteria developed by the Council for such certification.".

Mr. KENNEDY. Over the period of these last several hours, we have addressed these issues about the Federal Government not imposing mandates on per pupil spending, mandating curriculum, instructional practices, teacher certification, on class size, and on school buildings. Those are incorporated in the Senator's amendments.

We support the Senator's amendments that would make explicit that intention.

The Senator had what they called the unfunded mandates, which the Senate has accepted, and the Senator has an additional amendment dealing with litigation, and we will, after we dispose of this, dispose of that. And then we understand there is one additional amendment that the Senator will offer with regard to the role of the Governor and the approval of State plans. I think that is at least our understanding of it.

I will urge at the appropriate time, after my colleague from Vermont and the Senator from New Hampshire make what comments they would like, that we move ahead and incorporate these amendments.

If I could, Mr. President, also include then at this time the amendment dealing with the nonenforceability of standards by litigation, and ask that that be made a part of the amendments en bloc, as well.

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

Mr. JEFFORDS. Mr. President, I echo the comments again of the manager of the bill, and also the Senator from New Hampshire. I concur in those amendments and believe they will be helpful in making more clear the understanding that we have on these issues.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. Again, I wish to thank the managers of the bill and the chairman for accepting these amendments. I do have a couple of other amendments which we are still discussing with the Governor, one obviously on opportunity to learn, and maybe one more. But I greatly appreciate the assistance in these amendments and would urge they be considered approved.

The PRESIDING OFFICER. The question is on agreeing to the amendments.

The amendments (Nos. 1359, 1360, 1361, 1362, 1363, 1364, and 1365) were agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. SIMON addressed the Chair.

AMENDMENT NO. 1366

(Purpose: To amend the State improvement plan regarding opportunity-to-learn standards)

Mr. SIMON. Mr. President, I offer an amendment on behalf of myself and the distinguished Presiding Officer, the Senator from Minnesota [Mr. WELLSTONE].

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Illinois [Mr. SIMON], for himself and Mr. WELLSTONE, proposes an amendment numbered 1366.

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

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

The amendment is as follows:

On page 79, strike all beginning with line 6, through page 79, line 14, and insert the following:

(d) OPPORTUNITY-TO-LEARN STANDARDS.—Each State improvement plan shall establish a strategy and timetable for—

(1) adopting or establishing opportunity-to-learn standards that address the needs of all students;

(2) achieving the State's opportunity-to-learn standards in every school in the State; and

Mr. SIMON. Mr. President, one of the things that we ask for in this bill is that the States voluntarily move towards seeing that we really do guarantee opportunity to all young people. And this amendment does not change that.

What we have done is to move away from the original compromise reached in the language of the committee. We restore that original language and we say, for example, "adopting or establishing comprehensive"—that is put back in—"opportunities-to-learn standards that address the needs of all students achieving." Then we have in here, we restore "establishing a timetable for demonstrating progress toward reading, comprehensive State opportunity-to-learn standards in every school in the State."

We are not saying what the timetable is. If they want to come back and say, by the year 2050, we are going to establish standards, under the amendment that Senator WELLSTONE and I are offering, that complies with our amendment. Frankly, our amendment is probably weaker than it should be. But it is stronger than the, frankly, anemic language that we have in the bill.

When I visit in the State of Illinois and go from school district to school district, and I find one school district that is rich in assessed valuation, rich in industry, and then I go to the neighboring district where the people in those industries work, a district that is poor in industry but rich in children, and I find those children do not have anywhere near the kind of resources of the neighboring school district, clearly we ought to do something.

We are not saying the Federal Government is going to mandate anything, though I have to say I favor that. What we are saying is the States ought to establish a timetable.

I recognize that my distinguished colleague from Vermont may have some difficulties with our amendment. I have discussed with the Senator from Minnesota the possibility of our offering this amendment and discussing it, and then setting it aside to see if we cannot work out some practical compromise that is stronger than what we have right now.

I, frankly, think the amendment that we offer is not strong. It can be criticized for being too weak. But at least it says to the States you establish a timetable and then live up to that timetable. That seems to me to be not too much.

I see my distinguished colleague from Vermont standing, whose leadership in this area of education I applaud. I am sure he is rising to say he is enthusiastically for our amendment. I cannot imagine him saying anything else.

Mr. JEFFORDS addressed the Chair.

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

Mr. JEFFORDS. Madam President, I hate to destroy the enthusiasm oozing from the comments. But as manager of the bill and a member of the committee, we worked very hard to work out a compromise on this very important language. We also will be receiving an amendment which will be going in the other direction from this side of the aisle.

So I would suggest that, hopefully, if we can get the Senator from Illinois to offer the other amendment, maybe three or four of us can get together and work something out. I would be most willing to try to do that.

I agree with the Senator that the question of the opportunity to learn, the ability for our young people to have an opportunity to learn, requires, I think, much more than we are doing at this time. But at this particular moment, as far as the amendment goes, I would have to say that I cannot accept it.

Mr. SIMON. I understand the situation in which he is. I am certainly willing to sit down with him and with other colleagues to try to work something out. I hope we can work something out.

Let me also, before I yield the floor, mention that my colleague from Minnesota who has been really great in this matter of trying to achieve some equity in our schools—when he was presiding I went up and I saw that he had Jonathan Kozol's book, "Savage Inequalities," which just tells what is wrong. One of the schools that he cites in that book is the East St. Louis School District in the State of Illinois, a school district that is desperate.

One of the ironies—then I will yield the floor to my colleague—is the school districts with the greatest needs get the least funding in our system. It is very interesting that in Sweden with nowhere near the inequities in income that we have, Sweden has a system where the economically poorest areas get as much as two to three times as much in student aid as the other districts, recognizing that they need added input there.

Madam President, I yield the floor.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Madam President, thank you.

First of all, let me thank my colleague, Senator SIMON. I am proud to introduce this amendment with him, and I appreciate the remarks of the Senator from Vermont.

Madam President, I have to say at the beginning it is going to take me a little time to marshal our evidence behind this amendment, and not because I do not think the amendment is compelling, but because I think sometimes when we come out to the floor at 4:10 in the afternoon and speak on the floor, it

is kind of sleepy. It becomes an abstraction. We forget that we really are talking about people's lives.

What we are saying in this amendment is that if we want to, as we have done in Goals 2000—I commend Senator KENNEDY. I talked to the Secretary of Education today, Secretary Riley. I commend him. I think it is important to have goals. I think we should have high expectations. I think there is a considerable amount of evidence that shows that when we have higher expectations for young people and for our students, they have a better chance of reaching those expectations than when we have low expectations which can become a self-fulfilling prophecy: Low expectations, low results.

But at the same time, I do not think that you cannot have high standards without spelling out the very reasonable idea that each State—and States really define this, Madam President. We do not mandate anything. We just simply say as States reach these standards each State should set out a plan and should talk about how it should achieve its plan to make sure that each and every student has the same opportunity to reach these goals. That is all we say. We leave it entirely up to the States how to do it.

I agree with the Senator from Illinois. In many ways this amendment is all too weak. But what concerns me is that when I talk with teachers that are down in the trenches with a lot of the young people and they look at this Goals 2000 they really say, "We feel like there is a huge contradiction here," and sometimes they view it as kind of just a bunch of highfalutin language Goals 2000. And they say, "At the very minimum, why don't you make it clear that it is completely inconsistent to talk about reaching goals that is all voluntary without having some language that makes it clear also at the State level. Please, each State come up with a plan as to how you want to assure that each student has the same opportunity to learn." That is exactly what this amendment does.

Now, I think for the purposes of my colleagues I might want to just spell out what the differences are here. The purpose of S. 1150 is to set high academic standards for students, and we agree. What we simply say is that States, with total flexibility and discretion, design the content of the standards. They talk about a strategy for meeting opportunity-to-learn standards and a timetable to do so.

There are no Federal mandates, and again since this is within the context of something that is voluntary, it is voluntary, but there is a reason for this amendment. We do need to do it on the floor of the Senate if we are to be intellectually honest and if we are to have a debate, and I hope there will be a debate, a debate on education as it connects with lives of children in this country, we have to talk about the issue of inequities in our education system.

The Senator from Illinois is absolutely right. Jonathan Kozol's book should be required reading for every Senator. I heard Senator HARKIN from Iowa say that earlier.

Let me first of all go back to 1983, a report that received much national coverage, a Nation at Risk. If the Nation was at risk in 1983, and I will just quote the beginning of this report, notice it said "a Nation at risk". When Senators say wait a minute, when we are talking about education, this is not really Federal; we are talking about national security. We are talking about a nation at risk.

If our young people do not have full opportunity to be economically productive, if they do not have the full opportunity to be able to think on their own two feet in a way that you have to in a democracy, and if there are huge disparities of resources between districts so that some districts do not have the money for the new technologies or facilities or whatever else or cannot recruit or cannot retain teachers, then this really is a nation at risk.

I quote:

> We report to the American people that while we can take justifiable pride in what our schools and colleges have historically accomplished and contributed to the United States and the well-being of its people, the educational foundations to our society are presently being eroded by a rising tide of mediocrity that threatens our very future as a Nation and as a people.

Madam President, then this report goes on to lay out the academic achievement or lack of academic achievement of our young people, and we have not improved all that much since 1983. But now what we are talking about——

Mr. SIMON. Madam President, will my colleague yield for one point?

Mr. WELLSTONE. Certainly.

Mr. SIMON. My colleague cited the 1983 report and that strong language. I assume that must have come in some radical liberal Democratic administration. Am I correct in that assumption? Or what administration made this report on this 1983 language.

Mr. WELLSTONE. My colleague raises an interesting question and makes a good point. What was so important about that report then and I think still is important about its conclusion today is we are talking about the Reagan administration, President Reagan. We are talking about the initiation of this report as part of its administration, and I think we all agree that this should be a nonpartisan issue. So that was the political context of those times.

Mr. SIMON. I thank my colleague.

Mr. WELLSTONE. Madam President, if we are to say that it is a nation at risk, and I just would add to that 1983 report that was over 10 years ago, is it no wonder that people get a little bit cynical and they say, is this the same moving picture shown over and over again? Is this just symbolic politics?

Now what we read about is the violence in the schools. Now what we read about is the worsening of conditions in many of the neighborhoods, within many of our cities. But let us not just be urban. I will later on cite a lot of statistics about small-town rural America that are having the same problem in terms of our young people not having the same opportunities to learn.

What Senator SIMON and I are saying in this amendment to our colleagues is the goals are important. Let us decentralize it. Let us give the States creativity. It is all voluntary, but it is intellectually honest and rigorous and it is consistent for us to say at the same time that there should be goals and our young people should meet the goals and also we ought to have some standards that set out in a timetable a strategy to make sure each and every young person has the same opportunity to reach those goals.

Otherwise, what you end up doing—and I will give some evidence for that in a moment—is you set up goals that many young people cannot reach, and you fail them again. It strikes me, therefore, you add nothing to what I think we are about in our country.

Today's Nation at Risk should be viewed as a crisis; 1.8 percent of our Federal budget goes to the Department of Education; 6 cents of every education dollar in the States comes from the Federal Government.

Now, Madam President, let me go on and let me talk a little bit about some hearings that we had. Senator KENNEDY was extremely cooperative and helpful.

Madam President, the interesting thing is that usually these hearings take place and then they are written up and that is about it. But let us talk a little bit about some of the hearings that we held on equity financing and other problems.

This is the prepared statement of Linda Trentham, a professor at Auburn University. She is talking about Mt. Brook, AL. In terms of State and local revenues for one recent year, schools in Mt. Brook, AL, received $4,820 per student per year, the highest rate in Alabama. At the other extreme in Roanoke City, State and local revenues paid $2,371 per year. These differences accounted for a disparity of $61,225 a year for a class of 25. These discrepancies do not appear in just the wealthiest and poorest of systems in Alabama but are widespread and systemic. Federal funds which are generally earmarked do not close this gap in basic educational programs. Disparities have been present for at least 20 years. So there is probably a cumu-

lative effect. The funding gap is not closing but in the last 6 years has gotten more pronounced.

Some Lowell schools lack adequate textbooks and other support materials. For instance, in some schools students must share textbooks and are not allowed to take books home to study. In at least one school library the newest encyclopedia was 1975.

Why do we have people come and testify before our committees if we do not take to heart what they have said and if we do not try and build on the information they presented us?

But even in some new school buildings chemistry labs have virtually no chemicals or other equipment with which students can work. One science teacher had to show students a picture of a microscope because she had none for them to use.

There is testimony before the Senate Labor and Human Resources Committee.

And I could go on and on. There is testimony from Joseph Fernandez.

My name is Joseph Fernandez, and I am president of the Council of the Great City Schools and former chairman of the New York City public schools and former superintendent of Dade County public schools. Thank you for your opportunity to testify.

Mr. Fernandez then said,

The vast majority of our students have not successfully completed an introductory course in algebra by the end of the 10th grade. Only a third of the Hispanic and Asian-American youths score above the national norms on the standardized reading and math tests. We have a significant shortage of preschool, math and science and minority teachers, as well as teachers for the disabled and limited English proficient.

And he goes on and on.

Now, Madam President, I would like to, if I could, refer to Jonathan Kozol's book, "Savage Inequalities."

Looking around some of the inner city schools, where filth and disrepair were worse than anything I'd seen in 1964, I often wondered why we would agree to let our children go to school in places where no politician, school board president, or business CEO would dream of working.

Jonathan Kozol went around the country and looked at the different educational opportunities for our students to find some answers.

And I just go from place to place in this book.

To find some answers, I spent several days in Camden (N.J.) in the early spring of 1990. Because the city has no hotel, teachers in Camden arranged for me to stay nearby in Cherry Hill, a beautiful suburban area of handsome stores and costly homes. The drive from Cherry Hill to Camden take about five minutes. It is like a journey between different worlds.

On a stretch of land beside the Delaware River in the northern part of Camden, in a neighborhood of factories and many abandoned homes, roughly equidistant from a paper plant, a gelatin factory and an illegal dumpsite, stands a school called Pyne Point Junior High.

In the evening, when I drive into the neighborhood to find the school, the air at Pyne Point bears the smell of burning trash. When I return the next day I am hit with a strong smell of ether, or some kind of glue, that seems to be emitted by the paper factory.

The school is a two-story building, yellow brick, its windows covered with metal grates, the flag on its flagpole motionless above the lawn that has no grass. Some 650 children, 98 percent of whom are black or Latino, are enrolled here.

The school nurse, who walks me through the building while the principal is on the phone, speaks of the emergencies and illnesses that she contends with. "Children come into school with rotting teeth," she says. "They sit in class, leaning on their elbows, in discomfort.

And on and on and on.

And the Senator is right. He talks about a school, as I remember, in East St. Louis called Martin Luther King, Jr., talking to a young woman. And she says,

This gives lie to Martin Luther King, Jr. We don't have the same opportunities at this school.

He talks about the differences right here in Washington, DC. If you look in one direction in Bethesda, you could see a financial base from an appropriate tax system, for good schools, good facilities. Teachers can be recruited, good salaries. That is the way it should be.

If you look to Anacostia, which is probably not more than a 1½ or 2 miles from the Chamber, the exact opposite situation—much less of a base to draw from, inadequate lab facilities, the sharing of textbooks.

Madam President, I have to say—and I believe that the Senator from Illinois may be focusing on this later on—that when we send our children into decrepit school buildings—mainly this is a function of the wealth of the community—and there are holes in the ceiling and they are not warm, and there are old textbooks and inadequate lab facilities, it strikes me that we send precisely the wrong kind of message.

How can we expect our children to be excited about learning and how can they believe all of our fine rhetoric about goals and everybody is going to achieve those goals when they know that they do not have the same opportunities as so many other children have within our country?

Madam President, I would like to have printed in the RECORD, because I would be interested in some discussion with my colleagues, a whole set of examples of some of the struggles of schools in my State of Minnesota, especially in what we call greater Minnesota; that is to say, in the small towns and the rural parts of our State.

I ask unanimous consent to have some examples printed in the RECORD.

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

STATE OF MINNESOTA

OFFICE MEMORANDUM

Department: State Fire Marshal Division.
Date: January 31, 1994.
To: Len Nachman, Minnesota Department of Education.
From: Jon Nisja-Supervisor, Deputy State Fire Marshal.
Phone: (612) 643-3096.
Subject: Schools with Unique and/or Difficult Fire Safety Problems.

As per your request I have compiled a list of some of the school districts in which we have seen some unique and often difficult fire safety problems. Many of the schools where we encounter these types of problems are located in smaller, rural communities. Some of these problems have evolved or developed because of a lack of code enforcement in these areas. The following is a brief list of some of the schools and a summary of the problems noted:

CASS LAKE AREA LEARNING CENTER—CASS LAKE, MN

Problems: Combustible construction; lack of fire alarm and detection; vertical separation problems; exiting problems (insufficient number, only had one).

HIBBING HIGH SCHOOL—HIBBING, MN

Problems: Vertical separation problems; exiting problems-insufficient number (only one from upper floors), travel distance problems, confusing, dead end corridors.

ATWATER-GROVE CITY SCHOOLS—ATWATER AND GROVE CITY, MN

Problems: Combustible construction; vertical separation; combustible interior finish; exiting problems-insufficient number, dead end corridors.

BARRETT-HOFFMAN-ELBOW LAKE SCHOOLS—BARRETT, HOFFMAN, AND ELBOW LAKE, MN

Problems: Combustible construction; vertical separation; exiting problems-insufficient number and capacity; students in basement (poor exiting)

ROLLINGSTONE SCHOOL—ROLLINGSTONE, MN

Problems: Combustible construction; vertical separation; structural deficiencies due to long-term water leakage problems.

BRAHAM INTERMEDIATE SCHOOL—BRAHAM, MN

Problems: Combustible construction; structural deficiencies, exiting problems-confusing, dead-end corridors.

SCHOOL FACILITIES IN MINNESOTA

MEMORANDA

To: Josh Syrvamaki, Senator Paul Wellstone's office.
From: Len Nachman, Facilities Team, MN Dept. of Education.
Subject: Request for information.
Date: January 31, 1994.
School Facilities Conditions for the State of Minnesota

If you want more examples or pictures, please let me know. Len Nachman 612/296-5032.

SPECIAL SCHOOL DISTRICT NO. 1, MINNEAPOLIS

Approximately $400 million is needed to meet Minneapolis schools health, safety, accessibility and deferred maintenance needs.

The district is gaining 1000 students per year (2-3%).

There is a need to replace many old and tired buildings.

There is a need to get out of leased space that is not educationally adequate.

They are currently under-funded to fix up facilities and to maintain what can be fixed up.

Without necessary maintenance, the buildings will completely deteriorate.

District needs a program of ongoing funding to maintain buildings.

The $400 million does not include enhancing the schools educational programs.

INDEPENDENT SCHOOL DISTRICT 625, ST. PAUL

The St. Paul Public Schools has over $110 million in needs over the next ten years to address critical deferred maintenance environmental health and safety and handicap accessibility (ADA) problems. With school buildings that are old (approximately 47% of the district buildings have original construction that is 50 years or more old), it is critical that the deferred maintenance needs to protect buildings' structures and infrastructure be addressed. Roofing, painting, tuckpointing, window replacement, mechanical and electrical system renovations and replacements and plumbing replacements are among the district's major areas of deferred maintenance needs. Building improvements and modifications to address ADA requirements alone total more than $8 million. New codes and mandates affecting life safety, hazardous substances, and environmental health and safety annually result in major capital improvement needs. In addition, capital improvement needs currently funded at $9 million annually for the next three years funds only a fraction of the capital improvement needs of the districts' 65+ facilities. Changing populations and increased enrollments have created space needs in the district both at the elementary and secondary levels. These needs must be met through new property acquisitions, building additions, and lease of outside space. Two new high schools at a total estimated cost of $80 million are needed. Recently, elementary space shortages have been again experienced which will require funding (estimates currently being developed).

INDEPENDENT SCHOOL DISTRICT 709, DULUTH

School district needs approximately $90 million to repair schools. The district has recently spent $20 million.

This year the five worst buildings had to be abandoned because they were not economically or educationally advisable to fix up.

Nine existing facilities were upgraded ($20 million).

The $90 million does not include funds for educational improvements or technology improvements.

INDEPENDENT SCHOOL DISTRICT 698, FLOODWOOD

Nearest neighboring district is 19 miles away and cannot accommodate the students.

It has a student enrollment of 360 students.

This is a low-income district with limited taxing ability.

The original building was built in 1911 with additions in 1926, 1938, 1958, 1965, and 1976.

$250,000 is necessary for minimal five code violations.

There is no budget for educational improvements or ADA code corrections.

The Fire Marshal has indicated he will close the 1911, 1926, 1938, sections of the building.

INDEPENDENT SCHOOL DISTRICT 526, TWIN VALLEY

The nearest neighboring district is 12 miles away.

Total Need.—The Minnesota Department of Education estimates that it needs $2 billion for the repair, renovation, alteration, and construction of public elementary and secondary schools.

Number of School Buildings.—Minnesota has 392 school districts with 1,536 buildings.

Age of School Buildings.—16% of Minnesota school buildings are over 70 years old while 38% are over 50 years old and 63% are over 30 years old.

Assessments.—Minnesota does not conduct an annual assessment of its school buildings.

Mr. WELLSTONE. Madam President, the quality of the education that a young person receives should not be based on where that young person lives. If we want to be competitive as a nation, if we want to focus on our greatest resource, if we want to understand that there is not going to be any real national security until we invest in the health and skills and intellect and character of our young people, then I suggest that as we pass this Goals 2000 legislation, we should at the very minimum be clear that, as each and every State sets out these goals that we have established and talks about meeting those goals, that we are consistent, that we are honest, and we just include in this amendment the most moderate language which says that there should also be an opportunity-to-learn standard where each State says this is going to be how we make sure that every one of our youngsters has the same opportunity to achieve these goals.

This amendment has the support of the National Education Association, the National Association of Elementary School Principals, the National Association of Secondary School Principals, the Council of the Great City Schools, and the National Parent-Teacher Association, the PTA.

Madam President, I believe that the reason for the importance of this legislation—and I once again thank Senator KENNEDY for his work—is that we really do send a message that we care about goals, we care about education, and we care about raising expectations.

But I think the teachers down in the trenches and I think the parents down in the trenches—and I hear this from Minnesota over and over again, it saddens me—they are also saying as long as you are going to have this language, you cannot have this contradiction. At least, say you want to make sure that each and every child has the same opportunity to learn.

Why is that so unreasonable? Why can we not get some language that is firm on that point? Why can we not have a part of that as Goals 2000? Why can we not say that part of what Goals 2000 is, is to make sure that each and every youngster has the same chance at all he or she can be.

That is what this amendment says. I think it is an extremely important amendment. I hope that we will have the full support of our colleagues.

I yield the floor.

AMENDMENT NO. 1367 TO AMENDMENT NO. 1366

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

The PRESIDING OFFICER. The clerk will report the amendment

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY] proposes an amendment numbered 1367 to amendment No. 1366.

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

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

In the pending amendment strike all after: "(d) OPPORTUNITY TO LEARN" and insert the following:

STRATEGIES.—Each State improvement plan shall establish strategies for providing all students with an opportunity to learn, such as—

(1) adopting or establishing comprehensive State opportunity-to-learn standards:

(2) establishing a timetable for demonstrating progress toward meeting comprehensive State opportunity-to-learn standards in every school in the State; and

(3) periodically reporting to the public on the extent of the State's improvement in achieving such standards.

(e) TECHNICAL AND OTHER ASSISTANCE REGARDING SCHOOL FINANCE EQUITY.—

(1) TECHNICAL ASSISTANCE.—(A) the Secretary is authorized to make grants to, and enter into contracts and cooperative agreements with, State educational agencies and other public and private agencies, institutions, and organizations to provide technical assistance to State and local educational agencies to assist such agencies in achieving a greater degree of equity in the distribution of financial resources for education among local educational agencies in the State.

(B) A grant, contract or cooperative agreement under this subsection may support technical assistance activities, such as—

(i) the establishment and operation of a center or centers for the provision of technical assistance to State and local educational agencies;

(ii) the convening of conferences on equalization of resources within local educational agencies, within States, and among States; and

(iii) obtaining advice from experts in the field of school finance equalization.

(2) RESEARCH.—(A) The Secretary is authorized to carry out applied research and analysis designed to further knowledge and understanding of methods to achieve greater equity in the distribution of financial resources among local educational agencies.

(B) The Secretary may carry out research under this paragraph directly or through grants to, or contracts or cooperative agreements with, any public or private organization.

(C) In carrying out this paragraph, the Secretary is authorized to—

(i) support research on the equity of existing State school funding systems;

(ii) train individuals in such research;

(iii) promote the coordination of such research;

(iv) collect and analyze data related to school finance equity in the United States and other nations; and

(v) report periodically on the progress of States in achieving school finance equity.

(3) COORDINATION.—The Secretary shall coordinate activities under this subsection with activities carried out by the Office of Educational Research and Improvement.

(4) DATA.—Each State educational agency or local educational agency receiving assistance under the Elementary and Secondary Education Act of 1965 shall provide such data and information on school finance as the Secretary may require to carry out this subsection.

(5) MODELS.—The Secretary is authorized, directly or through grants, contracts, or co-

operative agreements, to develop and disseminate models and materials useful to States in planning and implementing revisions of the school finance systems of such States.

(6) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $3,000,000 for fiscal year 1994 and such sums as may be necessary for each of the fiscal years 1995 through 1998 to carry out this section.

Mr. KENNEDY. I see the Senator from New York is here. I wanted to respond to the points that have been made by Senator WELLSTONE and Senator SIMON, but I would be glad to permit the Senator to make whatever comment he desires.

Mr. D'AMATO. I will take about 10 to 11 minutes.

Mr. KENNEDY. That is fine.

Mr. D'AMATO. I thank the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from New York.

WHITEWATER/MADISON UPDATE

Mr. D'AMATO. Madam President, I rise today to update my colleagues on the RTC race against the statute of limitations in the Whitewater/Madison controversy.

Madam President, the clock continues to tick away. Soon it will be February 28 and the RTC will be out of time; the American people out of luck.

The statute of limitations runs out on February 28, or at least that is what I have been led to believe. That means that anyone who is responsible for the loss of possibly millions of taxpayer dollars will be immune from civil action after the 28th.

Why has it taken nearly 3 weeks to get a written response from the RTC?

Yesterday, I came to the floor to inform my colleagues about the delay game that the RTC was playing. My staff was told over the phone that the RTC was operating under the assumption that the statute of limitations would run out on February 28. In other words, 26 days from now. So we can now mark off 1 more day, in the countdown.

For almost 3 weeks I waited for a formal response from the RTC, and it was only yesterday, after Chairman RIEGLE expressed his concern over the RTC's delays, that I finally received a written reply. The statute of limitations runs out on February 28, or at least that is what I have been led to believe. Why can the RTC not give a clear answer? After almost 3 weeks of waiting I must admit to my colleagues that this letter is a disappointment. I have become seriously concerned about the RTC's resolve to lay the facts before the Congress and the American people, as well as the lack of time for any possible agency action.

Moreover, it is an example of bureaucratic obfuscation that is nonresponsive and uninformative. I want to read the letter to my colleagues because it is short and self-descriptive. It is dated February 1.

DEAR SENATOR D'AMATO: On January 11 and January 25, 1994 you wrote to me concerning the statute of limitations relating to Madison Guaranty Savings and Loan of McCrory, Arkansas ("Madison"). I want to assure you that the Resolution Trust Corporation is conducting a thorough review of the potential civil claims it possesses as a result of the failure of Madison. The RTC is, of course, mindful of the impending February 28 anniversary date of the federal takeover of Madison * * *

Understand those words. It does not say it is the statute of limitations. He says the anniversary date of the takeover of Madison. It goes on in the second paragraph.

If such claims do exist, the RTC will vigorously pursue all appropriate remedies using standard procedures in such cases, which could include seeking agreements to toll the statute of limitations. As you noted, the barriers presented by the expiration of the statute of limitations in many cases have been ameliorated by the extension of the Financial Institutions Reform, Recovery and Enforcement Act of 1989 (FIRREA) statutes in the RTC Completion Act (Act). The Act has afforded the RTC an opportunity to investigate further any civil claims which may be asserted against individuals or entities associated with Madison Guaranty for fraud, intentional misconduct resulting in unjust enrichment, or intentional misconduct resulting in substantial loss to the institution. As you know, the RTC's jurisdiction is solely as to civil claims. Any potential criminal matters are within the jurisdiction of the Justice Department.

Madam President, it took the RTC 3 weeks to write a letter with two paragraphs that does not answer the one question that I have asked over and over again. Specifically, when does the statute of limitations on civil violations run out?

The statute of limitations runs out on February 28, or at least that is what I have been led to believe. That means that anyone who is responsible for the loss of possibly millions of taxpayer dollars will be immune from civil action after this date; 26 days.

Why is the RTC's response to a basic question so confusing? While the letter acknowledges that the agency—and I quote, is "mindful" of the "impending February 28 anniversary date of Federal takeover of Madison" by regulators, it just does not answer the question. In fact it raises more questions than it answers.

For example, what does the anniversary mean? Is this the day that the statute runs? If so, why do they not tell us and stop speaking in code?

Does the anniversary have any significance for the RTC, and the right of the American people to a full accounting? The statute of limitations runs out on February 28, or, at least that is what I have been led to believe. Why is it the RTC is so nonresponsive?

It is outrageous that Congress had to wait almost 3 weeks to learn when the regulators took over Madison. That is public information. After all, it was in the newspapers back in 1989. The RTC is trying to duck a legitimate congressional inquiry and that is unacceptable. And that is what the letter has done.

Meanwhile, the clock continues to tick away. The statute of limitations runs out on February 28, or, that is what we have been led to believe. Then why will the RTC not tell us what action they are taking? Let us know. We have a right to know. The American people have a right to know.

This letter raises additional questions. According to the letter a "thorough review of the potential civil claims" is underway. I am encouraged by the signs of activity at the RTC, but I would like to know what this thorough review entails. Most important, when will we learn the results of this review? The clock is ticking. Will we find out after the statute of limitations has run? Is February 28, really the end?

Indeed, the statute runs on February 28, or that is what I have been led to believe. Why has the RTC not done anything to stop it from running?

Weeks ago, some of my colleagues and I suggested that an agreement staying the statute of limitation would solve the problem. The letter acknowledges that RTC might do this, but this is not a sufficient answer. I want to know if the RTC will seek stay agreements and stop the ticking of the clock.

The statute of limitations, again, runs out on the 28th, or, that is what we have been led to believe. Will the RTC lose out to the ticking clock? While these questions linger and the RTC moves at a snail's pace, we have marked off another day on the Madison countdown to February 28. We now have as little as 26 days remaining. The statute of limitations runs out on 28th. When do we get the answers?

These questions demand informative and understandable responses, not cryptic sidestepping. The American people have the right to know whether or not the RTC, is vigorously pursuing justice and protecting their wallets.

It now appears that the Banking Committee will have an opportunity to question the RTC oversight board directly at an upcoming oversight hearing. More on that tomorrow.

I request unanimous consent to have the RTC's letter of February 1 printed in the RECORD in its entirety.

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

RESOLUTION TRUST CORPORATION,
Washington, DC, February 1, 1994.

HON. ALFONSE M. D'AMATO,
Ranking Minority Member, Committee on Banking, Finance and Urban Affairs, U.S. Senate, Washington, DC.

DEAR SENATOR D'AMATO: On January 11 and January 25, 1994 you wrote to me concerning the statute of limitations relating to

Madison Guaranty Savings and Loan of McCrory, Arkansas ("Madison"). I want to assure you that the Resolution Trust Corporation is conducting a thorough review of the potential civil claims it possesses as a result of the failure of Madison. The RTC is, of course, mindful of the impending February 28 anniversary date of the federal takeover of Madison.

If such claims do exist, the RTC will vigorously pursue all appropriate remedies using standard procedures in such cases, which could include seeking agreements to toll the statute of limitations. As you noted, the barriers presented by the expiration of the statute of limitations in many cases have been ameliorated by the extension of the Financial Institutions Reform, Recovery and Enforcement Act of 1989 (FIRREA) statutes in the RTC Completion Act (Act). The Act has afforded the RTC an opportunity to investigate further any civil claims which may be asserted against individuals or entities associated with Madison Guaranty for fraud, intentional misconduct resulting in unjust enrichment, or intentional misconduct resulting in substantial loss to the institution. As you know, the RTC's jurisdiction is solely as to civil claims. Any potential criminal matters are within the jurisdiction of the Justice Department.

Sincerely,

ROGER C. ALTMAN,
Interim CEO.

Mr. D'AMATO. I thank the Senator from Massachusetts, and my colleagues for being so gracious to afford me this opportunity to make these remarks.

As I said, tomorrow, more on the upcoming oversight hearings. I yield the floor.

Mr. KENNEDY. Madam President, I see the Senator from Arkansas wants to address this issue. Then I hope we will be able to get back to the amendments of the Senator from Missouri.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Madam President, on Friday my very good friend and colleague from New York, Senator D'AMATO, came to the Senate floor in the afternoon. He took the Senate floor and addressed the Senate for quite some time on the issue of Whitewater.

The President has asked, as we know, the Attorney General to appoint someone who will give us the facts. That person, Mr. Fiske, is going to provide those facts in due time, after due and considered deliberation. In fact, speaking of due deliberation, Mr. Fiske has now rented a building, or a floor in a building, in Little Rock, AR. And he signed a 3-year lease on it. So we are going to have a very, very thorough unearthing of all of the facts that relate to Whitewater.

My friend from New York, again, came yesterday, on Tuesday afternoon, to the floor of the U.S. Senate, during the debate, on the State Department authorization bill, and totally unrelated to the State Department authorization bill took the time of the Senate—not much time, 10 minutes, 15 minutes—to again discuss this Whitewater issue.

Again today, on Wednesday afternoon, as we are considering a very, very major piece of education legislation, as we are trying to complete this legislation by Thursday night—tomorrow night—my very good friend, the Senator from New York, once again comes to the floor in an attempt to turn up the heat on the Whitewater issue.

I think that we are coming to a time when we need to look back and reflect just a little bit as to what is happening on the Whitewater matter.

First, back in January, many Members on the other side of the aisle—or December—were calling for, as we might recall, a special prosecutor. Right after the President had concluded his trip or in the middle of his trip to Europe, President Clinton asked Janet Reno, our Attorney General, to appoint a special counsel to look into this entire matter. Janet Reno forthwith came forward and appointed Mr. Robert Fiske, an attorney well-known and well-respected and, I might add, Madam President, a Republican, which shows that this President is wanting to go forward and, as we say, unearth the facts relative to Whitewater.

Robert Fiske, for example, had a very high tribute from the Senator from New York who, once again, is now attempting, it appears to me, to sort of turn up the heat on the third day in a row, and maybe tomorrow he will come back again, maybe Friday he will come back again. Maybe this is going to be a daily dose that the Senator from New York is going to give us on Whitewater.

But he says about Robert Fiske, and I quote my friend from New York:

He is a man of uncompromising integrity. He will unearth the truth for the American people.

I think that says a lot about Mr. Fiske and it certainly says a great deal about Mr. Fiske's integrity. Not only that, but as importantly, it says a lot about his independence in being in another party from the President and from this administration.

I might add—and this is certainly no secret, it is public record—Mr. Fiske, since 1980, to the best of our knowledge, has not given one dime, no contributions of any kind to any Democrat that we can find. Not one. In fact, $11,750 have been taken from Mr. Fiske's pocket and disbursed, where? To my friends on the Republican side of the aisle. Well and good. Once again, this just attests to the independence of Mr. Robert Fiske who is now engaged in assembling a staff and beginning the full investigation, where it should be, into Whitewater.

Madam President, the moment the President asked Janet Reno, the Attorney General, to appoint a special counsel and she appointed that counsel, our colleagues on the other side of the aisle said, "Wait a minute, that's not enough. Yes, we want an independent counsel, but at the same time we want a congressional investigation. We want a special or a select committee to be selected from the Senate and the House to investigate Whitewater."

That request, I must say, was not long on the table, or at least, that request seemed to fade away or lose popularity, when this report was delivered to us. This report right here. I think it weighs about 30 pounds, I am not sure. This is the Iran-Contra independent counsel report, Madam President. It cost $37 million and took 7½ years, and still we do not know the results nor all the facts of Iran-Contra.

Even Mr. Robert Fiske, the independent counsel that has been chosen by the distinguished Attorney General of the United States, even as he begins his investigation, has said, and I quote Mr. Fiske:

History shows it is difficult to conduct criminal investigations at the same time as congressional investigations.

That is from the special counsel, Madam President. This desire for a congressional select committee sort of faded away. The minority leader in the House of Representatives, Congressman MICHEL, says now that we have a special counsel, we do not need this anymore. So that sort of faded away.

But now we have a new request. It seems the ante can never quite find its own level. The ante keeps going up and rising daily. Now we see that there is a request for the Banking Committee in the Senate and the Banking Committee in the House of Representatives to hold a separate investigation on Whitewater.

Look at what happened. Our distinguished chairman, Senator RIEGLE, wrote a letter to Senator D'AMATO in response. Today it was in the press. It appears that Senator D'AMATO and his friends are going to have ample opportunity within the Senate Banking Committee structure on the normal traditional, historical, required review of the S&L situation and how the RTC has managed these affairs. They are going to have their day in court. They are going to get to ask questions about this and hopefully other S&L failures.

And speaking of other S&L failures, if this one cost the taxpayers $46 million—and I do not know what it cost; I heard every kind of figure—we are looking at billions and billions and billions of dollars of loss in the last decade in our S&L industry. We know that. That is no secret. That has been publicized.

But the key factor is that almost everything our colleagues on the other side of the aisle are asking for, this administration has complied with. This administration has shown good faith, and now we think it is time to get on with the very important business of the U.S. Senate and this country.

I know that the Senate rules say you do not question motives, and I am not questioning any Senator's motive on

this floor. I have never done that. I never want to be guilty of that. I can only conclude that what is about to happen in this so-called Whitewater episode is that, yes, Mr. Fiske is going to have his investigatory team, but there is going to be a continuing hope by some—maybe not necessarily in this Chamber or Members of this body but certainly some in this country—that the focus of this administration and this moment of opportunity and challenge for America is going to be taken away from health care, it will be removed from welfare reform, we will lose our interest in doing something about crime and personal security in America. Maybe that is their overall hope. I would hate to see that sad result.

Maybe there are some who would like to see us do nothing and basically fritter away these great opportunities that visit this generation and visit this hour and visit us at this time, but I hope not.

Madam President, I can only say that I think if we in the Senate and the House will let Robert Fiske do his job without these distractions, that very quickly the facts—the facts—that my friend from New York has asked for will be unearthed, those facts will be presented and the so-called Whitewater issue will be something of the past.

But to continue day after day taking the time of the U.S. Senate when we are ready to receive and offer amendments and debate issues, such as education, I only suggest: Let us save this for another day in another forum and not constantly take the time of the U.S. Senate in order to do it.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

GOALS 2000: EDUCATE AMERICA ACT

The Senate continued with the consideration of the bill.

Mr. KENNEDY. Madam President, we are in a situation where Senator DANFORTH is prepared to offer an amendment, which we are prepared to discuss and urge the Senate to accept. The Senator from Illinois has two different amendments which we would like to consider. Hopefully we will have an opportunity to consider both of those.

So we have the amendment of the Senator from Illinois that is pending.

So we are all prepared now to do business, and I would hope that we could focus on this matter that we now have before us, with all respect, since we are now going on into the late afternoon, and I know our colleagues are going to be wondering what progress we are making. I know there are others who want to talk about a lot of different measures, but we do have this extremely important matter that is before the Senate.

As we all know, we are glad to do the Senate's business, and if there is other business, I am sure it can be worked out in the morning hour with the majority leader. We have not imposed the Pastore rule, that 2 hours after we go into the session, we have to have statements and speeches that are relevant to the underlying business before the Senate.

I do not want to get into that procedure, but I would like to see if we cannot move ahead. Senator DANFORTH I think has been here 1½ hours and is prepared to offer an amendment on this measure. The Senator from New Hampshire has been with us since before noon. We are prepared to move ahead. So with all respect, I see the Senator from New York on his feet. I would certainly hope we could at least conclude this part of the exchange at an early time.

WHITEWATER/MADISON UPDATE

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. Madam President, I think I took about 10 minutes, and I wish to again thank the Senator from Massachusetts for his graciousness in permitting me to make my remarks. The Senator from Arkansas responded. I would like to, if I might, not impose but more than several more minutes because I think it is important that I respond to some issues my colleague raised.

Let me say there is no one who has greater respect for the special counsel than I do. Bob Fiske is a man of great integrity, proven integrity, and I have all the faith in the world he is going to conduct his investigation as it should be, and in manner second to none. But that is a criminal investigation. It is not an investigation into possible civil liability. It is the duty of the RTC to recover moneys that possibly may be due to taxpayers as a result of fraud or other activities, covered by the relevant civil statutes.

Second, my good friend, the Senator from Arkansas, pointed out correctly that this investigation may not be completed for up to 3 years, 2 years, 1 year, and no one questions that deliberate process. In no way do we intend to impede that. But we do have a right to ask the RTC what they are doing, how they are proceeding, what elements do they see that are involved in this matter, critical to both the possible recovery of taxpayer dollars, and to having this matter disposed of before the cutoff time.

What does the "statute of limitations" mean? The average person does not know. It means that after a particular date, even if there is evidence of egregious action, where taxpayers' money was squandered due to fraud, that you can no longer recover. If, indeed, that date is the 28th and we have 26 days to go, let me suggest to you that the special prosecutor, who is not interested in the civil side, who is not undertaking any of these questions, certainly is not going to be able to help with a report 2 years from now.

Now, we ask, are they getting a tolling agreement? We have a right to know. They do this in other cases. And I would suggest to you that I am going to continue to press until the RTC and the appropriate authorities give us the responsive answers to which we are entitled. I will not attempt to delay the proceedings of the Senate now or at any other time inordinately and without a compelling reason. I think I have spoken for about 3 or 4 minutes in response to my friend from Arkansas. I do not intend to debate any longer. But the question is not the integrity of Bob Fiske. The question is the responsiveness, or lack of response, by the appropriate agencies to questions that the American people have a right to have answered.

There are two different scenarios, two different areas. We are talking about a civil remedy pursuant to the law that should be evaluated, and if necessary undertaken, by the RTC before the statute of limitations is tolled.

I thank my friends for their patience and my colleague and friend from Missouri for giving me this opportunity to make that response.

GOALS 2000: EDUCATE AMERICA ACT

The Senate continued with the consideration of the bill.

Mr. DANFORTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. DANFORTH. Madam President, is an amendment in order?

The PRESIDING OFFICER. There is a first- and a second-degree amendment pending at this time.

Mr. KENNEDY. If the Senator will yield, I ask unanimous consent that those two amendments be temporarily set aside.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

The Senator from Missouri is recognized.

AMENDMENT NO. 1368

Mr. DANFORTH. Madam President, on behalf of myself and Senator JEFFORDS, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Missouri [Mr. DANFORTH], for himself and Mr. JEFFORDS, proposes an amendment numbered 1368:

The amendment follows:

At an appropriate place, insert the following:

It is the sense of the Senate that the speech made by Mr. Khalid Abdul Mohammed at Kean College on November 29, 1993 was false, anti-Semitic, racist, divisive, repugnant and a disservice to all Americans and is therefore condemned.

Mr. DANFORTH. Mr. President, I have been vaguely aware of the speech that is the subject of this sense-of-the-Senate amendment for some time, but I have to say that I just read excerpts from the speech this afternoon. I do not care to repeat them in this Chamber of the Senate, but I have and will have a copy in my hands for Senators who will be voting on this sense-of-the-Senate amendment. I do not want it to be, however, a total mystery as to what was in the remarks, and therefore I ask unanimous consent that excerpts from the speech be printed in the RECORD.

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

[Excerpts from remarks by Khalid Abdul Mohammad, Nation of Islam National Spokesman, at Kean College, NJ, November 29, 1993]

Brothers and sisters—the so-called Jew, and I must say so-called Jew, because you're not the true Jew. You are Johnny-come-lately-Jew, who just crawled out of the caves and hills of Europe just a little over 4,000 years ago. You're not from the original people. You are a European strain of people who crawled around on your all fours in the caves and hills of Europe, eatin' Juniper roots and eatin' each other.

Who are the slumlords in the black community? The so-called Jew . . . Who is it sucking our blood in the black community? A white imposter Arab and a white imposter Jew. Right in the black community sucking our blood on a daily and consistent basis. They sell us pork and they don't even eat it themselves. A meat case full of rotten pork meat, and the imposter Arab and the imposter white Jew, neither of them eat it themselves. A wall full of liquor keeping our people drunk and out of their head, and filled with the swill of the swine, affecting their minds. They're the blood suckers of the black nation and the black community. Professor Griff was right, when he spoke here . . . and when he spoke in the general vicinity of Jersey and New York, and when he spoke at Columbia Jew-niversity (sic) over in Jew (sic) York City. He was right.

The DeBeers mines, Oppenheimer, our people, our brothers and sisters in South Africa, hundreds of them lose their lives. Sometimes thousands in those mines. Miles underground, mining diamonds for white Jews. That's why you call yourself Mr. Reubenstein, Mr. Goldstein, Mr. Silverstein. Because you been stealing rubies and gold and silver all over the earth. That's why we can't even wear a ring or a bracelet or a necklace without calling it Jew-elry. We say it real quick and call it jewelry, but it's not jewelry, it's Jew-elry, 'cause you're the rogue that's stealing all over the face of the planet earth.

You see everybody always talk about Hitler exterminating 6 million Jews. That's right. But don't nobody ever ask what did they do to Hitler? What did they do to them folks? They went in there, in Germany, the way they do everywhere they go, and they supplanted, they usurped, they turned around and a German, in his own country, would almost have to go to a Jew to get money. They had undermined the very fabric of the society. Now he was an arrogant no-good devil bastard, Hitler, no question about it. He was wickedly great. Yes, he was. He used his greatness for evil and wickedness. But they were wickedly great too, brother. Everywhere they go, and they always do it and hide their head.

We don't owe the white man nothin' in South Africa. He's killed millions of our women, our children, our babies, our elders. We don't owe him nothing in South Africa. If we want to be merciful at all, when we gain enough power from God Almighty to take our freedom and independence from him, we give him 24 hours to get out of town, by sundown. That's all. If he won't get out of town by sundown, we kill everything white that ain't right (inaudible) in South Africa. We kill the women, we kill the children, we kill the babies. We kill the blind, we kill the crippled, (inaudible), we kill 'em all. We kill the faggot, we kill the lesbian, we kill them all. You say why kill the babies in South Africa? Because they gonna grow up one day to oppress our babies, so we kill the babies. Why kill the women? They, they . . . because they lay on their back, they are the military or the army's manufacturing center. They lay on their back and reinforcements roll out from between their legs. So we kill the women too. You'll kill the elders too? Kill the old ones too. Goddamit, if they are in a wheelchair, push 'em off a cliff in Cape Town. Push 'em off a cliff in Cape Town, or Johannesburg, or (inaudible), or Port Sheppston or Darbin, how the hell you think they got old. They old oppressing black people. I said kill the blind, kill the crippled, kill the crazy. Goddamit, and when you get through killing 'em all, go to the goddam graveyard and dig up the grave and kill 'em, goddam, again. 'Cause they didn't die hard enough. They didn't die hard enough. And if you've killed 'em all and you don't have the strength to dig 'em up, then take your gun and shoot in the goddam grave. Kill 'em again. Kill 'em again, 'cause they didn't die hard enough.

We found out that the Federal Reserve ain't really owned by the Federal Government. . . . But it ain't owned by the Federal Government. The Federal Reserve is owned by, you just touched on it a little while ago. (Jews.) It's owned by the Jews.

Brother. I don't care who sits in the seat at the White House. You can believe that the Jews control that seat that they sit in from behind the scenes. They control the finance, and not only that, they influence the policy-making.

No white Jews ever in bondage in Egypt for 400 years. You're not the chosen people of God. Stop telling that lie. Let's go a little further with this. Many of you put out the textbooks. Many of you control the libraries. Lie-braries. NBC, ABC, CBS, you don't see nothin', or makes sure we don't see. Warner Brothers, Paramount, huh? Hollywood, period.

But [they] also are most influential in newspaper, magazine, print media and electronic media.

These people have had a secret relationship with us. They have our entertainers in their hip pocket. In the palm of their hand, I should say. They have our athletes in the palm of their hand.

Many of our politicians are in the palm of the white man's hand, but in particular, in the palm of the Jewish white man's hand.

The Jews have told us, the so-called Jews have told us, ve (sic) ve, ve suffer like you. Ve, ve, ve, ve marched with Dr. Martin Luther King, Jr. Ve, ve, ve were in Selma, Alabama. Ve, ve were in Montgomery, Alabama. Ve, ve, were on the front line of the civil rights marches. Ve have always supported you. But let's take a look at it. The Jews, the so-called Jews, what they have actually done, brothers and sisters, is used us as cannon fodder.

Go to the Vatican in Rome, when the old, no-good Pope, you know that cracker. Somebody need to raise that dress up and see what's really under there.

Mr. DANFORTH. Madam President, we in the Senate do spend a lot of time making statements on one thing or another in passing sense-of-the-Senate resolutions which really are just that, a basic statement of the views of Members of the Senate. It is not often that we offer amendments that we express ourselves by way of votes on matters that are not governmental and are so far from the works of Government as this speech in question. However, I think it is more that when there is a public furor that has arisen over what has become a very well-publicized speech which is plainly anti-Semitic and in addition to its very strong anti-Semitic character also is anti-Catholic, antiwhite, antiwhatever, I do believe it is important for Members of the Senate to speak out against bigotry whenever it occurs.

I would like to say that I have just received a copy of a statement that was read in the House Press Gallery by Congressman MFUME, who is chairman of the Congressional Black Caucus, and I would like to read one paragraph from that statement. The Congressman says:

The Congressional Black Caucus appreciates the official reply to our letter of 12 days ago and have been advised that Minister Farrakhan has agreed to convene a press conference here in Washington, DC tomorrow to address actions to be taken regarding one of its spokespersons for making what we consider to be evil and vicious remarks late last year at Kean College of New Jersey, remarks that I have found since the beginning to be racist, sexist, anti-Semitic, anti-Catholic, and homophobic. Nowhere in American life can we give sanctuary to such garbage. He owes an apology to all whom he has offended.

I would like to say that I applaud particularly those words of Congressman MFUME.

I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. KENNEDY. Madam President, I ask consent to cosponsor the amendment.

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

Mr. KENNEDY. Madam President, the remarks made by Mr. Muhammed at Kean College are deeply offensive to every American who abhors discrimination in all its ugly forms.

America's motto is "E Pluribus Unum"—Out of Many, One. We are at

our strongest when we are united, free from the divisions caused by bigotry based on race, religion, or gender.

The recent speech at Kean College sought to foster hatred, and to divide Americans one from the other. It ought to be condemned, and I am pleased to join Senator DANFORTH in sponsoring this amendment.

PREJUDICE AND FREE SPEECH

Mr. LEAHY. Madam President, the limits of free speech, and civilized discourse, were sorely tested by the recent hate-filled address of Khalid Abdul Muhammad at Kean College in New Jersey. But the Framers of the Constitution had unpopular utterances in mind, when they drafted the first amendment to the Constitution.

There is never a need to protect popular or majority opinion—but minority views that would otherwise be stifled by popular outcry.

The speech in question is not protected, however, from well-deserved criticism of its loathsome premise and the blind hatred and ignorance that it substitutes for humanity and scholarship.

Speeches designed to inflame audiences, evoke prejudice and denigrate minorities into scapegoats, have historically contributed to racial, religious, and ethnic violence not through the strength of argument, but by pandering to the most vulnerable elements of our society.

I was only a child during the Second World War, but there are monuments to that dark period of our history in the graveyards and mass burial grounds in villages whose very names continue to fill us with horror at the crimes against humanity, that were committed there.

After that war that claimed American lives of every creed and color, we began to look inward at our own unfinished business. We remembered how hate and prejudice had led to war, and we began to address our own history of racial discrimination and the civil rights movement chipped away at the prejudices that for too long had excused both legal and social barriers to equal opportunity.

We are fortunate to live in a country that can find strength in its diversity among regions, peoples and racial, religious and ethnic backgrounds. We can each take pride in our own uniqueness.

I am offended when prejudice shouts down justice and when hate is substituted for love of our fellow men and women. But I am more sorrowed at the effect of such speech on our young people who have no historical perspective to measure this vitriol.

America is served by people working together to solve our differences, and not by groups or individuals, who seek to divide us through ignorance.

The Kean College speech sank under its own absurdity. The truth prevails over rhetoric. Speeches, no matter how forcefully delivered, can only be measured in their written context.

Stripped of forceful gestures, inflections and supporter led applause from the audience, Muhammad's speech is reduced to babble.

It fails the test of being truthful.

Under the brilliance of the first amendment's guarantee of free speech, these charlatans expose themselves, by their own words.

Muhammad is by no means a benefactor of the first amendment. In the end, his right to free speech exposed his ignorance of the basic principles that have guided America well for 200 years.

The first amendment only guarantees your right to speak—it does not confer wisdom on the speaker.

I commend the Anti-Defamation League of B'nai B'rith for its efforts in bringing these recent remarks into public debate. Its publishing the offensive remarks verbatim in a full-page New York Times' advertisement exposed them to deserved ridicule.

I commend the leaders of the African-American community who have spoken out and disassociated themselves with these remarks. I thank and commend those African-Americans who have spoken out in the wake of these remarks.

I include Dr. Bill Gray, Dr. Ben Chavis, Rev. Jesse Jackson, Roger Wilkins, and Congressmen LEWIS, WYNN, RANGEL, and MFUME and others as contributing to this discussion.

Mr. Muhammad had to raise his voice to get attention. But it was the voices of these members of the African-American community that the public will remember and respect.

Mr. BRADLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. BRADLEY. Mr. President, like most people in New Jersey and across this country, I was shocked and angered by the remarks of Mr. Khalid Abdul Mohammad on November 29, 1993, at Kean College, in New Jersey. It seems Mr. Mohammad digressed into an ugly, hateful set of stereotypes and racist remarks which painfully demonstrate that anti-Semitism is all too alive in New Jersey and in our Nation. Anti-Semitism knows no boundaries, and vitriolic remarks such as his should be examined critically and honestly.

The remedy for verbal assaults such as Mr. Mohammad's can only be open, responsible dialog. Only when the abhorrent statements can be criticized, renounced, and challenged will they wither in the sunlight of debate. The Senate will take a vote, and it will condemn the remarks of Mr. Khalid Abdul Mohammad at Kean College on November 29, 1993.

The Senate should condemn these remarks.

Mr. President, to give you a flavor of what he said, let me give you just one or two quotes. One, he said:

> The so-called Jew, and I must say so-called Jew because you're not the true Jew. You are a Johnny-come-lately Jew, who just crawled out of the caves and hills of Europe just a little over 4,000 years ago. You're not from the original people. You are a European strain of people who crawled around on your all fours in the caves and hills of Europe eating Juniper roots and eating each other.

(Mrs. FEINSTEIN assumed the chair.)

Mr. BRADLEY. Madam President, that is an example of the kind of statement that the Senate should condemn. At another point he said:

> We found out that the Federal Reserve ain't really owned by the Federal Government * * * But it ain't owned by the Federal Government. The Federal Reserve is owned by, you just touched on it a little while ago. It's owned by the Jews.

It makes you sick to your stomach. At another point he said:

> Brother, I don't care who sits in the seat at the White House. You can believe that the Jews control that seat that they sit in from behind the scenes. They control the finance, and not only that, they influence the policymaking.

Madam President, this is trash out of the Protocols of Zion. This is the kind of misinformation and the kind of lies that fuel hatreds that can flow to disaster. The Senate will condemn these words.

A little over a year and a half ago, when the episode and disorder occurred in Los Angeles, the individual who was marked by that, Rodney King, in his first public statement made a comment in which he said, "Can't we all just get along?" Not a tremendously ambitious hope, not "Can't we all have adequate housing and a job," and this and that, but "Can't we all just get along?"

Madam President, the words that were spoken on November 29 by Mr. Khalid Abdul Mohammad are directly in conflict with the hope expressed by Rodney King in the wake of his own beating.

Madam President, there is enough pain to go around. There is enough pain to go around in our country and around the world. We do not need to inflict pain on each other by words, by words that can be characterized no other way but as Jew baiting. Just as I would stand on this floor and characterize words that were aimed at African Americans in a totally disrespectful and erroneous way as race baiting. And that is exactly how I would describe the words spoken at Kean College on November 29.

The words flow from ignorance. The words flow from hatred. The words are repulsive. And the Senate has justly condemned them.

I yield the floor.

The PRESIDING OFFICER. Is there further debate on the amendment?

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. CONRAD). Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, for the benefit of the Members, we anticipate a rollcall in the next 3, 4, or 5 minutes. In the meantime, the Senator from Mississippi wanted to make a comment. But we are anticipating a rollcall on the Danforth amendment in a very few minutes, for the information of the membership.

Mr. COCHRAN. addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, pending the rollcall vote as described by the manager, I will make some comments in support of the legislation.

First of all, I want to thank the managers of the bill for including some language to clarify the intent of this legislation to provide voluntary standards, guidelines, and challenges before our Nation's schools to elevate the level of excellence among students in our country.

Senators will remember that after the historic education summit, which was held in 1989 in Charlottesville, VA, President Bush described the importance of these steps to America's future by saying:

We must demand more of our students by imposing higher academic standards in our classroom. If we are to improve our standard of living, protect and defend our democratic freedoms, and strengthen our moral character as a Nation, nothing is more important than education.

At this same meeting with the Nation's Governors, which included then-Governor Bill Clinton, a national strategy to expand educational opportunities was developed. Six national education goals were identified, and the America 2,000 plan was formulated.

It has become the bedrock for Federal, State, and local education reform efforts over the last 4 years. Today, the Goals 2000: Educate America Act, S. 1150, which is the successor to President Bush's America 2000 plan, deserves our support. Low test scores, high dropout rates, and insufficient preparation for the work force cannot be tolerated in our country. They not only present a threat to our economic future but to individual opportunities to participate fully in our society.

Two critical parts of S. 1150 seek to address these problems. They are the development of national academic standards based on the national education goals for kindergarten through 12th grade students and the increased integration of technology into the classroom.

To accomplish this, the bill establishes a multistep process for the development and approval of national academic standards in core subject areas. Working together, teachers and education experts defined these standards—what students should know in each subject at each grade level. Once developed, a bipartisan panel reviews and certifies them. The national education goals panel, comprised of eight Governors, four Members of Congress, and two administration officials, gives final approval to these standards.

Mr. President, I ask unanimous consent that a statement of principles regarding voluntary national education content standards, which was unanimously adopted by the national education goals panel, be printed in the RECORD.

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

NATIONAL EDUCATION GOALS PANEL: STATEMENT ON VOLUNTARY NATIONAL EDUCATION CONTENT STANDARDS

In 1990, the President and Governors agreed on six national education goals and committed themselves to a decade of sustained action to meet them. The National Education Goals Panel was created to measure and support the nation's progress toward meeting these goals.

A consensus has emerged that to meet Goals 3 and 4 we Americans must agree on the results we expect from students in core academic areas, which is what "content" standards define.

The National Education Goals Panel strongly supports the development of clear, rigorous content standards by States and local communities, and it believes that voluntary national standards are essential to this effort. The following principles will serve as the foundation for continuing Goals Panel involvement in establishment of these standards:

VOLUNTARY

The Panel will participate only in the establishment of voluntary national content standards that may serve as models and resources for State and local school reform efforts.

The Panel would oppose any federal effort to require States and local schools to use such national standards.

ACADEMIC

The Panel believes that voluntary national content standards should address only core academic areas, such as those stated in the National Education Goals.

Voluntary national content standards should not address non-academic areas such as student values, beliefs, attitudes and behaviors.

WORLD CLASS

The Panel will endorse only those national content standards which, though uniquely American, are at least as challenging and rigorous as the academic expectations for students in other countries of the world.

Voluntary national content standards must not be compromised or watered down for any reason. The Panel believes that our focus should be on helping each student reach higher levels of academic achievement.

BOTTOM-UP DEVELOPMENT

National and State content standards must be developed through a consensus building process that involves educators, parents and community leaders from schools and neighborhoods across the country.

For these voluntary national education standards to be useful, they must be relevant to each community using them. The Panel has no intention of developing content standards on its own and would oppose any standards that were not developed through a broad based, participatory process.

USEFUL AND ADAPTABLE

National voluntary content standards must allow local educators the flexibility to design their own curriculum plans within the broad outlines of the standards. Standards should focus upon a limited set of the most important and lasting knowledge and skills, so they are useful for teachers, parents and students, and represent the most important knowledge, skills and understandings we expect students to learn.

Voluntary national content standards will not be a "national curriculum" but, rather, provide a broad outline of the kind of knowledge and skills necessary "for responsible citizenship, further learning, and productive employment in our modern economy." (Goal 3)

The establishment of national voluntary standards is an effort that has received strong support from the business community, Republican and Democrat Presidents, Governors, members of Congress, local educators and citizens from across the country.

We believe that, if treated with care and wisdom, these expectations of what students should know and be able to do, will empower parents in every community in the nation to demand more of themselves, their children, their schools, and their government.

Mr. COCHRAN, That is why I believe that States and local communities can use national academic standards on a voluntary basis as models to upgrade academic programs in their schools and to provide more information to parents about their children's education. I am convinced that States which use these national standards as models can develop a more challenging curriculum, one that will encourage students to stay in school longer and enable them to bring advanced skills to our rapidly changing and demanding workplace.

I am pleased that the managers of the bill have adopted several amendments I proposed. Among them is an amendment to underscore that responsibility for education lies with State and local communities. Another stipulates that provisions of this bill will not restrict a State's eligibility for funding under other Federal programs if they choose not to participate in the activities outlined in this bill. The Federal role in the Goals 2000: Educate America Act is that of a partner, with a shared goal of improving the quality of education for all children.

The National Governor's Association, the U.S. Chamber of Commerce, the Business Round Table, as well as the Chief State School Officers, and most other State and local education associations, endorse the bill.

The other aspect of the Goals 2000: Educate America Act I strongly support relates to technology in the classroom. It includes two provisions. The first would provide Federal funding for States to plan for the integration of technology into class-rooms for grades

K through 12. The second would establish an Office Of Technology at the Department of Education. It demonstrates the Federal commitment to develop a long-range strategy for using technology in the classroom to improve student learning and achievement.

I am convinced that the integration of technology in elementary and secondary classrooms will improve students' educational opportunities and enable teachers to broaden the scope of the curriculum in their classrooms.

Evidence indicates that creative uses of technologies by skilled teachers offer the promise to quickly and cost effectively restructure education. Technologies help teachers create an environment where all students are afforded rigorous, rich classroom instruction at a pace that suits their learning style and in a way that gives them a more active role in the learning process.

For this reason, I have worked with Senators BINGAMAN and KENNEDY and other members of the Labor and Human Resources Committee to add these two provisions to the bill. I am pleased to report that funding for both of these new programs was provided in the fiscal year 1994, Labor/HHS/Education and related agencies appropriations bill, pending enactment of the goals 2000 legislation prior to April 1, 1994.

Our Nation will not remain globally competitive without a work force that has a solid foundation in basic education. Our workers must have the skills to compete in a constantly changing world. To achieve this goal, we must be a nation where education is a priority, where families value learning, where teaching as a profession is honored, and where all students are afforded an opportunity to participate in rigorous and challenging educational programs.

S. 1150, the Goals 2000: Educate America Act takes important steps to make us a nation of learners and the ultimate beneficiaries are our Nation's greatest resource—our children.

Mr. President, I thank the distinguished managers of the bill.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. DURENBERGER. Mr. President, if it is acceptable to the managers, I would like to speak just for a couple minutes on the underlying amendment.

Mr. President, let me say that this is not the amendment by our colleague from Missouri, but the underlying amendment.

Let me say I am given to understand there are negotiations going on right now to try to work out certain differences between the majority and the minority.

Apropos of the comments by my colleague from Mississippi, let me say, Mr. President, that there is a concern by a lot of us as to the role that this Congress is going to play in the future of elementary and secondary education in this country. I think in my own State of Minnesota, maybe more than any other place in the country, it is pretty clear that there are a couple of different courses that we can follow. One of them is not the course suggested by the junior Senator from Minnesota, my colleague, Senator WELLSTONE, or my dear friend and colleague from Illinois, Senator SIMON.

People in Minnesota generally in education have decided that the way in which to improve the quality is by being able to measure the results of elementary and secondary education. I laud the goals that are set out in the amendment of my colleagues from Minnesota and Illinois, but I would have opposed their amendment had it been kept in its original form because it really does go against everything we are trying to do in elementary and secondary education in my State of Minnesota.

The key to change in Minnesota has been giving people not opportunity-to-learn standards designed in Washington, DC, or the basic common denominator put together by those who estimate what it takes in this country, but instead measurement of result, measurement based on what students actually learn through the process of education.

We did something neat in the city of Minneapolis recently, when we heard a school superintendent, who was really committed. He represented a whole lot of resources. He turned out to be simply a person who was so committed to improving and equalizing student performance in Minnesota that he ended up tying his own salary to how well the students in this huge city district were doing. Now, he is out challenging all of the students to do better than they did before, and to tell him and the other people in the school system how they can run the system better.

His name is Peter Hutchinson, and Peter in one way or another has engaged everybody in the city of Minneapolis now in a crusade for improved student performance. He has gotten students and teachers, colleges and community leaders, to sign up on a covenant. This is a copy of the covenant, and it is a commitment by students, families, teachers, principals, school staff, superintendents, the school board, and the community to the education in Minneapolis. It is a set of goals on which students promise to attend school regularly, work hard to do their best in class, help to keep the school safe—a whole variety of goals and objectives set by students, set by the parent or caring adult, staff person, or superintendent.

For everybody who signs up on this covenant, the superintendent has promised to sign the covenant, to deliver on his part of the commitment. So far, I think he has 20,000 people signed up in the city of Minneapolis, and he is going to have a lot of delivering he is going to have to do.

But, Mr. President, I suggest that in the city of Minneapolis, people have decided to change education because they need a change. And it is a process in which they are determined to judge the quality by the result. So the notion that we can develop a standard for Minneapolis or we can develop a standard for any other place in the country better than they can in their communities, which I think is the underlying premise under the opportunity-to-learn standards, I reject.

I certainly do hope in the discussion over a compromise amendment that these wishes expressed by people in our community and the people in this city can be adequately expressed.

Mr. President, I rise to oppose the amendment offered by my distinguished colleagues from Illinois and Minnesota.

Although I oppose this amendment, I support its objectives—to guarantee a greater degree of equity and educational opportunity for every school and for every child in America.

Our differences, Mr. President, are over how we achieve those common goals. And, we also differ on who should decide how those common goals should be achieved.

Mr. President, I believe this amendment represents an important test of whether the Congress can play a constructive role in support of State- and community-based education reform.

Our vote on this amendment also represents a critical crossroads in how we reform elementary and secondary education in America.

We could head down one path I personally believe the President and a majority of the House and Senate would prefer—a path that responds to the need of an equal opportunity for every American child, but a path that also respects America's diversity and the strong direction that State- and community-based education reform is now taking, a path that empowers parents, teachers, and local communities and a path that encourages more educational choices, more diverse learning environments, and an increased emphasis on rewarding schools and students that succeed.

Or, Mr. President, we could head down a second path that is promoted by this amendment—a path that could add billions of dollars in new obligations to already overburdened States and schools, a path that could produce an unprecedented level of prescriptive Federal involvement in individual school districts and schools and a path that would represent a major setback in the direction that State- and community-based reform is now taking.

Mr. President, my views on this issue were reinforced during several meet-

ings I had with educators in Minnesota during the month of January.

One of those meetings was with Minnesota's new education commissioner, Linda Powell. A second was with the new Minneapolis superintendent of schools, Peter Hutchinson.

Both these education leaders are strong proponents of change and improvements in education. They're also deeply committed to narrowing the huge gaps in student performance levels that are based on race, income levels, and other factors.

But, both Commissioner Powell and Superintendent Hutchinson are deeply committed to educational strategies that focus on results—strategies that reward teachers and schools based on improvements in what students actually learn.

Following our meeting in January, Commissioner Powell wrote the following commentary on the opportunity-to-learn standards provisions of Goals 2000:

Although there have been assurances made that the opportunity-to-learn standards will not become the framework for all future authorization of federal education programs, there is concern that the standards will indeed become the criteria upon which funding allocations will be made.

Therefore, the key feature, from Minnesota's perspective, is that the "opportunity-to-learn standards" remain voluntary, not mandated.

That position is not surprising considering the shift that Minnesota has been making over much of the last decade—away from accountability that's based on inputs—rules that require so many of this and so many of that—to accountability that's based on results—on what students actually learn.

Nowhere is that policy shift more evident than the goals and commitments of Minneapolis' new superintendent, Peter Hutchinson.

In fact, Peter Hutchinson is so committed to improving and equalizing student performance in Minneapolis that he is tying his own salary to achieving those very same goals. If student performance doesn't improve, he and his colleagues who are now running the district simply won't get paid.

Superintendent Hutchinson is engaging the entire city of Minneapolis in this crusade for improved student performance by getting students, parents, teachers, employers, and community leaders to all sign something called the Minneapolis Covenant.

And, he is showing his own commitment to these goals by promising to sign every single covenant he receives. So far, more than 20,000 of these covenants have been turned in by Minneapolis public school students, alone.

Mr. President, I ask unanimous consent to print in the RECORD the covenant to which I referred.

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

EDUCATION TAKES EVERYONE: THE MINNEAPOLIS COVENANT

Join us on Thursday, January 20, at 5 p.m., Richard R. Green Central Park School, 3416 4th Avenue South.

Celebrate the commitment of students, families, teachers, principals, and school staff, the superintendent of schools, the school board, community and you to education in Minneapolis.

Come and share the excitement as schools bring Education Takes Everyone: The Minneapolis Covenant pledges to a special celebration of commitment with Mayor Sharon Sayles Belton, Hennepin County Commission Chair Mark Andrew, Peter Hutchinson, Superintendent, and the children of Minneapolis.

Covenant 1. a formal, solemn and binding agreement. 2. a written agreement or promise usually between two or more parties, especially for the performance of some action. It is a declaration of intent by all parties who sign to help each other achieve mutual objectives.

These promises are voluntary commitments made by individuals to themselves and to others.

As a student:

I promise to attend school regularly; work hard to do my best in class and schoolwork; help to keep my school safe; ask for help when I need it; and respect and cooperate with other students and adults.

I need teachers and school staff who care about me; people who believe I can learn; schools that are safe; respect for my culture and me as an individual; a family and community that support me; and time with caring adults.

As a parent/caring adult:

I promise to have high expectations for my child as an individual; help my child attend school and be on time; find a quiet place for schoolwork and make sure work is done; help my child learn to resolve conflicts in positive ways; communicate and work with teachers and school staff to support and challenge my child; and respect school staff and the cultural differences of others.

I need teachers and support staff who respect my role as a parent/caring adult; clear and frequent communication with school; respect for my culture, and me and my children as individuals; and a community that supports families.

As a staff person (teacher, support staff or administrator):

I promise to show that I care about all students; have high expectations for myself, students and other staff; communicate and work with families to support students' learning; provide a safe environment for learning; and respect the cultural differences of students and their families.

I need students who are ready and willing to learn; respect and support from students, families, other staff and administration; assistance from staff and administration in removing barriers which prevent me from doing my best for students; and respect and support from the community.

As Superintendent:

I promise to believe that all students can achieve; have challenging expectations for students, families and staff; remove barriers to improved performance on all levels; promote education and the Minneapolis Public Schools; listen, hear and respond to feedback from students, staff and the community; and tell the truth in love.

I need staff, students, families and community committed to education and lifelong learning; a staff willing to challenge old assumptions and look for new ways to solve problems; a school board that is focused on what students need to achieve; students, staff and community members to communicate their needs and listen to one another; and a community that supports youth and families.

As a member of the School Board:

I promise to do all I can to meet the needs expressed in this pledge by students, families, staff, superintendent and the community. I will work to the best of my ability to create a school district and community where everyone can keep their covenants with each other.

As a member of the Minneapolis community:

I promise to respect, encourage and support students, families and teachers; be an active, contributing partner with the schools; make Minneapolis a safe and exciting place for students, families and teachers; support learning regardless of where it occurs; and provide jobs and post-high school opportunities.

I need educated and responsible workers and fellow citizens; an educational system that invites community input and feedback; and opportunities to be involved in producing educational results.

Mr. DURENBERGER. Both Commissioner Powell and Superintendent Hutchinson told me during our recent meetings that the last thing they need to achieve improved student performance is another round of federally required mandates and rules telling them how to do their jobs.

Educators in Minnesota want fewer mandates, not more. And, they want the flexibility to decide themselves how to produce the improvements in student performance that all of us—including the authors of this amendment—are so deeply committed to achieving.

Mr. President, concerns about the role of opportunity to learn standards have been at the heart of the debate over this legislation since even before it was introduced.

And, the administration, the Nation's Governors, and many Members of this body in both parties have worked hard to clarify the role that opportunity to learn standards will play in meeting the objectives of this bill.

Quite frankly, Mr. President, my preference would be to strike opportunity to learn standards from this bill entirely. However, I realize—for too many of my colleagues—that represents a totally unacceptable option.

With that reality in mind, I have supported the good faith efforts of Senator JEFFORDS, Senator KENNEDY, and others, to agree on language that makes it clear that opportunity to learn standards are one of several strategies that may be used to improve school performance.

I am pleased, Mr. President, that this effort has resulted in a reasonable agreement that is now embodied in this bill.

It is also now clear that meeting opportunity to learn standards will not be a requirement for participating in any Federal program.

This amendment, Mr. President, would upset the delicate balance that now exists between those who believe opportunity to learn standards have no place in Federal education policy, and those who insist that they be a part of more comprehensive reform.

Upsetting that balance could make this legislation impossible to get passed. And, I agree, Mr. President, with those who will argue that "no bill is better than a bad bill."

Let us not ignore what is at stake here, Mr. President.

As envisioned by their strongest supporters, opportunity to learn standards presume that every school, classroom, teacher, and student is the same.

In the extreme, opportunity to learn standards also assume that a common set of inputs will result in greater equity and produce a higher common level of learning for every American student.

These are objectives we all share, Mr. President, but opportunity to learn standards are the wrong way to go in trying to achieve them.

In addition to their top-down approach to reform, these standards totally ignore the growing diversity of America's students and communities and schools.

That diversity, Mr. President, can only be served through many different teaching and learning environments that each community is empowered to help design.

One of the biggest concerns I have heard expressed about these standards, Mr. President, is what they might cost to achieve.

If the Federal Government were to impose uniform opportunity to learn standards, States and local communities could be burdened with billions of dollars in new obligations needed to achieve a common set of conditions.

Conditions like higher and equal funding levels, lower student-teacher ratios, better trained or educated staff, more computers, new textbooks, more up-to-date facilities, more volumes in the library.

But, this huge new unfunded mandate is not all.

My single biggest fear of mandatory opportunity to learn standards is that schools would never be held accountable for improving what students actually learn.

One national education leader who has helped me understand this reality, Mr. President, is Al Shanker, long-time president of the American Federation of Teachers.

Al Shanker's view is that, if America is to compete in the world economy, we cannot afford to wait until every school meets a common set of input-oriented requirements.

He makes the same point about tough academic standards that he argues should be applied to all students, regardless of the disadvantages they may face.

If we avoid tough standards until all students can meet them, Al Shanker points out, the rest of the world will pass us by. And, if we excuse schools that do not yet have all the tools national standards claim they need to be successful, their students will get left behind.

Shanker made that point forcefully at a hearing last spring sponsored by the National Governors' Association when he said "It's totally wrong to hold the development of content and performance standards hostage until you solve all of the equity issues, or most of the equity issues, or even some of the equity issues."

Mr. President, because of the strength and logic of his arguments, I ask unanimous consent that a commentary by Al Shanker that appeared recently in both the New York Times and New Republic magazine be printed in the RECORD.

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

LET'S SUPPOSE

(By Albert Shanker, President, American Federation of Teachers)

For a moment, let's suppose. Suppose the United States were the only industrialized country that did not participate in the Olympics., A number of reports informed us that this was a major disaster. Fewer American kids engaged in sports than youngsters in other countries, fewer exercised and fewer had good eating habits. It was clear that the physical well-being of our nation was at risk.

Legislation was introduced to have the U.S. enter the Olympics in the year 2000. First, there would be an American Olympics to select the athletes to represent us. The business community offered support. High school coaches applauded the idea. Governors and the President met to proclaim Olympic Goals: That the U.S. become first in the world in swimming and diving, basketball, figure skating, the high jump. . . . The President proposed legislation for a U.S. Olympic Commission to establish the rules for participation, etc.

Just as Congress was bout to vote on the bill, some members had second thoughts. They pointed out that community recreation facilities and schools, where most of the training would take place, were under local or state control. So it was wrong for the federal government to be involved in trying to raise us to Olympic standards. Also, some didn't like the idea of getting youngsters psyched up to compete with one another. (Isn't cooperation and teamwork what we need?)

The biggest problem was fairness. Critics said that some of the kids competing would not have had as many opportunities to run, jump and swim as others. Some youngsters might not be able to complete because of poor prenatal care or because they lacked adequate nutrition and health care as children. Some might have spent their childhood in dangerous slums, where they were kept inside for their own safety. They might never have seen a well-equipped gym or had a chance to learn a sport. But other youngsters would have had excellent nutrition and health care, schools with fine athletic facilities, even swimming pools of their won and private coaching. On the whole, these youngsters would undoubtedly perform better than kids who had not had their advantages.

Some members of Congress therefore argued that we should not start domestic competition until all likely contenders had had the same opportunities. So the House Physical Education and Athletic Committee amended the legislation The U.S. Olympic Commission would not only set standards of participation; it would also shut down any state or local competitions in which some contenders hadn't had access to good prenatal care or nutrition or adequate gyms or swimming pools. Also, for the first five years, no one could be declared a winner or loser in any competition. After five years, Congress would reconsider this ban.

Counterproductive? Yes, but this is how Congress is about to deal with education. Congress is considering Goals 2000, a bill that would get us academic standards and assessments similar to those in other industrialized democracies whose students routinely outperform ours. The system would include consequences designed to get kids to work as hard as they do in these countries because they know that something important—like getting into college or getting a job—is at stake. But supporters of "opportunity-to-learn standards" say that the new standards and assessments should not count for anyone until all our children have the same opportunities.

That's too bad. The Olympics example tells us we'd be cheating poor kids if we denied them the right to compete because they didn't have decent gyms. A lot of youngsters who come from tough neighborhoods have been inspired by the standards of Olympic competition, and they've overcome obstacles and created their own opportunities. Something similar would happen if we challenged disadvantaged youngsters with clear and high education standards and assessments they could study for. When held up to high standards and shown the route to something they really wanted, a lot of youngsters who now do nothing because nothing is asked of them would begin working and succeeding—at the very least, doing better than they do now. And, as the Olympic example also tells us, there would be a lot of pressure to make sure that gyms were built and coaches trained in places where they didn't exist before.

The debate on equity has been wrong. The extreme right talks as though willpower is all youngsters need to overcome every obstacle. This has let conservatives off the hook for improving children's circumstances. the extreme left speaks only about equalizing circumstances and ignores what youngsters themselves can do when quality is demanded of them. In the real world, people participate in the game and do the best they can—sometimes against great odds. That's what we have to insist youngsters do as we insist that the obstacles they face come down.

Mr. DURENBERGER. Mr. President, to repeat what I said earlier, we are now at a critical crossroads in designing a proper and effective Federal role in support of State- and community-based education reform.

This Senator would like very much to be able to support a Goals 2000 bill that achieves that objective.

But this amendment heads us in exactly the wrong direction—down a path that this Senator—and, I believe, the President, the majority of this Congress, and the American people believe is just plain wrong.

I intend to oppose this amendment, Mr. President. And, I urge my colleagues to oppose it as well.

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

The PRESIDING OFFICER. The senior Senator from Missouri.

Mr. DANFORTH. Mr. President, I ask unanimous consent that Senator BRADLEY and Senator DOLE be added as cosponsors of my sense-of-the-Senate amendment.

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

Is there further debate on the amendment?

If not, the question occurs on amendment No. 1368, offered by the Senator from Missouri [Mr. DANFORTH].

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. MITCHELL. Mr. President, I ask unanimous consent that the time for debate on the pending amendment be limited to 6 minutes, with 4 of those minutes under the control of the Senator from New Jersey [Mr. LAUTENBERG]; that following his remarks the remaining 2 minutes under the control of Senator DOLE, the Republican leader; and that upon the completion of Senator DOLE's remarks, the Senate proceed to vote without any intervening action on the pending amendment.

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

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I thank the majority leader for enabling me to respond to this very worthwhile amendment that has been proposed by the distinguished Senator from Missouri and by the junior Senator from Vermont.

It is so appropriate that the Senator from Missouri is the one who would take the lead in this kind of a recommendation, to renounce the kind of ugliness and hate that is portrayed in the remarks made by Mr. Khalid Abdul Mohammad at Kean College in the State of New Jersey on November 29.

It is particularly appropriate because the Senator from Missouri [Mr. DANFORTH], is trained and is qualified and is ordained as a minister. Even though on occasion there is a disagreement about a particular matter because of partisan differences or maybe regional differences, he has always spoken up as a man of principle, a person determined not to permit emotions or bias to get in the way of logic. I thank him for it and I am here to support the amendment and to add my name to the list of cosponsors.

I want to say, Mr. President, that we should never restrict free speech. But when we know that it is vicious, when we know that it is designed to separate, when we know that it is designed to punish a group or an individual, we ought to be prepared for that kind of vitriol and we ought to have someone standing right behind that person so that a rebuttal, if necessary, can be offered.

The assertions, the accusations that were made by Mr. Mohammad were insulting not only to the Jewish community, because they were decidedly and deliberately anti-Semitic, but it was an insult to any group that he might have been talking about.

Were this a comment, a speech made about African Americans, I am sure we would have heard just as vocally from the Senator from Missouri, just as the Senate is now hearing from me. It is just as ugly, just as unacceptable in this great society.

Yes, you are permitted to speak and at times even make speeches that are painful. But the suggestions, the enormity of the disgrace that was heaped upon the Jewish community by this ugly speech was not repudiated by Mr. Farrakhan, the leader of this particular movement.

I am glad to see that Congressman Mfume, the leader of the Black Caucus in the House, has stood up against this. So has Representative RANGEL from New York City. And so has Rev. Jesse Jackson.

Even as they speak of black pride, of black aspirations, even if one has to turn a cheek sometimes to help a group that may be disenfranchised or handicapped by discrimination, one cannot accept this kind of striking out that we heard from Mr. Mohammad.

He is now invited to appear at Trenton State College, in my State of New Jersey, by a group of students anxious to bring him there, with the funds for his speech being raised out of the students' college funds.

Once again, we cannot say no, but we can describe our anger and our distaste for this kind of speech. This is the kind of a speech that separates our country, that invites anger, that invites assaults, that invites hatred.

Mr. President, he advocated in the speech the killing of whites in South Africa, hardly a way to reconcile differences.

So Mr. President, I join with the distinguished Senator from Missouri in his condemnation of this kind of hatred.

I thank the majority leader for the opportunity to speak on this matter.

The PRESIDING OFFICER. The Republican leader is recognized for 2 minutes.

Mr. DOLE. Mr. President, I congratulate my colleague, Senator DANFORTH, for offering the pending amendment. I had originally intended to offer an amendment myself, so I am pleased that Senator DANFORTH has taken the lead on this important issue.

Anyone who believes that Louis Farrakhan's Nation of Islam has undergone a moderate makeover should read the transcript of a recent speech given by Khalid Abdul Muhammad, the Nation of Islam's national spokesman.

The speech, given to an audience of students at New Jersey's Kean College last November, is a hateful spew of anti-Semitic, anti-Catholic, and racist bombast that is offensive to all decent Americans, regardless of race and religious background.

According to the Nation of Islam's national spokesman, Jews "are the blood suckers of the black nation and the black community," who control the Federal Reserve, our Nation's finances, even the White House.

He claims that if the white population does not leave South Africa within 24 hours of majority rule, "We kill the women, we kill the children, we kill the babies, we kill the crippled * * * we will kill 'em all. * * *"

Even the Pope does not escape Muhammad's hate-filled insults.

To their credit, African-American leaders such as Jesse Jackson, Benjamin Chavis, former Congressman Bill Gray, and sitting Congressman JOHN LEWIS have all publicly denounced Muhammad and his racially divisive remarks.

Unfortunately, the one person who has been strangely silent during the whole controversy is Louis Farrakhan himself, who allows Muhammad to continue to act on behalf of the Nation of Islam as national spokesman. According to news accounts, Mr. Farrakhan believes that the Government and the Jewish community "Want to use [Muhammad's] words against me to divide the house."

If Mr. Farrakhan wants to enter the political and social mainstream, then his actions will have to speak louder than the words of some of his associates. If Mr. Farrakhan wants to participate in healing America's racial wounds, then he will have to disassociate himself from those who would use his name and his organization to preach a message of hate and intolerance.

Mr. President, I urge my colleagues to join with Senator DANFORTH in supporting this important amendment.

I think the matter is very clear. I am certain the vote will be unanimous. I yield the floor.

The PRESIDING OFFICER. Under the previous order, the question now occurs on amendment No. 1368, offered by the Senator from Missouri [Mr. DANFORTH].

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. SIMPSON. I announced that the Senator from Arizona [Mr. MCCAIN], the Senator from Oklahoma [Mr. NICKLES], and the Senator from Alaska [Mr. STEVENS] are necessarily absent.

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

The result was announced, yeas 97, nays 0, as follows:

[Rollcall Vote No. 19 Leg.]

YEAS—97

Akaka	Faircloth	Mathews
Baucus	Feingold	McConnell
Bennett	Feinstein	Metzenbaum
Biden	Ford	Mikulski
Bingaman	Glenn	Mitchell
Bond	Gorton	Moseley-Braun
Boren	Graham	Moynihan
Boxer	Gramm	Murkowski
Bradley	Grassley	Murray
Breaux	Gregg	Nunn
Brown	Harkin	Packwood
Bryan	Hatch	Pell
Bumpers	Hatfield	Pressler
Burns	Heflin	Pryor
Byrd	Helms	Reid
Campbell	Hollings	Riegle
Chafee	Hutchison	Robb
Coats	Inouye	Rockefeller
Cochran	Jeffords	Roth
Cohen	Johnston	Sarbanes
Conrad	Kassebaum	Sasser
Coverdell	Kempthorne	Shelby
Craig	Kennedy	Simon
D'Amato	Kerrey	Simpson
Danforth	Kerry	Smith
Daschle	Kohl	Specter
DeConcini	Lautenberg	Thurmond
Dodd	Leahy	Wallop
Dole	Levin	Warner
Domenici	Lieberman	Wellstone
Dorgan	Lott	Wofford
Durenberger	Lugar	
Exon	Mack	

NOT VOTING—3

McCain	Nickles	Stevens

So the amendment (No. 1368) was agreed to.

Ms. MOSELEY-BRAUN addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Ms. MOSELEY-BRAUN. Mr. President, I ask permission to speak as if in morning business.

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

Ms. MOSELEY-BRAUN. Mr. President, I would like to take a cue from my colleague's remarks and from the sense-of-the-Senate amendment that we just passed. As you can tell, I am speaking extemporaneously. Events have a way of catching up with us sometimes, and we do not necessarily prepare written speeches. But I think it is important to speak to the issue of this resolution, and to speak to the whole question of the tenor in our country that gives rise to expressions of racism and expressions of anti-Semitism.

I think in the first instance that it is important and appropriate that the Senate take the action that it just did because I think it is important and appropriate that every American of good sense and good standing renounce the rantings of a madman, that would spew such venom and such evil into our public discourse.

Mr. President, I would make the point that we ought to call it exactly what it is. It is evil. It is evil to talk about killing people. It is evil to talk about racism, to be racist, to suggest racism as a course of action or the philosophy that someone can embrace. Certainly, the statements of anti-Semitism that my colleague just read and that we have all read at this point constitute such an evil. We need to renounce it. We need to reject it. We need to have it purged and expunged from our debate.

Mr. President, I would go a step further. That is to say and to suggest to everyone that it is not simply enough that we take a position and make a stand and make a speech saying we renounce anti-Semitism, we renounce racism, we renounce these statements as they are made because there are statements made in a lot of different quarters and on a lot of different occasions by a lot of different people of the same kind of import and in the same direction. We will not be able, Mr. President, to wipe out, to eliminate racism, to eliminate anti-Semitism unless we each and every one of us as individuals, and collectively undertake to attack the foundation that gives fertile ground to those kinds of evil expression.

I submit to you, Mr. President, that that is the challenge that we are all called to in this town, to begin to take on these expressions, to take on the conduct that gives rise to them, and to say we not only reject the expressions but we reject the conditions that they are aimed at. We reject pitting people against one another in a fight for scarce resources or to suggest to people that their problems are the fault of someone else. We reject giving people the out of saying that I am better than you are because of my ethnicity or my race. We reject giving people the excuse for failure that racism and anti-Semitism so conveniently provides for all too many in our community.

I submit to you that it is incumbent on each and every one of us to take a look at the entire picture, to address this issue as part of an evil that will only be allowed to grow if we do not do what we have to do to create a climate of opinion in our community, to create an environment in our community that says that coming together as brothers and sisters, coming together as Americans, coming together as human beings united in our humanity is the only route for us to take in this country and in this world.

We have seen all over the world the sparks of xenophobia, the sparks of racism, polarizing people and setting up bloody horrible wars in some parts of the world. We certainly here in America have an opportunity and an obligation to nip in the bud any such sparks that would divide us as a people.

Following the call that our President has issued to the American people, following the call that I think was expressed in the resolution that we just passed, as Americans, we have an opportunity, indeed an obligation, given our history to begin to heal such wounds as may exist, to break down such divisions as may have already been created, to come together as a humans, and to say that we are supportive, one of the other, of Americans, and that we are dedicated and we will dedicate our lives in the fight against racism, in the fight against anti-Semitism, in the fight against those forces that would divide us, and set us one against the other in a futile pursuit of the evil such as was expressed in this speech that Senator BRADLEY just read on the floor.

So, Mr. President, again, I hope that I have not rambled, and I hope that my words are taken in the spirit, in the context of an extemporaneous speech. But to say that I think that we need to make certain that we give no truck to the demagogs who would use racism and anti-Semitism as a way of building on something, that we begin to remove the very foundations of whatever it is that they think that they can address, that we begin to attack, aggressively attack the environment that anyone would for a moment think gives rise or gives fertile ground to the kind of racism as was expressed in that speech, and that as Americans we are very clear in coming together and saying that we have moved into a new age, and that new age says that we are a people, we are one people, and we are male and female, black and white, Jew and Gentile, Christian and Moslem, and that in that healthy mix is built the fabric of American society.

As we come together as Americans we will build on our diversity, we will use our diversity as the basis from which we grow as opposed to the cauldron upon which we are pitted one against the other.

That is the approach that I believe that this Senate has adopted today. That is certainly the approach that I stand for, and I know the Chairwoman believes in as well. And I hope that the message goes forth this afternoon loud and clear that that is the only acceptable approach, and the only acceptable position in these United States, in this time, and that working together we can build a stronger nation in which such expressions are absolutely cast outside of the realm of responsible conversation and discussion.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Mr. President, several Senators have inquired as to the schedule for the evening. There are a number of amendments remaining to be considered on the bill. It is my intention that we will continue in session. Further rollcall votes will occur unless an agreement to the contrary is

reached and announced. Therefore, Senators should be prepared to remain for the evening for some time yet to come as we continue to make progress on this bill.

I thank my colleagues for their patience and cooperation.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER (Mrs. FEINSTEIN). The Senator from North Dakota.

Mr. DORGAN. Madam President, I ask unanimous consent to set the pending amendment aside so that I might be able to offer an amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 1369

(Purpose: To provide for gun-free schools)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN], for himself and Mr. CONRAD, proposes an amendment numbered 1369.

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

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

The amendment is as follows:

At the appropriate place, insert the following:

TITLE —GUN-FREE SCHOOLS

SEC. 01. SHORT TITLE.

This title may be cited as the "Gun-Free Schools Act of 1994".

SEC. 02. GUN-FREE REQUIREMENTS IN ELEMENTARY AND SECONDARY SCHOOLS.

The Elementary and Secondary Education Act of 1965 (20 U.S.C. 2701 et seq.) is amended—

(1) by redesignating title X as title IX;

(2) by redesignating sections 8001 through 8005 as sections 9001 through 9005, respectively; and

(3) by inserting after title VII the following new title:

"TITLE VIII—GUN-FREE SCHOOLS

"SEC. 8001. GUN-FREE REQUIREMENTS.

"(a) REQUIREMENTS.—

"(1) IN GENERAL.—No assistance may be provided to any local educational agency under this Act unless such agency has in effect a policy requiring the expulsion from school for a period of not less than one year of any student who is determined to have brought a weapon to a school under the jurisdiction of the agency.

"(2) DEFINITION.—For the purpose of this section, the term "weapon" means a firearm as such term is defined in section 921 of title 18, United States Code.

"(b) REPORT TO STATE.—Each local educational agency requesting assistance from the State educational agency that is to be provided from funds made available to the State under this Act shall provide to the State, in the application requesting such assistance—

"(1) an assurance that such local educational agency has in effect the policy required by subsection (a); and

"(2) a description of the circumstances surrounding any expulsions imposed under the policy required by subsection (a), including—

"(A) the name of the school concerned;

"(B) the number of students expelled from such school; and

"(C) the types of weapons concerned.".

Mr. DORGAN. Madam President, I offer this amendment for consideration this evening. I understand this legislation deals with America's schools, with learning, with students, and with our education system. It is hard to talk about learning and education unless, and until, we have a safe environment for students in our school systems.

Let me just show you the headline from a Washington Post article from, January 27 of this year: "School Shootings Break Out in the District of Columbia"—school shootings; not just shootings, school shootings.

I recently visited schools here in the District of Columbia. It is probably not surprising to anybody anymore; but a decade ago we would have been shocked if we saw what I did when walking through the front door of the school. I did not see books or a smiling teacher with an apple. I saw a metal detector. Why do we need metal detectors at the front doors of our schools? Because all too often, we are finding that weapons are coming into our schools.

Shootings are breaking out in the classrooms and in hallways of America's schools.

I offer an amendment along with my colleague from North Dakota [Mr. CONRAD] called the Gun Free Schools Act of 1994. My colleagues, Congressman MILLER from California and Congressman DURBIN, have offered this bill in the House of Representatives, and I offer the companion bill here in the Senate.

It is a very simple piece of legislation. It simply says that school districts who avail themselves of Goals 2000 Funds shall have in place a policy that says if students bring guns to school, they are subject to a 1-year expulsion.

Simply translated, all across this country students should understand, if you bring a gun to school, you are going to be expelled from school. Schools and guns do not mix. There simply is no place in America's schools for guns.

This is the Washington Post front page that I described moments ago, January 27, less than a week ago; "School Shootings Break Out In D.C."

Let us find a way, as a matter of public policy, to tell all students across this country, and to tell school districts across this country, that schools and guns do not mix. We want a uniform policy; if a student brings a gun to school, he or she is expelled from school. That is what my amendment does.

I could give you more information about some of the tragedy that has occurred in our schools in recent years. Many of you have recited this and we have discussed it during the crime bill debate: Between 1986 and 1990, 71 people, including 66 students, were killed by guns in schools; another 201 were severely wounded in schools; and 242 were held hostage at gunpoint in schools.

I offer this amendment in the construct of creating a bill on education that I think has a lot to commend it.

I appreciate very much the wonderful work of Senator KENNEDY, and the work of Senator JEFFORDS, and so many others who spoke eloquently on this floor about what we need to do to create goals for education in this country.

They are on the right track, and have brought to this country a public policy discussion that is long overdue.

I simply added to it an amendment, and ask for its consideration: that we decide to separate guns and schools and send a message all across this country, if you bring a gun to school you are going to be expelled.

Madam President, I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

The Senator from Massachusetts.

Mr. KENNEDY. Madam President, I understand the sense of my good friend from North Dakota about the use of guns in schools.

We want to try and deal with the problems of violence in schools as we do violence in communities. Obviously, there should be no place for guns in the schools of this country.

The tragic circumstance is that in many cases where children have guns in schools, it is for self-protection. They are not the ones who perpetrated the violence. Clearly, those individuals who have been exploited, who have been in some instances beaten and treated harshly, and who in many cases are extremely young—those individuals feel that their only way to protect themselves, tragically, is through the possession of a gun.

We are sympathetic to their plight. I would like to try to see if we cannot work with the Senator on this issue. I have great respect for him. It is rarely in this body that I am put in a position of not being stronger on the issues of guns than my colleagues. But this is one that I would like to try to see if we cannot work out a process for dealing with the central thrust of the Senator's amendment. I would also like to demonstrate some sensitivity for what I saw, really in the last 10 days, when I spent an afternoon with eight police officers in Boston who were in charge of working with gangs to disband them and to identify those who were involved in the greatest degree of violence, and treating them with the appropriate kind of tough law enforcement. The police officers also were attempting to use some of the preventative options in the omnibus crime bill, such as trying to wean young people away from gangs and move them into more productive lifestyles.

So I have great empathy for the Senator's concerns, and I would like to try to work with him and see if we cannot accommodate his objectives.

My only hesitation at this point is putting a mandate for children on this, which may very well not deal with the problems of violence and cause some serious injustice to younger people that might put them on a road towards a more difficult life. So I do not know if the Senator will permit us to perhaps set it aside and see what we might be able to work out. I certainly would be willing to do so.

Mr. DORGAN. Madam President, if the Senator from Massachusetts will yield, I have no objection to setting it aside for the moment, and will be happy to visit about it.

May I just respond to two points?

Mr. KENNEDY. Yes.

Mr. DORGAN. As I said, I recently visited a couple of inner-city schools and there are metal detectors at the front doors. I do not doubt that there are students who will decide, maybe, to bring a weapon to school because they feel threatened. But that is precisely the wrong thing to have happen.

We must find ways to keep all guns out of schools. It is hard to be moderate on this question. It is hard to be moderate because I have talked to kids in the schools. I just had a kid say to me a month ago "You do not understand." This is 16-year-old kid who said:

You do not understand. You might look at someone sideways and that person thinks you smirked at them, and you might get a bullet after school. You might be the victim of a terrible crime. You do not understand what this is all about. You've got to avoid looking at people. You've got to avoid giving somebody the impression you are giving them the wrong look. You've got to stay out of trouble. You've got to avoid all kinds of circumstances.

"It's a tough life," he told me.

I do not know how I would react, nor do most of you in those same circumstances. But I tell you how we should react. No one who wants protection should be allowed to bring a gun to school for protection. We certainly ought to weed out those kids who would bring guns to school to terrorize others.

The Senator from Massachusetts said it well, and no one needs to talk about his record on the issues. It stands above almost all others in this Chamber.

I would just say there is a time when you say let us not be moderate on the issues. Let us make sure that we send a message all across this country at a time when crime is becoming epidemic and violent crime is epidemic in America—we must say to kids, "Do not bring guns to school. To do so will bear certain consequences."

I wanted to make those points because I think this is the place to say it. I would be happy to set this amendment aside and be glad to visit with Senator JEFFORDS and Senator KENNEDY in the ensuing hours. By that I mean the amendment will continue to lay before the Senate and set aside the vote I am talking about.

The PRESIDING OFFICER. Is there objection to the amendment being set aside?

Mr. JEFFORDS. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Madam President, I certainly commend the Senator for bringing this amendment before us. Certainly we all are deeply concerned about guns in schools. However, the wording of it disturbs and it might be something we can work at.

In Vermont I know, for instance, just the other day a kid got a birthday present when he was on his way to school. All sorts of problems followed. Most importantly, my philosophy is that this is a matter the State ought to control itself. We ought not to mandate gun laws on the States. Therefore, I have a hard time philosophically agreeing to amendments of this kind.

For instance, I know other practices. In Vermont we bus kids from long ways. Sometimes they may go hunting in different places after school, and will end up driving with their friends to hunt deer. This is certainly not what should be considered at this time.

I feel strongly this ought to be left to the States.

However, I would be glad to work with the Senator with respect to his amendment to see if we can develop some sort of policy statement.

And, with that, I would withdraw my reservation.

The PRESIDING OFFICER. Who seeks recognition?

Mr. KENNEDY. Madam President, if it is agreeable with the Senator, then, we would temporarily set it aside and attempt to work with the Senator to see if we cannot accommodate the Senator.

The PRESIDING OFFICER. I am informed it is not necessary to formally set it aside; that that would just be the case.

Mr. KENNEDY. The Senator has submitted it. I believe we have to ask consent to set it aside.

The PRESIDING OFFICER. I interpret the Senator has requested unanimous consent to temporarily set aside the amendment.

Is there objection?

There being none, the amendment is temporarily set aside.

Mr. GREGG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

AMENDMENT NO. 1370

(Purpose: To strike all references to opportunity-to-learn standards)

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

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from New Hampshire [Mr. GREGG] proposes an amendment numbered 1370.

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

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

On page 2, in the table of contents, strike the item relating to section 218.

On page 4, line 6, insert "and" after the semicolon.

On page 4, strike lines 7 and 8.

On page 4, line 9, strike "(D)" and insert "(C)".

On page 5, strike lines 6 through 9.

On page 5, line 10, strike "(D)" and insert "(C)".

On page 5, line 18, strike "(E)" and insert "(D)".

On page 7, strike lines 4 through 8.

On page 7, line 9, strike "(8)" and insert "(7)".

On page 7, line 15, strike "(9)" and insert "(8)".

On page 7, line 20, strike "(10)" and insert "(9).

On page 7, line 23, strike "(11)" and insert "(10)".

On page 8, line 3, strike "(12)" and insert "(11)".

On page 8, line 5, strike "(13)" and insert "(12)".

On page 8, line 8, strike "(14)" and insert "(13)".

On page 17, line 10, strike ", voluntary" and insert "and voluntary".

On page 17, lines 11 and 12, strike "and voluntary national opportunity-to-learn standards".

On page 22, line 10 insert "and" after "standards,".

On page 22, lines 11 and 12, strike ", and opportunity-to-learn standards".

On page 22, line 13, strike "standards," and insert "standards and".

On page 22, lines 15 and 16, strike "and voluntary national opportunity-to-learn standards".

On page 24, lines 3 and 4, strike "voluntary national opportunity-to-learn standards,".

On page 24, line 6, strike "213(e)" and insert "213(c)".

On page 29, line 11, insert "and" after the semicolon.

On page 29, strike all beginning with line 12 through page 30, line 2.

On page 30, line 3, strike "(5)" and insert "(3)".

On page 36, beginning with line 23, strike all through page 40, line 5.

On page 40, line 6, strike "(e)" and insert "(c)".

On page 43, line 24, strike "content, student performance, and op-" and insert "content and student performance".

On page 44, line 1, strike "portunity-to-learn".

On page 44, line 12, strike "content," and insert "content and".

On page 44, line 13, strike ", and opportunity-to-learn".

On page 44, line 17, strike "content, student performance," and insert "content and student performance".

On page 44, line 18, strike "and opportunity-to-learn".

On page 44, line 21, strike "standards," and insert "standards and".

On page 44, lines 22 and 23, strike ", and the voluntary national opportunity-to-learn standards".

On page 45, line 24, strike "voluntary national opportunity-to-learn stand-".

On page 46, line 1, strike "ards,".

On page 46, line 2, strike "213(e)" and insert "213(c)".

On page 49, strike all beginning with line 9 through page 51, line 7.

On page 59, line 8, strike "231(d)" and insert "231(c)".

On page 63, strike lines 17 through 20.

On page 63, line 21, strike "(d)" and insert "(c)".

On page 79, strike lines 6 through 17.

On page 79, line 18, strike "(e)" and insert "(d)".

On page 79, line 21, strike "(f)" and insert "(e)".

On page 80, line 7, strike "(g)" and insert "(f)".

On page 80, line 15, strike "(h)" and insert "(g)".

On page 80, line 21, strike "(i)" and insert "(h)".

On page 81, line 1, strike "(h)" and insert "(g)".

On page 81, line 3, strike "(j)" and insert "(i)".

On page 82, line 21, strike "(k)" and insert "(j)".

On page 83, line 10, strike "(l)" and insert "(k)".

On page 85, line 19, strike "(j)" and insert "(i)".

On page 88, lines 8 and 9, strike "comprehensive State opportunity-to-learn standards,".

On page 107, line 13, strike "213(e)(1)(B)" and insert "213(c)(1)(B)".

On page 113, lines 7 and 8, strike "promote the strategies described in section 306(d),".

On page 114, lines 24 and 25, strike "to promote the strategies described in section 306(d)".

Mr. GREGG. Madam President, I ask unanimous consent that the amendment be considered in its present form as it amends a series of sections of the bill and that it be deemed in order.

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

Mr. GREGG. Madam President, this amendment addresses the issues which have been talked about at some length already today on this bill, which are the opportunity-to-learn standards. I think that issue should be reviewed a little bit so everybody understands what we are talking about.

What this amendment does is essentially eliminate the opportunity-to-learn standards. Now that does not fundamentally undermine the bill, to eliminate those standards.

Let us talk about what this bill does. This bill first and foremost sets out the goals—which were agreed to with a couple of additions at the Charlottsville Governors Conference, as called by President Bush and which, of course, then Governor Clinton was the chairman of the Governors Conference and was a major player in designing those goals, which goals, everybody agrees, are excellent and very appropriate—and takes those goals and makes them the goals of the Nation as designed by this bill, Goals 2,000.

In addition, the bill, in an attempt to address those goals, sets out a variety of steps. It creates a fund which is available to the States to try to set up plans for the purposes of designing school systems and assisting in developing school systems within the States which meet the goals of the Nation as set forth at the Governors Conference. It has a section which, as part that effort, deals with assessment and deals with content. And in the assessment area, which I happen to consider to be critical, we are talking about assisting the States in designing methodologies which will allow them to determine where their students have ended up in the school in proficiency, so that a town in New Hampshire, third graders can be assessed in relationship to a town in California or a town in Massachusetts and, hopefully, even in a town in Japan and a town in Germany and we can get a sense of where we stand. That is a very important initiative which is appropriate.

But in the effort to accomplish this, of instituting into the Federal language the goals of the Governors Conference and making sure those goals are attained, there was sort of a sidetrack that occurred here, and we went off on a tangent. And what that tangent became known as is opportunity-to-learn standards.

Earlier in this debate, I pointed out basically the opportunity-to-learn standards amount to the control over the methodology of manner which teaching occurs.

We were successful, and I very much, of course, appreciated the chairman of the committee and the floor manager on the Republican side accepting a series of amendments which made it clear that in designing these opportunity-to-learn standards, they would not be mandated on the States.

But the opportunity-to-learn standards still will exist and they still will be available for a variety of activities in the area of top-down management of education. I believe there is a consensus in this Senate that the best form of education is that education which occurs and is controlled at the local level, where the local folks have the decision process in their hands—the teachers, the school boards, the principals, and the parents. It is essential that, in designing and addressing our educational system in this bill, we not do something which is fundamentally going to undermine that in an attempt to accomplish the goals.

However, by having these opportunity-to-learn standards in this bill, we do something which I believe fundamentally undermines that local control over education. The opportunity-to-learn standards are pervasive. We went over this earlier, but I think it is worth reviewing. They affect almost all functions of education. They affect the curriculum, they affect class size, they affect the manner of education.

Let me just review it again. Opportunity-to-learn standards shall address the quality and availability of curricula, instructional material, and technologies; that is, designing the methodology that is to be used to educate.

It shall address the capabilities of teachers to provide high quality instruction to meet diverse learning needs.

It shall address the extent to which teachers and administrators have ready and continuing access to professional development, including the best knowledge about teaching.

It shall address the extent to which curriculum, instructional practices, and assessments are aligned to content standards.

And, the catchall phrase, it shall address other factors that the council deems appropriate to ensure that all students receive a fair opportunity to achieve the knowledge and skills described in the voluntary national content standards and the voluntary national student performance standards certified by the council.

It is a process for developing national standards on a methodology of teaching. Granted, because of the amendments that we have placed in here, they will not be mandates on the States, but still they will be denied this national standard.

It is a standard which I think inevitably will be used at the local level to try to wrest control from the local level in designing curriculum.

Why is it needed? It is not needed. That is the whole point. We do not have to take this step of Federal officiousness in order to accomplish what the basic thrust of this legislation is and what the goals were of the Governors Conference and what the goals are of the President, which is to improve education and reach the national goals.

If we want to reach the national goals, let us leave it up to the imagination of the local communities to decide how they do it, but let us give them the standard to determine whether or not they got there through the assessment process.

So you can eliminate this entire activity, this opportunity-to-learn activity, which is basically a grand scheme to design a national curriculum and create a national methodology. You can eliminate this one section and have absolutely no impact on the substance and the energy of this bill and you will in fact significantly improve this bill because you will make it clear beyond question that the goals are going to be obtained by energizing the local communities—the parents, the teachers, the principals, and the school boards—and not by having some Federal group designing a plan that the local communities feel they must adopt.

And so this amendment, which has to some degree already been debated be-

cause the issue has been raised—and I know my colleague from Minnesota and my colleague from Illinois wish to go the other way and make it much more in the amendment which they offered, which has been set aside, which is now subject to a second degree by the chairman of the committee, to make these opportunity-to-learn standards much more of a mandatory event on the States and the communities—they raised the whole issue and they argued for where it should be mandatory. What I am arguing for is the fact it should not even be in here and it makes to sense to have it.

And so, as a result, I have offered this amendment, which I believe improves the bill substantially, makes this bill a force for maintaining local control, while obtaining the Goals 2000 as they are outlined in the bill.

Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Madam President, I rise in somewhat reluctant opposition to the amendment. I do so primarily because this has been a very, very difficult area. In fact, I believe it was this area, more than anything else, which was in much different form, which caused the defeat of the conference report which came back after the last attempt to pass similar legislation

However, we have worked tediously since that time to make sure there would be a compromise and an agreement on the opportunity-to-learn portions of the bill, so that it could be accepted at least a majority of the Members of the Senate.

I hope and believe that we have done that. We have turned aside amendments to strengthen the opportunity-to-learn standards. We are now turning aside attempts to weaken them. And now, the ultimate is being offered and that is to strike the whole section.

I think it is important to keep in mind why we are here. This is a crisis time. It was pointed out to us in 1983. That was more than 10 years ago. Here it is, 10 years later and we are just getting around to establishing the goals. Time is running out. In fact, it has run out in a lot of respects. However, we have to deal with the situation as we see it. The situation, as I see it, is that we do not have time to wait and see if the local governments will have the ability, without assistance from a purview or review of national standards and national ideas and all, to get the minds that are working on this project to sit down and develop the kinds of standards that are necessary to ensure that when a child is in school, he or she will receive the education necessary to attain the goals.

I see nothing evil about allowing groups to get together to establish recommendations—voluntary recommendations—on what could be done or should be done in order to meet the goals. On the opportunity-to-learn standards, opportunity-to-learn means that when kids get to school, they are going to have a chance to learn. Let me give an example of some of the problems we are dealing with.

Right now, 31 percent of our schools were built before World War II. Whether or not those schools are adequate to provide an opportunity to learn is a very serious question in many, many of our areas. Almost all of our other schools were built before 1960, or in the 1960's. Thus, they are over 30 years old.

That is just one example. There are many other examples of real barriers to the ability to learn. Another, which I think is very important is the huge disparity between suburban and urban areas on the utilization of modern technology and computers. Yet we should know what difference it makes, and what kinds of standards are necessary in order to provide the kind of education which will equip our young people to be ready for the next century—or to be ready for this century—with the ability to get into jobs that will require computer skills.

These are some of the advantages we have been talking about. We have done everything we can to provide that these are totally voluntary; no one needs to follow them. They are there only as a result of the study of those who understand what is necessary in the modern day to share that information throughout the country, and help in that area. We have taken out all the requirements that were previoulsy in the bill requiring the use of these standards, to learn exactly what was going to be in the standards, and we have left it up to the people who will be establishing those standards. But they are all voluntary; totally voluntary. There is nothing at all that requires anybody to follow any of them.

I think we have done everything we can to make sure this bill establishes the procedures and goals of providing help to our local schools so they are able to understand what they must do if they are going to be able to provide an adequate education or opportunity to obtain an adequate education. For this reason, I reluctantly will oppose it.

I just want to say I think we have done everything we can to arrive at a compromise here which will really not—should not—offend anyone.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Madam President, what we have attempted to do in the legislation, as an important part of the legislation, among other matters, is to recognize that the real challenge today is to set world-class standards for our schools. We have come to this conclusion as a result of extensive hearings and studies that have been done by a wide variety of different people—thoughtful parents, teachers, academicians, and others—they recommended we encourage what we call content standards, or agreements about what a child ought to know.

The second step after content standards is the assessments, the methods to determine whether children know the material, at a particular time. This agreement has been generally, again, worked out over a very considerable period of time and will, I think, really can help us devise a way of evaluating what children know in a more effective way than the rote tests that are used in too many of our schools today. I think this has been a very constructive process.

What we are hopeful of being able to achieve with this legislation is to urge States to go back a step as we are addressing content standards to make sure that the States are going to give some consideration to having all children start off, so to speak, at the same starting line. We had a discussion about this—Senator SIMON, Senator WELLSTONE, and I—earlier. They would like to write in these opportunity-to-learn standards. A number of States, including my own, have developed approaches which very much move us in the same way that has been suggested when the opportunity-to-learn standards were initially proposed.

Vermont has taken a certain way of doing this. My own State of Massachusetts is involved in this.

In the areas which have the most difficult education challenges, communities like Brockton, MA; Holyoke, MA; and Chelsea, MA, teachers, school boards, and parents have been involved in this process and support this way of helping schools effectively even though it is not the tight opportunity-to-learn standards. We have worked out a process in which, so to speak, we can help students start out at the same starting line.

It is important, I believe, that we have the States work this out—through their own way, perhaps, and do it in a way which is relevant to their own situation. We believe—I do, and I think for the most part the members of the committee do—that addressing the opportunity is a very important ingredient.

We have taken the position that States must address the issue, but that they ought to be able to do it in their own way. I think that is the appropriate course we should take. To abandon any kind of understanding of that concept I think undermines, in a very important way, what we are trying to do with the content standards, as well as the assessments, in terms of children.

Though I understand the Senator's suggestion on this, I hope the Senate will not accept his amendment. The committee substitute incorporates a compromise on the question that is widely supported on both sides of the aisle. There are many approaches to the problem. While the OTL standards are just one approach, as I mention, they are nonetheless a valid one and should not be prohibited. It is important that the Senate continue to require the States to incorporate strategies for giving all students a chance to learn challenging academic content. To merely raise the academic standards may make us feel we are improving schools, but the reality may be, for all we do, students will be no better off than they are today.

The National Governor's Task Force states:

> Our current system systematically deprives many students of these opportunities. The reasons vary and include low expectations, conflicting policies, and inadequate or inappropriate resource allocation.

So just as the reasons vary, so do the solutions. The OTL standards are a valid approach but some States, like Massachusetts, have foundation budgets which distribute their funds to schools based not on how much money they decide they have to spend on education, but rather on what they have determined are the necessary elements for a good education. Many approaches are valid, and so I think the issue has to be addressed.

We have addressed it in the way I have outlined and which later we will consider again when we deal with the Simon amendment. If the amendment of the Senator from New Hampshire is accepted, we are taking that aspect of this whole concept and effectively eliminating it. Maybe some of the States will go ahead in any event, but we will certainly, I think, be undermining in an important way what experience has led us to believe to be an important element of this whole reform strategy.

So I hope the amendment will not be accepted. I understand the Senator's position, and I respect that position. I acknowledge a number of States have moved in different ways to address some of these issues, but I do think that it is important as we are addressing the totality of this issue that we not accept the Senator's approach.

Mr. GREGG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I would like to briefly respond and get to a vote because I am sure everybody would like to get home this evening. Let me make a couple of points to respond to both the chairman and the ranking Republican on the committee who are managing this bill.

I agree with three-fourths of what the chairman said. We want world-class standards, we want world-class content and we want world-class goals. What this bill has in it is a definition of world-class goals. They are goals which were outlined by the Governors, agreed to now by the Federal Government. We have a couple of additions, which are positive.

But what we do not need is to have the Federal Government tell the States and local communities how to get to those goals. The Senator from Massachusetts has characterized these standards, these opportunity-to-learn standards as a jumping off point or starting off. What we are interested in is the finish line. We want to know if a third grade student in a school in Epping, NH, knows how to multiply, subtract and add as well as a third grade student in California or in Illinois or in Massachusetts or in Japan. It is the finish line we are concerned about, and this bill addresses the finish line under the assessment standards; whether or not we are getting to the goals which we have outlined.

But what we should not be telling the teachers and the parents and the students and the school board in Epping, NH, or in Freemont, CA, or in Rockville, IL, is how to design their curriculum or what they must have in place in order to run their educational system, the starting point as it is defined or the jumping off point.

As the Senator from Vermont said, 31 percent of the schools were built before World War II. So what? There are a lot of towns in this country which probably have schools that were built before World War II. There are a lot of schools which have buildings built before World War II which have done a heck of a job in renovating those schools.

In fact, there are a lot of buildings built in the seventies which are not working because they were built under the open concept and wish they kept the ones built before World War II. That should be up to the local communities as to whether or not the building built before World War II still works. It should not be an arbitrary starting line set in Washington saying any building built before World War II is not inhabitable by students. Obviously, it is a mistake.

That is the implication of where we are going to end up with these opportunity-to-learn standards. That is the type of control over methodology and in the day-to-day life of teaching and education which are going to occur when you turn over to a Federal bureaucracy the obligation of designing a national set of standards for methodology in teaching. It makes no sense in obtaining the goals of this bill. The goals of this bill are superb.

They were outlined by the Governors and they have been supported by this administration and they can be obtained by having assessment standards and content standards as designed in this bill and they will be undermined by taking control away from the local communities which is what will occur under the opportunity-to-learn standards.

I present again my case that this is a mistake and that it sets off on a tangent which is unnecessary to accomplish the goals of this bill and will undermine the goals of this bill which is to improve education for our kids.

The PRESIDING OFFICER. The Senator from Massachusetts.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. KENNEDY. I ask unanimous consent that the vote in relation to Senator GREGG's amendment occur at 7:30, with no other amendments in order to the Gregg amendment or to the language proposed to be stricken by the Gregg amendment.

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

Who seeks recognition?

Mr. KENNEDY. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. AKAKA). The absence of a quorum has been suggested. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, we are looking forward to the vote at 7:30 on the Gregg amendment, and then I would hope that we might go to the Moseley-Braun amendment relating to the school facilities issue. I do not think that that will take a great deal of time.

We are trying to move through these other amendments. Once again, if there are Senators who have amendments we hope they will come here so we will have an opportunity to address them and to work them out if we can, or otherwise to try and accommodate the Members.

We hope to be able to continue to move along on the legislation. We have made good progress today even though we have not had a great many votes, and we know we have some other items to address, but I think we are moving along in terms of the major issues.

Mr. COHEN, Mr. President, I am extremely pleased that the Senate Labor

and Human Resources Committee has agreed to include language on health and physical education under the Goal 3 objectives of the Goals 2000: Educate America Act. As you know, when the Senate was expected to consider the Goals 2000 legislation in the fall of last year, I was prepared to offer an amendment that would have strengthened the legislation's language with respect to the importance of health education. I am glad that the committee's members have agreed with me that health and physical education are areas that must be addressed if children are to learn and States are able to meet the national education goals.

The health issues facing American children have changed dramatically in recent years. Thirty years ago, child and adolescent health was threatened predominantly by contagious disease. Today, children and adolescents are endangered primarily by their own behavior. Poor health, poverty, substance abuse, sexually transmitted disease, and unintended pregnancies have all limited the options and dimmed the futures of millions of American children.

Almost 60 percent of the deaths in the United States are attributable to cardiovascular disease and cancer. Unfortunately, American children are increasingly engaging in the three behaviors that contribute to these diseases: tobacco use, improper diet, and insufficient exercise.

For instance, 40 percent of American children aged 5 to 8 are obese, inactive, or have elevated blood pressure or cholesterol—all risk factors associated with cardiovascular disease. These problems are particularly marked in inner-city areas, where children are often exposed to other factors that threaten their health—crime, drugs, and inadequate access to health care.

Almost half of our elementary school students have tried smoking—the No. 1 preventable cause of death in the United States. What is particularly alarming is that children—especially girls—are smoking at younger and younger ages. Tobacco addiction is increasingly a "teen onset" disease: 90 percent of all smokers start before they are 21, 60 percent before they are 14, and 22 percent before they are 9.

I am particularly alarmed by the smoking rates for young people in my home State of Maine. The proportion of young people in Maine who have tried smoking is 53.1 percent—the highest of any State in the country.

In a recent study, 39 percent of our high school seniors reported that they had gotten drunk in the previous week, and drinking and driving remains the No. 1 killer of our Nation's adolescents.

Sexual behaviors established during youth also contribute to significant health and social problems. With the advent of AIDS, these behaviors may also prove fatal.

As British essayist Samuel Johnson once observed: "The chains of habit are too weak to be felt until they are too strong to be broken," and there is a general recognition that people who learn healthy habits early in life are more likely to practice them as adults. Conversely, poor habits—tobacco and other substance abuse, poor nutrition, and lack of exercise may also have their roots in childhood.

Because these problems do not respond to traditional kinds of medical treatment, effective health education programs in schools can be invaluable in helping our children to avoid high risk behavior and develop healthy habits that will carry over into adulthood.

At the same time that our adolescent health problems have multiplied, student academic performance has declined. An unacceptable proportion of adolescents fail to complete high school, and even more young people are unable to achieve the high level of math, science, and communication skills they will need to function productively in the 21st century.

Too many young people are joining the growing ranks of the marginally unemployable every year, constituting a direct threat to our Nation's productivity and competitiveness.

In the report "Code Blue," the American Medical Association declared an "adolescent health crisis," proclaiming that:

> For the first time in the history of this country, young people are less healthy and less prepared to take their places in society than were their parents. And this is happening at a time when our society is more complex, more challenging, and more competitive than ever before.

The success of our future economy will demand the full participation of our entire population, and we must take action now to ensure that all young people, regardless of income, gender, or background, are prepared to be healthy, productive citizens.

Quality school health education programs—programs that are integrated, planned and sequential, and taught by educators trained to teach the subject—are essential if our children are to develop the knowledge and skills they will need to avoid health risks and maintain good health throughout their lives.

However, while health education alone can teach children about good health, a more comprehensive approach is necessary if we are to actually reduce health risks and change behavior. For these programs to be truly successful, in addition to providing information through the classroom, the school should also be a health promoting environment.

While sound and up-to-date information about nutrition is important, it is equally important that the food served in the school cafeteria is consistent with what is learned in the classroom.

In addition to teaching students about the hazards associated with tobacco use, schools should be smoke-free and should also offer programs for students, faculty, and staff who want to stop smoking.

Regular physical activity and exercise opportunities should be available for both students and staff, and the emphasis should be on lifetime fitness activities such as walking, jogging, or swimming rather than interscholastic sports.

Finally, it is essential that the school be a safe place, free of violence, drugs, weapons, or crime.

No one disputes the need to improve the health status of our Nation's young people. However, many do question whether school is the appropriate setting for health promotion and education activities.

Some educators argue that teachers are already overloaded, and that such efforts detract from the schools' primary mission of educating our Nation's youth. However, a student who is sick, who is malnourished, who abuses drugs or alcohol, or who has an unintended child to raise is not in a good position to learn.

Just as America's children must be healthy to be educated, they must also be educated to be healthy. Our Nation's elementary and secondary schools have the potential of reaching more than 46 million students and 5 million faculty and staff each year—approximately 20 percent of our total population. Further, our schools are a microcosm of society and present the best opportunity for reaching young people of all races, nationalities, backgrounds, and income levels.

However, we cannot expect the schools to do the job alone. Schools, families, communities, and businesses must all join in partnership to help our young people to develop the intellectual, physical, and emotional skills they will need to take them into the next century as healthy, productive citizens in an increasingly competitive global marketplace.

I believe that the recognition of the importance of health education in the Goals 2000 legislation is a good beginning to help solve some of this country's health care problems. We need to educate our youth so that they know how to remain healthy and fit. It is my sincere hope that the National Education Standards and Improvement Council certify voluntary national standards on health and physical education and that the National Education Goals Panel monitor this country's progress toward ensuring that all students are healthy and fit.

Mr. JEFFORDS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The court will call the roll.

The bill clerk proceeded to call the roll.

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

Mr. KENNEDY. Objection. I object.

The PRESIDING OFFICER. Objection is heard.

The assistant legislative clerk continued with the call of the roll.

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

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

AMENDMENT NO. 1370

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to amendment No. 1370, offered by the Senator from New Hampshire [Mr. GREGG].

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Delaware [Mr. BIDEN] and the Senator from Arkansas [Mr. PRYOR] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Minnesota [Mr. DURENBERGER], the Senator from Arizona [Mr. MCCAIN], the Senator from Oklahoma [Mr. NICKLES], and the Senator from Alaska [Mr. STEVENS] are necessarily absent.

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

The result was announced—yeas 42, nays 52, as follows:

[Rollcall Vote No. 20 Leg.]

YEAS—42

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

NAYS—52

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

NOT VOTING—6

Biden	McCain	Pryor
Durenberger	Nickles	Stevens

So, the amendment (No. 1370) was rejected.

Mr. PRESSLER. Mr. President, I would like to correct some statistics about South Dakota education that my distinguished colleague from Montana, Senator BURNS mentioned earlier today during the debate on S. 1150, Goals 2000: Educate America Act.

South Dakota holds the following national rankings: 3d in SAT scores, 10th in ACT scores, 6th in graduation rate, 42d in per pupil expenditure; and 51st in teacher salaries. These statistics speak for themselves; the correlations are obvious.

Second, I would like to let Senator HARKIN know that I agree with him about the importance of school facilities. Some schools in my home State are not in good condition. Leaking ceilings and drafty classrooms are an obvious deterrent to quality learning.

I will be introducing shortly legislation to reauthorize Public Law 81-815, School Construction for the Impact Aid Program. I hope that my colleagues will join me in showing their concern for school facilities.

In listening to today's debate, Mr. President, I was very pleased to learn from the chairman of the Senate Committee on Labor and Human Resources, Senator KENNEDY, and the ranking Republican of the committee, Senator KASSEBAUM, that S. 1150 does not contain OBE.

I, like many of my colleagues, have been hearing from hundreds of my constituents who oppose OBE. I am pleased to be reassured this bill does not contain OBE.

Mr. President, I ask unanimous consent that an article entitled "Outcome-Based Education" from the Family Research Council be inserted in the RECORD.

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

[From Family Policy]

OUTCOME-BASED EDUCATION—DUMBING DOWN AMERICA'S SCHOOLS

(By Robert Holland)

Under the Clinton Administration, the idea that the federal government should pitch a new paradigm for public education has gathered steam.

Heaven knows, the current education model needs more than a tune-up. It needs a massive overhaul driven by consumer choice and competition among schools and genuinely high academic standards.

Unfortunately, however, the new paradigm many education, business and government policymakers have in mind is something euphemistically labeled Outcome—Based Education (OBE). It is a radical form of restructuring being pushed on local schools from the top down—from the Clinton Labor and Education departments, teachers unions, well-heeled consultants, state departments of education, and even high corporate councils. OBE is a one-size-fits-all reform, the antithesis of competition and choice. It encourages New Age groupthink over the Jeffersonian ideal of individual merit.

THE IDEOLOGY OF OUTCOMES

The merchants of OBE begin from an unassailable premise: that schools should be judged by "learner outcomes" rather than, say, the number of books in the library or percentage of teachers with master's degrees. Indeed, most parents want positive outcomes from their children's schooling. They want evidence that kids learn to read and write and compute, and know something of our common heritage as Americans. Likewise lured by the prospect of outcomes, corporate supporters consider OBE to be an extension of Total Quality Management (TQM) to public education.

But the outcomes that the gurus of OBE have in mind are quite different from hardheaded pragmatism or TQM's emphasis on customer satisfaction. They have less to do with whether Johnny can comprehend the Federalist Papers or place the Civil War in the current half-century than with his acquisition of the desired attitudes on such issues as global resource inequality, multiculturalism, homelessness, alternative lifestyles, and environmentalism. Under OBE, political correctness goes to grade-school.

The new outcomes are supposed to make education "relevant" to "real-life problems." Relevance is an echo from the fractious 1960s, when demands for student powers and a cafeteria curriculum sent standards of excellence into a nosedive. Indeed, many of the radicals from that era have become today's education policymakers.

The high priests of OBE knock the idea of knowledge for knowledge's sake, the continuation of separate academic disciplines such as English and history, paper-and-pencil testing, and competition where some students succeed and some fail. In assigning a false concept of self-esteem paramount importance, they deny students the merited self-esteem that comes from genuine achievement and the self-discipline that comes from knowing that unyielding standards are in effect, that failure is a possibility.

OBE is egalitarian, utopian. All forms of ability-grouping are to be abolished, in favor of the failed experiment of "mastery learning," which assumes that all children can master the same common standard, if only they are given virtually unlimited time to do so. Faster students are put in a holding pattern or asked to tutor their slower classmates until, in theory, all are on the same page again. This Robin Hood approach to education has been a colossal flop in districts like Chicago, that experimented with it years ago.

Even before becoming President Clinton's Secretary of Labor, Robert Reich was hawking the groupthink model. Under his leadership, Labor has assumed a lead role in school restructuring along the industrial "outcomes" model.

In a paper commissioned in 1988 by the National Education Association, Reich (then a political economist at Harvard) opined that: "Young people must be taught how to work constructively together. Instead of emphasizing individual achievement and competition, the emphasis in the classroom should be group performance * * * (Students) must also learn to negotiate—to articulate their own needs, to discern what others need and see things from others' perspectives, and to discover mutually beneficial outcomes." Ability-grouping, he added must go because it reduces "young people's capacities to learn from and collaborate with one another.

Thus, Reich concluded, "Rather than separate fast learners from slow learners in the classroom, all children (with only the most obvious exceptions) should remain together, so that class unity and cooperation are the norm. Faster learners would thus learn how to help the slower ones, while the slower

ones would be pushed to make their best effort."

So what are the outcomes of OBE—outcomes that, in some states, have been projected to become the new graduation requirements in place of Carnegie units in English, history, math, and science? Typically, they require students to acquire attitudes enabling them to: Appreciate diversity; identify community problems and negotiate solutions contributing to the public good; use the environment responsibly; learn to be good citizens of the world; support and defend civil and human rights worldwide; and develop skills of negotiating with others to solve interpersonal problems and conflicts.

Those are some of the several dozen outcomes that have been advanced in more than 40 states. In truth, the outcomes are strikingly similar from one OBE state to another. That's because many state departments of education are buying national consultants' programs while pretending to be leading a wholly local school reform drive.

Who decides what the outcomes should be? And by what criteria will a student's achieving an outcome be decided? These are subjective calls: The Greenpeace and Mobil Corporation concepts of responsible use of the environment differ sharply. Likewise, definitions of "public good" and "diversity" vary according to one's political philosophy. If the outcomes of education are to be based on such subjective criteria, that means some students will be given remedial instruction for holding "incorrect" opinions.

William Spady, one of the most prominent gurus of "transformation" (or attitudinal) OBE, gave the following insight on outcome-devising in an interview in the January 1993 issue of Educational Leadership magazine:

"We start with what the research suggests about the future and we design down, or design back, from there. This is a systematic process called Strategic Design: determining as well as we can from studying the literature and available data about future trends and conditions what our kids will be facing out there in the world. Once we get a reasonable handle on those conditions, we derive from them a set of complex role performance outcomes that represent effective adult functioning: to succeed as adults, people have to be able to do this and that under these and those kinds of conditions. This emphasis on complex role performance puts the whole present curriculum content structure up for grabs."

Thus, knowledge transmitted through the traditional academic disciplines would play second fiddle to some futurists' ideas of what the future might hold. Thematic learning is central to OBE: the idea is to break the academic disciplines and to replace them with "real-life" education based on broad themes. That is similar to the demands for women's studies and ethnic studies being pushed by radical multiculturalists in the universities, and to the older fads of progressive education and open classrooms. Bad ideas never die in education, it seems; they are just recycled under new labels.

NO ROOM TO FAIL

OBEists insist that time—clocks and calendars—should be irrelevant in education. Given enough time, all students should be allowed to take tests over and over and over again, as many times as necessary, until they obtain a passing mark. Failure is deemed to be a dirty word.

The illogic in calling for real-life education on the one hand and an end to all time limits on the other was exposed in a paper presented by the Parent-Teacher Communication Network in San Marcos, Texas, calling on local school authorities to stop OBE on the grounds that it had been "an educational disaster." The paper stated:

"However inconvenient for those of us who might prefer it otherwise, the real world is based on clocks, calendars, and deadlines. Any educational system that fails to prepare students for this aspect of life, especially students at the secondary level, has failed them miserably."

Few persons in the nation have more first hand experience in the folly of no-deadline, no-failure OBE than Cheri Pierson Yecke, the 1988 Teacher of the Year in Stafford County, Virginia. By accident, her two daughters provide before-and-after case studies of OBE implementation.

In August, 1991, the Yeckes moved to Minnesota and enrolled their children in District 833's schools. They did so without reservation because they had lived in that district from 1982 to 1984 and had found the schools to be excellent. Unknown to the family, however, the district had been implementing OBE during the seven years they had been away. To their astonishment, they soon discovered that while living in Virginia their daughters had progressed academically "light years" ahead of their peers in Minnesota.

Younger daughter Tiffany, who had always loved school, was "in a matter of days begging to stay home." Why? "The work was far too easy." But what was worse, "[A]ny display of intelligence was ridiculed in a cruel and demeaning way by many of the other students. Hard work and self-discipline are looked down upon, and status is often achieved by non-performance."

"The prevailing attitude among many students is, 'Why study? They can't fail me, so who cares?' What sort of work ethic is this producing in these children? No one fails, regardless of how little they do. Instead, they receive 'Incompletes,' which can be made up at any time.

"The kids have the system figured out. When there is a football game or show on TV the night before a test, a common comment is: 'Why study? I'll just take the test and fail it. I can always take the retest later.'"

Indeed, "Incompletes" appear to be the grade of choice. At semester's end in January, 1992, more than 15,500 Incompletes were recorded in that OBE district's secondary schools—or about one half of all grades awarded! Imagine the Yeckes' concern when they moved back to Virginia in the summer of 1992 only to find that the State Department of Education was considering a mandatory OBE plan for all schools.

New forms of testing are critical to implementing OBE. Put bluntly, the hand that controls the test can control all of American education. The buzzwords to watch for are so-called "authentic tests," and the "Three Ps" of testing: portfolios, projects, and performances of student work. Standardized tests, which are knowledge-based, are under massive assault by the OBEists. The new tests would be far more subjective, and more amenable to the utopian goal of equalized outcomes.

The new assessments would delve much more deeply into what the education bureaucrats call the "affective" realm—feelings, attitudes, emotions. For example, under one assessment framework, a test for Personal Well-Being and Accomplishment calls for "students' completion of affective inventories"—in other words, summaries of how students feel about certain issues or situations. Another test of "Interpersonal Relationships" asks for "teacher observation of student interactions". (The shy but brilliant youngster would seem to be at a distinct disadvantage in OBE classrooms.) Other parts of the testing scheme call on students to self-report on their "responsible use of the environment," to keep a journal of their leisure activities, and to respond to a vignette requiring the analysis of conflict and a discovery of cooperative resolution.

That's a long way from computing the area of the triangle, diagramming a sentence, or reciting the Gettysburg Address.

OBEists denigrate current school testing as rewarding memorization and "lower-order" skills. The new assessments are supposed to determine the student's ability to engage in "higher-order thinking," especially by collaborating in groups to address socially relevant problems.

One of the leaders in devising new assessment tools is a private-public partnership at the University of Pittsburgh's Learning Research and Development Center known as the New Standards Project. Supported by foundation money and about 16 states, the NSP has as its leaders' stated objective: "to develop a radically new approach to the assessment of student progress that would drive fundamental changes in what is taught and learned.

The NSP also is a dagger pointed at the heart of standardized testing. Current tests, say the NSP, are "designed to sort out those who would enter the elite from those who would not." Thus, the project intends "to destroy the primary mechanisms of the sorting system in American education that have lowered expectations and limited opportunity for countless people over the years." Having one standard for everyone to meet (and allowing them all the time they need to meet it) will necessitate the abolition of tracking or ability-grouping. Students who fall behind would need not only more time but also "more financial resources, a more appropriate curriculum, and better prepared teachers."

Thomas Jefferson believed in an aristocracy of merit. OBE is a blueprint for the opposite: A mediocracy of uniformly dim bulbs. This is especially troubling considering the fact that NSP is developing standards for states to use for their schools in order to receive federal money under Goals 2000.

Perhaps even more ominous is the Labor Department's SCANS system for assessing pupil and worker "competencies." SCANS is an acronym for Secretary's Commission on Achieving Necessary Skills. SCANS has published a series of blueprints, for which its intentions are not modest. "The nation's school systems should make the SCANS foundation skills and workplace competencies explicit objectives of instruction at all levels," a report stated. "All employers, public and private, should incorporate SCANS know-how in their human resources development efforts."

In "reinventing education," the SCANSers also come up with a new entitlement to school success. Youngsters have a "right" to be educated up to an absolute standard of performance "without putting the burden of failure on the backs of students." (Hey, Teach. You can't flunk me. I'm entitled.) So much for the idea of individual responsibility.

Ironically, "responsibility" is one of the "personal qualities" the Labor factotums want educators to rate. Indeed, SCANS furnishes a prototype student résumé that is offered as a replacement for traditional report cards. Students would also be rated for their

self esteem, sociability, self-management, and integrity/honesty—and for their "workplace competencies," such as "interpersonal skills" and "systems" thinking. There would be proficiency levels (but no failing grades) for academic subjects, and listings of portfolios of student work (typically on trendy topics such as environmentalism), with the names of each teacher for the parents to contact.

The SCANS résumés have a place for the students' Social Security numbers, as well as their names, addresses, and phone numbers. One report states that the Educational Testing Service is developing an "employer-friendly" system called Worklink through which these students' assessments could be shared with employers electronically. Electronic dossiers surely don't sound very little-guy-friendly. Suppose you were rated down for integrity/honesty somewhere during your school career. That could dog you the rest of your work-seeking life. And why should someone's opinions of your personal traits be on a computer file? All this smacks of Orwellian Big Brother government.

WHO'S BEHIND OBE?

How did this nation get on such a prescriptive path of school reform? Perhaps a chronology and a scoreboard of players are in order.

The National Center on Education and the Economy has been a central player from the start. Its president, Marc Tucker, is a professor of education at the University of Rochester (NY). That city's 32,000-student system began in 1988 one of the nation's most thorough OBE/TQM restructuring projects. So far, costs have soared but student achievement has not. Formed in the mid-1980s, the center grew out of a Carnegie Foundation grant. Its board included Hillary Rodham Clinton, then a Little Rock lawyer, and New York Governor Mario Cuomo.

The center set up under the Labor Department's wing a Commission on Skills of the American Workforce, with Ira Magaziner as chairman. In 1990 (when Bush was still President), this commission released a report, "America's Choice: High Skills or Low Wages," that is the seminal document in the so-called World Class Education, or OBE, movement. Although Hillary Clinton was not on the actual commission, she was made co-chair for implementation, with Magaziner.

On the basis of an unscientific sampling of opinion, the Magaziner Commission concluded that most employers are not so much concerned about literacy and basic math skills as they are that their workers have a good work ethic and appropriate social behavior—a good attitude, a pleasant appearance, and a nice personality. Those are all desirable traits, to be sure, but should they be the basis of school reform? Should schools be tools of utilitarian industrial policy as opposed to places for cultivation of the intellect? Should students be molded to business "specs"? And is this what businesses really want?

The Magaziner Commission recommended specifically that:

The educational system be geared to ensuring that virtually all students acquire a Certificate of Initial Mastery at age 16. At this time, they would decide between work and college, as students do in Germany.

The assessment system should let students take and retake tests as often as needed until they succeeded.

Rather than objective tests, schools go to the Three Ps-portfolios, projects, and performances. Knowledge-based tests "sort out" people too much. Assessments should emphasize qualities like the ability to work in groups.

Remarkably, parents were mentioned not once in this thick document. Rather, the report called for the school system to instill attitudes in children desired by governmental and industrial elitists.

The Magaziner report had a powerful impact on at least three powerful bureaucracies: It caused state departments of education to enlist the help of OBE consultants like Bill Spady. It influenced the New Standards Project. And it prompted the U.S. Labor Department to develop its SCANS competencies. Several states, starting with Florida, have already begun integrating SCANS into their curricula.

Is the federal government shy about intervening in classrooms? It would appear not. SCANS supplies many classroom assignments for teachers. For example, to teach, "interpersonal skills" in English class, teachers are advised to have students "discuss the pros and cons of the argument that Shakespeare's "Merchant of Venice" is a racist play and should be banned from the curriculum." Thus, instead of evaluating a great piece of writing on its own merits, students are to consider becoming politically correct censors.

In science class, SCANS suggests this activity: "Work in a group to design an experiment to analyze the lead content in the school's water. Teach the results to an elementary school class." To teach the competency of "Resources" in history class, teachers are advised to study the Vietnam War from the standpoint of the war's impact on the federal budget. Actually, SCANS does not suggest unfashionable studies of rent control and the rise of homelessness or the connection between illegitimacy and crime.

Goals 2000 calls for the creation of a new bureaucracy, the 20-member National Education Standards and Improvement Council (NESIC), members of which would be appointed by President Clinton.

According to a Department of Education analysis. "[T]he Nation needs clear standards of what it will take to provide all of them the opportunity to meet these standards, assessments, and opportunity to meet these standards." Accordingly, the NESIC would be responsible for "stimulating and certifying" content and student performance standards, assessments, and opportunity-to-learn standards for the states.

Thus, NESIC becomes an unelected national school board with power to determine local school curriculum, textbooks, technology, and teacher qualifications. The NESIC also would judge how curriculum, teaching methods, and testing were being aligned with content standards. It would plug in to the current projects—i.e., NSP and SCANS—in promoting innovative forms of assessments such as student portfolios.

Goals 2000's creation of a National Skills Standards Board (NSSB) shouldn't be overlooked either. This new bureaucracy would develop a "voluntary" national system of occupational skill standards and ways of certifying workers to meet those standards. In evaluating whether Goals 2000 is compulsory or voluntary, it also is a good idea to watch what the Clinton Administration does, rather than simply relying on its promises. In September, Secretary Riley presented to Congress a massive plan to "reinvent" the Elementary and Secondary Education Act (ESEA), the federal government's largest chunk of aid ($10 billion a year) to K-12 education. ESEA is due for reauthorization next year, and the Clinton's allies want a 10-year reauthorization instead of the usual five. More to the point they want the whole basis of program accountability geared to state compliance with the standards and assessments of Goals 2000.

In its September 22 issue, "Education Week" summarized the change this way:

"States that participated in the (national) goals effort could use those standards to qualify for Chapter 1. Those that did not would still be required to set content and performance standards applicable to all students in order to receive Chapter 1 funds under the Administration's ESEA plan."

Bruce Hunter, associate executive director of the American Association of School Administrators, put it more succinctly: "It just means what everybody's been saying all along about the standards being voluntary: Baloney. They're mandatory, and they're tied to money."

The 300-page ESEA "reinvention" plan spells out these options:

Requiring all states to adopt challenging curriculum frameworks and performance standards, applicable to all students, that would be the basis of accountability in Chapter 1.

Entering into a compact with the states that have adopted curriculum, frameworks, and performance standards to give them increased flexibility in aligning Chapter 1 with larger reform efforts.

Providing financial and technical assistance to states that are developing and implementing standards.

"Establishing service delivery guidelines for the quality of Chapter 1 services in such areas as depth and coherence of the curriculum appropriateness of instructional materials, and expertise of staff."

Plugging the ESEA plan before the House Education and Labor Committee on September 23, Secretary Riley declared that Goals 2000 "would support efforts to align education systems in school districts and States throughout the nation based on common ideas about what all our students should know and be able to do. Systemic reforms—changes in what students study, how they are taught, and how their performance is measured—are already underway in schools, school districts, and States across the country. Federal resources and national leadership can help sustain the momentum of these critical, sweeping reforms." Then he added this thought:

"A common understanding of what all our children should know and be able to do should drive changes in all aspects of teaching and learning. Textbooks, teaching practices, and tests should all be geared to State content and performance standards that set forth the knowledge and skills our students need, and our diverse democracy and our complex economy demand."

Secretary Riley, who led a widely-hailed reform of South Carolina public schools as that state's Governor, no doubt has good intentions. But this is prescriptive approach, and a dangerous area for the national government to be seizing command. Tremendous power is invested in the authority that selects what children "should know" and decrees what in the way of higher-order thinking, self-esteem, and coping skills they should "be able to do."

Goals 2000 is not trickle-down reform. It is more nearly based on a totalitarian model that was employed by the socialist regimes of the East. It tramples the local educational autonomy that has been at the heart of American liberty for more than two centuries.

And, what is all the more chilling, it is being put into place through a collaboration of Big Education, Big Government, Big Labor, and Big Business without substantive national debate, a consequence of an abdication of responsibility by the Big Media.

OBE CAN BE STOPPED

Parents would be well advised to follow the principle of "buyer beware" when encountering education bureaucrats peddling outcome-based education. They should kick the tires and get behind the wheel and see how this model handles. Despite scant major-media coverage, some parents are learning enough about OBE to conclude that it is a lemon.

In New York City, the prospects of stopping the OBEish "Children of the Rainbow" curriculum supported by the media elitists and Manhattan sophisticates seemed bleak. Then a feisty grandmother, Mary Cummins, went to work and a parents' revolt toppled the schools chancellor, Joseph Fernandez.

In Pennsylvania, Peg Luksik of Johnstown led a grassroots coalition of 22,000 that succeeded in getting a bill through the Pennsylvania House of Representatives that would empower localities to ignore the state Board of Education's OBE plan.

In Littleton, Colorado voters elected—by almost a 2 to 1 margin—a "back to the basics" slate of school board candidates who promised to scrap one of the nation's vanguard OBE experiments.

In Virginia, parental protests motivated Governor Douglas L. Wilder to shelve a "transformational" OBE proposal last September.

And inside the Beltway, Goals 2000 sailed through the House but then stalled as Senators began to hear from constituents who opposed the imminent takeover of public education by the OBE brigade.

Maybe there's hope for democracy yet.

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

The PRESIDING OFFICER (Mr. CAMPBELL). Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate resume consideration of S. 1150 at 10 a.m. on Thursday, February 3d, and that at 10:30 a.m. Senator DURENBERGER or Senator HATFIELD be recognized to offer an amendment in their behalf regarding flexibility from Federal regulation, with 30 minutes for debate on the amendment with no second-degree amendments in order thereto.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, Members of the Senate, I congratulate the managers on the good progress made on the bill today. As was stated when we began consideration of the bill, it was my hope that we could complete action on this bill by the close of business tomorrow. I understand that there remain several more amendments to be considered, which means that there will likely be recorded votes throughout the day tomorrow.

There will be no votes prior to 11 a.m. tomorrow and no further votes this evening.

Mr. DOLE. Mr. President, let me underscore what the majority leader has said. I think the managers have done a spectacular job. I think they are well over half way to finish in a matter of 7 or 8 hours. I would hope they could conclude action on this bill by 6 o'clock tomorrow evening. We are working on this side to accommodate the managers. It is my hope that we can get all that done, squeeze it all in there, and make it work.

Mr. MITCHELL. Mr. President, I thank my colleagues. I thank the distinguished Senators from Massachusetts and Vermont.

Mr. KENNEDY. Mr. President, I want to thank the majority and minority leaders. We have made good progress even though there were not a great many votes. Many of the issues we did discuss and were able to work out. There are a definable number of important measures that are left.

We would like to finish with some of the measures that we left unfinished earlier today. But we have some amendments by Senator COATS and Senator LIEBERMAN about private school choice that we will address tomorrow; a Grassley-Thurmond amendment on psychiatric counseling. Also, Senator HELMS has several amendments that we have yet to deal with.

There are amendments by Senator STEVENS regarding Alaskan natives which we are working on. Senator DORGAN has a pending amendment with regard to guns in schools which we are working on; Senator GORTON has an amendment on the issue of school discipline which we hope to work out.

There may be other amendments. We are not inviting them. But we would hope that if there are other amendments that Senators will have notified Senator JEFFORDS or me so we can make sure that we are attending to the interests of the Members. We will proceed through tomorrow, hopefully reduce the number of amendments, and move toward a successful conclusion.

Mr. JEFFORDS. Mr. President, I also want to thank the Members. I think we are making a great deal of progress and, hopefully, within the next few minutes we will be able to even make further progress. This is an extremely important piece of legislation.

I commend the Members for their attention to it and their recognition that this is something that for every day, almost, in delay, it is setting this measure back further.

So I am hopeful we will be able to continue this evening with some progress and tomorrow be able to bring it, as the minority leader said, to completion before 6 o'clock tomorrow evening. I am dedicated to that. I know the manager for the majority side is and, hopefully, with the cooperation of the Members we will do that.

I will be here at least for another hour if anyone has any suggestions or can tell us how they are going to work with their amendments on my side of the aisle. I will certainly be here in the morning also.

I yield the floor.

Mr. KENNEDY. Mr. President, I ask for the regular order; we had set aside some of the amendments. There was an amendment earlier that the Senator from Illinois, Senator SIMON, had offered, on which I had offered a second-degree, No. 1367. Is the clerk familiar with that particular amendment?

The PRESIDING OFFICER. That amendment is a regular order amendment. If the Senator wishes, that amendment will be restored.

Mr. KENNEDY. I ask unanimous consent that it be restored. I ask that my second-degree amendment 1367 be withdrawn. Senator SIMON has authorized me to ask that his amendment 1366 be withdrawn.

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

AMENDMENT NO. 1374

(Purpose: To amend the State improvement plan regarding opportunity-to-learn standards and to provide technical and other assistance regarding school finance equity)

Mr. KENNEDY. Mr. President, I send an amendment to the desk on behalf of Mr. SIMON and Mr. WELLSTONE, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Massachussetts [Mr. KENNEDY], for Mr. SIMON and Mr. WELLSTONE, proposes an amendment numbered 1374.

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

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

The amendment is as follows:

On page 68, line 15, strike "and (b)" and insert ", (b) and (d)".

On page 79, line 8, strike all beginning with ", such as", through page 79, line 17, and insert a period.

On page 105, between lines 16 and 17, insert the following:

(a) TECHNCIAL AND OTHER ASSISTANCE REGARDING SCHOOL FINANCE EQUITY.—

(1) TECHNICAL ASSISTANCE.—(A) From the national leadership funds reserved in Sec. 304(a)(2)(A) the Secretary is authorized to make grants to, and enter into contracts and cooperative agreements with, State educational agencies and other public and private agencies, institutions, and organizations to provide technical assistance to State and local educational agencies to assist such agencies in achieving a greater degree of equity in the distribution of financial resources for education among local educational agencies in the State.

(B) A grant, contract or cooperative agreement under this subsection may support technical assistance activities, such as—

(i) the establishment and operation of a center or centers for the provision of technical assistance to State and local educational agencies;

(ii) the convening of conferences on equalization of resources within local educational agencies, within States, and among States; and

(iii) obtaining advice from experts in the field of school finance equalization.

(4) DATA.—Each State educational agency or local educational agency receiving assistance under the Elementary and Secondary Education Act of 1965 shall provide such data and information on school finance as the Secretary may require to carry out this subsection.

(5) MODELS.—The Secretary is authorized, directly or through grants, contracts, or cooperative agreements, to develop and disseminate models and materials useful to States in planning and implementing revisions of the school finance systems of such States.

Mr. KENNEDY. Mr. President, we have worked out a compromise. This amendment makes it clear that every State plan must adopt strategies to provide every child an opportunity to learn. The language is streamlined and simplified. We also incorporate provisions for technical assistance for States that request help as they address the problem of school finance inequities. This amendment will help to make sure States do not ignore the issue. But it also will allow States to take many, many different approaches.

I thank the two Senators for their cooperation. This is a very important issue. We have tried to deal with it in a fair way. It seems to me to be a sensible and responsible approach. I thank our colleagues for their assistance.

Mr. JEFFORDS. Mr. President, I have looked at the compromise that was reached. I think some of the language which may have been offensive to our side of the aisle was modified sufficiently. So that in my own judgment it should not cause any problems in view of the fact that it would take language which might have indicated a utilization of the language to interfere with the ability to achieve standards in the State schools.

So I do not believe that this side of the aisle has any objection. I have not heard of any.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment?

The amendment (No. 1374) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 1369

Mr. KENNEDY. Mr. President, I understand Senator DORGAN had an amendment that was offered earlier. Is the Chair familiar with that amendment that refers to the issue of discipline to students who have brought guns to schools?

The PRESIDING OFFICER. That is amendment numbered 1369.

Mr. KENNEDY. Mr. President, I have every intention of trying to work out a compromise with the Senator from Vermont and other interested Senators on this issue, particularly with Senator DORGAN as well. We want to work out some kind of understanding.

AMENDMENT NO. 1375 TO AMENDMENT NO. 1369

Mr. KENNEDY. Mr. President, in the meantime I propose a second-degree amendment in order to preserve the position of discussion so that we will have a related matter being considered in the Senate.

The PRESIDING OFFICER. The clerk will report the second-degree amendment.

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY] proposes an amendment numbered 1375 to amendment No. 1369.

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

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

The amendment is as follows:

In the pending amendment, strike all after the first word and insert the following:

"It is the sense of the Senate that school districts should adopt policies which provide for serious sanctions including the possibility of expulsion from school for no less than one year, for students who bring weapons to school.".

Mr. KENNEDY. Mr. President, again I thank all of our colleagues for their cooperation and attention to the debate today. There has been important progress. We still have some important issues tomorrow to debate with regard to the role of private schools and choice. We have addressed those issues on previous occasions. I think Members are basically familiar with those matters.

We will have an opportunity to debate those matters, and as I mentioned, there will be some amendments with regard to psychiatric counseling, and then the Durenberger-Hatfield amendment which I think will be a welcomed addition. It provides flexibility to the States.

What we have already done in the legislation is provide the Secretary to permit some wide discretion to States in terms of dealing with a variety of different rules and regulations to move this whole process of academic enhancement forward. We have also permitted a great deal of flexibility at the State level in the development of their own plan to develop high content standards and also assessments and also propose flexibility by the waiver of certain of their own regulations which might inhibit the ability to do reform.

I think there are many reasons to pass this legislation, but I think one of the important reasons is the very significant additional flexibility that we give to the States and local school boards in working through this process.

I must say I think many of us have had an opportunity to visit schools, as I mentioned in the earlier part of the day that I had when I visited the Fenway Middle High School. I saw how they have imaginatively utilized scarce resources to enhance the pupil-teacher ratio reducing those numbers, and also to improve because of the strong support from the teachers. They have been able to use some of their substitute teacher money in a creative way as well to enhance academic opportunities.

So there are a number of innovations that are taking place that we want to support beyond the central thrust of this legislation.

Senators HATFIELD and DURENBERGER have been enormously interested in flexibility. Senator JEFFORDS has been a strong proponent of that view as well.

I think we all have learned a good deal about some of the very innovative efforts that are taking place at the local level.

So we will look forward to continuing this debate. I think for many of us this is one of the most important pieces of legislation. We are very hopeful that in short order we will be able to follow on with a school-to-work program which has had broad bipartisan support and also has the support of the Chamber of Commerce and the National Association of Manufacturers, and they have been enormously helpful and constructive.

We are beginning to see and we would hope the Members would understand is that there should be enhancement of our Head Start program, based upon a lot of the recommendations that were made by the President's Commission that was bipartisan in nature, they made some very important recommendations on enhancing quality for the young people already involved in the Head Start program, and our belief is that some of those enhancements will be made, and also that there will be some effort to move the attention to young children from zero to 3.

I think we are finding in the earlier kind of interventions a better opportunity for building self-esteem and skills. So we are moving in that direction.

We are moving in elementary and secondary schools in Goals 2000, and then moving into school-to-work. Important initiatives have also been made with regard to the direct loans programs and the repayment of the student loans as a percent of income. We have enhanced the opportunity for those who are financially encumbered and given them greater alternatives.

We have also passed the national service bill, and part of that national

service is to provide limited funds, small amounts of resources to children K through 12, to involve them in educational programs, service programs that are developed by students. We have talked about those efforts in the past. It is now called the serve-America program. All this is a part of an overall effort.

We also have some very important initiatives in the technology to try and ensure that young children are going to be exposed to the range of different technologies in schools. We have proposed a program so that there may be loans for schools that are in districts able to afford them but grants to other schools, and also programs to help the teachers to more effectively utilize technologies to enhance academic achievement.

I think any of us who have had the opportunity to work with small children, as I have at home, and have seen them lap up the geo-safari programs and spend hours on electronic games know that not only that type of a game is excellent, but also to see what electronics and computers can mean for training.

So we are making good progress in focusing on people and particularly on children.

I thank the Senator and my friend from Vermont for all of his cooperation in these areas and others. I have great respect for him because I think the Senator from Vermont has also identified one of the macro issues which this Nation has to give more attention to, and that is the issue of the funding and support that we as a country are going to our educational effort.

The Senator from Vermont and the Senator from Connecticut, Senator DODD, as well as other Senators, have really focused our education committees and the full Labor Committee on that particular issue and we are grateful to them for reminding our committee of what is happening with our young people—they are basically falling farther and farther behind.

We are gratified with the efforts that are being made in these areas, but we know that as a Nation we are still short changing the young people in our society.

We look forward to working with Senator JEFFORDS, who has really been the leader on the Education Subcommittee on this issue of funding and the allocation of resources at the local, State, and Federal level to educate our children.

I also thank my friend and colleague, Senator PELL. Senator PELL was here at the opening salvo earlier today and has been with us all during the course of the day, and his counsel is always greatly appreciated and valued. So I thank him, and all of us look forward to a busy day tomorrow.

The PRESIDING OFFICER. The Senator from Vermont [Mr. JEFFORDS] is recognized.

Mr. JEFFORDS. Mr. President, I want to briefly comment and first commend the Senator from Massachusetts for outlining the things that are good about our educational system.

The problem is that the things that are good only affect a small percentage of our students, and that is why we are still on the pessimistic side; 13 out of 15 countries that are competitors of ours in the world market as far as math and science and those critical areas.

As much as we are doing for those few, we are doing so very, very little for many. It is now time when we establish the goals to be sure we find the resources to replicate and duplicate and bring to the attention of the school districts around this country of those things which are good and which need to be replicated.

That is not going to be an easy task, but tomorrow I will spend some time outlining the cost to this Nation of not doing it for the cost of not reaching these goals far exceeds whatever resources will be necessary to reach those goals.

Let me just give you a couple of examples to start you off. It is costing our businesses about $200 billion a year in remedial education. That is to provide education to repair the damage or the problems that were created by an ineffective educational system. We lose about $225 billion due to a lack of productivity of those who have been school dropouts.

We spend about $25 billion a year for incarcerated criminals who are school dropouts. I can go on and on and on, and I will tomorrow.

But for now, I will leave it at that and just say that we have a long way to go. But, fortunately, we do have areas in this country that are going well and that give us that guiding light which will be necessary to bring this Nation up to a standard which it must have to face this next century.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

RETIREMENT OF RUTH VAN CLEVE

Mr. WALLOP. Mr. President, at the end of December last year, Ruth Van Cleve retired after almost 43 years of public service to this Nation and especially to the residents of our territories. Her long and distinguished career was marked by a grace and dedication which is too often absent. Even in the most difficult circumstances she brought scholarship, commitment, and an unruffled and pleasant stance.

Mrs. Van Cleve graduated from Mount Holyoke College magna cum laude and was elected to Phi Beta Kappa. She received her law degree from Yale, a choice of schools which I warmly applaud, and went to work for the Department of the Interior serving on the Commission on the Application of Federal Laws to Guam, which was created in 1950 pursuant to the Guam Organic Act. She served in the Office of Territories and was appointed to be Director of that Office in 1964 by Secretary Udall. At that time she was the highest ranking woman in the Department and served with her characteristic good humor, wit, and skill. She was awarded the Department's highest honor, the Distinguished Service Award in 1968.

From 1969 until 1977, Mrs. Van Cleve served in the Office of General Counsel of the Federal Power Commission where she received an outstanding performance award and the FPC's Meritorious Service Award as well as becoming the FPC's first woman Assistant General Counsel. In 1977, Mrs. Van Cleve returned to the Department of the Interior to again take up the reins as Director of Territorial Affairs under Secretary Andrus. When the position was changed to Assistant Secretary in 1980, she served as Deputy prior to moving to the Solicitor's Office in 1981, where she served until her retirement with a brief tenure as Acting Assistant Secretary early last year.

There are a few basic texts on Federal territorial relations in general, although there are many on particular issues. Any person wanting an understanding of the subject, however, is well advised to obtain Mrs. Van Cleve's work on the Office of Territories which was prepared as part of the Praeger series on Federal agencies. The work is enjoyable as well as enlightening. You can even find a discussion of the Department's excursions into which agency exercises responsibilities with respect to the moon. Her most recent endeavor, undertaken over the past 10 years, is a three volume comprehensive review of the entire body of Federal law and analysis of its application to Guam, the Virgin Islands, American Samoa, and the Commonwealth of the Northern Mariana Islands. It is a truly remarkable document. Reading her exhaustive, although far from exhausting, memoranda gives the reader some sense of her unabashed fascination with what would to most people be a dreary recitation of arcana.

Arnold Leibowitz in the acknowledgements to his recent and excellent work on territorial relations summed up Mrs. Van Cleve's stature when he wrote that "I think it most kind of her

to allow me to write this book when she could well have preempted the field by writing a better one."

We will not only miss her scholarship but also her equanimity and grace. When I served as chairman of the Subcommittee on Parks of the Committee on Energy and Natural Resources, all I had to do was look at the witness list to tell what the administration's position would be. If the Assistant Secretary was to testify, you could be certain that the administration supported the legislation. If the Director was to testify, then the administration supported the objectives but wanted more time to do studies or reviews. If someone else was the sacrificial lamb, you knew what was coming. That never happened when Mrs. Van Cleve was the Director. No matter how absurd the position taken by OMB or its predecessor, the Bureau of the Budget, she would faithfully defend the administration. The most you could extract was a reluctant "the position is perhaps not all that we might wish it to be."

Over the years, Mrs. Van Cleve has tackled some of the most unrewarding assignments the Department could have, including the review of the Hawaiian Homes Commission, and she has performed each admirably. From the standpoint of at least this Senator, it is a mark of my admiration that I seriously considered the staff suggestion when she was appointed as Acting Assistant Secretary under Secretary Babbitt, that we simply not confirm any nominee and leave her in that position. Her reaction was to threaten to move up her retirement date, so we relented.

The residents in the territories have lost an irreplaceable resource with her retirement and the Nation is also the poorer. Her retirement is well earned and I wish her every happiness, but I do so with some regret when I contemplate the agenda before us.

YUGOSLAVIA WAR CRIMES TRIBUNAL

Mr. PELL. Mr. President, the international tribunal for the prosecution of war crimes committed in the former Yugoslavia is currently meeting in The Hague. This is a fact of great significance for the rule of law and the prospects for peace in this area of the world. I applaud the leadership Ambassador Albright and the Clinton administration have shown at the United Nations in the creation of this important tribunal.

The tribunal has three fundamental goals. First, it is intended to deter the committal of further crimes in the former Yugoslavia. Second, it has the responsibility to bring to justice the persons responsible for those crimes. Finally, by providing for prosecution and judgment under the rule of law, the tribunal will contribute to the restoration and maintenance of peace.

The tribunal convened for the first time on November 17, 1993, in The Hague. During this first, 2-week session, the court's 11 judges elected Antonio Cassese of Italy as their President, and Mrs. Odio Benito of Costa Rica as their Vice President. I am pleased to note that an American, Judge Gabrielle Kirk McDonald, was chosen as President of one of the tribunal's two trial chambers. Also during this first session, the judges proceeded to examine the Rules of Procedure and Evidence and set their agenda for 1994.

The tribunal's second session began on January 17. The main issue currently being considered at this session is the Rules of Procedure. The tribunal expects to be able to come to a final determination on this issue and to be in a position to conduct trials by late spring. Meanwhile, the prosecutor's office set up under the tribunal hopes to be fully operational by the end of April. I hope the tribunal and the prosecutor can quickly resolve any outstanding procedural and organizational issues so that they can begin their work as soon as possible.

On a personal note, I want to mention that my father, the late Herbert C. Pell, a former congressman from New York City, and a former U.S. Minister, was President Franklin Roosevelt's representative on the U.N. War Crimes Commission that recommended establishment of the Nuremberg Tribunal. There was opposition to this recommendation at the time, and my father fought hard to assure that the historic World War II tribunals would come into being.

Mr. President, while substantial progress has been made in establishing the current tribunal, much remains to be done. My biggest concern with regard to the tribunal's ability to function effectively is its ability to obtain custody of suspected violators of international law. At the end of World War II, the Nuremberg and Tokyo Tribunals were established following the decisive military defeat of the offending parties. In the case of the former Yugoslavia, no such defeat appears imminent.

I am encouraged by the provision of the Tribunal statute which states that the Tribunal will be endowed with the power to call for measures through the Security Council which, failing voluntary cooperation of member States, would ensure compliance with its requests of judicial assistance.

Nevertheless, in the face of resistance from parties to the conflict, it will be difficult for the Prosecutor to make arrests. This makes it imperative that the United States and the other U.N. members maintain a strong commitment to the Tribunal, and that we place unswerving pressure on the warring factions to comply with appropriate U.N. war crimes resolutions.

Madeleine Albright, the American Ambassador to the United Nations, visited The Hague on January 16 and called on governments to "consider what resources—financial, material, personnel, investigatory—they can contribute to the important work of the Tribunal in the months and years ahead." Specifically, she urged States to make relevant information in their possession available to the United Nations, and she encouraged countries which have taken in refugees from the conflict to arrange for them to be interviewed if they have witnessed war crimes. I hope that the international community will heed Ambassador Albright's call to support the Tribunal.

For its part, the United States has done more than any other government to assist the Tribunal. Ambassador Albright announced in The Hague that the United States will soon deliver to the Tribunal about 900 reports of interviews with refugees. The administration also plans to contribute $3 million for the start-up costs of the Tribunal and to begin drawing down some of the $25 million authorized for the Tribunal by Public Law 103-87. In addition, Ambassador Albright announced that the United States is willing to contribute a substantial number of expert personnel at no cost to the United Nations. I commend the administration for these efforts and hope the will set an example for others.

The United States has named as war criminals several leaders from the former Yugoslavia, including some of the same people who are currently involved in U.N.-sponsored peace negotiations. Some have argued that the establishment of a war crimes Tribunal complicates these peace efforts by precluding a possible concession of amnesty to leaders accused of crimes. I believe this view misses the point. The real problem is not that the Tribunal undermines the peace talks, but that we are forced to discuss a peace settlement with the perpetrators of heinous atrocities.

Peace cannot be separated from justice. Unless the persons responsible for the outrageous crimes being committed are brought to justice, any peace agreement will remain hollow. A genuine and lasting peace will come to the lands of the former Yugoslavia only with the restoration of respect for international law and human rights, which provide the basis for international peace and stability.

In this context, I remain hopeful that a real peace accord can be reached that will put an end to the crimes and the killing. I believe that the United Nations war crimes Tribunal, if allowed to function properly, can contribute significantly to the conclusion of such an agreement.

At this point I ask unanimous consent that Ambassador Albright's statement of January 16 be entered into the RECORD.

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

STATEMENT OF AMBASSADOR MADELEINE K. ALBRIGHT, U.S. PERMANENT REPRESENTATIVE TO THE UNITED NATIONS

Almost two weeks ago I began a tour of Central and Eastern Europe capitals in the Balkans, a region blighted by the spector of war crimes. I visited Vukovar, Croatia, a pathetic symbol of the man's inhumanity to man. Hardly a single building was left undamaged from the months of bombing inflicted upon the city in 1991. Thousands of civilians were killed, maimed, or forced to flee their homes. Near Vukovar is Ovcara, a wind-swept field where we have reason to believe hundreds of Croatians from a Vukovar hospital were murdered in cold blood and hastily buried en masse in a garbage dump. What I saw in the mud of that rural garbage dump sickened me. On the field of Ovcara, the rule of law and the basic principles that guide civilized life were abandoned one evil day two years ago. But that has not been uncommon in the senseless war that continues to be waged in the Balkans.

It is fitting, then, that I end my European trip here at the Hague, where the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 (the "International Tribunal") has been established by the Security Council to render justice against the war criminals who have shamed European civilization at the close of the 20th Century. If the cowards who slaughtered their neighbors at Ovcara are indicted and stand trial before this Tribunal, then I intend to return to witness them buckle under the weight of the International law the Tribunal is charged to enforce.

I visited today with the President of the International Tribunal, Judge Antonio Cassese, and with Judge Garbrielle Kirk McDonald from the United States, who is President of one of the two Trial Chambers of the Tribunal. President Clinton and I are very proud of Judge McDonald and her dedication to this historic task. I thank both judges for their kindness in seeing me on a Sunday, which was necessitated by our tight travel schedule and my need to return to my work at the United Nations. I also want to thank Sir Robert Jennings, President of the International Court of Justice, for seeing me this morning as well.

I wish to announce today that the United States shortly will deliver to the Tribunal reports from about 400 refugee interviews (comprising over 1,000 pages) arranged by U.S. officials which provide extensive information about events throughout Bosnia-Herzegovina, particularly around Prijedor, Brcko, and Foca. Nearly all contain firsthand information relating to atrocities; most are eyewitness accounts of atrocities or of the conduct of ethnic cleansing activities. Individuals accused of war crimes are identified. The reports from about 500 additional refugee interviews will be delivered to the Tribunal in several weeks. These are grim reports of almost unspeakable atrocities. Out of respect for the work of the Prosecutor, who will receive these reports, we will not release them publicly at this time.

The United States has been and will continue to be an active contributor to the investigative and judicial efforts that have been underway since 1992 with respect to war crimes in the former Yugoslavia. We have provided diplomatic support, money, personnel, material, and information. We worked very hard for the establishment of the U.N. Commission of Experts to investigate war crimes in 1992 and for the International Tribunal in 1993, and we have provided draft proposals for the Tribunal's statute and its rules of procedure and evidence.

The United States has contributed almost $800,000 to the Commission of Experts, consisting of a $500,000 cash contribution, over $150,000 in material for the planned exhumation of the Ovcara mass grave, the transportation of all materials for the exhumation to Zagreb, and associated personnel salaries and expenses. We plan to contribute $3 million for the start-up costs of the Tribunal and to begin drawing down some of the $25 million authorized by the Fiscal Year 1994 Foreign Affairs Authorization Act to provide goods and services to the Tribunal. We have consulted with the Prosecutor on the possibility of contributing staff to his office. We are prepared to contribute a substantial number of experienced professionals (prosecutors, investigators, regional specialists) at no expense to the United Nations.

Last June the National Security Council established a group of experts, comprised of all relevant agencies in the U.S. Government, to collate and analyze information about war crimes collected by U.S. sources and to provide a wide range of assistance to the United Nations. The NSC group has undertaken major projects and has delivered and will continue to deliver the results of its work to the United Nations.

In addition to our eight public reports on war crimes and the refugee interview reports I have announced today, we have already given the Commission of Experts several hundred unclassified reports and arranged for Commission personnel to have access to classified information. We are conducting investigations in cooperation with the Commission and will continue to do so with the Tribunal as the Prosecutor commences his work.

The United States has repeatedly urged states and international entities to provide necessary support to these investigative and judicial efforts. Unfortunately, I can report today that the response has been spotty. Certain governments—such as the Dutch Government—have been very forthcoming and we appreciate their dedication to this process. But other governments have held back. I reiterate today our appeal to all governments to consider what resources—financial, material, personnel, investigatory—they can contribute to the important work of the Tribunal in the months and years ahead.

It is essential, for example, that governments which have collected information about war crimes make that information available to the United Nations as soon as possible. It is also important that governments of states where refugees from the Balkans conflict are located arrange for interviewing those refugees who witnessed war crimes. We appreciate that this is no simple undertaking, but the information from witnesses is invaluable and governments need to work urgently and efficiently to gather it.

Finally, I want to reiterate a view I expressed after my visit to Ovcara. The United States Government believes that those individuals and government authorities who are responsible for hindering or obstructing in any way the work of the Commission of Experts or the Tribunal should be held accountable by the Tribunal and, if necessary, the Security Council, which can enforce the Tribunal's orders. Further, the United States has consistently taken the position that attempts to interfere with humanitarian assistance shipments in the former Yugoslavia might constitute violations of international humanitarian law and should fall within the Tribunal's jurisdiction. As a Permanent Member of the U.N. Security Council, the United States will examine any effort to ease or lift sanctions against Serbia-Montenegro in the context of whether there has been full compliance with, inter alia, Security Council resolutions relating to war crimes, with the work of the Commission of Experts and of the Tribunal, and with Security Council resolutions relating to the delivery of humanitarian aid.

UNFAIRLY SUBSIDIZED CANADIAN GRAIN

Mr. DORGAN. Mr. President, I would like to mention an issue that is very important to me. I spoke about it on Monday here on the Senate floor, and I will bring it up again now.

Tomorrow it will be somewhere close to 30 below, I am told, in the northern part of North Dakota up near the Peace Garden. The Peace Garden straddles the border that we share with Canada. At the Peace Garden will gather a good many North Dakota farmers tomorrow. They will demonstrate about an unfair trade practice that is sucking millions of dollars, tens of millions, in fact hundreds of millions of dollars, out of the pockets of our farmers.

What is this practice? A flood of grain has come across into this country from Canada—a flood that is unfairly subsidized. Our farmers cannot compete, and therefore they lose money. Ever since the United States-Canada Free-Trade Agreement we have been unable to compete against a flood of durum wheat.

Imports from Canada of unfairly subsidized durum wheat have rocketed from zero shipments into our country to one fourth of our entire domestic consumption. Durum wheat is ground into that flour that is in pasta. Eighty percent of the Durum wheat that is produced in this country is produced in North Dakota.

Tomorrow in the cold up near the Peace Gardens of North Dakota there will be a demonstration as there was in Scoby, MT, 2 weeks ago.

These farmers are not talking about a problem that is theoretical. They are protesting because they are losing money and losing big money. This Government has a responsibility to fix a system of trade that is now unfair.

Tomorrow I will introduce legislation that calls for three things.

First, my bill directs President Clinton to repeal the United States-Canada Free-Trade Agreement and the requirement that a repeal be preceded by a 6-month notification. Second, my bill will immediately impose a 50-percent tariff on all grain shipped into this country from Canada—barley, wheat, and Durum. Third, my bill requests the President to negotiate with the Canadians on implementing three principles

of fair trade. And if he succeeds in these negotiations, he may nullify the position of by bill that would repeal the United States-Canada Free-Trade Agreement.

These three principles of fair trade are: First, requiring transparency on all shipments into this country; second, elimination of unfair Canadian subsidies specifically the subsidy of their railroads that works to undercut our grain prices; and third, prohibition of dumping, specifically the Canadian practice of selling in our market at prices below the full acquisition and production cost of Canadian grain.

Those are the three principles of the legislation I intend to introduce tomorrow afternoon. Aggressive? Sure. Radical? Maybe. Necessary? Absolutely.

I am flat sick and tired of seeing people sit on their hands when our farmers lose money. If we do not have the courage to stand up and demand fair trade on the part of our producers when they have to compete against others, then we ought not pass any more trade bills. Do not bring NAFTA to us. Do not bring GATT to us. I am just tired of trade bills that shortchange our economic interests.

Our farmers deserve better than that. We have been fighting Canadian grain for 5 years. My patience has just flat gone.

So for those who preach moderation, patience, and waiting, we have done all that. We are tired of all that. Our trade problem is getting worse not better. We are losing more money every day.

I hope that in the coming days we will find ways to say to the administration, to say to Congress, to say to all those involved in trade and agriculture that this must change. This must be fixed.

Mr. President, I yield the floor.

TELEVISION VIOLENCE

Mr. DORGAN. Mr. President, I would like to discuss briefly some events yesterday both in the House of Representatives and here in the U.S. Senate dealing with television violence. Some announcements yesterday represented a step forward on the issue of the epidemic of violence on television.

Let me begin my remarks by saying that Senator SIMON here in the U.S. Senate has played the pivotal role in bringing this issue to a head. I have deep admiration for the work Senator SIMON has done. He started his work some years ago and was at the forefront at a time when others were not speaking much about this subject.

Because of Senator Simon's work and because of the work of others, including my colleague, Senator CONRAD of North Dakota, Congressman MARKEY, Senator HOLLINGS, and many others, because of all of that work, the cable industry and the broadcast industry are now talking about the need to monitor violence on television.

The issue is very simple. Technology has exploded in this country. We went from the first snowy little television sets of 6- to 8-inch screens to wonderful color televisions on large screens, to Theater Vision, the VCR, and high definition television. Some TV's now carry 500 channels.

At the same time, during the decade of the eighties, violence on television tripled. We now have enormously violent television programming in this country. Some of us feel very strongly that the many, many studies documenting a relationship between violence on television and violent behavior in our country ought to be something we should be concerned about.

I do not maintain we should censor in any way what someone can or cannot show on television. I do not maintain we should regulate in any way what is shown on our television sets. I do believe, however, that we ought to empower people in this country. We ought to empower parents with information and devices that will allow them to better supervise their children's television viewing.

Let me repeat what I said on the floor before. If today someone knocked on the front door of your home wearing a fancy, shiny silk suit and said, "Look, I have a troop of actors in my truck parked outside of your house. We are wonderful, creative actors. We would like to bring our actors and actresses into your home and put on a show for your children. And these actresses and actors will be killing each other, shooting each other, and bludgeoning each other. Blood and gore will fly in every direction in your living room."

You would say, "Why, you cannot do that. That is child abuse. How on Earth do you dare suggest that at my front door?" Yet this violance comes through the front door on radio waves to our televisions.

Some say, "Well, that is simple. What we do is have parents watch what their children watch and supervise their children's viewing habits." That is easier said than done, as almost all of us understand. I hope we could find ways to air less violence during the times when children are watching.

I have introduced two pieces of legislation in the Senate, neither of which involves censorship or regulation. One calls for the construction of a quarterly television violence report card. The report card will show which are the most violent television programs and who sponsors them. I think we should give that information to parents and let parents do the rest. That is democracy from the bottom up. That is my first bill.

All of the recent announcements made by the industry, in my judgment, are fine, and I commend them for it. But they do not alleviate the need to pass a bill like mine. I am going to propose a modification of my bill to require a quarterly television violence report card for only 2 years. After those 2 years, when the industry begins to implement it's monitoring systems, maybe we will not need the report card. I will modify my bill in this way, and I will continue to press forward with my legislation.

Second, I have been the lead sponsor here in the Senate of a bill that was authored by Congressman MARKEY in the House. This bill would require a bleep chip on every television set. We now require that every television set produced in this country contain a chip that allows the television set to produce captions for the hard of hearing and the deaf. That was done in 1990, I believe, by the Congress. As of July 1 of last year, every set manufactured must have that tiny, little, inexpensive chip. And the result is that every television set sold in this country has that chip. There is room on that chip and the technology is available to also block out programs that are violent.

Congressman MARKEY and I suggest that we have a system by which the television industry rates its programs. If a progarm is violent, a parent with a bleep chip can block out that violent program to protect the children of that family. That is not censorship. It is not regulation. And in my judgment, the announcements of the industry in the past couple of days do not remove the need for this bleep chip bill.

I intend to press forward on both of these issues with Congressman MARKEY and others, and I hope we will be successful.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON THE ADMINISTRATION OF THE FEDERAL RAILROAD SAFETY ACT OF 1970 FOR CALENDAR YEAR 1992—MESSAGE FROM THE PRESIDENT—PM 81

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Commerce, Science and Transportation.

To the Congress of the United States:

I transmit herewith the 1992 annual report on the Administration of the Federal Railroad Safety Act of 1970, pursuant to section 211 of the Act (45 U.S.C. 440(a)).

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 2, 1994.*

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2030. A communication from the President and Chairman of the Export-Import Bank, transmitting, pursuant to law, a report on the demand for trade finance for Central and Eastern Europe, the former Soviet Union and the Baltic States; to the Committee on Banking, Housing and Urban Affairs.

EC-2031. A communication from the President and Chairman of the Export-Import Bank, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to the Czech Republic; to the Committee on Banking, Housing and Urban Affairs.

EC-2032. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the annual report on HUD's program evaluation and monitoring activities; to the Committee on Banking, Housing and Urban Affairs.

EC-2033. A communication from the Acting Under Secretary for Export Administration, Department of Commerce, transmitting, pursuant to law, a report on foreign policy export controls; to the Committee on Banking, Housing and Urban Affairs.

EC-2034. A communication from the Secretary of Transportation, transmitting, a draft of proposed legislation entitled "The Aviation Investment Act of 1994"; to the Committee on Commerce, Science, and Transportation.

EC-2035. A communication from the Secretary of Commerce, transmitting, pursuant to executive order, notice relative to the U.S. Advisory Council on the National Information Infrastructure; to the Committee on Commerce, Science, and Transportation.

EC-2036. A communication from the Assistant Secretary of Interior (Fish and Wildlife and Parks), transmitting, pursuant to law, the report for Section 8 for damaged and threatened national historic landmarks for fiscal year 1993; to the Committee on Energy and Natural Resources.

EC-2037. A communication from the Deputy Associate Director for Compliance of the Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of offshore lease revenues; to the Committee on Energy and Natural Resources.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-361.

POM-362. A resolution adopted by the Nevada State A.F.L.-C.I.O. relative to the Nevada Test Site; to the Committee on Armed Services.

POM-363. A resolution adopted by the Council of Jefferson Parish, Louisiana relative to the U.S. Army Corps of Engineers; to the Committee on Environment and Public Works.

POM-364. A resolution adopted by the House of the General Assembly of the State of Illinois; to the Committee on Environment and Public Works.

STATE OF ILLINOIS, EIGHTY-EIGHTH GENERAL ASSEMBLY, HOUSE OF REPRESENTATIVES

"HOUSE RESOLUTION NO. 1787

"Whereas, Illinois is the largest producer of ethanol blended fuels, providing demand for 100 million bushels of corn per year; and

"Whereas, Thirty percent of the gasoline sold in Illinois is a blend containing ten percent ethanol, and this makes Illinois the largest single user of ethanol blends in the country; and

"Whereas, The ethanol industry in Illinois employs more than 5,000 people and uses seventeen percent of the corn crop, resulting in $200 million in economic activity; and

"Whereas, Ethanol is made from a renewable resource and, as such, is a valuable weapon in our country's battle for energy independence; and

"Whereas, Industries that produce ethanol are delaying plans for expanding their ethanol production capacity until the U.S. Environmental Protection Agency final regulations; and

"Whereas, Ethanol blended fuel has proven to reduce carbon monoxide emissions by up to twenty-five percent; and

"Whereas, The U.S. Environmental Protection Agency has adopted strict new rules for reformulated gasoline standards which are intended to reduce smog in key urban areas and would effectively bar the use of ethanol blended gasoline; and

"Whereas, The U.S. Environmental Protection Agency's 1990 Clean Air Act reformulated gasoline program is scheduled to begin on January 1, 1995 in the following nine urban areas: Chicago, Los Angeles, Baltimore, Houston, Milwaukee, New York City, Philadelphia, San Francisco and Hartford, Connecticut; and

"Whereas, President Clinton has proposed to the U.S. Environmental Protection Agency that the Agency adopt rules to allow up to thirty percent of the share of oxygen content required in reformulated fuels year-round to come from renewable products, including ethanol; and

"Whereas, The U.S. Environmental Protection Agency, following President Clinton's lead, has proposed a new rule for reformulated gasoline standards which allows up to 30 percent of new fuels to be made from renewable sources of energy; and

"Whereas, The U.S. Environmental Protection Agency will conduct a hearing on the proposed rule on January 15, 1994 in Washington, D.C.; therefore, be it

"*Resolved, by the House of Representatives of the Eighty-Eighth General Assembly of the State of Illinois,* that we urge the U.S. Environmental Protection Agency to adopt rules allowing up to 30 percent of the share of oxygen content required in reformulated fuels year-round to come from renewable products, including ethanol; and be it further fuels year-round to come from renewable products, including ethanol; and be it further

"*Resolved,* That suitable copies of this preamble and resolution be presented to the President of the United States, the Secretary of the U.S. Department of Energy, the Secretary of the U.S. Department of Agriculture, the Administrator of the U.S. Environmental Protection Agency, and the Illinois Congressional Delegation."

POM-365. A resolution adopted by the House of the General Assembly of the State of Illinois; to the Committee on Governmental Affairs.

"HOUSE RESOLUTION NO. 1660

"Whereas, unfunded federal mandates—in the form of regulations and requirements in federal laws—have proliferated over the past two decades and become a growing burden for state and local governments; and

"Whereas, the cost of unfunded mandates to state and local governments amounts to many billions of dollars per year, with total costs to city and county governments alone estimated at more than $87 billion nationwide between 1994 and 1998; and

"Whereas, although states and local communities have almost no voice in the federal mandates process, they are expected to pay much of the cost; and

"Whereas, the imposition of unfunded federal mandates is the twentieth century version of taxation without representation; and

"Whereas, unfunded federal mandates undercut the principles of accountability and public trust in the decision-making process which are vital to our democratic system; and

"Whereas, the number of federal statutes imposing unfunded federal mandates has increased alarmingly in recent years, rising from only two statutes in the 1930s and none in the 1940s and 1950s, to twelve statutes in the 1960s, twenty-two in the 1970s, and twenty-seven between 1981 and 1990; and

"Whereas, federal regulatory relief efforts in the 1990s, although helpful, have failed to achieve major reductions in existing requirements or to significantly restrict new regulations and have often been counterbalanced by new conditions on existing programs; and

"Whereas, the crushing burden of unfunded federal mandates has forced states and localities to raise taxes and cut back on other, vital programs and services; and

"Whereas, the Council of State Governments, International City/County Management Association, National Association of Counties, national Conference of State Legislatures, National Governors' Association, National League of Cities and the U.S. Conference of Mayors jointly, proclaimed a "National Unfunded Mandates Day" on October 27, 1993, to call attention to the problems posed by unfunded federal mandates, THEREFORE BE IT

"*Resolved by the House of Representatives of the Eighty-Eight General Assembly of the State of Illinois,* that this House requests the Congress of the United States to enact legislation to require the Congressional Budget Office to evaluate the immediate and cumulative costs of unfunded federal mandates prior to Congressional committee action, and be it further

"*Resolved,* that this House requests the President of the United States to comply with a recommendation of the recently-issued Report of the National Performance Review that "The President should issue a directive limiting the use of unfunded mandates by the administration"; and be it further

"*Resolved,* that this House requests all branches of the federal government to recognize state and local governments as full partners in the domestic decision-making process; and be it further

"*Resolved,* that a suitable copy of this resolution be delivered to the President and

Vice-President of the United States and all members of the Illinois Congressional delegation."

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. KENNEDY, from the Committee on Labor and Human Resources:

J. Davitt McAteer, of West Virginia, to be Assistant Secretary of Labor for Mine Safety and Health.

James A. Joseph, of Virginia, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term of five years.

Shirley Sachi Sagawa, of Virginia, to be a Managing Director of the Corporation for National and Community Service.

Stuart E. Weisberg, of Maryland, to be a Member of the Occupational Safety and Health Review Commission for a term expiring April 27, 1999.

James A. Scheibel, of Minnesota, to be Director of the ACTION Agency.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources:

Charles B. Curtis, of Maryland, to be Under Secretary of Energy.

(The above nomination was reported with the recommendation that he be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. ROBB:

S. 1817. A bill to amend subchapter II of chapter 73 of title 10, United States Code, to prevent cost-of-living increases in the survivor annuity contributions of uniformed services retirees from becoming effective before related cost-of-living increases in retired pay become payable; to the Committee on Armed Services.

By Mr. METZENBAUM (for himself and Mr. GLENN):

S. 1818. A bill to establish the Ohio & Erie Canal National Heritage Corridor in the State of Ohio as an affiliated area of the National Park System, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. KASSEBAUM (for herself and Mr. DOLE):

S. 1819. A bill to prohibit any Federal department or agency from requiring any State, or political subdivision thereof, to convert highway signs to metric units; to the Committee on Environment and Public Works.

By Mrs. BOXER:

S. 1820. A bill to amend the Export Administration Act of 1979 with respect to export controls on computers; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. DASCHLE (for himself, Mr. BINGAMAN, Mr. CAMPBELL, Ms. MOSELEY-BRAUN, Mr. MURKOWSKI, Mr. WOFFORD, Mr. INOUYE, Mrs. MURRAY, Mr. DECONCINI, Mr. STEVENS, Mr. ROCKEFELLER, Mr. REID, Mr. THURMOND, and Mr. HATCH):

S. 1821. A bill to amend the Public Health Service Act to provide a comprehensive program for the prevention of Fetal Alcohol Syndrome, and for other purposes; to the Committee on Labor and Human Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BURNS (for himself, Mr. PRESSLER, Mr. LOTT, Mr. CRAIG, Mr. NICKLES, Mr. MURKOWSKI, Mr. FAIRCLOTH, Mr. LUGAR, Mr. BROWN, Mr. WALLOP, Mr. MCCAIN, and Mr. GRAMM):

S. Con. Res. 59. A concurrent resolution expressing the sense of the Congress that any Federal Government mandated health care reform should be on-budget; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ROBB:

S. 1817. A bill to amend subchapter II of chapter 73 of title X, United States Code, to prevent cost-of-living increases in the survivor annuity contributions of uniformed services retirees from becoming effective before related cost-of-living increases in retired pay become payable; to the Committee on Armed Services.

SURVIVOR BENEFITS PROGRAM AMENDMENT ACT OF 1994

• Mr. ROBB. Madam President, I introduce legislation to correct an inequity in the contributions military retirees make to the Survivor Benefits Program. Last year when we passed the Omnibus Budget Reconciliation Act, COLA's for military retirees were delayed until April 1994. While I was not pleased with that decision, I voted for the legislation because I'm firmly committed to reducing our budget deficit. The bill did just that by almost $500 billion over 5 years.

Contributions to the Survivor Benefits Program are based upon the military retiree's base pay. However, the Department of Defense has announced that it intends to increase contributions to the Survivor Benefits Program effective this past December because the legislation did not delay survivor benefit COLA's. While it is accurate that survivors COLA's were not delayed, military retiree COLA's were, and therefore the retiree's base pay has not yet been increased.

I believe that it is patently unfair to attempt to raise contributions to the Survivor Benefit Program when the base pay has not been augmented by the COLA. I know that when I considered the issue of military retiree COLA's, I expected that contributions to the Survivor Benefits Program would not increase until the retiree's base pay increased as well.

This seems like a clear case of the Department of Defense not interpreting the law as Congress intended, and the bill I'm introducing here today will correct that. This legislation explicitly ties contributions to the Survivor Benefits Program to the retiree's base pay, no matter when the effective date of the retiree's COLA may be.

Madam President, I believe that we must take this corrective action in the name of equity for our military retirees. When they opted to enroll in this program to ensure the economic security of their survivors, they were told that their contribution would be a certain percentage of their base pay. We shouldn't allow this commitment to be changed on them now, and I encourage the speedy consideration and enactment of this legislation for the benefit of our military retirees who are being charged for increased survivor benefits even as we speak.

Madam President, I thank the Chair. I thank the majority leader and the Republican leader, and ask unanimous consent that the text of my bill be printed in the RECORD.

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

S. 1817

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

SECTION 1. COST-OF-LIVING INCREASES IN SBP CONTRIBUTIONS TO BE EFFECTIVE CONCURRENTLY WITH PAYMENT OF RELATED RETIRED PAY COST-OF-LIVING INCREASES.

(a) SURVIVOR BENEFIT PLAN.—Section 1452(h) of title 10, United States Code, is amended—

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

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

"(2)(A) Notwithstanding paragraph (1), when the initial payment of an increase in retired pay under section 1401a of this title (or any other provision of law) to a person is later than the effective date of that increase by reason of the application of subsection (b)(2)(B) of such section, then the amount of the reduction in the person's retired pay shall be effective on the date of that initial payment of the increase in retired pay rather than the effective date of the increase in retired pay.

"(B) Subparagraph (A) may not be construed as delaying, for purposes of determining the amount of a monthly annuity under section 1451 of this title, the effective date of an increase in a base amount under subsection (h) of such section from the effective date of an increase in retired pay under section 1401a of this title to the date on which the initial payment of that increase in retired pay is made in accordance with subsection (b)(2)(B) of such section 1401a.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect with respect to retired pay payable for months beginning on or after the date of the enactment of this Act.•

By Mr. METZENBAUM (for himself and Mr. GLENN):

S. 1818. A bill to establish the Ohio and Erie Canal National Heritage Corridor in the State of Ohio as an affiliated area of the National Park System, and for other purposes; to the Committee on Energy and Natural Resources.

THE OHIO AND ERIE CANAL NATIONAL HERITAGE CORRIDOR ACT OF 1993

• Mr. METZENBAUM. Mr. President, on behalf of myself and Senator GLENN, I introduce the Ohio and Erie Canal National Heritage Corridor Act of 1993.

The purpose of this bill is to designate an 87-mile section of the Ohio and Erie Canal as the Nation's fourth national heritage corridor. National heritage corridors preserve the distinctive natural, cultural, and historical significance of a specific region and are worthy of national recognition.

Mr. President, I strongly believe that the Ohio and Erie Canal corridor is worthy of such recognition.

Northeast Ohio has long been recognized for its valued natural resources. As pioneers settled the region during the 1700's, they found abundant resources for building new lives. But geography cut them off from the rest of the country. The region was isolated from markets to the south and east. It became obvious that a reliable transportation system was needed to link Ohio's pioneers to these markets.

A canal was built along the Cuyahoga and Tuscarawas River valleys in northeast Ohio. When it was completed in 1832, the canal spanned 308 miles and became the Nation's great link between Lake Erie with the Gulf of Mexico.

The economic impact of this canal was immediate and dramatic. In just 20 years Ohio moved from near bankruptcy to economic prosperity. It became the third most prosperous State in the Nation, largely as a result of commerce opened up by the canal. It was during this era that Cleveland became a major lake port, handling the Great Lakes' greatest amount of commerce. The emergence of Akron as a grain milling center was also a direct result of the canal. Economic prosperity expanded beyond the larger cities and encompassed all the smaller communities of the region as well. With expanded commerce canal increased population: Many newcomers to the region were immigrants from around the world. This created the religious and ethnic diversity for which northern Ohio remains famous to this day.

During the Civil War, the canal became a route to freedom for slaves fleeing the South. Ohio's Underground Railroad made frequent use of the canal, while also acting as a supply route for Union soldiers.

With the emergence of railroads as the dominant means of commerce, the Ohio and Erie Canal fell into disuse after the Civil War. However, the region had already established itself as a manufacturing center, and industrial growth continued for the remainder of the 19th century.

Cleveland's prosperity gave birth to many notable businesses such as the Sherwin-Williams Paint Co. and John D. Rockefeller's Standard Oil. In Akron, B.F. Goodrich opened the first rubber factory and was followed by Firestone, Goodyear, and others.

Smaller communities also contributed to the regions prosperity. Diamond Match Co. of Barberton and Dow Chemical of Navarre have grown to become nationally prominent industries. Canton witnessed the birth and career of William McKinley as Governor, and later as the 25th President of the United States.

Growth outside the major cities was also hastened by the advent of the automobile. Development of the countryside made it easier to continue to work in the city. It also allowed for population expansion outward.

Mr. President the impact of the Ohio & Erie Canal corridor on northeast Ohio was, to say the least, extraordinary. In effect it shaped the cultural soul and diversity of the area. Today, Cleveland, Akron, and Canton combine to form this Nation's 12th largest population center. The natural and cultural history of the region is recorded within the Ohio & Erie Canal corridor.

In 1990 the National Park Service was asked by Congress to study the Ohio & Erie Canal corridor with an eye toward guiding decisions concerning the corridor. That study, "a route to prosperity," was released in September 1993 and concluded that the area was indeed worthy of preservation and protection, and is appropriate for inclusion as an affiliated unit of the National Park Service.

Mr. President, this bill is the next step in preserving and protecting this treasured corridor. The region has recently witnessed a reenergized effort in support of preservation. This legislation would promote a strong partnership among local communities and the State and Federal governments in developing the canal project.

This bill would establish a 21-member commission charged with developing a management plan for the area. It would require a dollar-for-dollar match of any Federal funding provided. In short, it is the support of the local communities and business interests that will make this project a reality, not Federal funding. This grassroots support has proven essential in the establishment of America's three existing national heritage corridors in Illinois, Pennsylvania, and Massachusetts.

Mr. President, this corridor offers numerous natural, cultural, historical, and recreational features. This legislation would combine the assets of the corridor, overwhelming local support, and professional preservation expertise.

It is estimated that over 5 million people live within 1 hour of the corridor. The establishment of the canal as a national heritage corridor would provide a greater range of recreation options for these people and would go far in attracting tourism to the region.

Mr. President, I look forward to working with my colleagues in establishing this Nation's fourth national heritage corridor along the Ohio & Erie Canal.

I ask unanimous consent that a copy of the bill be printed in the CONGRESSIONAL RECORD.

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

S. 1818

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 "Ohio & Erie Canal National Heritage Corridor Act of 1994".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) The Ohio & Erie Canal, which opened for commercial navigation in 1832, was the first inland waterway to connect the Great Lakes at Lake Erie with the Gulf of Mexico via the Ohio and Mississippi Rivers and was part of a canal network in Ohio that was one of the most extensive and successful systems in America during a time when canals were essential to the growth of the Nation.

(2) The Ohio & Erie Canal spurred economic growth in the State of Ohio that took the State from near bankruptcy to the third most economically prosperous State in the Union in just 20 years.

(3) A 4-mile section of the Ohio & Erie Canal was designated a National Historic Landmark in 1966 and other portions of the Ohio & Erie Canal and many associated structures were placed on the National Register of Historic Places.

(4) In 1974, 19 miles of the Ohio & Erie Canal were declared nationally significant under National Park Service new area criteria with the designation of Cuyahoga Valley National Recreation Area.

(5) The National Park Service determined that the Ohio & Erie Canal is nationally significant in a 1975 study entitled "Suitability/Feasibility Study, Proposed Ohio & Erie Canal".

(6) A 1993 special resource study of the Ohio & Erie Canal Corridor conducted by the National Park Service entitled "A Route to Prosperity" concluded that the corridor is eligible as a National Heritage Corridor, an affiliated unit of the National Park System.

(b) PURPOSE.—The purpose of this Act is—

(1) to preserve and interpret for the educational and inspirational benefit of present and future generations the unique and significant contributions to our national heritage of certain historic and cultural lands, waterways, and structures within the 87-mile Ohio & Erie Canal Corridor between Cleveland and Zoar; and

(2) to provide a management framework to assist the State of Ohio and its political sub-

divisions in developing and implementing an integrated Corridor Management Plan and developing policies and programs that will preserve, enhance, and interpret the cultural, historical, natural, recreational, and scenic resources of the corridor.

SEC. 3. DEFINITIONS.

For the purposes of this Act—

(1) the term "corridor" means the Ohio & Erie Canal National Heritage Corridor established under section 4;

(2) the term "Commission" means the Ohio & Erie Canal National Heritage Corridor Commission established under section 5; and

(3) the term "Corridor Management Plan" means the management plan developed under section 8.

SEC. 4. OHIO & ERIE CANAL NATIONAL HERITAGE CORRIDOR.

(a) ESTABLISHMENT.—There is established in the State of Ohio the Ohio & Erie Canal National Heritage Corridor.

(b) BOUNDARIES.—

(1) IN GENERAL.—The boundaries of the corridor are generally the route of the Ohio & Erie Canal from Cleveland to Zoar, Ohio, as depicted in the 1993 National Park Service special resources study entitled "A Route to Prosperity".

(2) DETAIL.—The boundaries shall be specified in detail in the Corridor Management Plan, prepared and approved pursuant to section 7(a).

(c) ADMINISTRATION.—The corridor shall be administered in accordance with this Act.

SEC. 5. THE OHIO & ERIE CANAL NATIONAL HERITAGE CORRIDOR COMMISSION.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established the Ohio & Erie Canal National Heritage Corridor Commission.

(2) RESPONSIBILITIES.—The Commission shall assist Federal, State, and local authorities and the private sector in developing and implementing an integrated management plan for the corridor.

(b) MEMBERSHIP.—The Commission shall be composed of 21 members, including—

(1) the Director of the National Park Service, ex officio, or a delegate of the Director;

(2) 2 individuals appointed by the Secretary from recommendations submitted by the Governor of Ohio, who shall be representatives of the Directors of the Ohio Department of Natural Resources and the Ohio Historical Society;

(3) 8 individuals appointed by the Secretary from recommendations submitted by the county commissioners or county chief executive of the Ohio counties of Cuyahoga, Summit, Stark, and Tuscarawas, of which—

(A) 4 individuals shall be representatives of the Planning offices of each county; and

(B) 4 individuals shall represent a municipality in each of the counties;

(4) 3 individuals appointed by the Secretary from recommendations submitted by the county or metropolitan park boards of the Ohio counties of Cuyahoga, Summit, and Stark;

(5) 1 individual with knowledge and experience in the field of historic preservation, appointed by the Secretary from recommendations made by the Director of the National Park Service;

(6) 1 individual with knowledge and experience in the field of historic preservation, appointed by the Secretary from recommendations made by the Ohio Historic Preservation Officer;

(7) 1 individual who shall be a director of a convention and tourism bureau from within the corridor, appointed by the Secretary from recommendations made by the Director of the Ohio Department of Travel and Tourism; and

(8) 4 individuals appointed by the Secretary from recommendations submitted by the Greater Cleveland Growth Association, the Akron Regional Development Board, the Stark Development Board, and the Tuscarawas County Chamber of Commerce, who shall represent business and industry in each of the 4 counties.

(c) PERIOD OF APPOINTMENT.—

(1) IN GENERAL.—Except as provided in paragraph (2), members of the Commission shall be appointed for terms of 3 years and may be reappointed after the expiration of each term.

(2) INITIAL APPOINTMENTS.—The Secretary shall appoint the initial members of the Commission not later than 6 months after the date of enactment of this Act. Of the members first appointed—

(A) the members appointed pursuant to subsection (b)(3)(B) shall be appointed to a term of 2 years and may not be reappointed to a consecutive term;

(B) the member appointed pursuant to subsection (b)(7) shall be appointed to a term of 2 years and may not be reappointed to a consecutive term; and

(C) the members appointed pursuant to subsections (b)(5) and (b)(8) shall be appointed to a term of 2 years and may be reappointed.

(d) VACANCIES.—

(1) IN GENERAL.—Except as provided in paragraph (2), a vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(2) LIMITATIONS.—Any member appointed to fill a vacancy occurring before the expiration of the term for which the predecessor of such vacancy was appointed shall be appointed only for the remainder of such term. Any member of the Commission appointed for a definite term may serve after the expiration of the term until a successor has taken office.

(e) PERSONNEL MATTERS.—

(1) COMPENSATION OF MEMBERS.—Each member of the Commission who is not an officer or employee of the Federal Government shall serve without compensation. Each member of the Commission who is an officer or employee of the Federal Government shall serve without compensation in addition to that received for their service as officers or employees of the Federal Government.

(2) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for persons employed intermittently in the Government service under section 5703 of title 5, United States Code.

(f) CHAIRPERSON.—The members of the Commission shall elect a Chairperson from among the members of the Commission. The Chairperson shall serve in such capacity until the expiration of the term of the member elected as Chairperson.

(g) QUORUM.—Eleven members of the Commission shall constitute a quorum. The affirmative vote of not less than 11 members of the Commission shall be required to approve the budget of the Commission.

(h) MEETINGS.—The Commission shall meet at least quarterly at the call of the chairperson or 11 of its members. Meetings of the Commission shall be subject to section 552b of title 5, United States Code (relating to open meetings).

(i) STAFF.—

(1) IN GENERAL.—The Commission may, without regard to civil service laws and regulations, appoint and fix the compensation of such staff as may be necessary to enable the Commission to carry out its duties. The Commission shall appoint a Director and such specialists the Commission considers necessary or appropriate in such areas as planning, community development, interpretive services, historic preservation, recreation, natural resources, commerce and industry, education, financing, and public relations.

(2) COMPENSATION.—The Commission may fix the compensation of the Director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that no individual so appointed may receive pay in excess of the annual rate payable for grade GS–15 of the General Schedule.

(j) EXPERTS AND CONSULTANTS.—Subject to such rules as may be adopted by the Commission, the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates determined by the Commission to be reasonable.

(k) DETAIL OF GOVERNMENT EMPLOYEES.—Upon request of the Commission, the head of any Federal agency may detail, on a reimbursable basis, the personnel of such agency to the Commission to assist the Commission in carrying out its duties. The Commission may accept the services of personnel detailed from the State of Ohio, and any political subdivision thereof, and may reimburse the State or political subdivision for the services.

(l) ADMINISTRATIVE SUPPORT.—The Administrator of General Services shall provide such administrative support services as the Commission may request, on a reimbursable basis.

SEC. 6. POWERS OF THE COMMISSION.

(a) HEARINGS.—The Commission may, for the purpose of carrying out this Act, hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Commission considers appropriate. The Commission may not issue subpoenas or exercise subpoena authority.

(b) BYLAWS.—The Commission may make such bylaws, rules, and regulations, consistent with this Act, as it considers necessary to carry out its functions under this Act.

(c) POWERS OF MEMBERS AND AGENTS.—Any member or agent of the Commission, if so authorized by the Commission, may take any action which the Commission is authorized to take by this Act.

(d) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(e) USE OF FUNDS TO OBTAIN MONEY.—The Commission may use its funds to obtain money from any source under any program or law requiring the recipient of such money to make a contribution in order to receive such money.

(f) RETAINING REVENUES.—The Commission may retain revenue from the sale or lease of any goods or services.

(g) GIFTS.—Except as provided in subsection (h), the Commission may, for the purposes of carrying out its duties, seek, accept, and dispose of gifts, bequests, or donations of money, personal property, or services, received from any source. For purposes of section 170(c) of the Internal Revenue Code of 1986, any gift to the Commission shall be deemed to be a gift to the United States.

(h) ACQUISITION AND DISPOSITION OF REAL PROPERTY.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the Commission may not acquire real property, or interests in real property, in the corridor.

(2) CONDITIONS FOR ACQUISITION.—Subject to paragraph (3), the Commission may acquire real property, or interests in real property, in the corridor—

(A) by gift or devise;

(B) by purchase from a willing seller using donated or appropriated land acquisition funds; or

(C) by exchange.

(3) CONVEYANCE.—Any real property or interest in real property acquired by the Commission under paragraph (2) shall be conveyed by the Commission to an appropriate public agency or private nonprofit organization, as determined by the Commission—

(A) as soon as practicable after such acquisition; and

(B) on the condition that the real property or interest in real property limits use of the property to uses consistent with the purpose of this Act.

(4) DISPOSAL OF PROPERTY.—The Commission may with approval of the Secretary, sell any real property or interest in real property pursuant to subparagraphs (A) and (B) of paragraph (2) and retain the revenue from the sale.

(i) COOPERATIVE AGREEMENTS AND TECHNICAL ASSISTANCE.—For the purposes of implementing the Corridor Management Plan, the Commission may enter cooperative agreements with, or provide technical assistance to, Federal agencies, the State of Ohio, political subdivisions of the State, corporations, and persons. Any such cooperative agreement shall, at a minimum, establish procedures for providing notice to the Commission of any action proposed by Federal agencies, the State of Ohio, any political subdivision of the State, any corporations, or any such person which may affect the implementation of the Corridor Management Plan.

(j) LOANS AND GRANTS.—Consistent with the purposes of this Act, the Commission may make loans and grants to the State of Ohio, political subdivision of the State, corporations, or persons, from appropriated funds or from funds donated or otherwise made available to the Commission. The Commission shall provide advice and assistance in preparation of loan or grant applications to the Commission and applications for loans or grants from other Federal or non-Federal sources in furtherance of this Act. Any loan made under this subsection shall be for a term expiring before the termination of the Commission.

(k) TECHNICAL ADVISORY GROUPS.—Not later than 1 year after the date on which the Commission holds its first meeting, the Commission shall establish public technical advisory groups to assist the Commission in carrying out its duties in the areas of economic development, historic preservation, natural resources, tourism, recreation and open space, and transportation. The Commission may establish additional technical advisory groups as needed to carry out its duties.

(l) LOCAL AUTHORITY AND PRIVATE PROPERTY NOT AFFECTED.—Nothing in this Act shall be construed to affect or to authorize the Commission to interfere with—

(1) the rights of any person with respect to private property; or

(2) any local zoning ordinance or land use plan of the State of Ohio or a political subdivision of such State.

SEC. 7. DUTIES OF THE COMMISSION.

(a) CORRIDOR MANAGEMENT PLAN.—

(1) PERIOD FOR DEVELOPMENT.—Not later than 18 months after the date on which the Commission conducts its first meeting, the Commission shall submit a management plan for the corridor to the Secretary and the Governor of Ohio for review and approval.

(2) TECHNICAL ASSISTANCE.—The Secretary shall, upon request of the Commission, provide assistance to the Commission in the preparation and implementation of the plan.

(3) PLAN REQUIREMENTS.—The plan shall take into consideration State, county, and local plans existing on the date on which the plan is prepared, and public involvement. The plan shall—

(A) provide an inventory that includes any property in the corridor that should be preserved, restored, managed, developed, or maintained because of its natural, cultural, historic, recreational, or scenic significance;

(B) provide an analysis of current and potential land uses within the corridor that affect the character of the corridor;

(C) determine the boundaries of the corridor based on the information collected pursuant to subparagraphs (A) and (B);

(D) establish standards and criteria applicable to the construction, preservation, restoration, alteration, and use of significant properties within the corridor;

(E) include a heritage interpretation plan to interpret the resources and values of the corridor, and provide for appropriate educational, recreational, and tourism opportunities and development;

(F) contain policies for land use management that consider and detail the application of appropriate land and water management techniques not limited to local zoning, use of easements, and intergovernmental cooperative agreements, so as to protect and enhance the historic, cultural, natural, scenic, and recreational resources of the corridor in a manner consistent with supporting economic development efforts;

(G) include a public access and transportation plan that integrates corridor resources within and outside corridor boundaries;

(H) contain a coordination and consistency component which details the way in which local, State, and Federal programs will be coordinated to promote the purposes of this Act; and

(I) contain a Federal, State, and local government implementation plan that includes cost estimates, schedules, and a commitment of resources for its accomplishment.

(b) APPROVAL OF THE PLAN BY SECRETARY.—

(1) IN GENERAL.—Not later than 90 days after receiving the plan from the Commission, the Secretary shall approve or disapprove a plan submitted under subsection (a).

(2) CRITERIA FOR DECISION.—The Secretary shall approve a plan only if the Secretary finds that the plan, if implemented, would adequately protect the significant natural, cultural, historic, recreational, and scenic resources of the corridor.

(3) FACTORS RELATING TO APPROVAL.—In determining whether or not to approve the plan, the Secretary shall consider whether—

(A) the Commission has afforded adequate opportunity for public involvement in the preparation of the plan; and

(B) adequate assurances have been received from State and local government officials that the implementation program identified in the plan will be initiated within a reasonable time after the date of approval of the plan and such program will ensure effective implementation of the Federal, State, and local aspects of the plan.

(4) DISAPPROVAL.—

(A) IN GENERAL.—If the Secretary disapproves the plan, the Secretary shall advise the Commission, in writing, of the reasons for the disapproval, and shall make recommendations for revisions.

(B) RESUBMISSION.—Not later than 6 months after the Commission receives notice of disapproval, the Commission shall resubmit the plan to the Secretary, who shall approve or disapprove the plan as revised in accordance with paragraphs (1) through (3).

(c) PRIORITY ACTIONS UNDER IMPLEMENTATION OF THE PLAN.—

(1) IN GENERAL.—After approval of the plan under subsection (b), the Commission shall give priority to actions that—

(A) preserve and enhance the significant cultural and natural resources of the corridor;

(B) promote and provide educational, interpretive, and recreational opportunities consistent with the resources and associated values of the corridor; and

(C) support public and private efforts in economic development that contribute to the goals of the plan.

(2) ACTIONS DESCRIBED.—Priority actions to be carried out under paragraph (1) include—

(A) assisting the State and political subdivisions and the private sector preserve and enhance the Ohio & Erie Canal and related resources;

(B) assisting the State and political subdivisions and the private sector in appropriate treatment of historic districts, sites, buildings, structures, and objects listed or eligible for listing on the National Register of Historic Places;

(C) assisting the State and political subdivisions and the private sector design, construct, and maintain appropriate visitor use facilities, interpretive exhibits, tour routes and coordinated signs through the corridor;

(D) assisting in the enhancement of public awareness and appreciation for historical, cultural, natural, recreational, and scenic resources and associated values of the corridor;

(E) encouraging the conservation of natural resources and historic and scenic landscapes;

(F) encouraging enhanced recreational opportunities and economic development in the corridor in furtherance of the goals of the plan; and

(G) encouraging local governments to adopt policies consistent with the goals of the plan and to take actions to implement the policies.

(d) ANNUAL REPORTS.—

(1) COMMISSION.—The Commission shall submit an annual report to the Secretary setting forth its expenses and income and the entities to which any loans and grants were made during the year for which the report is made.

(2) SECRETARY.—The Secretary shall submit an annual report to Congress describing the loans, grants, and technical assistance provided under this Act. The report shall specify the amount, recipient, and purpose of any loan, grant, or technical assistance so provided and shall include an analysis of the adequacy of actions taken during the previous year to preserve, protect, enhance, and interpret the significant sites, buildings, structures, and objects with the area, as well as the anticipated funds and personnel to be made available by the Secretary during the next fiscal year to implement this Act.

SEC. 8. TERMINATION OF THE COMMISSION.

(a) TERMINATION.—Except as provided in subsection (b), the Commission shall termi-

nate on the date that is 20 years after the date of the enactment of this Act. Any property or funds of the Commission remaining upon the expiration of the Commission shall be transferred by the Commission to the United States, to a State or local government agency, to a private nonprofit organization referred to in section 501(c)(3) of the Internal Revenue Code of 1986 which is exempt from income taxes under section 501(a) of such Code, or to any combination of the foregoing.

(b) EXTENSIONS.—The Commission may be extended for a period of not more than 5 years beginning on the date referred to in subsection (a) if, not later than 180 days before such date—

(1) the Commission determines such extension is necessary in order to carry out this Act;

(2) the Commission submits the proposed extension to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resource of the Senate before the termination date; and

(3) the Secretary and the Governor of the State of Ohio each approve such extension.

SEC. 9. DUTIES OF THE SECRETARY.

(a) TECHNICAL ASSISTANCE.—The Secretary may, upon request of the Commission, provide technical assistance to the Commission for—

(1) establishing guidelines and standards to protect, preserve, enhance, and interpret the cultural and natural resources of the corridor; and

(2) general administrative support in planning, finance, personnel, procurement, property management, environmental and historical compliance, and land acquisition.

(b) ASSISTANCE OF THE CUYAHOGA VALLEY NATIONAL RECREATION AREA.—

(1) IN GENERAL.—Upon request of the Commission, and subject to the availability of funds directly appropriated for this purpose, or made available on a reimbursable basis, the Secretary shall provide technical, financial, development, and operations assistance through the Cuyahoga Valley National Recreation Area. Such assistance may include—

(A) administrative support, such as office space and equipment;

(B) personnel;

(C) planning and design services for visitor use facilities, trails, interpretive exhibits, publications, signs, and natural resource management;

(D) development and construction assistance, including visitor use facilities, trails, excursion passenger rail facilities, river use and access facilities, scenic byways, signs, waysides, and rehabilitation of historic structures; and

(E) operations functions, including interpretation and visitor services, maintenance, natural resource management, and law enforcement services conducted within the boundaries of the corridor.

(2) COOPERATIVE AGREEMENTS.—For the purposes of providing assistance under paragraph (1), the Secretary may enter into cooperative agreements with any Federal, State, or local agency, corporation, or person.

(c) LAND TRANSFERS.—The Secretary may accept transfers of real property from the Commission within the boundaries of the corridor as established in the Corridor Management Plan. Property outside the legislated boundaries of the Cuyahoga Valley National Recreation Area that is transferred to the National Park Service by the Commission shall be added to and administered as part of the Cuyahoga Valley National Recreation Area.

SEC. 10. DUTIES OF OTHER FEDERAL ENTITIES.

Any Federal entity conducting or supporting activities directly affecting the corridor and any entity of the State of Ohio or a political subdivision of the State of Ohio acting pursuant to a grant of Federal funds or a Federal permit or agreement supporting such activities, shall—

(1) consult with the Secretary and the Commission appointed for the corridor with respect to such activities;

(2) cooperate with the Secretary and the Commission in carrying out their duties under this Act and, to the maximum extent practicable, coordinate such activities; and

(3) conduct or support such activities in a manner which the Commission determines will not have an adverse effect on the corridor.

SEC. 11. COST SHARE.

(a) FEDERAL SHARE.—The Federal share of the funding provided to the Commission to carry out this Act may not exceed 50 percent of the total cost of—

(1) the annual administrative expenditures of the Commission;

(2) the annual development expenditures of the Commission to implement the Corridor Management Plan; and

(3) the annual land acquisition expenditures of the Commission.

(b) NON-FEDERAL SHARE.—The non-Federal share of the funding of the Commission may be in the form of cash, services, or in-kind contributions, fairly valued.

SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to the Commission—

(1) for the administrative expenses of the Commission, $400,000 per year;

(2) for planning, design, construction, grants, and loans to implement the approved Corridor Management Plan, $1,500,000 per year, to remain available until expended; and

(3) for the acquisition of real property consistent with the implementation of the Corridor Management Plan, subject to section 7(b), $250,000 per year, to remain available until expended.

(b) LIMITATION.—No amount shall be expended prior to the date on which the Secretary approves the Corridor Management Plan, except that the Commission may expend funds prior to such time for—

(1) an 87-mile multiple use trail connecting Cleveland and Zoar, Ohio;

(2) 2 Heritage Visitor Centers located proximate to the route of the Ohio and Erie Canal between Cleveland and Zoar;

(3) excursion passenger rail facilities for the Cuyahoga Valley National Recreation Area provided by the nonprofit Cuyahoga Valley Scenic Railroad along rail routes connecting Cleveland and Zoar;

(4) the rehabilitation of sites, structures, and buildings listed or eligible for listing on the National Register of Historic Places that are located proximate to the route of the Ohio and Erie Canal and that may be threatened with loss or demolition; and

(5) acquisition of property, only if such property is proximate to the route of the Ohio & Erie Canal and is threatened by inappropriate development or treatment.●

● Mr. GLENN. Mr. President, I am pleased to join my colleague, Senator METZENBAUM, in introducing the Ohio and Erie Canal National Heritage Corridor Act. This legislation will designate an 87-mile section of the canal between Cleveland and Zoar as a national heritage corridor.

In fiscal year 1991, Congress appropriated $175,000 for the National Park Service to study the Ohio and Erie Canal Corridor. This study analyzed the national significance of the corridor as well as its historical, cultural and recreational resources. The National Park Service study which was released in September 1993, concluded that the area is suitable and worthy of national preservation and protection.

Mr. President, the importance of the Ohio and Erie Canal to all Americans was recognized in 1966, when a section of the canal in Cuyahoga County was designated as a national historic landmark. The national importance of another portion of the canal corridor was recognized with the authorization of the Cuyahoga Valley National Recreation Area in 1974.

This legislation will establish a 21-member commission to develop a management plan for the corridor. Representatives from the Ohio Department of Natural Resources, the National Park Service, the Ohio Historical Society, the four county governments, and the local business communities would serve on the commission. A number of activities are already underway at the local level, and the National Heritage Corridor Act will serve as a mechanism to coordinate these activities. For example, the Cuyahoga Valley National Recreation Area Towpath Trail and Cuyahoga Valley Line Railroad are providing trail and rail opportunities, and other communities are engaging in master planning projects to focus specifically on their resources. Federal legislation will encourage a regional approach for resource management in the area.

Mr. President, the Ohio and Erie Canal played a major role in our Nation's economic growth and industrial development. I urge my colleagues to join Senator METZENBAUM and me in supporting the Ohio and Erie Canal National Heritage Corridor Act.●

By Mrs. KASSEBAUM (for herself and Mr. DOLE):

S. 1819. A bill to prohibit any Federal department or agency from requiring any State, or political subdivision thereof, to convert highway signs to metric units; to the Committee on Environment and Public Works.

METRIC MANDATE RELIEF ACT

Mrs. KASSEBAUM. Mr. President, today I am introducing legislation that would prohibit Federal agencies from requiring State and local governments to convert highway signs to metric units. Congressman ROBERTS has introduced companion legislation in the House of Representatives.

Currently, the Federal Highway Administration is considering proposals to convert our Nation's highway signs from English to metric. I oppose these

measures and believe that sign conversion would do little more than create confusion for motorists and place yet another unfunded Federal mandate on financially strapped State and local governments.

The confusion that such a change would bring is evident. Today, millions of American motorists, myself included, are not familiar with the metric system. Some may see this fact as a reason to convert highway signs. I disagree and believe that if we are to push metric education, those efforts should begin in the classroom rather than on already dangerous highways.

In addition highway sign conversion would further burden State and local governments with another unfunded Federal mandate. The 1994 Highway Appropriations Act prohibits the use of Federal aid funds for highway sign conversion. Given the reluctance of Congress to fund sign conversion, State and local governments would be forced to pick up the tab. This translates into fewer dollars for other highway projects.

Mr. President, some may view this legislation as an attempt to throw ongoing metric conversion efforts into reverse. That is not the case. This bill would not affect any effort that Government agencies are are taking in accordance with the Omnibus Trade and Competitiveness Act of 1988 and Executive Order 12770, which designate the metric system as the preferred system for U.S. trade and commerce and require all Federal Government agencies to use metric units in procurements, grants, and other business-related activities.

My goal is not to hinder these efforts. I believe that using metrics in business-related activities of the Federal Government can be beneficial. However, it is one thing to require the Government experts who deal with plans and specifications to use metric units. It is quite another to expect American motorists to learn the system as they motor down our Nation's highways, especially when this course in metrics may cost them other highway projects.

Mr. President, I firmly believe that this measure will save American drivers unnecessary headaches and State and local governments millions of dollars. I urge my colleagues to adopt it.

Mr. DOLE. Mr. President, I fully endorse and support my Kansas colleague, Senator KASSEBAUM, in this action to prohibit the Federal Government from requiring States to convert highway signs to the metric system.

Mr. President, here is an example of Federal intrusion at its worst. If one were to look for a mandate that makes less sense than this one, we would all be looking for a long, long time.

I have been contacted by dozens of Kansas citizens who have discovered this mandate. Although the Appropriations Committee has taken action in the past to block the use of Federal highway funds by States to achieve metric conversion, apparently it is the interpretation of the Federal Highway Administration that legislation adopted in 1975 and later amended in 1988 still requires the United States to convert to the metric system. It is my understanding that FHWA does have the option to reject this conversion based upon excessive cost and the hardship it may cause. However, I agree with Senator KASSEBAUM, we should not needlessly spend millions of taxpayer dollars and force the States to convert to the metric system.

By Mrs. BOXER:

S. 1820. A bill to amend the Export Administration Act of 1979 with respect to export controls on computers; to the Committee on Banking, Housing, and Urban Affairs.

COMPUTER EQUIPMENT AND TECHNOLOGY EXPORT CONTROL REFORM ACT

• Mrs. BOXER. Mr. President, I am pleased to introduce today the Computer Equipment and Technology Export Control Reform Act.

U.S. export controls are necessary to contain the spread of weapons and to prevent terrorists from obtaining technology that could threaten this Nation's security. We can all agree on that.

But, at the same time, these controls should not unnecessarily undermine highly competitive and growing California industries, such as our computer and computer equipment makers. Over 280,000 Californians are employed by businesses that make computers, software and other computer equipment. Nationwide, these companies exported over $52.8 billion in goods last year.

To promote economic growth and job creation in California, we must support, not inhibit, this growing, export-oriented sector. Out-of-date and ineffective controls on computers and computer equipment serve as a costly barrier in the global battle for export markets.

The Clinton administration recognized this in its recent Trade Promotion Coordinating Committee [TPCC] report. In this report, the administration noted that the U.S. economy lost 10 to 20 billion dollars' worth of exports each year and as many as 400,000 jobs because of the Federal export control regime. To boost exports and stimulate economic growth, the administration proposed raising the computer control threshold from 12.5 MTOPS to 500 MTOPS, and the supercomputer threshold from 195 MTOPS to 2,000 MTOPS. I congratulate the administration for its foresight and understanding of the needs of this important California industry.

These reforms were an important first step. But, we need to be sure that we do not put California's computer makers behind the 8-ball again.

My bill, the Computer Equipment and Technology Control Reform Act, will ensure that U.S. controls on the export of computers and computer equipment will keep pace with the worldwide spread of computer technology and the rapid speed of technological change. My bill requires the Secretary of Commerce to review annually export controls on computers, software and other computer equipment. In this review, the Secretary must identify the objectives of the controls, the level of technology that would defeat these objectives, the economic impact of the controls, and the level of technology that is widely available now, and will be available in the coming year, in the international marketplace. The Secretary would be required to increase the levels at which technologies are controlled in accordance with the findings of the review.

The act also attempts to better focus U.S. controls on those items that can be controlled by allowing computers worth less than $5,000 and mass-market computers and equipment to be shipped without prior licensing approval. Widely available consumer products will no longer be caught in the time-consuming and costly licensing net.

Finally, the act requires the Secretary to publish the publicly-known names of foreign purchasers that may be involved in proliferation activities. This will enhance the ability of our exporters to avoid foreign purchasers that may be a threat to our Nation's security.

With the Computer Equipment and Technology Control Reform Act, we will have an export control regime that is more rational, more efficient, and more predictable. Computers and technology that should be controlled will be controlled. And, computers and technology that should not be subject to time-consuming and costly controls, will be freed from unnecessary licensing requirements through a reasonable review process.

Freeing California's computer, software and computer equipment makers from unnecessary licensing restrictions will lead to more exports. Increasing California's exports means more jobs for Californians and a stronger California economy.

The Computer Equipment and Technology Control Reform Act has been introduced in the other body by my good friend, Congressman DON EDWARDS. I look forward to working with him and my colleagues in this body to enact this important export control reform bill.

I ask unanimous consent that the text of the bill and a summary be printed in the RECORD.

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

S. 1820

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 at the "Computer Equipment and Technology Export Control Reform Act".

SEC. 2. ANNUAL REVIEW OF CONTROLS ON COMPUTERS.

Section 4 of the Export Administration Act of 1979 (50 U.S.C. App. 2403) is amended by adding at the end the following new subsection:

"(h) Review of Export Controls on Computer Equipment and Technology.—

"(1) IN GENERAL.—In order to ensure that requirements of validated licenses and other licenses authorizing multiple exports are periodically removed as computer equipment, computer communications and networking equipment, computer software, and related technology, that are subject to such requirements become obsolete with respect to the specific objectives of the export controls requiring such licenses, the Secretary shall conduct periodic reviews of such controls. The Secretary shall complete such a review not later than 6 months after the date of the enactment of this subsection, and not later than the end of each 1-year period thereafter.

"(2) REVIEW ELEMENTS.—In conducting each review under paragraph (1), the Secretary shall do the following with respect to the export controls requiring a license described in paragraph (1):

"(A) OBJECTIVES OF CONTROL.—The Secretary shall identify the specific objectives of the export controls, for the 12-month period beginning on the date on which the review is completed, for each country for which a validated license is required. When an objective of an export control is to defer the development of a specific capability in such country, the Secretary shall specify for what period of time the controls are expected to defer such capability.

"(B) QUANTITY AND PERFORMANCE.—The Secretary shall estimate, for the 12-month period described in subparagraph (A), the quantity and performance (measured in Composite Theoretical Performance or other relevant performance metrics) of computer systems that must be obtained by each country for which a validated license is required in order to defeat the objectives of the export controls.

"(C) AVAILABILITY TO CONTROLLED DESTINATIONS.—The Secretary shall evaluate the effectiveness of the export controls in achieving their specific objectives, including explicit descriptions of the availability, during the 12-month period described in subparagraph (A), to controlled countries of computer equipment, computer communications and networking equipment, computer software, and related technology on which the export controls are in effect—

"(i) from sources that do not control the export of such items, and from sources from which no effective export controls on such items exist;

"(ii) as a result of actual or potential diversion, including potential diversion of software over international computer or telephone networks;

"(iii) as a result of export license authorizations from countries other than the United States;

"(iv) as a result of indigenous production in controlled countries; and

"(v) as a result of United States regulations permitting exports to such countries of items with minimal United States content by value.

"(D) ECONOMIC IMPACT.—The Secretary shall evaluate the economic impact, during the 12-month period described in subparagraph (A), of the export controls on exporting companies, including estimates of lost sales, loss in market share, and administrative overhead.

"(3) INCREASE IN THRESHOLDS.—After completing each review under this subsection, the Secretary shall increase, if warranted by the findings of the review, the following export control thresholds, consistent with the obligations of the United States under bilateral and multilateral agreements:

"(A) The performance levels at which computer systems are eligible for delivery under a distribution license.

"(B) The performance levels at which computer systems may be shipped under a general license to countries other than controlled countries.

"(C) The performance levels defining a 'supercomputer'.

"(D) The performance levels at which a validated license is required for the export to a controlled country of computer systems and peripherals, software, parts, and communications equipment normally supplied with such computer systems.

In any recommendation or publication for such increase, the Secretary shall include the specific rationale for the increase.

"(4) DEFAULT PROVISIONS.—If on the date by which a review under this subsection must be completed, the review is not completed or a report on the review has not been transmitted to the Congress under paragraph (5), the performance levels described in paragraph (3) then in effect, stated in terms of Composite Theoretical Performance or other relevant performance metrics, shall double, effective 90 days from that date. No change in regulations or notice in the Federal Register shall be required to implement such increase in performance levels.

"(5) REPORT.—The Secretary shall transmit to the Congress and to the Computer Systems Technical Advisory Committee (or successor technical advisory committee) a report on the findings of each review conducted under this subsection, addressing each requirement set forth in paragraph (2). Within 60 days thereafter, the Computer Systems Technical Advisory Committee (or successor technical advisory committee) shall transmit to the Congress a concise statement specifying its concurrence or nonconcurrence with each matter contained in the Secretary's report, along with specific reasons for such concurrence or nonconcurrence.

"(6) HEARINGS.—The Secretary shall conduct public hearings not less than once each year in order to solicit information from all interested parties on all matters to be addressed in each review conducted under this subsection.".

SEC. 3. DE MINIMUS DECONTROL OF COMPUTER SYSTEMS.

Section 4 of the Export Administration Act of 1979 (50 U.S.C. App. 2403) is amended by adding at the end the following new subsection:

"(i) REMOVAL OF CONTROLS ON COMPUTER SYSTEMS VALUED AT LESS THAN $5,000.—

"(1) IN GENERAL.—No validated license shall be required under this Act for the export or reexport to any controlled country of any digital computer having a net value of less than $5,000.

"(2) DEFINITION OF NET VALUE.—As used in paragraph (1), the 'net value' of a digital computer means the actual selling price of the computer, less transport charges, to the customer abroad, or the current market price of the computer to the same type of customer in the United States.

"(3) NO QUANTITY LIMIT.—No limit may be placed under this Act on the number of computer systems to which paragraph (1) applies that may be exported or reexported at any one time or on the number of shipments of such computer systems to any controlled country or end-user in a controlled country.".

SEC. 4. DECONTROL OF MASS-MARKET COMPUTER EQUIPMENT.

Section 4 of the Export Administration Act of 1979 (50 U.S.C. App. 2403) is amended by adding at the end the following new subsection:

"(j) REMOVAL OF CONTROLS ON MASS-MARKET COMPUTER EQUIPMENT.—

"(1) MASS-MARKET COMPUTER EQUIPMENT DEFINED.—For purposes of this subsection, the term 'mass-market computer equipment' means any computer system, computer networking equipment, peripheral to a computer system, part or subassembly of a computer system, or combination thereof, on which export controls are in effect under this Act, and which will have been installed for end-use outside the United States in a quantity exceeding 100,000 units over a 12-month period, as determined under paragraph (2).

"(2) ANTICIPATORY REVIEW OF MASS-MARKET COMPUTER EQUIPMENT.—Not later than—

"(A) 6 months after the date of the enactment of this subsection, and

"(B) the end of each 1-year period occurring thereafter,

the Secretary shall, in consultation with the Computer Systems Technical Advisory Committee (or successor technical advisory committee), industry groups, and computer equipment producers, identify those items (including computer systems differentiated in terms of Composite Theoretical Performance) that will be installed for end-use outside the United States in a quantity exceeding 100,000 units during the 12-month period beginning on the applicable date described in subparagraph (A) or (B). Estimates of numbers of items installed shall be based on reliable estimates provided by producers of such items.

"(3) ACTION BY THE SECRETARY.—Not later than 30 days after an item is determined by the Secretary under paragraph (2) to be mass-market computer equipment, the Secretary shall either—

"(A) eliminate export controls on such equipment and publish a notice of such action in the Federal Register; or

"(B) in the case of an item controlled under the terms of an export control regime in which the United States participates with 1 or more other countries, propose the elimination of controls on such equipment in accordance with the procedures of the appropriate regime and publish a notice of such proposal in the Federal Register.".

SEC. 5. IDENTIFICATION OF PROLIFERATION END-USERS.

Section 4 of the Export Administration Act of 1979 (50 U.S.C. App. 2403) is amended by adding at the end the following new subsection:

"(k) IDENTIFICATION OF PROLIFERATION ENDUSERS.—

"(1) PROLIFERATION ENDUSER DEFINED.—For purposes of this subsection, the term 'proliferation enduser' means any entity that is engaged, directly or indirectly, in the design, development, or production of nuclear, chemical, or biological weapons or missiles and is located in a country that is not party to a bilateral or multilateral agreement the

purpose of which is to limit the spread of such weapons and activities and to which the United States is a party.

"(2) PUBLICATION OF PROLIFERATION ENDUSERS.—The Secretary shall, within 10 days after communicating to any United States exporter (including by denying an export license to such exporter) that any entity has been identified as a proliferation enduser publish in the Federal Register the name and specific validated license requirements for exports to such proliferation enduser. If such publication is not made, such entity shall be deemed not to be a proliferation enduser and exports or reexports to such entity shall not require an individual validated license solely because of activities described in paragraph (1).".

COMPUTER EQUIPMENT AND TECHNOLOGY EXPORT CONTROL REFORM ACT

BILL SUMMARY

Section 1. Short title

The "Computer Equipment and Technology Export Control Reform Act."

Section 2. Annual review of controls on computers

(1) IN GENERAL.—In an effort to remove export controls that are obsolete, the Secretary of Commerce must conduct an annual review of export controls on computers, software and other computer equipment.

(2) REVIEW ELEMENTS.—In conducting the annual review, the Secretary of Commerce must look prospectively for 12 months at the following elements:

(A) Objectives of Control.—The Secretary must identify the objectives of the export controls. If the goal is to prevent or postpone development or acquisition of a technology or capability, then the Secretary must specify the period of time the controls are expected to defer that capability.

(B) Quantity and Performance.—The Secretary must estimate the number and kind of computer systems that would damage the objectives of the export controls.

(C) Availability to Controlled Destinations.—The Secretary must look at how widely available the controlled computers, software and other computer equipment are:

(i) from uncontrolled sources. This means from companies outside of countries that are part of CoCom or other multilateral regimes.

(ii) because of actual or potential diversion. This means diversion of goods from their intended destination as well as transmission of software over international telephone lines.

(iii) as a result of a license granted by another country. This means instances where another country has granted a license for shipment, or has unilaterally decontrolled a certain good or technology, or permits shipments without prior approval.

(iv) as a result of indigenous production. This means those instances where a controlled country has developed the technology.

(v) as a result of regulations permitting shipment of items with minimal U.S. content value. This means exports that are allowed because they have a minimal amount of U.S. parts.

(5) Economic Impact.—The Secretary must look at the impact of controls on exporting companies, including lost sales, loss in market share, and administrative overhead.

(3) INCREASE IN THRESHOLDS.—Based on the findings of the review, the Secretary shall make the appropriate increases in control thresholds for goods eligible for delivery under:

(A) a distribution license,

(B) a general license,

(C) performance levels defining a supercomputer,

(D) a validated license.

(4) DEFAULT PROVISIONS.—If the review is not completed on an annual basis, then the computer control thresholds will automatically double, effective 90 days from the date that the review should have been completed.

(5) REPORT.—The Secretary must transmit to Congress a report on the findings of the review.

(6) HEARINGS.—The Secretary must conduct public hearings on an annual basis to collect information for the annual review.

Section 3. De minimis decontrol of computer systems

(1) IN GENERAL.—Computers having a net value of less than $5,000 will not require a validated license for export or reexport.

(2) DEFINITION OF NET VALUE.—"Net value" means the actual selling price of the computer, less transport charges to the customer abroad, or the current market price of the computer to the same type of customer.

(3) NO QUANTITY LIMIT.—There is no limit on the number of computers worth less than $5,000 that can be exported or reexported without a validated license.

Section 4. Decontrol of mass-market computer equipment

(1) MASS-MARKET COMPUTER EQUIPMENT DEFINED.—"Mass market computer equipment" is defined as any computer system, computer networking equipment, peripheral to a computer system, or combination thereof that has 100,000 units installed outside the United States over a 12-month period.

(2) ANTICIPATORY REVIEW OF MASS-MARKET COMPUTER EQUIPMENT.—On an annual basis, the Secretary shall identify the computers and computer equipment that, in the next 12 months, will have 100,000 units installed outside the United States.

(3) ACTION BY THE SECRETARY.—If a computer is deemed to be a "mass market computer," the Secretary shall eliminate the controls, or propose the elimination of controls on equipment if the item is controlled under the terms of a multilateral export control regime.

Section 5. Identification of proliferation endusers

(1) PROLIFERATION ENDUSER DEFINED.—A "proliferation enduser" means any entity that is engaged, directly or indirectly, in the design, development or production of nuclear, chemical, or biological weapons or missiles and is located in a country that is not party to a bilateral or multilateral agreement to limit the spread of weapons.

(2) PUBLICATION OF PROLIFERATION ENDUSERS.—The Secretary shall publish in the Federal Register the names of any party that has been identified to an exporter as a proliferation end-user.•

By Mr. DASCHLE (for himself, Mr. BINGAMAN, Mr. CAMPBELL, Ms. MOSELEY-BRAUN, Mr. MURKOWSKI, Mr. WOFFORD, Mr. INOUYE, Mrs. MURRAY, Mr. DECONCINI, Mr. STEVENS, Mr. ROCKEFELLER, Mr. REID, Mr. THURMOND, and Mr. HATCH):

S. 1821. A bill to amend the Public Health Service Act to provide a comprehensive program for the prevention of fetal alcohol syndrome, and for other purposes; to the Committee on Labor and Human Resources.

THE COMPREHENSIVE FETAL ALCOHOL SYNDROME PREVENTION ACT

• Mr. DASCHLE. Mr. President, today I am reintroducing the Comprehensive Fetal Alcohol Syndrome Prevention Act, a bill that will enhance the national effort to eliminate this tragic disease. Fetal alcohol syndrome [FAS] and a related condition known as fetal alcohol effect [FAE] constitute the leading cause of mental retardation in the United States today. The tragedy of FAS/FAE is that both are completely preventable simply by abstaining from the consumption of alcohol during pregnancy.

Unfortunately, many people do not realize the dangers of drinking while pregnant. The Office for Substance Abuse Prevention estimates that as many as 66 percent of all women drink while they are pregnant, endangering their infants' health and putting them at risk of being born with FAS or FAE. The National Council on Alcoholism and Drug Dependence reports that the number of women who believe it is safe to consume up to three drinks per day while they are pregnant may be as high as one-third.

Misconceptions about the impact of alcohol intake during pregnancy are not limited to the general public. Even some health care providers are unaware of the danger of drinking during pregnancy, and for many years it was widely held that moderate alcohol consumption during pregnancy was beneficial.

There are approximately 5,000 children born each year in the United States with FAS. It is estimated that the incidence of FAS is as high as 1 per 100 in some Native American communities. The Centers for Disease Control and Prevention estimate that the lifetime cost of treating an individual with FAS is almost $1.4 million. The total cost in terms of health care and social services to treat all Americans with FAS is close to $1.6 billion each year. This is an extraordinary and unnecessary expense, given the fact that FAS is 100-percent preventable.

The first step toward eliminating this devastating disease is raising the public's consciousness about FAS/FAE. Although great strides have been made in this regard, much more work remains to be done. The Comprehensive Fetal Alcohol Syndrome Prevention Act would establish a comprehensive program to prevent FAS/FAE across the Nation by filling in the gaps in our current FAS/FAE prevention system. I am pleased that several provisions of the original bill introduced at the beginning of the 103d Congress have been put into place over the past year.

The measure I am reintroducing today contains four major components, representing the provisions of the original legislation that have not yet been enacted.

First, the Comprehensive Fetal Alcohol Syndrome Prevention Act would

initiate a coordinated education and public awareness campaign to be conducted by a range of agencies under the Department of Health and Human Services.

Second, it would support applied epidemiologic research into the causes, treatment, and prevention of FAS/FAE. The bill would establish grant programs to assist State, local, and tribal governments, scientific and academic institutions, and other public entities in their efforts in these two areas.

Third, the bill would provide for the development and implementation of a plan to disseminate FAS/FAE diagnostic criteria, developed by the Department of Health and Human Services, to health care and social services providers and others who come into frequent contact with children afflicted by this disease. Finally, it would establish an interagency task force to coordinate the wide range of Federal efforts in combating FAS/FAE.

Mr. President, FAS/FAE presents a national problem that reaches across economic and social boundaries. The Comprehensive Fetal Alcohol Syndrome Prevention Act has been endorsed by over 15 different organizations, including the March of Dimes, the Child Welfare League, and the American Academy of Family Physicians. The demand for a comprehensive and determined response to the devastating problem of FAS/FAE is clear. I am hopeful that, with widespread support, we can enact this important legislation without delay.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1821

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 "Comprehensive Fetal Alcohol Syndrome Prevention Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) Fetal Alcohol Syndrome is the leading known cause of mental retardation, and it is 100 percent preventable;

(2) each year, more than 5,000 infants are born in the United States with Fetal Alcohol Syndrome, suffering irreversible physical and mental damage;

(3) 50,000 more infants are born each year with lesser, though still serious, alcohol-related birth defects, known as Fetal Alcohol Effects;

(4) Fetal Alcohol Syndrome is a national problem, it can impact any child, family, or community, but its threat to American Indians and Alaska Natives is especially alarming;

(5) in some American Indian communities, where alcohol dependency rates reach 50 percent and above, the chances of a newborn suffering Fetal Alcohol Syndrome or Fetal Alcohol Effects are 30 times greater than national averages;

(6) researchers have determined that the possibility of giving birth to a baby with Fetal Alcohol Syndrome or Fetal Alcohol Effects increases in proportion to the amount and frequency of alcohol consumed by a pregnant woman, and that stopping alcohol consumption at any point in the pregnancy reduces the risks and the emotional, physical, and mental consequences of alcohol exposure to the baby;

(7) in addition to the immeasurable toll on Fetal Alcohol Syndrome and Fetal Alcohol Effects children and their families, Fetal Alcohol Syndrome and Fetal Alcohol Effects pose extraordinary financial costs to the Nation, including the costs of health care, education, foster care, job training, and general support services for affected individuals;

(8) as a reliable comparison, delivery and care costs are four times greater for infants who were exposed to illicit substances than for infants with no indication of substance exposure, and over a lifetime, health care costs for one Fetal Alcohol Syndrome child are estimated, to be at least $1,400,000; and

(9) we know of no safe dose of alcohol during pregnancy, or of any safe time to drink during pregnancy, thus, it is in the best interest of the Nation for the Federal Government to take an active role in encouraging all women to abstain from alcohol consumption during pregnancy.

SEC. 3. PURPOSE.

It is the purpose of this Act to establish, within the Department of Health and Human Services, a comprehensive program to help prevent Fetal Alcohol Syndrome and Fetal Alcohol Effects nationwide. Such program shall—

(1) coordinate and support epidemiologic research concerning Fetal Alcohol Syndrome and Fetal Alcohol Effects;

(2) coordinate and support national, State, and community-based public awareness, prevention, and education programs on Fetal Alcohol Syndrome and Fetal Alcohol Effects; and

(3) foster coordination among all Federal agencies that conduct or support Fetal Alcohol Syndrome and Fetal Alcohol Effects research, programs, and surveillance and otherwise meet the general needs of populations actually or potentially impacted by Fetal Alcohol Syndrome and Fetal Alcohol Effects.

SEC. 4. ESTABLISHMENT OF PROGRAM.

Part B of title V of the Public Health Service Act (42 U.S.C. 290bb et seq.) is amended by adding at the end thereof the following new subpart:

"Subpart 4—Provisions Relating to Fetal Alcohol Syndrome and Fetal Alcohol Effects

"SEC. 520E. ESTABLISHMENT OF FETAL ALCOHOL SYNDROME PREVENTION PROGRAM.

"(a) IN GENERAL.—The Secretary, acting through the Substance Abuse and Mental Health Services Administration, the National Institutes of Health, the Centers for Disease Control and Prevention, the Indian Health Service, and other relevant offices, shall establish a comprehensive program to help prevent Fetal Alcohol Syndrome and Fetal Alcohol Effects and coordinate Federal efforts to prevent Fetal Alcohol Syndrome and Fetal Alcohol Effects.

"(b) ELEMENTS OF PROGRAM.—Under the program established under subsection (a), the Secretary shall establish a program that shall—

"(1) coordinate and support national and targeted public awareness, prevention, and education programs on Fetal Alcohol Syndrome and Fetal Alcohol Effects;

"(2) coordinate and support applied epidemiologic research concerning Fetal Alcohol Syndrome and Fetal Alcohol Effects;

"(3) conduct and support basic research targeted to developing data to improve prevention and treatment of Fetal Alcohol Syndrome and Fetal Alcohol Effects;

"(4) develop a plan to disseminate diagnostic criteria to health care and social services providers and carry out that plan; and

"(5) establish an Inter-Agency Task Force on Fetal Alcohol Syndrome and Fetal Alcohol Effects, which shall be chaired by the Associate Administrator for Alcohol Prevention and Treatment of the Substance Abuse and Mental Health Services Administration, and which shall include representatives from all relevant agencies and offices within the Department of Health and Human Services (including the Indian Health Service) Department of Agriculture, Department of Education, Department of Defense, Department of the Interior (including the Bureau of Indian Affairs), Department of Justice, Bureau of Alcohol, Tobacco, and Firearms, Federal Trade Commission, and any other relevant Federal Agency.

"SEC. 520F. EDUCATION AND PUBLIC AWARENESS.

"The Secretary shall direct the appropriate agencies within the Department of Health and Human Services to—

"(1) support, conduct and evaluate the effectiveness of—

"(A) training programs for health care providers, educators, school-based health care providers, social workers, child welfare workers and family members concerning the prevention, diagnosis, and treatment of Fetal Alcohol Syndrome and Fetal Alcohol Effects;

"(B) prevention and education programs, including health education, and school-based clinic programs, for school-age children with respect to Fetal Alcohol Syndrome and Fetal Alcohol Effects; and

"(C) public and community awareness programs concerning Fetal Alcohol Syndrome and Fetal Alcohol Effects;

"(2) provide technical and consultative assistance to States, Indian tribal governments, local governments, school-based health care providers, scientific and academic institutions, and non-profit organizations concerning the programs referred to in paragraph (1); and

"(3) award grants to and enter into cooperative agreements and contracts with States, Indian tribal governments, local governments, scientific and academic institutions, entities that fund school-based clinics, and non-profit organizations for the purpose of—

"(A) enabling such entities to evaluate the effectiveness, with particular emphasis on the cultural sensitivity and age-appropriateness, of the prevention, education and community-based public awareness programs referred to in paragraph (1);

"(B) enabling such entities to provide training to health care providers, school nurses and other school health care providers, including school-based clinic health care providers, educators, family members, social workers, child welfare workers, and others in the prevention, diagnosis and treatment of Fetal Alcohol Syndrome and Fetal Alcohol Effects;

"(C) educating children and youth, including pregnant and high-risk youth, concerning such syndrome and effects with priority given to those programs that are part of a sequential, comprehensive school health education program; and

"(D) increasing public and community awareness concerning Fetal Alcohol Syndrome and Fetal Alcohol Effects through culturally sensitive projects, programs, and

campaigns, and improving the understanding of the general public and targeted groups concerning the most effective methods for intervening with friends and family to prevent fetal exposure to alcohol.

"SEC. 520G. APPLIED EPIDEMIOLOGIC RESEARCH AND PREVENTION PROGRAM.

"The Secretary shall direct the appropriate agencies within the Department of Health and Human Services to—

"(1) conduct and support research on the causes, mechanisms, diagnostic methods, and treatment and prevention of Fetal Alcohol Syndrome and Fetal Alcohol Effects;

"(2) provide technical and consultative assistance and training to States, Indian tribal governments, local governments, other public entities, scientific and academic institutions, and non-profit organizations engaged in the conduct of—

"(A) Fetal Alcohol Syndrome prevention and early intervention programs; and

"(B) research relating to the causes, mechanisms, diagnosis methods, treatment and prevention, of Fetal Alcohol Syndrome and Fetal Alcohol Effects; and

"(3) award grants to, and enter into cooperative agreements and contracts with States, Indian tribal governments, local governments, other public entities, scientific and academic institutions, and non-profit organizations to—

"(A) assist such entities in conducting innovative demonstration and evaluation projects designed to determine effective strategies, including community-based prevention programs and multi-cultural education campaigns, for preventing and intervening in fetal exposure to alcohol;

"(B) improve and coordinate the surveillance and ongoing assessment methods implemented by such entities and the Federal Government, with respect to Fetal Alcohol Syndrome and Fetal Alcohol Effects for the purpose of—

"(i) tracking progress toward achieving relevant Year 2000 Prevention Objectives, set forth by the Public Health Service in the Healthy People 2000: National Health Promotion and Disease Prevention Objectives;

"(ii) identifying successful, culturally sensitive prevention efforts; and

"(iii) identifying children who have symptoms of Fetal Alcohol Syndrome and Fetal Alcohol Effects and may need special health, education, and support services;

"(C) develop and evaluate effective age-appropriate and culturally-sensitive prevention programs for infants, children, adolescents, and adults identified as being at-risk of becoming chemically dependent on alcohol and associated with or developing Fetal Alcohol Syndrome and Fetal Alcohol Effects; and

"(D) facilitate coordination and collaboration among Federal, State, Tribal, and local Fetal Alcohol Syndrome prevention programs.

"SEC. 520H. BASIC RESEARCH PROGRAM.

"The Secretary shall direct the appropriate agencies within the Department of Health and Human Services to conduct and support research on services research and effective prevention treatments and interventions for pregnant alcohol dependent women and individuals with Fetal Alcohol Syndrome and Fetal Alcohol Effects.

"SEC. 520I. DIAGNOSTIC CRITERIA FOR FETAL ALCOHOL SYNDROME AND FETAL ALCOHOL EFFECTS.

"Not later than 90 days after the date of enactment of this subpart, the Secretary shall direct the appropriate agencies within the Department of Health and Human Services to—

"(1) develop a plan for widely-disseminating the Fetal Alcohol Syndrome/Fetal Alcohol Effects diagnostic criteria developed by the Department of Health and Human Services under the ADAMHA Reorganization Act (Public Law 102-321) to health care providers, educators, social workers, child welfare workers, and other individuals within 16 months of such date of enactment; and

"(2) disseminate the criteria described in paragraph (1) in accordance with the plan developed under paragraph (1).

"SEC. 520J. INTER-AGENCY TASK FORCE ON FETAL ALCOHOL SYNDROME AND FETAL ALCOHOL EFFECTS.

"(a) ESTABLISHMENT.—Not later than 30 days after the date of enactment of this subpart, the Secretary shall establish an Inter-Agency Task Force on Fetal Alcohol Syndrome and Fetal Alcohol Effects to foster coordination among all Federal agencies that conduct or support Fetal Alcohol Syndrome and Fetal Alcohol Effects research, programs, and surveillance and otherwise meet the general needs of populations actually or potentially impacted by Fetal Alcohol Syndrome and Fetal Alcohol Effects.

"(b) MEMBERSHIP.—The Task Force established under subsection (a) shall—

"(1) be chaired by the Associate Administrator for Alcohol Prevention and Treatment of the Substance Abuse and Mental Health Services Administration and staffed by the Administration; and

"(2) include representatives from all relevant agencies and offices within the Department of Health and Human Services, Department of Agriculture, Department of Education, Department of Defense, Department of Interior, Department of Justice, Bureau of Alcohol, Tobacco and Firearms, Federal Trade Commission, and any other relevant Federal agency.

"(c) FUNCTIONS.—The Task Force established under subsection (a) shall—

"(1) coordinate all Federal programs and research concerning Fetal Alcohol Syndrome, Fetal Alcohol Effects, and other forms of maternal substance abuse, including those programs—

"(A) targeting individuals, families, and populations identified as being at risk of acquiring Fetal Alcohol Syndrome, Fetal Alcohol Effects, or other maternal substance abuse; and

"(B) providing health, education, treatment, and social services to infants, children, and adults with Fetal Alcohol Syndrome, Fetal Alcohol Effects, and other drug exposures and their families; and

"(2) coordinate its efforts with existing Department of Health and Human Services task forces on substance abuse prevention and maternal and child health;

"(3) report on an annual basis to the Secretary and relevant Committees of Congress on the current and planned activities of the participating agencies.

"SEC. 520K. ADMINISTRATIVE PROVISIONS WITH RESPECT TO GRANTS, COOPERATIVE AGREEMENTS AND CONTRACTS.

"(a) ELIGIBILITY.—To be eligible to receive a grant, cooperative agreement or contract under this subpart, an entity shall—

"(1) be a State, Indian tribal government, local government, entity that funds a school-based health clinic scientific or academic institution or non-profit organization;

"(2) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may prescribe, including a description of the activities that the entity intends to carry out using amounts received under a grant, cooperative agreement, or contract; and

"(3) provide assurances that amounts received under such grants, cooperative agreements or contracts will be used in accordance with this subpart.

"(b) MAINTENANCE OF EFFORT.—No grant, cooperative agreement, or contract may be awarded to an entity under this subpart unless the entity agrees to maintain the expenditures of the entity for activities of the type for which the amounts to be received under a grant, cooperative agreement, or contract are to be used, at a level equal to not less than the level of such expenditures maintained by the entity for the fiscal year preceding the fiscal year for which the entity is applying to receive the grant, cooperative agreement or contract.

"(c) AMOUNTS IN LIEU OF CASH.—At the request of a recipient of a grant, cooperative agreement, or contract under this subpart, the Secretary may reduce the amount provided under such grant, agreement, or contract by—

"(1) an amount equal to the fair market value of any supplies or equipment furnished the recipient; and

"(2) an amount equal to the amount of the pay, allowances, and travel expenses of any officer or employee of the Federal Government which was detailed to the recipient and the amount of any other cost incurred in connection with the detail of such officer or employee.

"SEC. 520L. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this subpart, such sums as are necessary for each of the fiscal years 1994 through 1997.".•

• Mr. BINGAMAN. Mr. President, I am pleased today to join my good friend and distinguished colleague, Senator DASCHLE, in reintroducing the Comprehensive Fetal Alcohol Syndrome Prevention Act. Through this legislation, we are proposing a comprehensive, coordinated, national effort to prevent one of the leading causes of birth defects in this country: Fetal alcohol syndrome.

The need for this legislation is well documented, and the time for action is long overdue. Fetal Alcohol Syndrome [FAS] is this Nation's primary known cause of mental retardation, and it is completely preventable. According to a report issued last summer by the Centers for Disease Control and Prevention, the number of reported FAS cases has tripled over the past decade. The CDC reports that in 1992, nearly 4 infants—possibly more—out of every 10,000 births were born with FAS, suffering irreversible physical and mental harm. In 1979, the first year CDC collected information on the incidence of Fetal Alcohol Syndrome, it estimated the number of reported FAS cases at only one per 10,000 births.

Adding to the extent of the problem are estimates which indicate that each year 10,000 to 12,000 infants are born with lesser, though still serious, alcohol-related birth defects known as fetal alcohol effects [FAE].

In my home State of New Mexico, the number of infants born with FAS has

exceeded the national average for a number of years. Each year, more than 36 babies are born in New Mexico with FAS, and more than 80 are born with FAE. Some experts believe our FAS rate has been consistently higher than the national average because our doctors, who have benefited from a significant amount of State-based FAS research, are more familiar with its signs and symptoms.

If this is true, then nationally the number of FAS and FAE births could be higher than today's estimates. In fact, the CDC believes this to be the case. According to Dr. David Erickson, the chief of the CDC's birth defects and genetic diseases branch, the new CDC count—which we need to remember is a threefold increase over the 1979 estimate—probably is a substantial undercount. It is an undercount for a number of reasons, but chief among them is undoubtedly lack of awareness.

Although the exact number of infants and families impacted by FAS and FAE is not entirely certain, there is no question that fetal alcohol syndrome is a national problem. It can impact any child, any family, and any community. But I am especially troubled about the threat FAS poses to the Navajo, Apache, and Pueblo children and families in New Mexico, and to American Indians throughout the Nation.

New Mexico health officials estimate that the combined FAS rate for our State's 22 Indian tribes is 2 to 5 times that the national average. According to the Indian Health Service, the prevalence of FAS is significantly higher among American Indians and Alaska Natives than nationally. I have been told that in some American Indian and Alaska Native communities, as many as 1 in 4 newborns may be affected by FAS or FAE.

Mr. President, the real tragedy of fetal alcohol syndrome and fetal alcohol effects is that both are completely preventable. Not one more infant would be born with FAS or FAE if every pregnancy was an alcohol-free pregnancy. If we could get the message out that alcohol and pregnancy do not mix, if we could explain the compelling need for every mother to stay away from alcoholic beverages while she is pregnant, then we could eliminate this disease. The key is prevention through education.

Prevention through education is the cornerstone of the Comprehensive Fetal Alcohol Syndrome Prevention Act. As I mentioned earlier, this bill will create a comprehensive, coordinated program within the Department of Health and Human Services to help prevent FAS and FAE. Specifically, this bill:

Directs the Secretary of Health and Human Services to:

Coordinate and support national and targeted public awareness, prevention, and education programs on FAS–FAE;

Coordinate and support basic and applied epidemiologic research on FAS–FAE;

Assist in establishing and conducting nationwide FAS–FAE surveillance programs;

Convene a panel of national experts to develop diagnostic criteria for FAE; and

Focus efforts on the needs of at-risk populations, and American Indians and Alaska Natives in particular.

Establishes an Inter-Agency Task Force on FAS-FAE:

To coordinate all Federal agencies that conduct or support FAS–FAE research, programs, and surveillance or otherwise meet the general needs of populations actually or potentially impacted by FAS–FAE; and

To prepare an annual report to the Congress on FAS–FAE research and prevention efforts.

The task force will be chaired by the Associate Administrator for Alcohol Prevention and Treatment of the Substance Abuse and Mental Health Services Administration [SAMHSA];

Members will include all relevant agencies and offices within the Departments of Health and Human Services, Agriculture, Education, Defense, Interior, and Justice; the Bureau of Alcohol, Tobacco and Firearms; the Federal Trade Commission, and all other relevant departments and agencies.

Mr. President, each one of the provisions I have listed is needed. But perhaps most important, the new DHHS program this bill authorizes will help develop national and targeted campaigns to increase public awareness of the symptoms and impact for preventing FAS and FAE. The central focus of every campaign will be clear, effective, and culturally sensitive methods and messages for FAS and FAE prevention. Initially, Federal efforts will focus on the needs of at-risk populations, and in particular, American Indians and Alaska Natives.

I urge my colleagues to study this legislation and lend it their support. As I mentioned earlier, FAS knows no boundaries. It can—and does—impact children and families in every State in this country. It is a problem so pervasive, yet so readily preventable, that it requires a broad-based, concerted, and coordinated effort for elimination.

Existing FAS–FAE prevention programs need increased funding, and we need to work to make this happen. But money alone is not the answer. We need a firm commitment from the Federal Government, the States, local governments, Indian tribes, schools, community-based organizations, and families to assume responsibility and work together, in a coordinated manner, for the benefit of our children. If we have this commitment, we can improve the quality of life for children already afflicted with FAS, and we can put an end to this terrible—and 100-percent preventable—disease.●

ADDITIONAL COSPONSORS

S. 39

At the request of Mr. ROTH, the name of the Senator from California [Mrs. FEINSTEIN] was added as a cosponsor of S. 39, a bill to amend the National Wildlife Refuge Administration Act.

S. 208

At the request of Mr. BUMPERS, the name of the Senator from New Jersey [Mr. BRADLEY] was added as a cosponsor of S. 208, a bill to reform the concessions policies of the National Park Service, and for other purposes.

S. 235

At the request of Mr. REID, the name of the Senator from Arizona [Mr. MCCAIN] was added as a cosponsor of S. 235, a bill to limit State taxation of certain pension income, and for other purposes.

S. 266

At the request of Mr. SIMON, the name of the Senator from Louisiana [Mr. JOHNSTON] was added as a cosponsor of S. 266, a bill to provide for elementary and secondary school library media resources, technology enhancement, training and improvement.

S. 271

At the request of Mr. GRASSLEY, the name of the Senator from Illinois [Ms. MOSELEY-BRAUN] was added as a cosponsor of S. 271, a bill to amend the Internal Revenue Code of 1986 to allow a credit for interest paid on education loans.

S. 295

At the request of Mr. DURENBERGER, the name of the Senator from Illinois [Ms. MOSELEY-BRAUN] was added as a cosponsor of S. 295, a bill to amend title 23, United States Code, to remove the penalties for States that do not have in effect safety belt and motorcycle helmet traffic safety programs, and for other purposes.

S. 557

At the request of Mr. HATCH, the name of the Senator from Pennsylvania [Mr. WOFFORD] was added as a cosponsor of S. 557, a bill to combat telemarketing fraud.

S. 1175

At the request of Mr. LIEBERMAN, the names of the Senator from New Hampshire [Mr. GREGG], the Senator from Arizona [Mr. DECONCINI], and the Senator from Texas [Mrs. HUTCHISON] were added as cosponsors of S. 1175, a bill to amend the Internal Revenue Code of 1986 to allow corporations to issue performance stock options to employees, and for other purposes.

S. 1180

At the request of Mr. GRASSLEY, the name of the Senator from California [Mrs. BOXER] was added as a cosponsor of S. 1180, a bill to amend the Internal Revenue Code of 1986 to encourage the production and use of wind energy.

S. 1208

At the request of Mr. WOFFORD, the name of the Senator from Iowa [Mr.

GRASSLEY] was added as a cosponsor of S. 1208, a bill to authorize the minting of coins to commemorate the historic buildings in which the Constitution of the United States was written.

S. 1265

At the request of Mrs. MURRAY, the name of the Senator from Louisiana [Mr. JOHNSTON] was added as a cosponsor of S. 1265, a bill to amend the Export Administration Act of 1979 to extend indefinitely the current provisions governing the export of certain domestically produced crude oil.

S. 1361

At the request of Mr. SIMON, the name of the Senator from Michigan [Mr. RIEGLE] was added as a cosponsor of S. 1361, a bill to establish a national framework for the development of School-to-Work Opportunities systems in all States, and for other purposes.

S. 1514

At the request of Mr. COVERDELL, the name of the Senator from New Hampshire [Mr. SMITH] was added as a cosponsor of S. 1514, a bill entitled the "Guaranteed Deficit Reduction Act of 1993."

S. 1676

At the request of Mr. MACK, the name of the Senator from Utah [Mr. BENNETT] was added as a cosponsor of S. 1676, a bill to provide a fair, nonpolitical process that will achieve $65,000,000,000 in budget outlay reductions each fiscal year until a balanced budget is reached.

S. 1715

At the request of Mrs. HUTCHISON, the names of the Senator from Florida [Mr. MACK], the Senator from Colorado [Mr. BROWN], the Senator from Wisconsin [Mr. KOHL], the Senator from Ohio [Mr. METZENBAUM], and the Senator from South Dakota [Mr. DASCHLE] were added as cosponsors of S. 1715, a bill to provide for the equitable disposition of distributions that are held by a bank or other intermediary as to which the beneficial owners are unknown or whose addresses are unknown, and for other purposes.

SENATE JOINT RESOLUTION 90

At the request of Mr. ROBB, the names of the Senator from Kentucky [Mr. FORD] and the Senator from Connecticut [Mr. DODD] were added as cosponsors of S.J. Res. 90, a joint resolution to recognize the achievements of radio amateurs, and to establish support for such amateurs as national policy.

SENATE JOINT RESOLUTION 161

At the request of Mr. BUMPERS, the name of the Senator from Tennessee [Mr. SASSER] was added as a cosponsor of S.J. Res. 161, a joint resolution to designate April 1994, as "Civil War History Month."

AMENDMENT NO. 1339

At the request of Mr. LAUTENBERG, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of amendment No. 1339 proposed to S. 1281, an original bill to authorize appropriations for the fiscal years 1994 and 1995 for the Department of State, the United States Information Agency, and related agencies, to provide for the consolidation of international broadcasting activities, and for other purposes.

SENATE CONCURRENT RESOLUTION 59—RELATIVE TO HEALTH CARE REFORM

Mr. BURNS (for himself, Mr. PRESSLER, Mr. LOTT, Mr. CRAIG, Mr. NICKLES, Mr. MURKOWSKI, Mr. FAIRCLOTH, Mr. BROWN, Mr. WALLOP, Mr. MCCAIN, Mr. GRAMM, and Mr. LUGAR) submitted the following concurrent resolution; which was referred jointly, pursuant to the order of August 4, 1977, to the Committee on the Budget, and to the Committee on Governmental Affairs:

S. CON. RES. 59

Expressing the sense of the Congress that any Federal Government mandated health care reform should be on-budget.

Whereas the Administration's proposed health care reform plan would constitute the largest expansion of Federal entitlements in history;

Whereas the proposed health care premiums would be mandatory taxes;

Whereas the Administration's proposed health care reform plan would constitute a massive tax increase;

Whereas the costs of any health care reform plan that is kept off-budget would be difficult to control and account for;

Whereas placing health care reform off-budget means that it would be exempt from annual budget reviews and would have no meaningful restraints on growth;

Whereas the Office of Management and Budget's own risk tables, and past and present entitlement growth trends show that the Administration's proposed health care reform plan could increase Federal budget deficits by up to $800,000,000,000 by the year 2000;

Whereas the Federal Government has already run up massive unfunded liabilities outside the budget process; and

Whereas the attempt to place the health care reform plan off-budget is a move to hide the true cost of the plan from the American public: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that any Federal Government mandated health care reform should be on-budget.

Mr. BURNS. Mr. President, I rise today to submit a resolution stating that it is the sense of the Congress that any Federal Government mandated health care reform should be on-budget. Notice I said "any"; this is not a resolution to single out the Clinton plan or any other plan. This, by the way, is the same resolution that my friends in the House, Representative WAYNE ALLARD and Representative TIM PENNY, will be introducing today.

It is my strong feeling that we need to take responsibility for the health care plans that we ask our folks to implement and to live with. If we are to increase taxes, especially mandated taxes, we need to be responsible for the costs. Leaving any program off-budget, especially when the reform is as massive as this reform will potentially be, will mean costs will be difficult to control and account for. We need to make certain that we have some way to restrain growth or I can just see it now. Instead of a health care crisis, we'll be looking at a budget crisis of incredible proportions.

As you know, Mr. President, our States are buckling under the weight of unfunded mandates already. I cannot, in good conscience, support any plan which will add more liability to my State without Federal responsibility. And keeping health care reform off-budget will hide the true cost of the plan from the American public. I think they have the right to know the true costs and I think it's in our best interest to make those costs known. And it is imperative that whatever health care reform proposal we enact should be subject to annual budget reviews or we will never get a handle on what is driving these costs skyward.

We all want the same thing—and that has come through in all of our many debates on this issue. we are aiming for increased access and lower costs. Let's be fiscally responsible in the process. We are talking here about one-seventh of our economy. That's a huge chunk to have no control over. I don't think we can afford to leave this off-budget.

CBO will shortly be making their decision as to whether or not this will be on-budget. Let me remind them that some precedence has been set. The Coal Industry Retiree Health Benefit Act, enacted in 1992 by Congress, requires coal companies to pay health premiums to a privately managed fund for its retired coal miners. The premiums do not go into the Treasury and yet it is considered on-budget. And the Federal Unemployment Trust Fund is also treated in this fashion. States act as agents of the Federal Government, raising and paying out unemployment benefits, and this is counted on-budget.

Let's do something that the people have been asking us to do for years. Let's act responsibly. Let's tell the folks at home that any Federal Government mandated health care reform will be on-budget and reviewed annually to make sure cost containment is a priority.

I am joined by a number of colleagues in introducing this resolution and would ask they be listed as original cosponsors: Senator LARRY PRESSLER, Senator TRENT LOTT, Senator LARRY CRAIG, Senator FRANK MURKOWSKI, Senator DON NICKLES, Senator LAUCH FAIRCLOTH, and Senator RICHARD LUGAR.

I would also ask that remarks from Senator PRESSLER and a letter he

wrote to Mr. Reischauer be entered into the RECORD immediately following.

I yield the floor.

Mr. PRESSLER. Mr. President, I'm pleased to join with Senator CONRAD BURNS in offering this concurrent resolution. To my amazement, this common-sense approach to health care reform is opposed by some. We believe that all costs associated with health care reform should be considered on-budget.

The American public concurs that too many are without health insurance and that medical costs are increasing at alarming rates. We may not all agree upon the best method of addressing these problems. However, we share the same goals—reduced cost and increased access, which is a good starting point.

President Clinton, in his Health Security Act, envisions an expanded role for the Federal Government. I, for one, do not agree with this approach to reform. Rather, I support market, insurance, and malpractice reforms as means of reducing costs. We can best help the uninsured by reducing costs and providing vouchers to help those who need it to purchase private insurance.

I'm not here to debate the merits of the various health care plans. Instead, I'm here to express my belief that the cost of any health plan, whether advanced by a Republican, Democrat, or independent, must be considered on-budget. This is an important first step in the health care debate. We must show that we are serious about reforming the health care system and serious about being fiscally responsible in the process.

The Clinton administration and others have argued that certain sections of the President's health plan should be considered off-budget. If this were done, the true cost of the President's health plan would be hidden from the taxpayer.

The President's health plan would redistribute one-seventh of our Nation's economy. Some economists estimate that the health alliances proposed in the President's plan will collect and distribute more money than the governments of the States in which they operate. This awesome reallocation of resources would be directed by the Federal Government. If the Government is going to engage in economic control on this scale, these activities should be accurately reported and monitored.

The premium payments made by employers under the Clinton plan are mandated, thus they are payroll taxes. These premiums represent a new cost for many small businesses and individuals. Some predict the employers' costs will represent about half of the nearly $700 billion in new spending over the next 5 years. Their contribution is a payroll tax and as such, it should be considered on-budget.

The expense of health care reform is a great unknown. Many models and estimates have been offered. The fact is that we cannot accurately project the course of the economy. And as the runaway costs of Medicare and Medicaid show, we cannot accurately predict the course of Government spending. One study estimates the Clinton health care plan will add $1 trillion to our national debt. To prevent health care from breaking the Nation's bank, we must keep reform on the budget, where it can be monitored and controlled in years to come.

On December 8, 1993, I wrote to Robert Reischauer, Director, Congressional Budget Office urging that all costs associated with health spending be considered on-budget. Mr. President I wish to submit a copy of that letter for the RECORD.

The intent of this concurrent resolution is simple. All costs associated with health care reform must be considered on-budget. I urge my colleagues to support this proposal.

Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

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

U.S. SENATE,
COMMITTEE ON SMALL BUSINESS,
Washington, DC, December 8, 1993.

Mr. ROBERT D. REISCHAUER,
Director, Congressional Budget Office, Ford House Office Building, Washington, DC.

DEAR ROBERT: President Clinton's health care plan represents unprecedented federal spending, price controls and bureaucracy. I am deeply troubled by recent news reports that the Congressional Budget Office is considering scoring the health care plan "off budget." I urge you to truthfully label this plan and include it in the federal budget. U.S. taxpayers deserve to know the full cost of any health plan adopted by the Congress.

As you are well aware, the President's plan would redistribute one-seventh of our Nation's economy. Some economists estimate that the health alliances will collect and distribute more money than the governments of the states they operate in. This awesome reallocation of resources would be directed by the Federal government. If the government is going to engage in economic control on this scale, these activities should be accurately reported and monitored.

The premium payments made by employers under the Clinton plan are mandated, thus they are payroll taxes. The premiums represent a new cost for many small businesses and individuals. Even with the proposed subsidies, the employer mandate would cost small firms an additional $32 billion each year. Because these new expenses are not voluntary, they must be labeled as taxes.

Scoring premium payments and health care services "off budget" is a dangerous move. This would hide the true expense of the plan. Costs undoubtedly will be harder to monitor and control. This plan should not be afforded a special exemption from our system of checks and balances. In looking at the runaway costs of other broad based government programs, we cannot afford to let another entitlement venture go unchecked.

Taxpayers deserve to know the true cost of the Clinton health care plan. I urge you to call a spade a spade, and include these new taxes and federal outlays in the national budget.

Sincerely,

LARRY PRESSLER,
Ranking Member.

AMENDMENTS SUBMITTED

GOALS 2000: EDUCATE AMERICA ACT

KENNEDY AMENDMENT NO. 1356

Mr. KENNEDY proposed an amendment to the bill (S. 1150) to improve learning and teaching by providing a national framework for education reform; to promote the research, consensus building, and systemic changes needed to ensure equitable educational opportunities and high levels of educational achievement for all American students; to provide a framework for reauthorization of all Federal education programs; to promote the development and adoption of a voluntary national system of skill standards and certifications; and for other purposes; as follows:

Strike all after the enacting clause, and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—Titles I through IV of this Act may be cited as the "Goals 2000: Educate America Act".

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

Sec. 1. Short title; table of contents.
Sec. 2. Purpose.
Sec. 3. Definitions.

TITLE I—NATIONAL EDUCATION GOALS

Sec. 101. Purpose.
Sec. 102. National education goals.

TITLE II—NATIONAL EDUCATION REFORM LEADERSHIP, STANDARDS, AND ASSESSMENTS

PART A—NATIONAL EDUCATION GOALS PANEL

Sec. 201. Purpose.
Sec. 202. National education goals panel.
Sec. 203. Duties.
Sec. 204. Powers of the goals panel.
Sec. 205. Administrative provisions.
Sec. 206. Director and staff; experts and consultants.

PART B—NATIONAL EDUCATION STANDARDS AND IMPROVEMENT COUNCIL

Sec. 211. Purpose.
Sec. 212. National Education Standards and Improvement Council.
Sec. 213. Duties.
Sec. 214. Annual reports.
Sec. 215. Powers of the council.
Sec. 216. Administrative provisions.
Sec. 217. Director and staff; experts and consultants.
Sec. 218. Opportunity-to-learn development grant.

PART C—LEADERSHIP IN EDUCATIONAL TECHNOLOGY

Sec. 221. Purposes.
Sec. 222. Federal leadership.
Sec. 223. Office of Educational Technology.
Sec. 224. Uses of funds.
Sec. 225. Non-Federal share.
Sec. 226. Office of Training Technology Transfer.

PART D—AUTHORIZATION OF APPROPRIATIONS
Sec. 231. Authorization of appropriations.
TITLE III—STATE AND LOCAL EDUCATION SYSTEMIC IMPROVEMENT
Sec. 301. Findings.
Sec. 302. Purpose.
Sec. 303. Authorization of appropriations.
Sec. 304. Allotment of funds.
Sec. 305. State applications.
Sec. 306. State improvement plans.
Sec. 307. Secretary's review of applications; payments.
Sec. 308. State use of funds.
Sec. 309. Subgrants for local reform and professional development.
Sec. 310. Availability of information and training.
Sec. 311. Waivers of statutory and regulatory requirements.
Sec. 312. Progress reports.
Sec. 313. National leadership.
Sec. 314. Assistance to the outlying areas and to the Secretary of the Interior.
Sec. 315. Clarification regarding State standards and assessments.
Sec. 316. State planning for improving student achievement through integration of technology into the curriculum.
TITLE IV—MISCELLANEOUS
Sec. 401. Public schools.
Sec. 402. Construction.
TITLE V—NATIONAL SKILL STANDARDS BOARD
Sec. 501. Short title.
Sec. 502. Purpose.
Sec. 503. Establishment of National Board.
Sec. 504. Functions of the National Board.
Sec. 505. Deadlines.
Sec. 506. Reports.
Sec. 507. Authorization of appropriations.
Sec. 508. Definitions.
Sec. 509. Sunset provision.

SEC. 2. PURPOSE.

It is the purpose of this Act to provide a framework for meeting the National Education Goals described in title I of this Act by—

(1) promoting coherent, nationwide, systemic education reform;

(2) improving the quality of teaching and learning in the classroom;

(3) defining appropriate and coherent Federal, State, and local roles and responsibilities for education reform;

(4) establishing valid, reliable, and fair mechanisms for—

(A) building a broad national consensus on United States education reform;

(B) assisting in the development and certification of high-quality, internationally competitive content and student performance standards;

(C) assisting in the development and certification of opportunity-to-learn standards; and

(D) assisting in the development and certification of high-quality assessment measures that reflect the internationally competitive content and student performance standards;

(5) supporting new initiatives at the Federal, State, local, and school levels to provide equal educational opportunity for all students to meet high standards; and

(6) providing a framework for the reauthorization of all Federal education programs by—

(A) creating a vision of excellence and equity that will guide all Federal education and related programs;

(B) providing for the establishment of high-quality, internationally competitive content and student performance standards that all students, including disadvantaged students, students with diverse racial, ethnic, and cultural backgrounds, students with disabilities, students with limited-English proficiency, and academically talented students, will be expected to achieve;

(C) providing for the establishment of high quality, internationally competitive opportunity-to-learn standards that all States, local educational agencies, and schools should achieve;

(D) encouraging and enabling all State educational agencies and local educational agencies to develop comprehensive improvement plans that will provide a coherent framework for the implementation of reauthorized Federal education and related programs in an integrated fashion that effectively educates all children; and

(E) providing resources to help individual schools, including schools serving students with high needs, develop and implement comprehensive improvement plans.

SEC. 3. DEFINITIONS.

As used in this Act (other than in title V)—

(1) the term "all children" means children from all backgrounds and circumstances, including disadvantaged children, children with diverse racial, ethnic, and cultural backgrounds, children with disabilities, children with limited-English proficiency, children who have dropped out of school, and academically talented children;

(2) the term "all students" means students from a broad range of backgrounds and circumstances, including disadvantaged students, students with diverse racial, ethnic, and cultural backgrounds, students with disabilities, students with limited-English proficiency, students who have dropped out of school, and academically talented students;

(3) the term "assessment" means the overall process and instrument used to measure student attainment of content standards, except that such term need not include the discrete items that comprise each assessment;

(4) the term "content standards" means broad descriptions of the knowledge and skills students should acquire in a particular subject area;

(5) the term "Governor" means the chief executive of the State;

(6) the term "local educational agency" has the meaning given such term in section 1471(12) of the Elementary and Secondary Education Act of 1965, except that such term may include a public school council if such council is mandated by State law;

(7) the term "opportunity-to-learn standards" means the conditions of teaching and learning necessary for all students to have a fair opportunity to learn, including ways of measuring the extent to which such standards are being met;

(8) the term "outlying areas" means Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, Palau (until the effective date of the Compact of Free Association with the Government of Palau), and the Freely Associated States;

(9) the term "performance standards" means concrete examples and explicit definitions of what students have to know and be able to do to demonstrate that such students are proficient in the skills and knowledge framed by content standards;

(10) the term "related services" includes the types of services described in section 602(17) of the Individuals with Disabilities Education Act;

(11) the term "school" means a public school that is under the authority of the State educational agency or a local educational agency or, for the purpose of carrying out section 314(b), a school that is operated or funded by the Bureau of Indian Affairs;

(12) the term "Secretary", unless otherwise specified, means the Secretary of Education;

(13) the term "State" means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico; and

(14) the term "State educational agency" has the same meaning given such term in section 1471(23) of the Elementary and Secondary Education Act of 1965.

TITLE I—NATIONAL EDUCATION GOALS

SEC. 101. PURPOSE.

It is the purpose of this title to establish National Education Goals.

SEC. 102. NATIONAL EDUCATION GOALS.

The Congress declares the National Education Goals are as follows:

(1) SCHOOL READINESS.—

(A) GOAL.—By the year 2000, all children in America will start school ready to learn.

(B) OBJECTIVES.—The objectives for the goal described in subparagraph (A) are that—

(i) all children, including disadvantaged and disabled children, will have access to high-quality and developmentally appropriate preschool programs that help prepare children for school;

(ii) every parent in the United States will be a child's first teacher and devote time each day to helping such parent's preschool child learn, and parents will have access to the training and support parents need; and

(iii) children will receive the nutrition, physical activity experiences, and health care needed to arrive at school with healthy minds and bodies, and the number of low-birthweight babies will be significantly reduced through enhanced prenatal health systems.

(2) SCHOOL COMPLETION.—

(A) GOAL.—By the year 2000, the high school graduation rate will increase to at least 90 percent.

(B) OBJECTIVES.—The objectives for the goal described in subparagraph (A) are that—

(i) the Nation must dramatically reduce its high school dropout rate, and 75 percent of high school students who do drop out of school will successfully complete a high school degree or its equivalent; and

(ii) the gap in high school graduation rates between United States students from minority backgrounds and their nonminority counterparts will be eliminated.

(3) STUDENT ACHIEVEMENT AND CITIZENSHIP.—

(A) GOAL.—By the year 2000, United States students will leave grades 4, 8, and 12 having demonstrated competency over challenging subject matter including English, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography, and every school in the United States will ensure that all students learn to use their minds well, so students may be prepared for responsible citizenship, further learning, and productive employment in our Nation's modern economy.

(B) OBJECTIVES.—The objectives for the goal described in subparagraph (A) are that—

(i) the academic performance of elementary and secondary students will increase significantly in every quartile, and the distribution of minority students in each quartile will more closely reflect the student population as a whole;

(ii) the percentage of students who demonstrate the ability to reason, solve problems, apply knowledge, and write and communicate effectively will increase substantially;

(iii) all students will be involved in activities that promote and demonstrate good citizenship, good health, community service, and personal responsibility;

(iv) all students will have access to physical education and health education to ensure all students are healthy and fit;

(v) the percentage of students who are competent in more than one language will substantially increase; and

(vi) all students will be knowledgeable about the diverse heritage of our Nation and about the world community.

(4) MATHEMATICS AND SCIENCE.—

(A) GOAL.—By the year 2000, United States students will be first in the world in mathematics and science achievement.

(B) OBJECTIVES.—The objectives for the goal described in subparagraph (A) are that—

(i) mathematics and science education, including the metric system of measurement, will be strengthened throughout the educational system, especially in the early grades;

(ii) the number of teachers with a substantive background in mathematics and science will increase by 50 percent from the number of such teachers in 1992; and

(iii) the number of United States undergraduate and graduate students, especially women and minorities, who complete degrees in mathematics, science, and engineering will increase significantly.

(5) ADULT LITERACY AND LIFELONG LEARNING.—

(A) GOAL.—By the year 2000, every adult United States citizen will be literate and will possess the knowledge and skills necessary to compete in a global economy and exercise the rights and responsibilities of citizenship.

(B) OBJECTIVES.—The objectives for the goal described in subparagraph (A) are that—

(i) every major United States business will be involved in strengthening the connection between education and work;

(ii) all workers will have the opportunity to acquire the knowledge and skills, from basic to highly technical, needed to adapt to emerging new technologies, work methods, and markets through public and private educational, vocational, technical, workplace, or other programs;

(iii) the number of quality programs, including programs at libraries, that are designed to serve more effectively the needs of the growing number of part-time and mid-career students, will increase substantially;

(iv) the proportion of qualified students, especially minorities, who enter college, who complete at least 2 years of college, and who complete their degree programs, will increase substantially; and

(v) the proportion of college graduates who demonstrate an advanced ability to think critically, communicate effectively, and solve problems will increase substantially.

(6) SAFE, DISCIPLINED, AND DRUG-FREE SCHOOLS.—

(A) GOAL.—By the year 2000, every school in the United States will be free of drugs and violence and will offer a disciplined environment conducive to learning.

(B) OBJECTIVES.—The objectives for the goal described in subparagraph (A) are that—

(i) every school will implement a firm and fair policy on use, possession, and distribution of drugs and alcohol;

(ii) parents, businesses, governmental and community organizations will work together to ensure that schools provide a healthy environment and are a safe haven for all children;

(iii) every school district will develop a sequential, comprehensive kindergarten through twelfth grade drug and alcohol prevention education program;

(iv) drug and alcohol curriculum should be taught as an integral part of sequential, comprehensive health education;

(v) community-based teams should be organized to provide students and teachers with needed support; and

(vi) every school should work to eliminate sexual harassment.

(7) PARENTAL PARTICIPATION.—

(A) GOAL.—By the year 2000, every school will promote partnerships that will increase parental involvement and participation in promoting the social, emotional and academic growth of children.

(B) OBJECTIVES.—The objectives for the Goal established under subparagraph (A) are that—

(i) every State will develop policies to assist local schools and school districts to establish programs for increasing partnerships that respond to the varying needs of parents and the home, including parents of children who are disadvantaged or bilingual, or parents of children with disabilities;

(ii) every school will actively engage parents and families in a partnership which supports the academic work of children at home and shared educational decision-making at school; and

(iii) parents and families will help to ensure that schools are adequately supported and will hold schools and teachers to high standards of accountability.

TITLE II—NATIONAL EDUCATION REFORM LEADERSHIP, STANDARDS, AND ASSESSMENTS

PART A—NATIONAL EDUCATION GOALS PANEL

SEC. 201. PURPOSE.

It is the purpose of this part to establish a bipartisan mechanism for—

(1) building a national consensus for education improvement;

(2) reporting on progress toward achieving the National Education Goals;

(3) periodically reviewing the goals and objectives described in title I and recommending adjustments to such goals and objectives, as needed, in order to guarantee education reform that continues to provide guidance for quality, world class education for all students; and

(4) reviewing and approving the voluntary national content standards, voluntary national student performance standards and voluntary national opportunity-to-learn standards certified by the National Education Standards and Improvement Council, as well as the criteria for the certification of such standards, and the criteria for the certification of State assessments or systems of assessments certified by such Council.

SEC. 202. NATIONAL EDUCATION GOALS PANEL.

(a) ESTABLISHMENT.—There is established in the executive branch a National Education Goals Panel (hereafter in this title referred to as the "Goals Panel").

(b) COMPOSITION.—The Goals Panel shall be composed of 18 members (hereafter in this part referred to as "members"), including—

(1) two members appointed by the President;

(2) eight members who are Governors, 3 of whom shall be from the same political party as the President and 5 of whom shall be of the opposite political party of the President, appointed by the Chairperson and Vice Chairperson of the National Governors' Association, with the Chairperson and Vice Chairperson each appointing representatives of such Chairperson's or Vice Chairperson's respective political party, in consultation with each other;

(3) four Members of the Congress, of whom—

(A) one member shall be appointed by the Majority Leader of the Senate from among the Members of the Senate;

(B) one member shall be appointed by the Minority Leader of the Senate from among the Members of the Senate;

(C) one member shall be appointed by the Majority Leader of the House of Representatives from among the Members of the House of Representatives; and

(D) one member shall be appointed by the Minority Leader of the House of Representatives from among the Members of the House of Representatives; and

(4) four members of State legislatures appointed by the President of the National Conference of State Legislatures, of whom 2 shall be of the same political party as the President of the United States.

(c) SPECIAL APPOINTMENT RULES.—

(1) IN GENERAL.—The members appointed pursuant to subsection (b)(2) shall be appointed as follows:

(A) If the Chairperson of the National Governors' Association is from the same political party as the President, the Chairperson shall appoint 3 individuals and the Vice Chairperson of such association shall appoint 5 individuals.

(B) If the Chairperson of the National Governors' Association is from the opposite political party as the President, the Chairperson shall appoint 5 individuals and the Vice Chairperson of such association shall appoint 3 individuals.

(2) SPECIAL RULE.—If the National Governors' Association has appointed a panel that meets the requirements of subsections (b) and (c), except for the requirements of paragraph (4) of subsection (b), prior to the date of enactment of this Act, then the members serving on such panel shall be deemed to be in compliance with the provisions of such subsections and shall not be required to be reappointed pursuant to such subsections.

(d) TERMS.—The terms of service of members shall be as follows:

(1) PRESIDENTIAL APPOINTEES.—Members appointed under subsection (b)(1) shall serve at the pleasure of the President.

(2) GOVERNORS.—Members appointed under paragraph (2) of subsection (b) shall serve a 2-year term, except that the initial appointments under such paragraph shall be made to ensure staggered terms with one-half of such members' terms concluding every 2 years.

(3) CONGRESSIONAL APPOINTEES AND STATE LEGISLATORS.—Members appointed under paragraphs (3) and (4) of subsection (b) shall serve for 2-year terms.

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

(f) INITIATION.—The Goals Panel may begin to carry out its duties under this part when 10 members of the Goals Panel have been appointed.

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

(h) TRAVEL.—Each member may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for each day the

member is engaged in the performance of duties for the Goals Panel away from the home or regular place of business of the member.

(i) CHAIRPERSON.—

(1) IN GENERAL.—The members shall select a Chairperson from among the members described in paragraph (2) of subsection (b).

(2) TERM AND POLITICAL AFFILIATION.—The Chairperson of the Goals Panel shall serve a 1-year term and shall alternate between political parties.

SEC. 203. DUTIES.

(a) IN GENERAL.—The Goals Panel shall—

(1) report on the progress the Nation and the States are making toward achieving the National Education Goals described in title I, including issuing an annual national report card;

(2) submit to the President nominations for appointment to the National Education Standards and Improvement Council in accordance with subsections (b) and (c) of section 212;

(3) review and approve (or explain why approval is withheld) the—

(A) criteria developed by the National Education Standards and Improvement Council for the certification of content and student performance standards, assessments or systems of assessments, and opportunity-to-learn standards; and

(B) voluntary national content standards, voluntary national student performance standards and voluntary national opportunity-to-learn standards certified by such Council;

(4) report on promising or effective actions being taken at the national, State, and local levels, and in the public and private sectors, to achieve the National Education Goals; and

(5) help build a nationwide, bipartisan consensus for the reforms necessary to achieve the National Education Goals.

(b) NATIONAL REPORT CARD.—

(1) IN GENERAL.—The Goals Panel shall annually prepare and submit to the President, the Secretary, the appropriate committees of the Congress, and the Governor of each State a national report card that shall—

(A) report on the progress of the United States toward achieving the National Education Goals; and

(B) identify actions that should be taken by Federal, State, and local governments to enhance progress toward achieving the National Education Goals.

(2) FORM; DATA.—National report cards shall be presented in a form, and include data, that is understandable to parents and the general public.

SEC. 204. POWERS OF THE GOALS PANEL.

(a) HEARINGS.—

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

(2) REPRESENTATION.—In carrying out this part, the Goals Panel shall conduct hearings to receive reports, views, and analyses of a broad spectrum of experts and the public on the establishment of voluntary national content, voluntary national student performance standards, voluntary national opportunity-to-learn standards, and State assessments or systems of assessments described in section 213(e).

(b) INFORMATION.—The Goals Panel may secure directly from any department or agency of the Federal Government information necessary to enable the Goals Panel to carry out this part. Upon request of the Chairperson of the Goals Panel, the head of any such department or agency shall furnish such information to the Goals Panel to the extent permitted by law.

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

(d) USE OF FACILITIES.—The Goals Panel may use the research, equipment, services, and facilities of any department, agency or instrumentality of the Federal Government, or of any State or political subdivision thereof with the consent of such department, agency, instrumentality, State or subdivision, respectively.

(e) ADMINISTRATIVE ARRANGEMENTS AND SUPPORT.—

(1) IN GENERAL.—The Secretary shall provide to the Goals Panel, on a reimbursable basis, such administrative support services as the Goals Panel may request.

(2) CONTRACTS AND OTHER ARRANGEMENTS.—The Secretary shall, to the extent appropriate, and on a reimbursable basis, make contracts and other arrangements that are requested by the Goals Panel to help the Goals Panel compile and analyze data or carry out other functions necessary to the performance of the Goals Panel's responsibilities.

SEC. 205. ADMINISTRATIVE PROVISIONS.

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

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

(c) VOTING.—No individual may vote, or exercise any of the powers of a member, by proxy.

(d) PUBLIC ACCESS.—The Goals Panel shall ensure public access to the proceedings of the Goals Panel (other than proceedings, or portions of proceedings, relating to internal personnel and management matters) and shall make available to the public, at reasonable cost, transcripts of such proceedings.

SEC. 206. DIRECTOR AND STAFF; EXPERTS AND CONSULTANTS.

(a) DIRECTOR.—The Chairperson of the Goals Panel, without regard to the provisions of title 5, United States Code, relating to the appointment and compensation of officers or employees of the United States, shall appoint a Director to be paid at a rate not to exceed the rate of basic pay payable for level V of the Executive Schedule.

(b) APPOINTMENT AND PAY OF EMPLOYEES.—

(1) IN GENERAL.—(A) The Director may appoint not more than 4 additional employees to serve as staff to the Goals Panel without regard to the provisions of title 5, United States Code, governing appointments in the competitive service.

(B) The employees appointed under subparagraph (A) may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, but shall not be paid a rate that exceeds the maximum rate of basic pay payable for GS-15 of the General Schedule.

(2) ADDITIONAL EMPLOYEES.—The Director may appoint additional employees to serve as staff to the Goals Panel in accordance with title 5, United States Code.

(c) EXPERTS AND CONSULTANTS.—The Goals Panel may procure temporary and intermittent services of experts and consultants under section 3109(b) of title 5, United States Code.

(d) STAFF OF FEDERAL AGENCIES.—Upon the request of the Goals Panel, the head of any department or agency of the United States may detail any of the personnel of such department to the Goals Panel to assist the Goals Panel in carrying out its responsibilities under this part.

SEC. 207. EARLY CHILDHOOD ASSESSMENT.

(a) IN GENERAL.—The Goals Panel shall support the work of its Resource and Technical Planning Groups on School Readiness (hereafter in this subsection referred to as the "Groups") to improve the methods of assessing the readiness of all children for school that lead to alternatives to currently used norm-referenced early childhood assessments.

(b) ACTIVITIES.—The Groups shall—

(1) develop a model of elements of school readiness that address a broad range of early childhood developmental needs;

(2) create clear guidelines regarding the nature, functions, and uses of early childhood assessments, based on model elements of school readiness;

(3) monitor and evaluate early childhood assessments, including the ability of existing assessments to provide valid information on the readiness of children for school; and

(4) monitor and report on the long-term collection of data on the status of young children to improve policy and practice, including the need for new sources of data necessary to assess the broad range of early childhood developmental needs.

(c) ADVICE.—The Groups shall advise and assist the Congress, the Secretary, the Goals Panel, and others regarding how to improve the assessment of young children and how such assessments can improve services to children.

(d) REPORT.—The Goals Panel shall provide reports on the work of the Groups to the Congress, the Secretary, and the public.

PART B—NATIONAL EDUCATION STANDARDS AND IMPROVEMENT COUNCIL

SEC. 211. PURPOSE.

It is the purpose of this part to establish a mechanism to—

(1) certify voluntary national content standards and voluntary national student performance standards that define what all students should know and be able to do;

(2) certify challenging State content and student performance standards submitted by States on a voluntary basis, if such standards are comparable in rigor and quality to the voluntary national content standards and voluntary national student performance standards certified by the National Education Standards and Improvement Council;

(3) certify voluntary national opportunity-to-learn standards that describe the conditions of teaching and learning necessary for all students to have a fair opportunity to achieve the knowledge and skills described in the voluntary national content standards and the voluntary national student performance standards certified by the National Education Standards and Improvement Council;

(4) certify comprehensive State opportunity-to-learn standards submitted by States on a voluntary basis that—

(A) describe the conditions of teaching and learning necessary for all students to have a fair opportunity to learn; and

(B) address the elements described in section 213(c)(3); and

(5) certify assessments or systems of assessments submitted by States or groups of States on a voluntary basis, if such assessments or systems—

(A) are aligned with and support State content standards certified by such Council; and

(B) are valid, reliable, and fair when used for their intended purposes.

SEC. 212. NATIONAL EDUCATION STANDARDS AND IMPROVEMENT COUNCIL.

(a) ESTABLISHMENT.—There is established in the executive branch a National Education Standards and Improvement Council (hereafter in this part referred to as the "Council").

(b) COMPOSITION.—The Council shall be composed of 19 members (hereafter in this part referred to as "members") appointed by the President from nominations submitted by the Goals Panel.

(c) QUALIFICATIONS.—

(1) IN GENERAL.—The members of the Council shall include—

(A) five professional educators appointed from among elementary and secondary classroom teachers, preschool educators, related services personnel, and other school-based professionals, State or local educational agency administrators, or other educators;

(B) four representatives of business and industry or postsecondary educational institutions, including at least 1 representative of business and industry who is also a member of the National Skill Standards Board established pursuant to title V;

(C) five representatives of the public, appointed from among representatives of advocacy, civil rights, and disability groups, parents, civic leaders, tribal governments, or State or local education policymakers (including members of State or local school boards); and

(D) five education experts, appointed from among experts in measurement and assessment, curriculum, school finance and equity, or school reform.

(2) NOMINATIONS.—The Goals Panel shall submit to the President at least 15 nominations for each of the 4 categories of appointment described in subparagraphs (A) through (D) of paragraph (1).

(3) REPRESENTATION.—To the extent feasible, the membership of the Council shall—

(A) be geographically representative of the United States and reflect the diversity of the United States with respect to race, ethnicity, gender and disability characteristics; and

(B) include persons from each of the 4 categories described in subparagraphs (A) through (D) of paragraph (1) who have expertise in the education of subgroups of students who are at risk of school failure.

(d) TERMS.—

(1) IN GENERAL.—Members shall be appointed for 3-year terms, with no member serving more than 2 consecutive terms.

(2) INITIAL TERMS.—The President shall establish initial terms for members of 1, 2, or 3 years in order to establish a rotation in which one-third of the members are selected each year.

(e) DATE OF APPOINTMENT.—The initial members shall be appointed not later than 120 days after the date of enactment of this Act.

(f) INITIATION.—The Council shall begin to carry out the duties of the Council under this part when all 19 members have been appointed.

(g) RETENTION.—In order to retain an appointment to the Council, a member shall attend at least two-thirds of the scheduled meetings, and hearings when appropriate, of the Council in any given year.

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

(i) COMPENSATION.—Members who are not regular full-time employees of the United States, while attending meetings or hearings of the Council, may be provided compensation at a rate fixed by the Secretary, but not exceeding the maximum rate of basic pay payable for GS–15 of the General Schedule.

(j) TRAVEL.—Each member of the Council may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for each day the member is engaged in the performance of duties for the Council away from the home or regular place of business of the member.

(k) OFFICERS.—The members shall select officers of the Council from among the members. The officers of the Council shall serve for 1-year terms.

(l) CONFLICT OF INTEREST.—No member, staff, expert, or consultant assisting the Council shall be appointed to the Council—

(1) if such member, staff, expert, or consultant has a fiduciary interest in an educational assessment; and

(2) unless such member, staff, expert, or consultant agrees that such member, staff, expert, or consultant, respectively, will not obtain such an interest for a period of 2 years from the date of termination of such member's service on the Council.

SEC. 213. DUTIES.

(a) VOLUNTARY NATIONAL CONTENT STANDARDS; VOLUNTARY NATIONAL STUDENT PERFORMANCE STANDARDS.—

(1) IN GENERAL.—The Council, upon recommendation from a working group on voluntary national content standards, shall—

(A) identify areas in which voluntary national content standards need to be developed;

(B) certify voluntary national content standards and voluntary national student performance standards that define what all students should know and be able to do; and

(C) forward such voluntary national content standards and voluntary national student performance standards to the Goals Panel for approval.

(2) CRITERIA.—(A) The Council, upon recommendation from a working group on voluntary national content standards and voluntary national student performance standards, shall—

(i) identify and develop criteria to be used for certifying the voluntary national content standards and voluntary national student performance standards; and

(ii) before applying such criteria, forward such criteria to the Goals Panel for approval.

(B) The criteria developed by the Council shall address—

(i) the extent to which the proposed standards are internationally competitive and comparable to the best standards in the world;

(ii) the extent to which the proposed voluntary national content standards and voluntary national student performance standards reflect the best available knowledge about how all students learn and about how a content area can be most effectively taught;

(iii) the extent to which the proposed voluntary national content standards and voluntary national student performance standards have been developed through an open and public process that provides for input and involvement of all relevant parties, including teachers, related services personnel, and other professional educators, employers and postsecondary education institutions, curriculum and subject matter specialists, parents, secondary school students, and the public; and

(iv) other factors that the Council deems appropriate.

(C) In developing the criteria, the Council shall work with entities that are developing, or have already developed, content standards, and any other entities that the Council deems appropriate, to identify appropriate certification criteria.

(b) VOLUNTARY STATE CONTENT STANDARDS; VOLUNTARY STATE STUDENT PERFORMANCE STANDARDS.—The Council may certify challenging State content and student performance standards presented on a voluntary basis by a State or group of States, if such standards are comparable in rigor and quality to the voluntary national content standards and voluntary national student performance standards certified by the Council.

(c) VOLUNTARY NATIONAL OPPORTUNITY-TO-LEARN STANDARDS.—

(1) IN GENERAL.—The Council, upon recommendation from a working group on voluntary national opportunity-to-learn standards, shall certify exemplary, voluntary national opportunity-to-learn standards that will establish a basis for providing all students a fair opportunity to achieve the knowledge and skills described in the voluntary national content standards certified by the Council.

(2) REQUIREMENT.—The voluntary national opportunity-to-learn standards shall be sufficiently general to be used by any State without unduly restricting State and local prerogatives regarding instructional methods to be employed.

(3) ELEMENTS ADDRESSED.—The voluntary national opportunity-to-learn standards certified by the Council shall address—

(A) the quality and availability of curricula, instructional materials, and technologies;

(B) the capability of teachers to provide high-quality instruction to meet diverse learning needs in each content area;

(C) the extent to which teachers and administrators have ready and continuing access to professional development, including the best knowledge about teaching, learning, and school improvement;

(D) the extent to which curriculum, instructional practices, and assessments are aligned to content standards; and

(E) other factors that the Council deems appropriate to ensure that all students receive a fair opportunity to achieve the knowledge and skills described in the voluntary national content standards and the voluntary national student performance standards certified by the Council.

(4) ADDITIONAL DUTIES.—In carrying out this subsection, the Council shall—

(A) identify what other countries with rigorous content standards do to—

(i) provide their children with opportunities to learn;

(ii) prepare their teachers; and

(iii) provide continuing professional development opportunities for their teachers; and

(B) develop criteria to be used for certifying the voluntary national opportunity-to-learn standards and, before applying such criteria, forward such criteria to the Goals Panel for approval.

(5) RECOMMENDATIONS AND COORDINATION.—The Council shall assist in the development of the voluntary national opportunity-to-learn standards by—

(A) making recommendations to the Secretary regarding priorities and selection criteria for each grant awarded under section 218; and

(B) coordinating with each consortium receiving a grant under section 218 to ensure that the opportunity-to-learn standards the consortium develops for all students are of

high quality and are consistent with the criteria developed by the Council for the certification of such standards.

(6) APPROVAL.—The Council shall forward the voluntary national opportunity-to-learn standards that the Council certifies to the Goals Panel for approval.

(d) VOLUNTARY STATE OPPORTUNITY-TO-LEARN STANDARDS.—The Council may certify comprehensive State opportunity-to-learn standards presented on a voluntary basis by a State that—

(1) describe the conditions of teaching and learning necessary for all students to have a fair opportunity to learn; and

(2) address the elements described in section 213(c)(3).

(e) ASSESSMENTS.—

(1) IN GENERAL.—(A) The Council shall certify, for a period not to exceed 5 years, an assessment of a single subject area or a system of assessments involving several subject areas presented on a voluntary basis by a State or group of States if such assessment or system of assessments—

(i) is aligned with such State's or group of States' challenging State content standards certified by the Council;

(ii) involves multiple measures of student performance; and

(iii) provides for—

(I) the participation of all students with diverse learning needs in such assessment or system; and

(II) the adaptations and accommodations necessary to permit such participation.

(B) Assessments or systems of assessments shall be certified for the purpose of—

(i) exemplifying for students, parents, and teachers the kinds and levels of achievement that should be expected, including the identification of student performance standards;

(ii) improving classroom instruction and improving the learning outcomes for all students;

(iii) informing students, parents, and teachers about student progress toward such standards;

(iv) measuring and motivating individual students, schools, districts, States, and the Nation to improve educational performance; and

(v) assisting education policymakers in making decisions about education programs.

(2) IMPLEMENTATION.—(A)(i) The Council shall develop, and not sooner than 3 years nor later than 4 years after the date of enactment of this Act, begin utilizing, criteria for the certification of an assessment or a system of assessments in accordance with this subsection.

(ii) The Council shall not certify an assessment or system of assessments for a period of 3 years beginning on the date of enactment of this Act, if such assessment or system will be used to make decisions regarding graduation, grade promotion, or retention of students.

(iii) Before utilizing the criteria described in clause (i), the Council shall forward such criteria to the Goals Panel for approval.

(B) The certification criteria described in this paragraph shall address the extent to which an assessment or a system of assessments—

(i)(I) is aligned with a State's or a group of States' challenging State content standards, if such State or group has challenging State content standards that have been certified by the Council; and

(II) will support effective curriculum and instruction;

(ii) is to be used for a purpose for which such assessment or system is valid, reliable, fair, and free of discrimination; and

(iii) includes all students, especially students with disabilities or with limited-English proficiency.

(C) In determining appropriate certification criteria under this paragraph, the Council shall—

(i) consider standards and criteria being developed by other national organizations and recent research on assessment;

(ii) recommend needed research;

(iii) encourage the development and field testing of assessments or systems of assessments; and

(iv) provide a public forum for discussing, debating, and building consensus for the criteria to be used for the certification of assessments or systems of assessments.

(D) Prior to determining the certification criteria described in this paragraph, the Council shall take public comment on its proposed certification criteria.

(f) PERFORMANCE OF DUTIES.—In carrying out its responsibilities under this title, the Council shall—

(1) work with Federal and non-Federal departments, agencies, or organizations that are conducting research, studies, or demonstration projects to determine internationally competitive education standards and assessments, and may establish subject matter and other panels to advise the Council on particular content, student performance, and opportunity-to-learn standards and on assessments or systems of assessments;

(2) establish cooperative arrangements with the National Skill Standards Board to promote the coordination of the development of content and student performance standards under this title with the development of skill standards described in title V;

(3) recommend studies to the Secretary that are necessary to carry out the Council's responsibilities;

(4) inform the public about what constitutes high quality, internationally competitive, content, student performance, and opportunity-to-learn standards, and assessments or systems of assessments;

(5) on a regular basis, review and update criteria for certifying content, student performance, and opportunity-to-learn standards, and assessments or systems of assessments; and

(6) periodically recertify, as appropriate, the voluntary national content standards, the voluntary national student performance standards, and the voluntary national opportunity-to-learn standards.

(g) CONSTRUCTION.—Nothing in this Act shall be construed to require any State to have standards certified pursuant to subsection (b) or (d) in order to participate in any Federal program.

SEC. 214. ANNUAL REPORTS.

Not later than 1 year after the date the Council concludes its first meeting, and each year thereafter, the Council shall prepare and submit a report regarding its work to the President, the Secretary, the appropriate committees of the Congress, the Governor of each State, and the Goals Panel.

SEC. 215. POWERS OF THE COUNCIL.

(a) HEARINGS.—

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

(2) LOCATION.—In carrying out this part, the Council shall conduct public hearings in different geographic areas of the United States, both urban and rural, to receive the reports, views, and analyses of a broad spectrum of experts and the public on the establishment of voluntary national content standards, voluntary national student performance standards, voluntary national opportunity-to-learn standards, and assessments or systems of assessments described in section 213(e).

(b) INFORMATION.—The Council may secure directly from any department or agency of the Federal Government information necessary to enable the Council to carry out this part. Upon request of the Chairperson of the Council, the head of such department or agency shall furnish such information to the Council to the extent permitted by law.

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

(d) USE OF FACILITIES.—The Council may use the research, equipment, services, and facilities of any department, agency, or instrumentality of the United States, or of any State or political subdivision thereof with the consent of such department, agency, instrumentality, State or subdivision, respectively.

(e) ADMINISTRATIVE ARRANGEMENTS AND SUPPORT.—

(1) IN GENERAL.—The Secretary shall provide to the Council, on a reimbursable basis, such administrative support services as the Council may request.

(2) CONTRACTS AND OTHER ARRANGEMENTS.—The Secretary, to the extent appropriate and on a reimbursable basis, shall enter into contracts and other arrangements that are requested by the Council to help the Council compile and analyze data or carry out other functions necessary to the performance of the Council's responsibilities.

SEC. 216. ADMINISTRATIVE PROVISIONS.

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

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

(c) VOTING.—The Council shall take all action of the Council by a majority vote of the total membership of the Council, ensuring the right of the minority to issue written views. No individual may vote or exercise any of the powers of a member by proxy.

(d) PUBLIC ACCESS.—The Council shall ensure public access to its proceedings (other than proceedings, or portions of proceedings, relating to internal personnel and management matters) and shall make available to the public, at reasonable cost, transcripts of such proceedings.

SEC. 217. DIRECTOR AND STAFF; EXPERTS AND CONSULTANTS.

(a) DIRECTOR.—The Chairperson of the Council, without regard to the provisions of title 5, United States Code, relating to the appointment and compensation of officers or employees of the United States, shall appoint a Director to be paid at a rate not to exceed the rate of basic pay payable for level V of the Executive Schedule.

(b) APPOINTMENT AND PAY OF EMPLOYEES.—

(1) IN GENERAL.—(A) The Director may appoint not more than 4 additional employees to serve as staff to the Council without regard to the provisions of title 5, United States Code, governing appointments in the competitive service.

(B) The employees appointed under subparagraph (A) may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to clas-

sification and General Schedule pay rates, but shall not be paid a rate that exceeds the maximum rate of basic pay payable for GS-15 of the General Schedule.

(2) ADDITIONAL EMPLOYEES.—The Director may appoint additional employees to serve as staff of the Council consistent with title 5, United States Code.

(c) EXPERTS AND CONSULTANTS.—The Council may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(d) STAFF OF FEDERAL AGENCIES.—Upon the request of the Council, the head of any department or agency of the Federal Government may detail any of the personnel of such department or agency to the Council to assist the Council in carrying out its duties under this part.

SEC. 218. OPPORTUNITY-TO-LEARN DEVELOPMENT GRANT.

(a) OPPORTUNITY-TO-LEARN DEVELOPMENT GRANT.—

(1) IN GENERAL.—The Secretary is authorized to award a grant or grants, on a competitive basis, to a consortium or consortia of individuals and organizations to enable such consortium or consortia to develop voluntary national opportunity-to-learn standards, and a listing of model programs for use, on a voluntary basis, by States in—

(A) assessing the capacity and performance of individual schools; and

(B) developing appropriate actions to be taken in the event that the schools fail to achieve such standards.

(2) COMPOSITION OF CONSORTIUM.—To the extent possible, each consortium described in paragraph (1) shall include the participation of—

(A) Governors (other than Governors serving on the Goals Panel);

(B) chief State school officers;

(C) teachers, especially teachers involved in the development of content standards, and related services personnel;

(D) principals;

(E) superintendents;

(F) State and local school board members;

(G) curriculum and school reform experts;

(H) parents;

(I) State legislators;

(J) representatives of businesses;

(K) representatives of higher education;

(L) representatives of regional accrediting associations;

(M) representatives of advocacy groups; and

(N) secondary school students.

(b) APPLICATIONS.—Each consortium that desires to receive a grant under this subsection shall submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may require.

(c) AWARD CONSIDERATION.—In establishing priorities and selection criteria for awarding a grant or grants under this section, the Secretary shall give serious consideration to the recommendations made by the Council pursuant to section 213(c)(5)(A).

PART C—LEADERSHIP IN EDUCATIONAL TECHNOLOGY

SEC. 221. PURPOSES.

It is the purpose of this part to promote achievement of the National Education Goals and—

(1) to provide leadership at the Federal level, through the Department of Education, by developing a national vision and strategy—

(A) to infuse technology and technology planning into all educational programs and training functions carried out within school systems at the State and local level;

(B) to coordinate educational technology activities among the related Federal and State departments or agencies, industry leaders, and interested educational and parental organizations;

(C) to establish working guidelines to ensure maximum interoperability nationwide and ease of access for the emerging technologies so that no school system will be excluded from the technological revolution; and

(D) to ensure that Federal technology-related policies and programs facilitate the use of technology in education;

(2) to promote awareness of the potential of technology for improving teaching and learning;

(3) to support State and local efforts to increase the effective use of technology for education;

(4) to demonstrate ways in which technology can be used to improve teaching and learning, and to help ensure that all students have an equal opportunity to meet challenging State education standards;

(5) to ensure the availability and dissemination of knowledge (drawn from research and experience) that can form the basis for sound State and local decisions about investment in, and effective uses of, educational technology;

(6) to promote high-quality professional development opportunities for teachers and administrators regarding the integration of technology into instruction and administration; and

(7) to monitor advancements in technology to encourage the development of effective educational uses of technology.

SEC. 222. FEDERAL LEADERSHIP.

(a) ACTIVITIES AUTHORIZED.—

(1) IN GENERAL.—In order to provide Federal leadership that promotes higher student achievement through the use of technology in education and to achieve the purposes of this part, the Secretary, in consultation with the National Science Foundation, the Department of Commerce, and other appropriate Federal departments or agencies, may carry out activities designed to achieve the purposes of this part.

(2) TRANSFER OF FUNDS.—For the purpose of carrying out coordinated or joint activities to achieve the purposes of this part, the Secretary may accept funds from, and transfer funds to, other Federal departments or agencies.

(b) NATIONAL LONG-RANGE TECHNOLOGY PLAN.—

(1) IN GENERAL.—The Secretary shall develop and publish within 12 months of the date of enactment of this Act, and update when the Secretary determines appropriate, a national long-range plan to carry out the purposes of this part.

(2) PLAN REQUIREMENTS.—The Secretary shall—

(A) develop the national long-range plan in consultation with other Federal departments or agencies, State and local education practitioners and policymakers, experts in technology and the educational applications of technology, and providers of technology services and products;

(B) transmit such plan to the President and to the appropriate committees of the Congress; and

(C) publish such plan in a form that is readily accessible to the public.

(3) CONTENTS OF THE PLAN.—The national long-range plan shall describe the Secretary's activities to promote the purposes of this part, including—

(A) how the Secretary will encourage the effective use of technology to provide all students the opportunity to achieve challenging State content and student performance standards, especially through programs administered by the Department of Education;

(B) joint activities with other Federal departments or agencies, such as the National Endowment for the Humanities, the National Endowment for the Arts, the National Aeronautics and Space Administration, the National Science Foundation, and the Departments of Commerce, Energy, Health and Human Services, and Labor—

(i) to promote the use of technology in education, and training and lifelong learning, including plans for the educational uses of a national information infrastructure; and

(ii) to ensure that the policies and programs of such departments or agencies facilitate the use of technology for educational purposes, to the extent feasible;

(C) how the Secretary will work with educators, State and local educational agencies, and appropriate representatives of the private sector to facilitate the effective use of technology in education;

(D) how the Secretary will promote—

(i) higher achievement of all students through the integration of technology into the curriculum;

(ii) increased access to the benefits of technology for teaching and learning for schools with a high concentration of children from low-income families;

(iii) the use of technology to assist in the implementation of State systemic reform strategies;

(iv) the application of technological advances to use in education; and

(v) increased opportunities for the professional development of teachers in the use of new technologies;

(E) how the Secretary will determine, in consultation with appropriate individuals, organizations, industries, and agencies, the feasibility and desirability of establishing guidelines to facilitate an easy exchange of data and effective use of technology in education; and

(F) the Secretary's long-range measurable goals and objectives relating to the purposes of this part.

(c) ASSISTANCE.—The Secretary shall provide assistance to the States to enable such States to plan effectively for the use of technology in all schools throughout the State in accordance with the purpose and requirements of section 316.

SEC. 223. OFFICE OF EDUCATIONAL TECHNOLOGY.

(a) AMENDMENT TO THE DEPARTMENT OF EDUCATION ORGANIZATION ACT.—Title II of the Department of Education Organization Act (20 U.S.C. 3411 et seq.) is amended by adding at the end the following new section:

"OFFICE OF EDUCATIONAL TECHNOLOGY

"SEC. 216. There shall be in the Department of Education an Office of Educational Technology, to be administered by the Director of Educational Technology. Such Office shall be established in accordance with section 405A of the General Education Provisions Act.".

(b) AMENDMENT TO THE GENERAL EDUCATION PROVISIONS ACT.—Part A of the General Education Provisions Act (20 U.S.C. 1221c et seq.) is amended by inserting after section 405 the following new section:

"SEC. 405A. OFFICE OF EDUCATIONAL TECHNOLOGY.

"(a) ESTABLISHMENT.—The Secretary shall establish an Office of Educational Technology (hereafter in this section referred to as the 'Office').

"(b) FUNCTIONS OF THE OFFICE.—The Director of the Office of Educational Technology

(hereafter in this section referred to as the 'Director'), through the Office, shall—

"(1) carry forward the purposes of part C of title II of the Goals 2000: Educate America Act;

"(2) in consultation with other Federal departments or agencies which the Director determines appropriate, provide leadership to the Nation in the use of technology to promote achievement of the National Education Goals and to increase opportunities for all students to achieve challenging State content and student performance standards;

"(3) review all programs and training functions administered by the Department in order to promote the infusion of technology and technology planning throughout all such programs and functions; and

"(4) perform such additional functions as the Secretary may require.

"(c) PERSONNEL.—The Director is authorized to select, appoint, and employ such officers and employees as may be necessary to carry out the functions of the Office, subject to the provisions of title 5, United States Code (governing appointments in the competitive service), and the provisions of chapter 51 and subchapter III of chapter 53 of such title (relating to classification and General Schedule pay rates.".

(2) COMPENSATION OF THE DIRECTOR.—Section 5315 of title 5, United States Code, is amended by adding at the end the following:

"Director of the Office of Educational Technology.".

SEC. 224. USES OF FUNDS.

(a) IN GENERAL.—The Secretary shall use funds appropriated pursuant to the authority of section 231(d) for activities designed to carry out the purpose of this part, including—

(1) providing assistance to technical assistance providers to enable such providers to improve substantially the services such providers offer to educators regarding the educational uses of technology, including professional development;

(2) consulting with representatives of industry, elementary and secondary education, higher education, and appropriate experts in technology and the educational applications of technology, in carrying out the activities assisted under this part;

(3) research on, and the development of, guidelines to facilitate maximum interoperability, efficiency and easy exchange of data for effective use of technology in education;

(4) research on, and the development of, educational applications of the most advanced and newly emerging technologies;

(5) the development, demonstration, and evaluation of applications of existing technology in preschool education, elementary and secondary education, training and lifelong learning, and professional development of educational personnel;

(6) the development and evaluation of software and other products, including multimedia television programming, that incorporate advances in technology and help achieve the National Education Goals and challenging State content and student performance standards;

(7) the development, demonstration, and evaluation of model strategies for preparing teachers and other personnel to use technology effectively to improve teaching and learning;

(8) the development of model programs that demonstrate the educational effectiveness of technology in urban and rural areas and economically distressed communities;

(9) research on, and the evaluation of, the effectiveness and benefits of technology in education;

(10) conferences on, and dissemination of information regarding, the uses of technology in education;

(11) the development of model strategies to promote gender equity in the use of technology; and

(12) such other activities as the Secretary determines will meet the purposes of this part.

(b) SPECIAL RULES.—

(1) IN GENERAL.—The Secretary shall carry out the activities described in subsection (a) directly or by grant or contract.

(2) GRANTS AND CONTRACTS.—Each grant or contract under this part shall be awarded—

(A) on a competitive basis; and

(B) pursuant to a peer review process.

SEC. 225. NON-FEDERAL SHARE.

(a) IN GENERAL.—Subject to subsections (b) and (c), the Secretary may require any recipient of a grant or contract under this part to share in the cost of the activities assisted under such grant or contract, which non-Federal share shall be announced through a notice in the Federal Register and may be in the form of cash or in-kind contributions, fairly valued.

(b) INCREASE.—The Secretary may increase the non-Federal share that is required of a recipient of a grant or contract under this part after the first year such recipient receives funds under such grant or contract.

(c) MAXIMUM.—The non-Federal share required under this section shall not exceed 50 percent of the cost of the activities assisted pursuant to a grant or contract under this part.

SEC. 226. OFFICE OF TRAINING TECHNOLOGY TRANSFER.

(a) TRANSFER.—

(1) IN GENERAL.—The Office of Training Technology Transfer as established under section 6103 of the Training Technology Transfer Act of 1988 (20 U.S.C. 5093) is transferred to the Office of Educational Technology.

(2) TECHNICAL AMENDMENT.—The first sentence of section 6103(a) of the Training Technology Transfer Act of 1988 (20 U.S.C. 5093(a)) is amended by striking "Office of Educational Research and Improvement" and inserting "Office of Educational Technology".

(b) AUTHORIZATION OF APPROPRIATIONS.—The Training Technology Transfer Act of 1988 (20 U.S.C. 5091 et seq.) is amended by adding at the end the following new section:

"SEC. 6108. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated $3,000,000 for fiscal year 1995, and such sums as may be necessary for each of the fiscal years 1996 through 1999, to carry out this chapter.".

PART D—AUTHORIZATION OF APPROPRIATIONS

SEC. 231. AUTHORIZATION OF APPROPRIATIONS.

(a) NATIONAL EDUCATION GOALS PANEL.—There are authorized to be appropriated $3,000,000 for fiscal year 1994, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out part A.

(b) NATIONAL EDUCATION STANDARDS AND IMPROVEMENT COUNCIL.—There are authorized to be appropriated $3,000,000 for fiscal year 1994, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out part B.

(c) OPPORTUNITY-TO-LEARN DEVELOPMENT GRANTS.—There are authorized to be appropriated $1,000,000 for fiscal year 1994, and such sums as may be necessary for fiscal year 1995, to carry out section 218.

(d) LEADERSHIP IN EDUCATIONAL TECHNOLOGY.—There are authorized to be appropriated $5,000,000 for the fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1998, to carry out part C.

TITLE III—STATE AND LOCAL EDUCATION SYSTEMIC IMPROVEMENT

SEC. 301. FINDINGS.

The Congress finds that—

(1) all students can learn to high standards and must realize their potential if the United States is to prosper;

(2) the reforms in education from 1977 through 1992 have achieved some good results, but such reform efforts often have been limited to a few schools or to a single part of the educational system;

(3) leadership must come from teachers, related services personnel, principals, and parents in individual schools, and from policymakers at the local, State, tribal, and national levels, in order for lasting improvements in student performance to occur;

(4) simultaneous top-down and bottom-up education reform is necessary to spur creative and innovative approaches by individual schools to help all students achieve internationally competitive standards;

(5) strategies must be developed by communities and States to support the revitalization of all local public schools by fundamentally changing the entire system of public education through comprehensive, coherent, and coordinated improvement;

(6) parents, teachers and other local educators, and business, community, and tribal leaders, must be involved in developing system-wide improvement strategies that reflect the needs of their individual communities;

(7) all students are entitled to teaching practices that are in accordance with accepted standards of professional practice and that hold the greatest promise of improving student performance;

(8) all students are entitled to participate in a broad and challenging curriculum and to have access to resources sufficient to address other education needs;

(9) State and local education improvement efforts must incorporate strategies for providing students and families with coordinated access to appropriate social services, health care, nutrition, early childhood education, and child care to remove preventable barriers to learning and enhance school readiness for all students;

(10) States and local educational agencies, working together, must immediately set about developing and implementing such system-wide improvement strategies if our Nation is to educate all children to meet their full potential and achieve the National Education Goals described in title I;

(11) State and local systemic improvement strategies must provide all students with effective mechanisms and appropriate paths to the work force as well as to higher education;

(12) businesses should be encouraged—

(A) to enter into partnerships with schools;

(B) to provide information and guidance to schools based on the needs of area businesses for properly educated graduates in general and on the need for particular workplace skills that the schools may provide;

(C) to provide necessary education and training materials and support; and

(D) to continue the lifelong learning process throughout the employment years of an individual;

(13) the appropriate and innovative use of technology can be very effective in helping to provide all students with the opportunity to learn and meet high standards; and

(14) Federal funds should be targeted to support State and local initiatives, and to leverage State and local resources for designing and implementing system-wide education improvement plans.

SEC. 302. PURPOSE.

It is the purpose of this title to—

(1) improve the quality of education for all students by supporting a long-term, broad-based effort to provide coherent and coordinated improvements in the system of education throughout our Nation at the State and local levels;

(2) provide new authorities and funding for our Nation's school systems;

(3) not replace or reduce funding for existing Federal education programs; and

(4) ensure that no State or local educational agency will reduce its funding for education or for education reform on account of receiving any funds under this title.

SEC. 303. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $400,000,000 for the fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1998, to carry out this title.

SEC. 304. ALLOTMENT OF FUNDS.

(a) RESERVATIONS OF FUNDS.—From funds appropriated pursuant to the authority of section 303 in each fiscal year, the Secretary—

(1) shall reserve a total of 1 percent to provide assistance, in amounts determined by the Secretary—

(A) to the outlying areas; and

(B) to the Secretary of the Interior to benefit Indian students in schools operated or funded by the Bureau of Indian Affairs; and

(2) may reserve a total of not more than 4 percent for—

(A) national leadership activities under subsections (a) and (b) of section 313; and

(B) the costs of peer review of State improvement plans and applications under this title.

(b) STATE ALLOTMENTS.—From the amount appropriated under section 303 and not reserved under subsection (a) in each fiscal year the Secretary shall make allotments to State educational agencies as follows:

(1) 50 percent of such amount shall be allocated in accordance with the relative amounts each State would have received under chapter 1 of title I of the Elementary and Secondary Education Act of 1965 for the preceding fiscal year if funds under such chapter in such preceding fiscal year were not reserved for the outlying areas.

(2) 50 percent of such amount shall be allocated in accordance with the relative amounts each State would have received under part A of chapter 2 of title I of the Elementary and Secondary Education Act of 1965 for the preceding fiscal year if funds under such chapter in such preceding fiscal year were not reserved for the outlying areas.

(c) REALLOTMENTS.—If the Secretary determines that any amount of a State educational agency's allotment for any fiscal year under subsection (b) will not be needed for such fiscal year by the State, the Secretary shall reallot such amount to other State educational agencies that need additional funds, in such manner as the Secretary determines is appropriate.

(d) MAINTENANCE OF EFFORT.—Each recipient of funds under this title, in utilizing the proceeds of an allotment received under this title, shall maintain the expenditures of such recipient for the activities assisted under this title at a level equal to not less than the level of such expenditures maintained by such recipient for the fiscal year preceding the fiscal year for which such allotment is received, except that provisions of this section shall not apply in any fiscal year in which the amount appropriated to carry out this title is less than the amount appropriated to carry out this title in the preceding fiscal year.

(e) SUPPLEMENT NOT SUPPLANT.—Each recipient of funds under this title, may use the proceeds of an allotment received under this title only so as to supplement and, to the extent practicable, increase the level of funds that would, in the absence of such Federal funds, be made available from non-Federal sources for the activities assisted under this title.

SEC. 305. STATE APPLICATIONS.

(a) APPLICATION.—

(1) IN GENERAL.—Each State educational agency that desires to receive an allotment under this title shall submit an application to the Secretary at such time and in such manner as the Secretary may determine.

(2) ADDITIONAL INFORMATION.—In addition to the information described in subsections (b) and (c), each such application shall include—

(A) an assurance that the State educational agency will cooperate with the Secretary in carrying out the Secretary's responsibilities under section 313, and will comply with reasonable requests of the Secretary for data related to the State's progress in developing and implementing its State improvement plan under this title;

(B) an assurance that State law provides adequate authority to carry out each component of the State's improvement plan developed, or to be developed, under section 306, or that such authority will be sought; and

(C) such other assurances and information as the Secretary may require.

(b) FIRST YEAR.—A State educational agency's application for the first year of assistance under this title shall—

(1) describe the process by which the State educational agency will develop a school improvement plan that meets the requirements of section 306; and

(2) describe how the State educational agency will use funds received under this title for such year, including how such agency will make subgrants to local educational agencies in accordance with section 309(a), and how such agency will use funds received under this title for education preservice programs and professional development activities in accordance with section 309(b).

(c) SUBSEQUENT YEARS.—A State educational agency's application for the second year of assistance under this title shall—

(1) cover the second through fifth years of the State's participation;

(2) include a copy of the State's improvement plan that meets the requirements of section 306, or if the State improvement plan is not complete, a statement of the steps the State will take to complete the plan and a schedule for doing so; and

(3) include an explanation of how the State educational agency will use funds received under this title, including how such agency will make subgrants to local educational agencies in accordance with section 309(a), and how such agency will use such funds received under this title for education preservice programs and professional development activities in accordance with section 309(b).

SEC. 306. STATE IMPROVEMENT PLANS.

(a) BASIC SCOPE OF PLAN.—Any State educational agency that desires to receive an allotment under this title after its first year of participation shall develop and implement a State improvement plan for the fundamental restructuring and improvement of elementary and secondary education in the State.

(b) PLAN DEVELOPMENT.—

(1) IN GENERAL.—A State improvement plan under this title shall be developed by a broad-based State panel in cooperation with the State educational agency and the Governor. The panel shall include—

(A) the Governor and the chief State school officer, or their designees;

(B) the chairperson of the State board of education and the chairpersons of the appropriate authorizing committees of the State legislature, or their designees;

(C) school teachers, related services personnel, principals, and administrators who have successfully improved student performance; and

(D) representatives of teachers' organizations, organizations serving young children, parents, secondary school students, business and labor leaders, community-based organizations of demonstrated effectiveness, institutions of higher education, local boards of education, State and local officials, tribal agencies, as appropriate, and others.

(2) APPOINTMENT.—The Governor and the chief State school officer shall each appoint half the members of the panel and shall jointly select the Chairperson of the panel.

(3) REPRESENTATION.—The membership of the panel shall be geographically representative of the State and reflect the diversity of the population of the State with regard to race, ethnicity, gender and disability characteristics.

(4) CONSULTATION.—The panel shall consult the Governor, the chief State school officer, the State board of education, and relevant committees of the State legislature in developing the State improvement plan.

(5) OUTREACH.—The panel shall be responsible for conducting a statewide, grassroots outreach process, including conducting public hearings, to involve educators, related services personnel, parents, local officials, tribal government officials, as appropriate, individuals representing private nonprofit elementary and secondary schools, community and business leaders, citizens, children's advocates, and others with a stake in the success of students and their education system, and who are representative of the diversity of the State and the State's student population, including students of limited-English proficiency, American Indian, Alaska Native, and Native Hawaiian students, and students with disabilities, in the development of the State improvement plan and in a continuing dialogue regarding the need for and nature of challenging standards for students and local and State responsibilities for helping all students achieve such standards in order to assure that the development and implementation of the State improvement plan reflects local needs and experiences and does not result in a significant increase in paperwork for teachers.

(6) PROCEDURE AND APPROVAL.—The panel shall develop a State improvement plan, provide opportunity for public comment, and submit such plan to the State educational agency for approval.

(7) SUBMISSION.—The State educational agency shall submit the original State improvement plan developed by the panel and the State improvement plan modified by such agency, together with an explanation of any changes made by such agency to the plan developed by the panel, to the Secretary for approval.

(8) MATTERS NOT UNDER THE JURISDICTION OF THE STATE EDUCATIONAL AGENCY.—If any

portion of a State improvement plan addresses matters that, under State or other applicable law, are not under the authority of the State educational agency, the State educational agency shall obtain the approval of, or changes to, such portion, with an explanation thereof, from the Governor or other official responsible for that portion before submitting such plan to the Secretary.

(9) MONITORING; REVISIONS; REPORTING.—After approval of the State improvement plan by the Secretary, the panel shall be informed of progress on such plan by the State educational agency, and such agency, in close consultation with teachers, principals, administrators, advocates and parents in local educational agencies and schools receiving funds under this title, shall monitor the implementation and operation of such plan. The panel shall review such plan, and based on the progress described in the preceding sentence, determine if revisions to such plan are appropriate and necessary. The panel shall periodically report such determination to the public.

(c) TEACHING, LEARNING, STANDARDS, AND ASSESSMENTS.—Each State improvement plan shall establish strategies for meeting the National Education Goals described in title I by improving teaching and learning, and such strategies shall involve broad-based and ongoing classroom teacher input, such as—

(1) a process for developing or adopting challenging State content and student performance standards for all students;

(2) a process for providing assistance and support to local educational agencies and schools to strengthen the capacity and responsibility of such agencies and schools to provide all of their students the opportunity to meet challenging State content and student performance standards;

(3) a process for developing or recommending instructional materials and technology to support and assist local educational agencies and schools to provide all of their students the opportunity to meet the challenging State content and student performance standards;

(4) a process for developing and implementing a valid, fair, nondiscriminatory, and reliable assessment or system of assessments—

(A) which assessment or system shall—

(i) be aligned with such State's content standards;

(ii) involve multiple measures of student performance;

(iii) provide for—

(I) the participation of all students with diverse learning needs in such assessment or system; and

(II) the adaptations and accommodations necessary to permit such participation;

(iv) be consistent with relevant, nationally recognized professional and technical standards for such assessment or system;

(v) be capable of providing coherent information about student attainments relative to the State content standards; and

(vi) support effective curriculum and instruction; and

(B) which process shall provide for monitoring the implementation of such assessment, system or set and the impact of such assessment, system or set on improved instruction for all students; and

(5) a process for improving the State's system of teacher and school administrator preparation and licensure, and of continuing professional development programs, including the use of technology at both the State and local levels, so that all teachers, related services personnel, and administrators develop the subject matter and pedagogical expertise needed to prepare all students to meet the challenging standards described in paragraph (1).

(d) OPPORTUNITY-TO-LEARN STRATEGIES.—Each State improvement plan shall establish strategies for providing all students with an opportunity to learn, such as—

(1) adopting or establishing comprehensive State opportunity-to-learn standards;

(2) establishing a timetable for demonstrating progress toward meeting comprehensive State opportunity-to-learn standards in every school in the State; and

(3) periodically reporting to the public on the extent of the State's improvement in achieving such standards.

(e) GOVERNANCE AND MANAGEMENT.—Each State plan shall establish strategies for improved governance and management of the education system of the State.

(f) PARENTAL AND COMMUNITY SUPPORT AND INVOLVEMENT.—Each State improvement plan shall describe comprehensive strategies to involve communities, including community representatives such as parents, businesses, institutions of higher education, libraries, cultural institutions, employment and training agencies, health and human service agencies, and other public and private nonprofit agencies that provide nonsectarian social services, health care, child care, early childhood education, and nutrition to students, in helping all students meet the challenging State standards.

(g) MAKING THE IMPROVEMENTS SYSTEM-WIDE.—In order to help provide all students throughout the State the opportunity to meet challenging State content and student performance standards, each State improvement plan shall describe the various strategies for ensuring that all local educational agencies and schools within the State are involved in developing and implementing needed improvements within a specified period of time.

(h) PROMOTING BOTTOM-UP REFORM.—Each State improvement plan shall include strategies for ensuring that comprehensive, systemic reform is promoted from the bottom up in communities, local educational agencies, and schools, and is guided by coordination and facilitation from State leaders.

(i) BENCHMARKS AND TIMELINES.—Each State improvement plan shall include specific benchmarks of improved student performance and of progress in implementing such plan, and timelines against which the progress of the State in carrying out such plan, including the elements described in subsections (c) through (h), can be measured.

(j) PEER REVIEW AND SECRETARIAL APPROVAL.—

(1) IN GENERAL.—(A) The Secretary shall review, within a reasonable period of time, each State improvement plan prepared under this section, and each application submitted under section 305, through a peer review process involving the assistance and advice of State and local education policymakers, educators, classroom teachers, related services personnel, experts on educational innovation and improvement, parents, advocates, and other appropriate individuals. Such peer review process shall be representative of the diversity of the United States with regard to geography, race, ethnicity, gender and disability characteristics. Such peer review process shall include at least 1 site visit to each State.

(B) Notwithstanding the provisions of subparagraph (A), in the first year that a State educational agency submits an application for assistance under this title the Secretary shall not be required to—

(i) review such application through a peer review process; and

(ii) conduct a site visit.

(2) APPROVAL OF PLAN.—The Secretary shall approve a State improvement plan if—

(A) such plan is submitted to the Secretary not later than 2 years after the date the State educational agency receives its first allotment under section 304(b); and

(B) the Secretary determines, after considering the peer reviewers' comments, that such plan—

(i) reflects a widespread commitment within the State; and

(ii) holds reasonable promise of helping all students.

(3) DISAPPROVAL.—The Secretary shall not disapprove a State's plan, or any State application submitted under section 305, before offering the State—

(A) an opportunity to revise such plan or application; and

(B) a hearing.

(k) AMENDMENTS TO PLAN.—

(1) IN GENERAL.—Each State educational agency shall periodically review its State improvement plan and revise such plan, as appropriate, in accordance with the process described in subsection (b).

(2) REVIEW.—The Secretary shall review any major amendment to a State improvement plan and shall not disapprove any such amendment before offering a State educational agency—

(A) an opportunity to revise such amendment; and

(B) a hearing.

(l) PREEXISTING STATE PLANS AND PANELS.—

(1) IN GENERAL.—If a State has developed a comprehensive and systemic State improvement plan to help all students meet challenging State content and student performance standards, or any component of such plan, that meets the intent and purposes of section 302, the Secretary may approve such plan or component notwithstanding that such plan was not developed in accordance with subsection (b), if—

(A) the Secretary determines that such approval would further the purposes of State systemic education improvement; and

(B) such plan ensures broad-based input from various education, political, community, and other appropriate representatives.

(2) SPECIAL RULE.—(A) If, before the date of enactment of this Act, a State has made substantial progress in developing a plan that meets the intent and purposes of section 302, but was developed by a panel that does not meet the requirements of paragraphs (1) through (3) of subsection (b), the Secretary may, at the request of the Governor and the State educational agency, treat such panel as meeting such requirements for all purposes of this title if the Secretary determines that there has been substantial public and educator involvement in the development of such plan.

(B) If a State has not developed a State improvement plan but has an existing panel which such State would like to use for the purpose of developing such plan, then the Secretary may, at the request of the Governor and the State educational agency, treat such panel as meeting the requirements of paragraphs (1) through (3) of subsection (b) for all purposes of this title if—

(i) the Secretary determines that such existing panel is serving a similar such purpose; and

(ii) the composition of such existing panel would ensure broad-based input from various education, political, community, and other appropriate representatives.

SEC. 307. SECRETARY'S REVIEW OF APPLICATIONS; PAYMENTS.

(a) FIRST YEAR.—The Secretary shall approve the State educational agency's initial year application under section 305(b) if the Secretary determines that—

(1) such application meets the requirements of this title; and

(2) there is a substantial likelihood that the State will be able to develop and implement an education improvement plan that complies with section 306.

(b) SECOND THROUGH FIFTH YEARS.—The Secretary shall approve the State educational agency's renewal application under section 305(c)(1) in the second through fifth years of participation only if—

(1)(A) the Secretary has approved the State improvement plan under section 306(j); or

(B) the Secretary determines that the State has made substantial progress in developing its State improvement plan and will implement such plan not later than the end of the second year of participation; and

(2) the application meets the other requirements of this title.

(c) PAYMENTS.—For any fiscal year for which a State has an approved application under this title, the Secretary shall provide an allotment to the State educational agency in the amount determined under section 304(b).

SEC. 308. STATE USE OF FUNDS.

(a) FIRST YEAR.—In the first year for which a State educational agency receives an allotment under this title, such agency—

(1) if the amount appropriated pursuant to the authority of section 303 for such year is equal to or greater than $200,000,000, shall use at least 75 percent of such allotted funds to award subgrants—

(A) to local educational agencies for the development or implementation of local improvement plans in accordance with section 309(a); and

(B) to improve educator and related services personnel preservice programs and for professional development activities consistent with the State improvement plan and in accordance with section 309(b);

(2) if the amount appropriated pursuant to the authority of section 303 for such year is equal to or greater than $100,000,000, but less than $200,000,000, shall use at least 50 percent of such allotted funds to award subgrants described in subparagraphs (A) and (B) of paragraph (1);

(3) if the amount appropriated pursuant to the authority of section 303 for such year is less than $100,000,000, may use such allotted funds to award subgrants described in subparagraphs (A) and (B) of paragraph (1); and

(4) shall use any such allotted funds not used in accordance with paragraphs (1), (2), and (3) to develop, revise, expand, or implement a State improvement plan described in section 306.

(b) SUCCEEDING YEARS.—Each State educational agency that receives an allotment under this title for any year after the first year of participation shall—

(1) use at least 85 percent of such allotment funds in each such year to make subgrants—

(A) for the implementation of the State improvement plan and of local improvement plans in accordance with section 309(a); and

(B) to improve educator and related services personnel preservice programs and for professional development activities that are consistent with the State improvement plan in accordance with section 309(b); and

(2) shall use the remainder of such allotted funds for State activities designed to implement the State improvement plan, such as—

(A) supporting the development or adoption of challenging State content and student performance standards, comprehensive State opportunity-to-learn standards, and assessment tools linked to the standards, including activities assisted—

(i) through consortia of States; or

(ii) with the assistance of the National Education Standards and Improvement Council established under part B of title II;

(B) supporting the implementation of high-performance management and organizational strategies, such as site-based management, shared decisionmaking, or quality management principles, to promote effective implementation of such plan;

(C) supporting the development and implementation, at the local educational agency and school building level, of improved human resource development systems for recruiting, selecting, mentoring, supporting, evaluating and rewarding educators;

(D) providing special attention to the needs of minority, disabled, and female students, including instructional programs and activities that encourage such students in elementary and secondary schools to aspire to enter and complete postsecondary education or training;

(E) supporting the development, at the State or local level, of performance-based accountability and incentive systems for schools;

(F) outreach to and training for parents, tribal officials, organizations serving young children, classroom teachers, related services personnel, and other educators, and the public, related to education improvement;

(G) providing technical assistance and other services to increase the capacity of local educational agencies and schools to develop and implement systemic local improvement plans, implement new assessments or systems of assessments described in the State improvement plan developed in accordance with section 306, and develop curricula consistent with the challenging State content and student performance standards;

(H) promoting mechanisms for increasing public school choice, including information and referral programs which provide parents information on available choices and other initiatives to promote the establishment of innovative new public schools, including magnet schools and charter schools; and

(I) collecting and analyzing data.

(c) LIMIT ON ADMINISTRATIVE COSTS.—A State educational agency that receives an allotment under this title in any fiscal year shall use not more than 4 percent of such allotment in such year, or $100,000, whichever is greater, for administrative expenses, which administrative expenses shall not include the expenses related to the activities of the panel established under section 306(b)(1).

(d) SPECIAL RULE.—Any new public school established under this title—

(1) shall be nonsectarian;

(2) shall not be affiliated with a nonpublic sectarian school or religious institution; and

(3) shall operate under the authority of a State educational agency or local educational agency.

SEC. 309. SUBGRANTS FOR LOCAL REFORM AND PROFESSIONAL DEVELOPMENT.

(a) SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES.—

(1) IN GENERAL.—(A) Each State educational agency, through a competitive process, shall make subgrants to local educational agencies to carry out the authorized activities described in paragraph (4).

(B) Each subgrant described in subparagraph (A) shall be for a project of sufficient duration and of sufficient size, scope, and quality to carry out the purpose of this title effectively.

(2) APPLICATION REQUIRED.—Each local educational agency desiring to receive a subgrant under this subsection shall submit an application to the State educational agency that—

(A) is developed by a broad-based panel, appointed by the local educational agency, that is representative of the diversity of the students and community to be served with regard to race, language, ethnicity, gender, disability and socioeconomic characteristics, and includes teachers, related services personnel, secondary school students, parents, school administrators, business representatives, early childhood educators, representatives of community-based organizations, and others, as appropriate, and is approved by the local educational agency, including any modifications the local educational agency deems appropriate;

(B) includes, in the application submitted for the second year of participation, a comprehensive local improvement plan for school district-wide education improvement, directed at enabling all students to meet high academic standards, including specific goals and benchmarks, and includes a strategy for—

(i) ensuring that all students have a fair opportunity to learn;

(ii) improving teaching and learning;

(iii) improving governance and management;

(iv) generating and maintaining parental and community involvement; and

(v) expanding improvements throughout the local educational agency;

(C) describes how the local educational agency will encourage and assist schools to develop and implement comprehensive school improvement plans that focus on helping all students meet high academic standards and that address each element of the local educational agency's local improvement plan described in subparagraph (B);

(D) describes how the local educational agency will implement specific programs aimed at ensuring improvements in school readiness and the ability of students to learn effectively at all grade levels by identifying the most pressing needs facing students and their families with regard to social services, health care, nutrition, and child care, and entering into partnerships with public and private nonprofit agencies to increase the access of students and families to coordinated nonsectarian services in a school setting or at a nearby site;

(E) describes how the subgrant funds will be used by the local educational agency, and the procedures to be used to make funds available to schools in accordance with paragraph (4)(A);

(F) identifies, with an explanation, any State or Federal requirements that the local educational agency believes impede educational improvement and that such agency requests be waived in accordance with section 311, which requests shall promptly be transmitted to the Secretary by the State educational agency; and

(G) contains such other information as the State educational agency may reasonably require.

(3) MONITORING.—The panel described in paragraph (2)(A), after approval of the local educational agency's application by the State educational agency, shall be informed of progress on such plan by the local educational agency, and the local educational agency shall monitor the implementation

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and effectiveness of the local improvement plan in close consultation with teachers, related services personnel, principals, administrators, and parents from schools receiving funds under this title, as well as assure that implementation of the local improvement plan does not result in a significant increase in paperwork for teachers. The panel shall review such plan and based on the progress described in the preceding sentence, determine if revisions to the local improvement plan should be recommended to the local educational agency. The panel shall periodically report such determination to the public.

(4) AUTHORIZED ACTIVITIES.—A local educational agency that receives a subgrant under this subsection—

(A) in the first year such agency receives the subgrant shall use—

(i) not more than 25 percent of the subgrant funds to develop a local improvement plan or for any local educational agency activities approved by the State educational agency that are reasonably related to carrying out the State or local improvement plans, including the establishment of innovative new public schools; and

(ii) not less than 75 percent of the subgrant funds to support individual school improvement initiatives related to providing all students in the school the opportunity to meet high academic standards; and

(B) in subsequent years, shall use the subgrant funds for any activities approved by the State educational agency that are reasonably related to carrying out the State or local improvement plans (including the establishment of innovative new public schools), except that at least 85 percent of such funds shall be made available to individual schools to develop and implement comprehensive school improvement plans designed to help all students meet high academic standards.

(b) SUBGRANTS FOR PRESERVICE TEACHER EDUCATION AND PROFESSIONAL DEVELOPMENT ACTIVITIES.—

(1) IN GENERAL.—(A) Each State educational agency, through a competitive, peer review process, shall make subgrants to a local educational agency, or a consortium consisting of local educational agencies, institutions of higher education, or nonprofit education organizations, or any combination thereof, in order to—

(i) improve preservice teacher and related services personnel education programs in accordance with the State improvement plan; and

(ii) support continuing, sustained professional development activities for educators in accordance with the State improvement plan.

(B) Each State educational agency awarding subgrants under subparagraph (A) shall give priority to awarding such subgrants to—

(i) a local educational agency or consortium serving a greater number or percentage of disadvantaged students than the statewide average of such number or percentage; or

(ii) a consortium that has a demonstrated record of working with school districts, such as a consortium that—

(I) prepares and screens teacher interns in professional development school sites;

(II) focuses on upgrading teachers' knowledge of content areas; or

(III) targets preparation and continued professional development of teachers of students with limited-English proficiency and students with disabilities.

(C) In order to be eligible to receive a subgrant described in subparagraph (A), a consortium shall include at least 1 local educational agency.

(2) APPLICATION.—A local educational agency or consortium that desires to receive a subgrant under this subsection shall submit an application to the State educational agency that—

(A) describes how the local educational agency or consortium will use the subgrant to improve teacher preservice and school administrator education programs or to implement educator and related services personnel professional development activities in accordance with the State improvement plan;

(B) identifies the criteria to be used by the local educational agency or consortium to judge improvements in preservice education or the effects of professional development activities in accordance with the State improvement plan; and

(C) contains any other information that the State educational agency determines is appropriate.

(3) AUTHORIZED ACTIVITIES.—A recipient of a subgrant under this subsection shall use the subgrant funds for activities supporting—

(A) the improvement of preservice teacher education and school administrator programs so that such programs equip educators with the subject matter and pedagogical expertise necessary for preparing all students to meet challenging standards; or

(B) the development and implementation of new and improved forms of continuing and sustained professional development opportunities for teachers, related services personnel, principals, and other educators at the school or school district level that equip such individuals with such expertise, and with other knowledge and skills necessary for leading and participating in continuous education improvement.

(c) SPECIAL AWARD RULES.—

(1) IN GENERAL.—(A) Each State educational agency shall award at least 65 percent of subgrant funds under subsection (a) in each fiscal year to local educational agencies that have a greater percentage or number of disadvantaged children than the statewide average percentage or number for all local educational agencies in the State.

(B) At least 50 percent of the subgrant funds made available by a local educational agency to individual schools under subsection (a) in any fiscal year shall be made available to schools with a special need for assistance, as indicated by a high number or percentage of students from low-income families, low student achievement, or other similar criteria developed by the local educational agency.

(2) WAIVER.—The State educational agency may waive the requirement of paragraph (1)(A) if such agency does not receive a sufficient number of applications from local educational agencies in the State to enable the State educational agency to comply with such requirement.

SEC. 310. AVAILABILITY OF INFORMATION AND TRAINING.

Proportionate to the number of children in a State or in a local educational agency who are enrolled in private elementary or secondary schools—

(1) a State educational agency or local educational agency which uses funds under this title to develop goals, State content or student performance standards, curricular materials, and assessments or systems of assessments shall, upon request, make information related to such goals, standards, materials, and assessments or systems available to private schools; and

(2) a State educational agency or local educational agency which uses funds under this title for teacher and administrator training shall provide in the State improvement plan described in section 306 for the training of teachers and administrators in private schools located in the geographical area served by such agency.

SEC. 311. WAIVERS OF STATUTORY AND REGULATORY REQUIREMENTS.

(a) WAIVER AUTHORITY.—

(1) IN GENERAL.—Except as provided in subsection (c), the Secretary may waive any statutory or regulatory requirement applicable to any program or Act described in subsection (b) for a State educational agency, local educational agency, or school, upon application of a State educational agency requesting such a waiver if—

(A) and only to the extent that, the Secretary determines that such requirement impedes the ability of the State, or of a local educational agency or school in the State, to carry out the State or local improvement plan;

(B) the State educational agency has waived, or agrees to waive, similar requirements of State law;

(C) in the case of a statewide waiver, the State educational agency—

(i) provides all local educational agencies in the State with notice and an opportunity to comment on the State educational agency's proposal to seek a waiver; and

(ii) submits the local educational agencies' comments to the Secretary; and

(D) in the case of a local educational agency waiver, the local educational agency provides parents, community groups, and advocacy or civil rights groups with the opportunity to comment on the proposed waiver.

(2) TIMELINESS.—The Secretary shall act promptly on any request for a waiver under this section.

(3) DURATION.—

(A) IN GENERAL.—Each waiver under this section may be for a period not to exceed 5 years.

(B) EXTENSION.—The Secretary may extend the period described in subparagraph (A) if the Secretary determines that the waiver has been effective in enabling the State or affected local educational agencies to carry out their reform plans.

(b) INCLUDED PROGRAMS.—The statutory or regulatory requirements subject to the waiver authority of this section are any such requirements under the following programs or Acts:

(1) Chapter 1 of title I of the Elementary and Secondary Education Act of 1965, including Even Start.

(2) Part A of chapter 2 of title I of the Elementary and Secondary Education Act of 1965.

(3) The Dwight D. Eisenhower Mathematics and Science Education Act.

(4) The Emergency Immigrant Education Act of 1984.

(5) The Drug-Free Schools and Communities Act of 1986.

(6) The Carl D. Perkins Vocational and Applied Technology Education Act.

(c) WAIVERS NOT AUTHORIZED.—The Secretary may not waive any statutory or regulatory requirement of the programs or Acts described in subsection (b)—

(1) relating to—

(A) maintenance of effort;

(B) comparability of services;

(C) the equitable participation of students and professional staff in private schools;

(D) parental participation and involvement; and

(E) the distribution of funds to States or to local educational agencies; and

(2) unless the underlying purposes of the statutory requirements of each program or Act for which a waiver is granted continue to be met to the satisfaction of the Secretary.

(d) TERMINATION OF WAIVERS.—The Secretary shall periodically review the performance of any State, local educational agency, or school for which the Secretary has granted a waiver and shall terminate the waiver if the Secretary determines that the performance of the State, the local educational agency, or the school in the area affected by the waiver has been inadequate to justify a continuation of the waiver.

SEC. 312. PROGRESS REPORTS.

(a) STATE REPORTS TO THE SECRETARY.—Each State educational agency that receives an allotment under this title shall annually report to the Secretary—

(1) on the State's progress in meeting the State's goals and plans;

(2) on the State's proposed activities for the succeeding year; and

(3) in summary form, on the progress of local educational agencies in meeting local goals and plans.

(b) SECRETARY'S REPORTS TO CONGRESS.—By April 30, 1996, and every 2 years thereafter, the Secretary shall submit a report to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate describing the activities and outcomes of—

(1) grants or contracts under paragraph (2) of section 313(b), including—

(A) a description of the purpose, uses, and technical merit of assessments evaluated with funds awarded under such paragraph; and

(B) an analysis of the impact of such assessments on the performance of students, particularly students of different racial, gender, ethnic, or language groups and individuals with disabilities; and

(2) allotments under this title, including a description of the effect of waivers granted under section 311.

SEC. 313. NATIONAL LEADERSHIP.

(a) TECHNICAL ASSISTANCE AND INTEGRATION OF STANDARDS.—From funds reserved in each fiscal year under section 304(a)(2)(A), the Secretary may, directly or through grants or contracts—

(1) provide technical assistance to States, local educational agencies, and tribal agencies developing or implementing school improvement plans, in a manner that ensures that such assistance is broadly available; or

(2) support model projects to integrate multiple content standards, if—

(A) such standards are certified by the National Education Standards and Improvement Council and approved by the National Goals Panel for different subject areas, in order to provide balanced and coherent instructional programs for all students; and

(B) such projects are appropriate for a wide range of diverse circumstances, localities (including both urban and rural communities), and populations.

(b) INNOVATIVE PROGRAMS; ASSESSMENT; EVALUATION.—From not more than 50 percent of the funds reserved in each fiscal year under section 304(a)(2)(A), the Secretary, directly or through grants or contracts, shall—

(1) provide urban and rural local educational agencies, schools, or consortia thereof, with assistance for innovative or experimental programs in systemic education reform that are not being undertaken through grants provided under section 309(a), giving special consideration or priority to local educational agencies, schools, or consortia thereof that serve large numbers or concentrations of economically disadvantaged students, including students of limited-English proficiency; or

(2) provide a State or local educational agency, nonprofit organization or consortium thereof with assistance to help defray the cost of developing, field testing and evaluating an assessment or system of assessments with a priority on grants or contracts for limited-English proficiency students or students with disabilities, if—

(A) such assessment or system—

(i) is to be used for some or all of the purposes described in section 213(e)(1)(B); and

(ii) is aligned to State content standards certified by the National Education Standards and Improvement Council; and

(B) such agency, organization or consortium—

(i) examines the validity, reliability, and fairness of such assessment or system, for the particular purposes for which such assessment or system was developed; and

(ii) devotes special attention to how such assessment or system treats all students, especially with regard to the race, gender, ethnicity, disability and language proficiency of such students.

(c) DATA AND DISSEMINATION.—The Secretary shall—

(1) gather data on, conduct research on, and evaluate systemic education improvement, including the programs authorized by this title; and

(2) disseminate research findings and other information on outstanding examples of systemic education improvement in States and local communities through existing dissemination systems within the Department of Education, including through publications, electronic and telecommunications mediums, conferences, and other means.

SEC. 314. ASSISTANCE TO THE OUTLYING AREAS AND TO THE SECRETARY OF THE INTERIOR.

(a) OUTLYING AREAS.—

(1) IN GENERAL.—Funds reserved for the outlying areas in each fiscal year under section 304(a)(1)(A) shall be made available to, and expended by, such areas, under such conditions and in such manner as the Secretary determines will best meet the purposes of this title.

(2) INAPPLICABILITY OF PUBLIC LAW 95-134.—The provisions of Public Law 95-134, permitting the consolidation of grants to the Insular Areas, shall not apply to funds received by such areas under this title.

(b) SECRETARY OF THE INTERIOR.—The funds reserved by the Secretary for the Secretary of the Interior under section 304(a)(1)(B) shall be made available to the Secretary of the Interior pursuant to an agreement between the Secretary and the Secretary of the Interior containing such terms and assurances, consistent with this title, as the Secretary determines will best achieve the purpose of this title.

(c) SECRETARY OF DEFENSE.—The Secretary shall consult with the Secretary of Defense to ensure that, to the extent practicable, the purposes of this title are applied to the Department of Defense schools.

SEC. 315. CLARIFICATION REGARDING STATE STANDARDS AND ASSESSMENTS.

Notwithstanding any other provision of this title, standards, assessments, and systems of assessments described in a State improvement plan submitted in accordance with section 306 shall not be required to be certified by the Council.

SEC. 316. STATE PLANNING FOR IMPROVING STUDENT ACHIEVEMENT THROUGH INTEGRATION OF TECHNOLOGY INTO THE CURRICULUM.

(a) PURPOSE.—It is the purpose of this section to assist States to plan effectively to improve student learning through the use of technology in all schools throughout the State.

(b) PROGRAM AUTHORIZED.—

(1) AUTHORITY.—The Secretary shall award grants in accordance with allocations under paragraph (2) to each State educational agency that, as part of its application under section 305, requests a grant to develop, and submits as part of the State improvement plan described in section 306, a systemic statewide plan to increase the use of state-of-the-art technologies that enhance elementary and secondary student learning and staff development in support of the National Education Goals and challenging standards.

(2) FORMULA.—From the amount appropriated pursuant to the authority of subsection (f) in each fiscal year, each State educational agency with an application approved under section 305 shall receive a grant under paragraph (1) in such year in an amount determined on the same basis as allotments are made to State educational agencies under subsections (b) and (c) of section 304 for such year, except that each such State shall receive at least 1½ percent of the amount appropriated pursuant to such authority or $75,000, whichever is greater.

(3) DURATION.—A State educational agency may receive assistance under this section for not more than 2 fiscal years.

(c) PLAN OBJECTIVES.—Each State educational agency shall use funds received under this section to develop and, if the Secretary has approved the systemic statewide plan, to implement such plan. Such plan shall have as its objectives—

(1) the promotion of higher student achievement through the use of technology in education;

(2) the participation of all schools and school districts in the State, especially those schools and districts with a high percentage of disadvantaged students;

(3) the development and implementation of a cost effective high-speed, statewide, interoperable, wide area communication educational technology infrastructure for elementary and secondary schools within the State; and

(4) the promotion of shared usage of equipment, facilities, and other technology resources by adult learners during after-school hours.

(d) PLAN REQUIREMENTS.—At a minimum, each systemic statewide plan shall—

(1) be developed by a task force that—

(A) includes among its members experts in the educational use of technology and representatives of the State panel described in section 306(b); and

(B) ensures that such plan is integrated into the State improvement plan described in section 306;

(2) be developed in collaboration with the Governor, representatives of the State legislature, the State board of education, institutions of higher education, appropriate State agencies, local educational agencies, public and private telecommunication entities, parents, students, adult literacy providers, and leaders in the field of technology, through a process of statewide grassroots outreach to local educational agencies and schools in the State;

(3) identify and describe the requirements necessary for introducing state-of-the-art technologies into the classroom in order to

enhance educational curricula, including the installation and ongoing maintenance of basic connections, hardware and the necessary support materials;

(4) describe how the application of advanced technologies in the schools will enhance student learning, provide greater access to individualized instruction, promote the strategies described in section 306(d), and help make progress toward the achievement of the National Education Goals;

(5) describe how the ongoing training of educational personnel will be provided;

(6) provide for the dissemination on a statewide basis of exemplary programs and practices relating to the use of technology in education;

(7) establish a funding estimate (including a statement of likely funding sources) and a schedule for the development and implementation of such plan;

(8) describe how the State educational agency will assess the impact of implementing such plan on student achievement and aggregate achievement for schools;

(9) describe how the State educational agency and local educational agencies in the State will coordinate and cooperate with business and industry, and with public and private telecommunications entities;

(10) describe how the State educational agency will promote the purchase of equipment by local educational agencies that, when placed in schools, will meet the highest possible level of interoperability and open system design;

(11) describe how the State educational agency will consider using existing telecommunications infrastructure and technology resources; and

(12) describe the process through which such plan will be reviewed and updated periodically.

(e) REPORTS.—Each State educational agency receiving a grant under this section shall submit a report to the Secretary within 1 year of the date such agency submits to the Secretary its systemic statewide plan under this section. Such report shall—

(1) describe the State's progress toward implementation of the provisions of such plan;

(2) describe any revisions to the State's long-range plans for technology;

(3) describe the extent to which resources provided pursuant to such plan are distributed among schools to promote the strategies described in section 306(d); and

(4) include any other information the Secretary deems appropriate.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $10,000,000 for fiscal year 1994, and such sums as may be necessary for fiscal year 1995, to carry out this section.

TITLE IV—MISCELLANEOUS

SEC. 401. PUBLIC SCHOOLS.

Except as provided in section 310, nothing in this Act shall be construed to authorize the use of funds under title III of this Act to directly or indirectly benefit any school other than a public school.

SEC. 402. CONSTRUCTION.

Nothing in this Act shall be construed—

(1) to supersede the provisions of section 103 of the Department of Education Organization Act; and

(2) to require the teaching of values or the establishment of school-based clinics as a condition of receiving funds under this Act.

TITLE V—NATIONAL SKILL STANDARDS BOARD

SEC. 501. SHORT TITLE.

This title may be cited as the "National Skill Standards Act of 1993".

SEC. 502. PURPOSE.

It is the purpose of this title to establish a National Board to serve as a catalyst in stimulating the development and adoption of a voluntary national system of skill standards and of assessment and certification—

(1) that will serve as a cornerstone of the national strategy to enhance work force skills;

(2) that will result in increased productivity, economic growth, and American economic competitiveness; and

(3) that can be used, consistent with civil rights laws—

(A) by the Nation, to ensure the development of a high skills, high quality, high performance work force, including the most skilled front-line work force in the world;

(B) by industries, as a vehicle for informing training providers and prospective employees of skills necessary for employment;

(C) by employers, to assist in evaluating the skill levels of prospective employees and to assist in the training of current employees;

(D) by labor organizations, to enhance the employment security of workers by providing portable credentials and skills;

(E) by workers, to—

(i) obtain certifications of their skills to protect against dislocation;

(ii) pursue career advancement; and

(iii) enhance their ability to reenter the work force;

(F) by students and entry level workers, to determine the skill levels and competencies needed to be obtained in order to compete effectively for high wage jobs;

(G) by training providers and educators, to determine appropriate training services to be offered by the providers and educators;

(H) by Government, to evaluate whether publicly funded training assists participants to meet skill standards where such standards exist and thereby protect the integrity of public expenditures; and

(I) to facilitate linkages between other components of the work force investment strategy, including school-to-work transition and job training programs.

SEC. 503. ESTABLISHMENT OF NATIONAL BOARD.

(a) IN GENERAL.—There is established a National Skill Standards Board (hereafter referred to in this title as the "National Board").

(b) COMPOSITION.—

(1) IN GENERAL.—The National Board shall be composed of 28 members (appointed in accordance with paragraph (3)), of whom—

(A) one member shall be the Secretary of Labor;

(B) one member shall be the Secretary of Education;

(C) one member shall be the Secretary of Commerce;

(D) one member shall be the Chairperson of the National Education Standards and Improvement Council established pursuant to section 212(a);

(E) eight members shall be representatives of business (including representatives of small employers and representatives of large employers) selected from among individuals recommended by recognized national business organizations or trade associations;

(F) eight members shall be representatives of organized labor selected from among individuals recommended by recognized national labor federations; and

(G)(i) four members shall be certified human resource professionals;

(ii) three members shall be representatives of educational institutions (including vocational-technical institutions); and

(iii) one member shall be a representative of nongovernmental organizations with a demonstrated history of successfully protecting the rights of racial, ethnic or religious minorities, women, persons with disabilities, or older persons.

(2) SPECIAL REQUIREMENTS.—The members described in subparagraph (G) of paragraph (1) shall have expertise in the area of education and training. The members described in subparagraphs (E), (F), and (G) of paragraph (1) shall, in the aggregate, represent a broad cross-section of occupations and industries.

(3) APPOINTMENT.—The membership of the National Board shall be appointed as follows:

(A) Twelve members (four from each class of members described in subparagraphs (E), (F), and (G) of paragraph (1)) shall be appointed by the President.

(B) Six members (two from each class of members described in subparagraphs (E), (F), and (G) of paragraph (1)) shall be appointed by the Speaker of the House of Representatives. Of the members so appointed, three members (one from each class of members described in subparagraphs (E), (F), and (G) of paragraph (1)) shall be selected from recommendations made by the Majority Leader of the House of Representatives and three members (one from each class of members described in subparagraphs (E), (F), and (G) of paragraph (1)) shall be selected from recommendations made by the Minority Leader of the House of Representatives.

(C) Six members (two from each class of members described in subparagraphs (E), (F), and (G) of paragraph (1)) shall be appointed by the President pro tempore of the Senate. Of the members so appointed, three members (one from each class of members described in subparagraphs (E), (F), and (G) of paragraph (1)) shall be selected from recommendations made by the Majority Leader of the Senate and three members (one from each class of members described in subparagraphs (E), (F), and (G) of paragraph (1)) shall be selected from recommendations made by the Minority Leader of the Senate.

(4) EX OFFICIO NONVOTING MEMBERS.—The members of the National Board specified in subparagraphs (A), (B), (C), and (D) of paragraph (1) shall be ex officio, nonvoting members of the National Board.

(5) TERM.—Each member of the National Board appointed under subparagraph (E), (F), or (G) of paragraph (1) shall be appointed for a term of 4 years, except that of the initial members of the Board appointed under such subparagraphs—

(A) twelve members shall be appointed for a term of 3 years (four from each class of members described in subparagraphs (E), (F), and (G) of paragraph (1)), of whom—

(i) two from each such class shall be appointed in accordance with paragraph (3)(A);

(ii) one from each such class shall be appointed in accordance with paragraph (3)(B); and

(iii) one from each such class shall be appointed in accordance with paragraph (3)(C); and

(B) twelve members shall be appointed for a term of 4 years (four from each class of members described in subparagraphs (E), (F), and (G) of paragraph (1)), of whom—

(i) two from each such class shall be appointed in accordance with paragraph (3)(A);

(ii) one from each such class shall be appointed in accordance with paragraph (3)(B); and

(iii) one from each such class shall be appointed in accordance with paragraph (3)(C).

(6) VACANCIES.—Any vacancy in the National Board shall not affect its powers, but

shall be filled in the same manner as the original appointment.

(c) CHAIRPERSON AND VICE CHAIRPERSONS.—

(1) CHAIRPERSON.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the National Board, by majority vote, shall elect a Chairperson once every 2 years from among the members of the National Board.

(B) INITIAL CHAIRPERSON.—The first Chairperson of the National Board shall be elected, by a majority vote of the National Board, from among the members who are representatives of business (as described in subparagraph (E) of subsection (b)(1)) and shall serve for a term of 2 years.

(2) VICE CHAIRPERSONS.—The National Board, by majority vote, shall annually elect 3 Vice Chairpersons (each representing a different class of the classes of members described in subparagraphs (E), (F), and (G) of subsection (b)(1) and each of whom shall serve for a term of 1 year) from among its members appointed under subsection (b)(3).

(d) COMPENSATION AND EXPENSES.—

(1) COMPENSATION.—Members of the National Board who are not full-time employees or officers of the Federal Government shall serve without compensation.

(2) EXPENSES.—The members of the National Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57, title 5, United States Code, while away from their homes or regular places of business in the performance of services for the National Board.

(e) EXECUTIVE DIRECTOR AND STAFF.—

(1) EXECUTIVE DIRECTOR.—The Chairperson of the National Board shall appoint an Executive Director who shall be compensated at a rate determined by the National Board not to exceed the rate of pay for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(2) STAFF.—The Executive Director may appoint and compensate such additional staff as may be necessary to enable the Board to perform its duties. The Executive Director may fix the compensation of the staff without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the staff may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(f) GIFTS.—The National Board is authorized, in carrying out this title, to accept and employ or dispose of in furtherance of the purposes of this title, any money or property, real, personal, or mixed, tangible or intangible, received by gift, devise, bequest, or otherwise, and to accept voluntary and uncompensated services notwithstanding the provisions of section 1342 of title 31, United States Code.

(g) AGENCY SUPPORT.—

(1) USE OF FACILITIES.—The National Board may use the research, equipment, services and facilities of any agency or instrumentality of the United States with the consent of such agency or instrumentality.

(2) STAFF OF FEDERAL AGENCIES.—Upon the request of the National Board, the head of any Federal agency of the United States may detail to the National Board, on a reimbursable basis, any of the personnel of such Federal agency to assist the National Board in carrying out this title. Such detail shall be without interruption or loss of civil service status or privilege.

(h) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the National Board may procure temporary and intermittent services of experts and consultants under section 3109(b) of title 5, United States Code.

(i) TERMINATION OF THE COMMISSION.—Section 14(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply with respect to the termination of the National Board.

SEC. 504. FUNCTIONS OF THE NATIONAL BOARD.

(a) IDENTIFICATION OF OCCUPATIONS.—The National Board, after extensive public consultation, shall identify broad clusters of major occupations that involve one or more than one industry in the United States.

(b) ESTABLISHMENT OF VOLUNTARY PARTNERSHIPS TO DEVELOP STANDARDS.—

(1) IN GENERAL.—For each of the occupational clusters identified pursuant to subsection (a), the National Board shall encourage and facilitate the establishment of voluntary partnerships to develop a skill standards system in accordance with subsection (d).

(2) REPRESENTATIVES.—Such voluntary partnerships shall include the full and balanced participation of—

(A)(i) representatives of business (including representatives of large employers and representatives of small employers) who have expertise in the area of work force skill requirements, and who are recommended by national business organizations or trade associations representing employers in the occupation or industry for which a standard is being developed; and

(ii) representatives of trade associations that have received grants from the Department of Labor or the Department of Education to establish skill standards prior to the date of enactment of this title;

(B) employee representatives who—

(i) have expertise in the area of work force skill requirements; and

(ii) shall be—

(I) individuals recommended by recognized national labor organizations representing employees in the occupation or industry for which a standard is being developed; and

(II) such individuals who are nonmanagerial employees with significant experience and tenure in such occupation or industry as are appropriate given the nature and structure of employment in the occupation or industry; and

(C) representatives of—

(i) educational institutions;

(ii) community-based organizations;

(iii) State and local agencies with administrative control or direction over education or over employment and training;

(iv) other policy development organizations with expertise in the area of work force skill requirements; or

(v) nongovernmental organizations with a demonstrated history of successfully protecting the rights of racial, ethnic, or religious minorities, women, persons with disabilities, or older persons.

(3) EXPERTS.—The partnerships described in paragraph (2) may also include other individuals who are independent, qualified experts in their fields.

(c) RESEARCH, DISSEMINATION, AND COORDINATIONS.—In order to support the activities described in subsections (b) and (d), the National Board shall—

(1) conduct work force research relating to skill standards and make the results of such research available to the public, including the voluntary partnerships described in subsection (b);

(2) identify and maintain a catalog of skill standards used by other countries and by States and leading firms and industries in the United States;

(3) serve as a clearinghouse to facilitate the sharing of information on the development of skill standards and other relevant information among representatives of occupations and industries identified pursuant to subsection (a), and among education and training providers;

(4) develop a common nomenclature relating to skill standards;

(5) encourage the development and adoption of curricula and training materials, for attaining the skill standards endorsed pursuant to subsection (d), that provide for structured work experiences and related study programs leading to progressive levels of professional and technical certification;

(6) provide appropriate technical assistance to voluntary partnerships involved in the development of standards and systems described in subsection (b); and

(7) facilitate coordination among voluntary partnerships that meet the requirements of subsection (b)(2) in order to promote the development of a coherent national system of voluntary skill standards.

(d) ENDORSEMENT OF SKILL STANDARDS SYSTEMS.—

(1) IN GENERAL.—The National Board, after public review and comment, shall endorse skill standards systems relating to the occupational clusters identified pursuant to subsection (a) that—

(A) meet the requirements of paragraph (2);

(B) are submitted by voluntary partnerships that meet the requirements of subsection (b)(2); and

(C) meet additional objective criteria that are published by the National Board.

(2) COMPONENTS OF SYSTEM.—The skill standards systems endorsed pursuant to paragraph (1) shall have one or more of the following components:

(A) Voluntary skill standards, which—

(i) are formulated in such a manner that promotes the portability of credentials and facilitates worker mobility within an occupational cluster or industry and among industries;

(ii) are in a form that allows for regular updating to take into account advances in technology or other developments within the occupational cluster;

(iii) are not discriminatory with respect to race, color, religion, sex, national origin, ethnicity, age, or disability;

(iv) meet or exceed the highest applicable standards used in the United States, including apprenticeship standards registered under the Act of August 16, 1937 (commonly known as the "National Apprenticeship Act", 50 Stat. 664, chapter 663, 29 U.S.C. 50 et seq.); and

(v) have been developed after taking into account—

(I) relevant standards used in other countries and relevant international standards;

(II) voluntary national content standards and voluntary national student performance standards developed pursuant to section 213; and

(III) the requirements of high performance work organizations.

(B) A voluntary system of assessment and certification of the attainment of skill standards developed pursuant to subparagraph (A), which—

(i) utilizes a variety of evaluation techniques, including, where appropriate, oral and written evaluations, portfolio assessments, and performance tests;

(ii) includes methods for establishing the validity and reliability of the assessment and certification system for the intended purposes of the system; and

(iii) has been developed after taking into account relevant methods of assessment and certification used in other countries.

(C) A system to disseminate information relating to the skill standards, and the assessment and certification systems, developed pursuant to this paragraph (including dissemination of information relating to civil rights laws relevant to the use of such standards and systems), and to promote use of such standards and systems by, entities such as institutions of higher education offering professional and technical education, labor organizations, trade and technical associations, and employers providing formalized training, and other organizations likely to benefit from such standards and systems.

(D) A system to evaluate the implementation and effectiveness of the skill standards, the assessment and certification systems, and the information dissemination systems, developed pursuant to this paragraph.

(E) A system to periodically revise and update the skill standards, and the assessment and certification systems, developed pursuant to this paragraph, which will take into account changes in standards in other countries.

(e) RELATIONSHIP WITH CIVIL RIGHTS LAWS.—

(1) IN GENERAL.—Nothing in this title shall be construed to modify or affect any Federal or State law prohibiting discrimination on the basis of race, color, religion, sex, national origin, ethnicity, age, or disability.

(2) EVIDENCE.—The endorsement or absence of an endorsement by the National Board of a skill standard, or assessment and certification system, endorsed under subsection (d) may not be used in any action or proceeding to establish that the use of a skill standard or assessment and certification system conforms or does not conform to the requirements of civil rights laws.

(f) COORDINATION.—The National Board shall establish cooperative arrangements with the National Education Standards and Improvement Council to promote the coordination of the development of skill standards under this section with the development of voluntary national content standards and voluntary national student performance standards in accordance with section 213.

(g) FINANCIAL ASSISTANCE.—

(1) IN GENERAL.—(A) From funds appropriated pursuant to the authority of section 507, the Secretary of Labor may award grants and enter into contracts and cooperative arrangements (including awarding grants to, and entering into contracts and cooperative agreements with, voluntary partnerships in accordance with paragraph (2)) that are requested by the National Board for the purposes of carrying out this title.

(B) Each entity desiring a grant, contract or cooperative agreement under this title shall submit an application to the National Board at such time, in such manner and accompanied by such information as the National Board may reasonably require.

(2) SPECIAL RULE REGARDING ASSISTANCE FOR VOLUNTARY PARTNERSHIPS.—The Secretary only shall award a grant to, or enter into a contract or cooperative agreement with, a voluntary partnership that meets the requirements of subsection (b)(2) for the development of skill standards systems in accordance with subsection (d).

(3) CRITERIA FOR BOARD CONSIDERATION.—Prior to each of the fiscal years 1994 through 1998, the National Board shall publish objective criteria for the National Board's consideration of applications submitted pursuant to paragraph (1)(B).

(4) RECOMMENDATIONS TO THE SECRETARY OF LABOR.—The National Board shall review each application received pursuant to paragraph (1)(B) in accordance with the objective criteria published pursuant to paragraph (3), and shall submit each such application to the Secretary of Labor accompanied by a recommendation by the National Board on whether or not the Secretary of Labor should award a grant to the applicant.

(5) LIMITATION ON USE OF FUNDS.—

(A) IN GENERAL.—Not more than 20 percent of the funds appropriated pursuant to the authority of section 507(a) for each fiscal year shall be used by the National Board for the costs of administration.

(B) STARTUP COSTS.—Notwithstanding subparagraph (A), in order to facilitate the establishment of the National Board, the limitation contained in subparagraph (A) shall not apply to funds appropriated pursuant to the authority of section 507(a) for fiscal year 1994.

(C) DEFINITION.—For purposes of this paragraph, the term "costs of administration" means costs relating to staff, supplies, equipment, space, and travel and per diem, costs of conducting meetings and conferences, and other related costs.

SEC. 505. DEADLINES.

Not later than December 31, 1996, the National Board shall—

(1) identify occupational clusters pursuant to section 504(a) representing a substantial portion of the work force; and

(2) promote the endorsement of an initial set of skill standards in accordance with section 504(d) for such clusters.

SEC. 506. REPORTS.

The National Board shall prepare and submit to the President and the Congress in each of the fiscal years 1994 through 1998, a report on the activities conducted under this title. Such report shall include information on the extent to which skill standards have been adopted by employers, training providers, and other entities, and on the effectiveness of such standards in accomplishing the purposes described in section 502.

SEC. 507. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this title $15,000,000 for fiscal year 1994 and such sums as may be necessary for each of fiscal years 1995 through 1998.

(b) AVAILABILITY.—Amounts appropriated pursuant to subsection (a) shall remain available until expended.

SEC. 508. DEFINITIONS.

As used in this title:

(1) COMMUNITY-BASED ORGANIZATIONS.—The term "community-based organizations" has the meaning given the term in section 4(5) of the Job Training Partnership Act (29 U.S.C. 1503(5)).

(2) EDUCATIONAL INSTITUTION.—The term "educational institution" means a high school, a vocational school, and an institution of higher education.

(3) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" has the meaning given the term in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)).

(4) SKILL STANDARD.—The term "skill standard" means the level of knowledge and competence required to successfully perform work-related functions within an occupational cluster.

SEC. 509. SUNSET PROVISION.

(a) REPEAL.—This title is repealed on September 30, 1998.

(b) REVIEW OF REPEAL.—It is the sense of the Congress that the appropriate committees of the Congress should review the accomplishments of the National Board prior to the date of repeal described in subsection (a) in order to determine whether it is appropriate to extend the authorities provided under this title for a period beyond such date.

NATIONAL COMPETITIVENESS ACT OF 1993

KASSEBAUM AMENDMENT NO. 1357

(Ordered to lie on the table)

Mrs. KASSEBAUM submitted an amendment intended to be proposed by her to the bill (S. 4) to promote the industrial competitiveness and economic growth of the United States by strengthening and expanding the civilian technology programs of the Department of Commerce, amending the Stevenson-Wydler Technology Innovation Act of 1980 to enhance the development and nationwide deployment of manufacturing technologies, and authorizing appropriations for the Technology Administration of the Department of Commerce, including the National Institute of Standards and Technology, and for other purposes; as follows:

On page 98, immediately proceeding line 1, insert the following:

TITLE VII–GENERAL AVIATION REVITALIZATION

Sec. 701. Short title.
Sec. 702. Time limitation on civil actions against aircraft manufacturers.
Sec. 703. Conforming amendment.".

On page 216, after line 12, add the following:

TITLE VII—GENERAL AVIATION REVITALIZATION

SEC. 701. SHORT TITLE.

This title may be cited as the "General Aviation Revitalization Act of 1994".

SEC. 702. TIME LIMITATION ON CIVIL ACTIONS AGAINST AIRCRAFT MANUFACTURERS.

Title XI of the Federal Aviation Act of 1958 (49 U.S.C. App. 1510–1518) is amended by adding at the end the following new section:

"SEC. 1119. TIME LIMITATION ON CIVIL ACTIONS AGAINST AIRCRAFT MANUFACTURERS.

"(a) IN GENERAL.—No civil action for damages for death or injury to persons or damage to property arising out of an accident involving a general aviation aircraft may be brought against the manufacturer of the aircraft or the manufacturer of any component, system, subassembly, or other part of the aircraft, if the accident occurred—

"(1) more than 15 years after—

"(A) the date of delivery of the aircraft to its first purchaser or lessee, if delivered directly from the manufacturer; or

"(B) the date of first delivery of the aircraft to a person engaged in the business of selling or leasing such aircraft; or

"(2) with respect to any component, system, subassembly, or other part which replaced another product originally in, or which was added to, the aircraft, and which

is alleged to have caused the claimant's damages, more than 15 years after the date of the replacement or addition.

"(b) GENERAL AVIATION AIRCRAFT DEFINED.—For the purposes of this section, the term 'general aviation aircraft' means any aircraft for which a type certificate or an airworthiness certificate has been issued by the Administrator, which, at the time such certificate was originally issued, had a maximum seating capacity of fewer than 20 passengers, and which was not, at the time of the accident, engaged in scheduled passenger carrying operations as defined under regulations issued under this Act.

(c) RELATIONSHIP TO OTHER LAWS.—This section supersedes any Federal or State law to the extent that such law permits a civil action described in subsection (a) to be brought after the applicable deadline for such civil action established by subsection (a).".

SEC. 703. CONFORMING AMENDMENT.

The table of contents contained in the first section of the Federal Aviation Act of 1958 is amended by adding at the end of the matter relating to title XI of such Act the following:

"Sec. 1119. Time Limitation on Civil Actions Against Aircraft Manufacturers.
"(a) In general.
"(b) General aviation aircraft defined.
"(c) Relationship to other laws.".

GOALS 2000: EDUCATE AMERICA ACT

GREGG AMENDMENT NO. 1358

Mr. GREGG proposed an amendment to the bill S. 1150, supra; as follows:

At the end of title IV, insert the following:

SEC. . ADDITIONAL FEDERAL REQUIREMENTS.

(a) PURPOSE.—The purpose of this section is to ensure that the funds provided under this Act cannot be utilized by the Federal Government to contribute to an unfunded Federal mandate.

(b) REQUIREMENTS.—Subject to subsection (c) and notwithstanding any other provision of Federal law, no provision of Federal law shall require a State, in order to receive funds under this Act, to comply with any Federal requirement, other than a requirement of this Act as in effect on the effective date of this Act

(c) RULE OF CONSTRUCTION.—Any provision of Federal statutory or regulatory law, in effect on or after the effective date of this Act, shall be subject to subsection (b) unless such law explicitly excludes the application of subsection (b) by reference to this section.

GREGG AMENDMENT NOS. 1359–1365

Mr. KENNEDY (for Mr. GREGG) proposed seven amendments to the bill S. 1150, supra; as follows:

AMENDMENT NO. 1359

On page 115, line 17, strike "and".
On page 115, line 20, strike the period and insert "; and".
On page 115, between lines 20 and 21, insert the following:
(3) to mandate limitations or class size for a State, local educational agency, or school.

AMENDMENT NO. 1360

On page 115, line 17, strike "and".
On page 115, line 20, strike the period and insert "; and".
On page 115, between lines 20 and 21, insert the following:
(3) to mandate a Federal teacher certification system for a State, local educational agency or school.

AMENDMENT NO. 1361

On page 115, line 17, strike "and".
On page 115, line 20, strike the period and insert "; and".
On page 115, between lines 20 and 21, insert the following:
(3) to mandate teacher instructional practices for a State, local educational agency or school.

AMENDMENT NO. 1362

On page 115, line 17, strike "and".
On page 115, line 20, strike the period and insert "; and".
On page 115, between lines 20 and 21, insert the following:
(3) to mandate equalized spending per pupil for the State, local educational agency or school.

AMENDMENT NO. 1363

On page 115, line 17, strike "and".
On page 115, line 20, strike the period and insert "; and".
On page 115, between lines 20 and 21, insert the following:
(3) to mandate national school building standards for a State, local educational agency or school.

AMENDMENT NO. 1364

On page 115, line 17, strike "and".
On page 115, line 20, strike the period and insert "; and".
On page 115, between lines 20 and 21, insert the following:
(3) to mandate curriculum content for a State, local educational agency or school.

AMENDMENT NO. 1365

Strike line 24 on page 44 and everything that follows through line 2 on page 45, and inserting in lieu thereof:

"(g) CONSTRUCTION.—Nothing in this Act shall be construed to—

"(1) require any State to have standards certified pursuant to subsection (b) or (d) in order to participate in any Federal program; or

"(2) create a legally enforceable right for any person against a State, local educational agency, or school based on a standard or assessment certified by the Council or the criteria developed by the Council for such certification.".

SIMON (AND WELLSTONE) AMENDMENT NO. 1366

Mr. SIMON (for himself and Mr. WELLSTONE) proposed an amendment, to the bill S. 1150, supra; as follows:

On page 79, strike all beginning with line 6, through page 79, line 14, and insert the following:

(d) OPPORTUNITY-TO-LEARN STANDARDS.—Each State improvement plan shall establish a strategy and timetable for—

(1) adopting or establishing opportunity-to-learn standards that address the needs of all students;

(2) achieving the State's opportunity-to-learn standards in every school in the State; and

KENNEDY AMENDMENT NO. 1367

Mr. KENNEDY proposed an amendment to amendment No. 1366 proposed by Mr. SIMON to the bill S. 1150, supra; as follows:

In the pending amendment strike all after: "(d) OPPORTUNITY TO LEARN" and insert the following:

STRATEGIES.—Each State improvement plan shall establish strategies for providing all students with an opportunity to learn, such as—

(1) adopting or establishing comprehensive State opportunity-to-learn standards:

(2) establishing a timetable for demonstrating progress toward meeting comprehensive State opportunity-to-learn standards in every school in the State; and

(3) periodically reporting to the public on the extent of the State's improvement in achieving such standards.

(e) TECHNICAL AND OTHER ASSISTANCE REGARDING SCHOOL FINANCE EQUITY.—

(1) TECHNICAL ASSISTANCE.—(A) The Secretary is authorized to make grants to, and enter into contracts and cooperative agreements with, State educational agencies and other public and private agencies, institutions, and organizations to provide technical assistance to State and local educational agencies to assist such agencies in achieving a greater degree of equity in the distribution of financial resources for education among local educational agencies in the State.

(B) A grant, contract or cooperative agreement under this subsection may support technical assistance activities, such as—

(i) the establishment and operation of a center or centers for the provision of technical assistance to State and local educational agencies;

(ii) the convening of conferences on equalization of resources within local educational agencies, within States, and among States; and

(iii) obtaining advice from experts in the field of school finance equalization.

(2) RESEARCH.—(A) The Secretary is authorized to carry out applied research and analysis designed to further knowledge and understanding of methods to achieve greater equity in the distribution of financial resources among local educational agencies.

(B) The Secretary may carry out research under this paragraph directly or through grants to, or contracts or cooperative agreements with, any public or private organization.

(C) In carrying out this paragraph, the Secretary is authorized to—

(i) support research on the equity of existing State school funding systems;

(ii) train individuals in such research;

(iii) promote the coordination of such research;

(iv) collect and analyze data related to school finance equity in the United States and other nations; and

(v) report periodically on the progress of States in achieving school finance equity.

(3) COORDINATION.—The Secretary shall coordinate activities under this subsection with activities carried out by the Office of Educational Research and Improvement.

(4) DATA.—Each State educational agency or local educational agency receiving assistance under the Elementary and Secondary Education Act of 1965 shall provide such data and information on school finance as the Secretary may require to carry out this subsection.

(5) MODELS.—The Secretary is authorized, directly or through grants, contracts, or cooperative agreements, to develop and disseminate models and materials useful to States in planning and implementing revisions of the school finance systems of such States.

(6) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $3,000,000 for fiscal year 1994 and such sums as may be necessary for each of the fiscal years 1995 through 1998 to carry out this section.

DANFORTH (AND OTHERS) AMENDMENT NO. 1368

Mr. DANFORTH (for himself, Mr. JEFFORDS, Mr. KENNEDY, Mrs. BOXER, Mr. BRADLEY, Mr. DOLE, Mr. THURMOND, Mr. D'AMATO and Mr. LAUTENBERG) proposed an amendment to the bill S. 1150, supra; as follows:

At an appropriate place, insert the following:

It is the sense of the Senate that the speech made by Mr. Khalid Abdul Mohammed at Kean College on November 29, 1993 was false, anti-Semitic, racist, divisive, repugnant and a disservice to all Americans and is therefore condemned.

DORGAN (AND CONRAD) AMENDMENT NO. 1369

Mr. DORGAN (for himself and Mr. CONRAD) proposed an amendment to the bill S. 1150, supra; as follows:

At the appropriate place insert the following:

TITLE —GUN-FREE SCHOOLS

SEC. 01. SHORT TITLE.

This title may be cited as the "Gun-free Schools Act of 1994".

SEC. 02. GUN-FREE REQUIREMENTS IN ELEMENTARY AND SECONDARY SCHOOLS.

The Elementary and Secondary Education Act of 1965 (20 U.S.C. 2701 et seq.) is amended—

(1) by redesignating title X as title IX;

(2) by redesignating sections 8001 through 8005 as section 9001 through 9005, respectively; and

(3) by inserting after title VII the following new title:

"TITLE VIII—GUN-FREE SCHOOLS

"SEC. 8001. GUN-FREE REQUIREMENTS.

"(a) REQUIREMENTS.—

"(1) IN GENERAL.—No assistance may be provided to any local educational agency under this Act unless such agency has in effect a policy requiring the expulsion from school for a period of not less than one year of any student who is determined to have brought a weapon to a school under the jurisdiction of the agency.

"(2) DEFINITION.—For the purpose of this section, the term "weapon" means a firearm as such term is defined in section 921 of title 18, United States Code.

"(b) REPORT TO STATE.—Each local educational agency requesting assistance from the State educational agency that is to be provided from funds made available to the State under this Act shall provide to the State, in the application requesting such assistance—

"(1) an assurance that such local educational agency has in effect the policy required by subsection (a); and

"(2) a description of the circumstances surrounding any expulsions imposed under the policy required by subsection (a), including—

"(A) the name of the school concerned;

"(B) the number of students expelled from such school; and

"(C) the types of weapons concerned.".

GREGG AMENDMENT NO. 1370

Mr. GREGG proposed an amendment to the bill S. 1150, supra; as follows:

On page 2, in the table of contents, strike the item relating to section 218.

On page 4, line 6, insert "and" after the semicolon.

On page 4, strike lines 7 and 8.

On page 4, line 9, strike "(D)" and insert "(C)".

On page 5, strike lines 6 through 9.

On page 5, line 10, strike "(D)" and insert "(C)".

On page 5, line 18, strike "(E)" and insert "(D)".

On page 7, strike lines 4 through 8.

On page 7, line 9, strike "(8)" and insert "(7)".

On page 7, line 15, strike "(9)" and insert "(8)".

On page 7, line 20, strike "(10)" and insert "(9)".

On page 7, line 23, strike "(11)" and insert "(10)".

On page 8, line 3, strike "(12)" and insert "(11)".

On page 8, line 5, strike "(13)" and insert "(12)".

On page 8, line 8, strike "(14)" and insert "(13)".

On page 17, line 10, strike ", voluntary" and insert "and voluntary".

On page 17, lines 11 and 12, strike "and voluntary national opportunity-to-learn standards".

On page 22, line 10, insert "and" after "standards,".

On page 22, lines 11 and 12, strike ", and opportunity-to-learn standards".

On page 22, line 13, strike "standards," and insert "standards and".

On page 22, lines 15 and 16, strike "and voluntary national opportunity-to-learn standards".

On page 24, lines 3 and 4, strike "voluntary national opportunity-to-learn standards,".

On page 24, line 6, strike "213(e)" and insert "213(c)".

On page 29, line 11, insert "and" after the semicolon.

On page 29, strike all beginning with line 12 through page 30, line 2.

On page 30, line 3, strike "(5)" and insert "(3)".

On page 36, beginning with line 23, strike all through page 40, line 5.

On page 40, line 6, strike "(e)" and insert "(c)".

On page 43, line 24, strike "content, student performance, and op-" and insert "content and student performance".

On page 44, line 1, strike "portunity-to-learn".

On page 44, line 12, strike "content," and insert "content and".

On page 44, line 13, strike ", and opportunity-to-learn".

On page 44, line 17, strike "content, student performance," and insert "content and student performance".

On page 44, line 18, strike "and opportunity-to-learn".

On page 44, line 21, strike "standards," and insert "standards and".

On page 44, lines 22 and 23, strike ", and the voluntary national opportunity-to-learn standards".

On page 45, line 24, strike "voluntary national opportunity-to-learn stand-".

On page 46, line 1, strike "ards,".

On page 46, line 2, strike "213(e)" and insert "213(c)".

On page 49, strike all beginning with line 9 through page 51, line 7.

On page 59, line 8, strike "231(d)" and insert "231(c)".

On page 63, strike lines 17 through 20.

On page 63, line 21, strike "(d)" and insert "(c)".

On page 79, strike lines 6 through 17.

On page 79, line 18, strike "(e)" and insert "(d)".

On page 79, line 21, strike "(f)" and insert "(e)".

On page 80, line 7, strike "(g)" and insert "(f)".

On page 80, line 15, strike "(h)" and insert "(g)".

On page 80, line 21, strike "(i)" and insert "(h)".

On page 81, line 1, strike "(h)" and insert "(g)".

On page 81, line 3, strike "(j)" and insert "(i)".

On page 82, line 21, strike "(k)" and insert "(j)".

On page 83, line 10, strike "(l)" and insert "(k)".

On page 85, line 19, strike "(j)" and insert "(i)".

On page 88, lines 8 and 9, strike "comprehensive State opportunity-to-learn standards,".

On page 107, line 13, strike "213(e)(1)(B)" and insert "213(c)(1)(B)".

On page 113, lines 7 and 8, strike "promote the strategies described in section 306(d),".

On page 114, lines 24 and 25, strike "to promote the strategies described in section 306(d)".

DOMENICI AMENDMENTS NOS. 1371–1373

(Ordered to lie on the table.)

Mr. DOMENICI submitted three amendments intended to be proposed by him to the bill S. 1150, supra; as follows:

AMENDMENT NO. 1371

On page 25, strike lines 19 through 20, and insert the following:

(c) VOTING AND FINAL DECISIONS.—

(1) IN GENERAL.—No individual may vote, or exercise any of the duties or powers of a member of the Goals Panel, by proxy.

(2) FINAL DECISIONS.—

(A) In making final decisions of the Goals Panel with respect to the exercise of its duties and powers the Goals Panel shall operate on the principle of consensus among the members of the Goals Panel.

(B) If a vote of the membership of the Goals Panel is required to reach a final decision with respect to the exercise of its duties and powers, then such final decision shall be made by a three-fourths vote of the membership of the Goals Panel.

AMENDMENT NO. 1372

On page 37, line 8, insert "In carrying out the preceding sentence the Council and the working group are authorized to consider unsolicited proposals for voluntary national opportunity-to-learn standards." after the period.

On page 49, line 9, strike "**GRANT**" and insert "**GRANTS**".

On page 49, line 11, strike "GRANT" and insert "GRANTS".

On page 49, line 13, strike "a grant or grants" and insert "more than 1 grant".

On page 49, line 14, strike "a consortium or".

On page 49, line 15, strike "consortium or".

On page 51, line 4, strike "a grant or grants" and insert "more than 1 grant".

AMENDMENT NO. 1373

On page , line , insert ", particularly identifying actions that should be taken to

overcome Federal statutory or regulatory impediments to education reform." after "Goals".

SIMON (AND WELLSTONE) AMENDMENT NO. 1374

Mr. KENNEDY (for Mr. SIMON, for himself, and Mr. WELLSTONE) proposed an amendment to the bill S. 1150, supra; as follows:

On page 68, line 15, strike "and (b)" and insert ", (b) and (d)".

On page 79, line 8, strike all beginning with ", such as", through page 79, line 17, and insert a period.

On page 105, between lines 16 and 17, insert the following:

(a) TECHNICAL AND OTHER ASSISTANCE REGARDING SCHOOL FINANCE EQUITY.—

(1) TECHNICAL ASSISTANCE.—(A) From the national leadership funds reserved in sec. 304 (a)(2)(A) the Secretary is authorized to make grants to, and enter into contracts and cooperative agreements with, State educational agencies and other public and private agencies, institutions, and organizations to provide technical assistance to State and local educational agencies to assist such agencies in achieving a greater degree of equity in the distribution of financial resources for education among local educational agencies in the State.

(B) A grant, contract or cooperative agreement under this subsection may support technical assistance activities, such as—

(i) the establishment and operation of a center or centers for the provision of technical assistance to State and local educational agencies;

(ii) the convening of conferences on equalization of resources within local educational agencies, within States, and among States; and

(iii) obtaining advice from experts in the field of school finance equalization.

(4) DATA.—Each State educational agency or local educational agency receiving assistance under the Elementary and Secondary Education Act of 1965 shall provide such data and information on school finance as the Secretary may require to carry out this subsection.

(5) MODELS.—The Secretary is authorized, directly or through grants, contracts, or cooperative agreements, to develop and disseminate models and materials useful to States in planning and implementing revisions of the school finance systems of such States.

KENNEDY AMENDMENT NO. 1375

Mr. KENNEDY proposed an amendment to amendment No. 1369 proposed by Mr. DORGAN to the bill S. 1150, supra; as follows:

In the pending amendment strike all after the first word and insert the following:

"It is the sense of the Senate that school districts should adopt policies which provide for serious sanctions, including the possibility of expulsion from school for no less than one year, for students who bring weapons to school.".

MOSELEY-BRAUN AND OTHERS AMENDMENT NO. 1376

(Ordered to lie on the table.)

Ms. MOSELEY-BRAUN (for herself, Mr. KENNEDY, Mr. SIMON, Mr. BRADLEY, Mrs. BOXER, Mr. WELLSTONE, and Mr. PELL) submitted an amendment intended to be proposed by them to the bill S. 1150, supra; as follows:

On page 38, line 5, strike "and".

On page 38, between lines 5 and 6, insert the following:

(E) the extent to which school facilities provide a safe and secure environment for learning and instruction and have the requisite libraries, laboratories, and other resources necessary to provide an opportunity-to-learn; and

On page 38, line 6, strike "(E)" and insert "(F)".

Ms. MOSELEY-BRAUN. Mr. President, this amendment would require the National Education Standards and Improvement Council, upon recommendation from a working group on voluntary national opportunity-to-learn standards, to certify voluntary national opportunity-to-learn standards which address:

The extent to which school facilities provide a safe and secure environment for learning and instruction and have the requisite libraries, laboratories, and other resources necessary to provide an opportunity to learn.

Mr. President, my amendment, which the U.S. House of Representatives has already included in its version of the Goals 2000: Educate America Act, is endorsed by the National Association of School Boards, the National Committee for Adequate School Housing, the National Education Association, the American Federation of Teachers, the Council of Great City Schools, the Council of Education Development and Research, the American Association of State Colleges, the American Association of School Administrators, the American Library Association, and the Council of Education Facilities Planners International.

I am an original cosponsor of the Goals 2000: Educate America Act, legislation which provides a coherent, national framework for education reform founded on the national education goals.

Goals 2000 encourages States to meet the national education goals by authorizing $400 million to help them develop their own internationally competitive content and performance standards which define the knowledge and skills students need in order to compete in the emerging global economy.

Goals 2000 also encourages States to meet the national education goals by authorizing the National Education Standards and Improvement Council to certify voluntary national content and performance standards.

Finally, this legislation also encourages States to measure their progress in meeting the national education goals by authorizing the National Education Standards and Improvement Council to certify assessments submitted voluntarily by States which measure the achievement of all students.

Nonetheless, Goals 2000 recognizes that there are possible dangers in assessing the achievement of students—especially economically and socially disadvantaged students.

As I have already stated here on the Senate floor, Stephen Gould documents in his book, "The Mismeasure of Man," how intelligence and achievement tests have been misused throughout history to:

Rank people in a single series of worthiness, to find that oppressed people and disadvantaged groups—races, classes, or sexes—are invariably inferior and deserve their status.

Goals 200 limits these dangers by targeting funds to schools with large numbers of economically and socially disadvantaged students and by authorizing the National Education Standards and Improvement Council to certify voluntary national opportunity-to-learn standards.

These standards will define the teaching and learning conditions students need in order to have a fair opportunity to achieve the knowledge and skills described in the voluntary national content and performance standards.

More specifically, Goals 2000 requires the National Education Standards and Improvement Council to certify voluntary national opportunity-to-learn standards which address:

The quality and availability of curricula, instructional materials, and technology;

The capability of teachers to provide high-quality instruction;

The extent to which teachers and administrators have ready and continuing access to professional development; and

The extent to which curriculum, instructional practices, and assessments are aligned to content standards.

Mr. President, while I firmly believe that these educational inputs must be addressed when certifying voluntary national opportunity-to-learn standards, I am convinced that emerging education reforms are doomed unless we house them in adequate school facilities.

Mr. President, the problems facing public school facilities in this country have reached crisis proportions.

The Education Writers Association has concluded that our Nation's education infrastructure needs $125 billion: $84 billion for new construction and $41 billion for maintenance and repairs.

More specifically, EWA has reported that 25 percent of school buildings in this country are shoddy places for learning and that 61 percent of these inadequate schools need major repairs, 43 percent are obsolete, 42 percent are environmentally hazardous, 25 percent are overcrowded, and 13 percent are structurally unsound.

Other studies have shown that the problems facing our Nation's school facilities are not limited to either rural or urban school districts.

The Council of Great City Schools has found that New York City, Los Angeles, and Chicago need more than $1 billion each to repair old school buildings and to build new ones.

Education researchers from three major research universities, on the other hand, have reported that one-half of all rural school buildings are unsafe, inadequate, and inaccessible to handicapped students.

In his book "Savage Inequalities," Jonathan Kozol uses a series of interviews and personal observations to show the negative effects that inadequate school facilities can have on our Nation's children.

Mr. Kozol quotes a 1989 St. Louis Post Dispatch story which reads "The Martin Luther King Junior High School was evacuated Friday afternoon after sewage flowed into the kitchen, gym, and parking lot."

Mr. Kozol then encourages his readers to see this school crisis through the eyes of a young girl who states: "We have a school in East St. Louis named for Doctor King. The school is full of sewer water and the doors are locked with chains. Every student in the school is black. It's like a terrible joke on history."

Mr. Kozol also quotes another student who is so frustrated with her school environment that she states: "I don't go to Physics class, because my lab has no equipment. I don't even use the toilets. If I do, I come back into class and I feel dirty".

Mr. President, my amendment would increase educational opportunities for students in East St. Louis and throughout the country by requiring the National Education Standards and Improvement Council to certify voluntary national opportunity-to-learn standards which define the learning environment students need in order to have a fair chance to meet the voluntary national content and performance standards.

More specifically, my amendment would require the Council to certify opportunity-to-learn standards which address the safety and security of school facilities and the need for adequate school facilities including laboratories and libraries.

In effect, my amendment would further the efforts of Senator SIMON who has worked tirelessly to highlight the importance of elementary and secondary school libraries.

Mr. President, I am proud to be a cosponsor of Senator SIMON's Elementary and Secondary School Library Media Act because it addresses the fact that young people in correctional institutions often have better access to library facilities than average students.

Mr. President, although my amendment would require the National Education Standards and Improvement Council to address the quality of school facilities, it does not define any specific opportunity-to-learn standards.

My amendment only encourages the Council to consider the quality of school facilities when defining the teaching and learning conditions students need in order to have a fair chance to achieve the knowledge and skills described in the voluntary national content and performance standards.

Mr. President, I would like to conclude my remarks by urging my colleagues to support my school facilities amendment.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION AND FORESTRY

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on Wednesday, February 2, 1994, at 9:30 a.m., in SR-332 on fraud in Federal nutrition programs.

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

COMMITTEE ON ARMED SERVICES

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet at 9:30 a.m. on Wednesday, February 2, 1994, in open session, to consider the nomination of William J. Perry to be Secretary of Defense.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 9:30 a.m., February 2, 1994, to consider pending calendar business.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Governmental Affairs Committee be authorized to meet on Wednesday, February 2, 1994, for a hearing on the subject, "Making Government Work: What Really Needs To Be Done?"

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Governmental Affairs Committee be authorized to meet on Wednesday, February 2, at 9:30 a.m. for a hearing on the subject, "Making Government Work: OMB's Plan."

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

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet on February 2, 1994, at 10:20 a.m. for an executive session to consider S. 1597. Organ Transplant Program Reauthorization Act of 1993; and the nominations of Bernard E. Anderson to be Assistant Secretary for Employment Standards at the Department of Labor; James Joseph to be a member of the Board of Directors for National and Community Service; J. Davitt McAteer to be Assistant Secretary for Mine Safety and Health at the Department of Labor; Shirley Sachi Sagawa to be a Managing Director of the Corporation for National and Community Service; James A. Scheibel to be Director of the ACTION Agency; and Stuart Weisberg to be a member of the Occupational Safety and Health Review Commission.

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

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a hearing on the "Health Security Act: Role of the States," during the session of the Senate on February 2, 1994, at 10:30 a.m.

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

SUBCOMMITTEE ON CLEAN WATER, FISHERIES AND WILDLIFE

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Subcommittee on Clean Water, Fisheries and Wildlife, Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Wednesday, February 2, beginning at 10 a.m., to consider the Graham substitute amendment to S. 1114, the Water Pollution Prevention and Control Act of 1994.

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

SUBCOMMITTEE ON CONSTITUTION

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Subcommittee on Constitution, of the Committee on the Judiciary, be authorized to meet during the session of the Senate on Wednesday, February 2, 1994, at 10 a.m., to hold a hearing on Presidential succession.

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

ADDITIONAL STATEMENTS

FIFTIETH ANNIVERSARY OF THE PUBLICATION OF A PAPER THAT PROVED GENES ARE COMPRISED OF DEOXYRIBONUCLEIC ACID

• Mr. MOYNIHAN. Mr. President I rise today to honor Drs. Oswald Avery, Colin MacLeod, and Maclyn McCarty of the Rockefeller University who 50 years ago yesterday published a paper in the Journal of Experimental Medicine providing that genes are com-

prised of deoxyribonucleic acid, better known as DNA.

Today we take it for granted that DNA is the blueprint for life. But until 1944 it was widely believed that nucleic acids were too uninteresting to carry genetic information. Previous work, while sketchy, had shown there were only four components of DNA, the nucleic acids adenine, guanine, thymine, and cytosine. How could these simple building blocks contain the code for life? Proteins comprised of some 20 amino acids were thought to be much more interesting and much more likely candidates.

Avery, McCarty and MacLeod laid the matter to rest once and for all in an elegant experiment. They prepared a heat-killed solution of pneumococcus bacteria capable of causing pneumonia in mice by converting or transforming noninfective host bacteria into pathogens and they then treated this solution with enzymes that broke down either proteins, ribonucleic acid [RNA] or DNA. They knew that since the bacteria were heat-killed, they could not cause pneumonia themselves, but that some component of the heat-killed bacteria could and did. This component was obviously the heritable material and if it were destroyed the solution would not be infectious. As it turns out they found that treatment with protein-destroying enzymes or ribonucleic acid-destroying enzymes did not prevent transforming and infection. Treatment with DNA-destroying enzymes did proving conclusively that DNA is the stuff of heredity.

Last night, at a party celebrating the 50th anniversary of the Avery, McCarty and MacLeod paper, David Rockefeller stated:

* * * even if nothing else had been done in this great university, this great discovery has, in my judgment, more than justified, all by itself, the great hope and aspiration of my grandfather and father when they established this institution, in 1901.

Avery, McCarty, and MacLeod revolutionized medicine by their discovery. Without their work Watson and Crick would not have worked out the structure of DNA in 1952. Without their work we would not have those techniques now in use daily in research and medicine to diagnose infectious diseases, identify those who carry heritable genetic diseases, and assist infertile couples bear children.

The medical research work of Avery, McCarty, and MacLeod conducted at Rockefeller University during World War II changed the course of the world, reduced suffering and contributed immeasurably to the quality of life as we know it.

This type of pioneering research continues every day at Rockefeller University, at its fellow research centers and at teaching hospitals in New York City and New York State as well as elsewhere in our great country. The modern-day counterparts of Avery, McCarty, and MacLeod are concerned that the President's health care reform proposal will adversely affect their ability to conduct cutting-edge research. We must ensure that any health care plan we enact strongly supports biomedical research and a lifetime of continuing education for the medics. There is no better preventative medicine.

Mr. President, I ask unanimous consent that the New York Times article chronicling yesterday's celebration honoring the publication of Avery, McCarty, and MacLeod's paper be printed in the RECORD in full immediately following my remarks.

The article follows:

[From The New York Times, Feb. 2, 1994]

HAPPY BIRTHDAY DNA

(By Nadine Brozan)

Happy birthday, DNA: yesterday was the 50th anniversary of the publication of the paper that proved genes are comprised for material called deoxyribonucleic acid.

It was celebrated in low-key fashion yesterday afternoon at the site of the discovery, the sixth floor of the Rockefeller University Hospital, on York Avenue.

More than 200 guests raised glasses of champagne as Torsten Wiesel, president of the university and a Nobel laureate, toasted Maclyn McCarty, one of the three authors of the paper. Dr. McCarty, 82, collaborated with Dr. Oswald Avery and Dr. Colin MacLeod, both of whom are dead.

Speaking of Dr. McCarty, who is now a professor emeritus at the university, David Rockefeller, chairman of the university board's executive committee, said, "Mac has always been such a modest person that even when this unfolded and came to be known, he acted just like the rest of us, as if he hadn't discovered one of the things that has changed the course of the world and world history."

"Even if nothing else had been done at this great university," Mr. Rockefeller continued, "this great discovery has, in my judgment, more than justified all by itself the great hope and aspiration of my grandfather and father when they established this institution, in 1901. It has, in fact, given to the world what they hoped for: the beginning of the understanding of the inner mysteries of life and disease."

Dr. McCarty recalled that there was no great jubilation expressed on the momentous day half a century ago. "Fifty years ago today, when this paper first appeared in the library, I think neither Avery nor I was in a celebratory mood. It was a mood of relief. We had waited a long time for this to appear."•

RECOGNIZING HOOSIER JERRY DUNN FOR THE COMPLETION OF 104 MARATHONS DURING 1993

• Mr. LUGAR. Mr. President, I rise today to congratulate Jerry Dunn of Indianapolis, IN, for successfully completing 104 marathons in 1993, and to share with my colleagues his story of unwavering commitment to meeting this seemingly impossible goal.

Jerry has taken on numerous running challenges over the course of the last decade, but running a 26.2-mile race once, and often twice, each weekend for a year had to test even Jerry's strength and endurance. As a running enthusiast myself, I can attest to the kind of stamina—both physical and mental—that an individual would have to possess to see this through to the end.

When Jerry is asked why he runs, his unabashed answer is "for my dad." Jerry's father passed away prematurely at the age of 47 (the same age Jerry is now) because of a less than healthy lifestyle. Jerry was only 18 at the time, and the next 16 or 17 years he traveled down his own path of destruction. Finally, he found it in himself to give up alcohol and take up another addiction—running.

At the start of 1993, it was Jerry's stated intention to complete 93 marathons by year's end—the New York City Marathon on November 14, 1993, was to be the final one. Jerry hit this goal with enough energy remaining to go for the world record in this category (104). And, with that decided, he plowed ahead through 11 more races in the last 6 weeks of the year.

I had the pleasure of visiting with Jerry Dunn prior to his competing in the Marine Corps Marathon held here in Washington, DC, in October. His enthusiasm for the sport is infectious. At a time when the Nation is focusing on the high costs of health care, I hope that more Americans will follow Jerry's lead in making healthier lifestyle choices.

Hoosiers can take great pride in Jerry Dunn's tremendous accomplishment. I wish him well as he seeks certification of his world-record effort. His courage and determination is an inspiration to us all.

Mr. President, let me close by inserting for the RECORD a detailed list of the 104 runs Jerry completed—including his finishing times. Unbelievable as it might be, his 100th marathon of the year was also his fastest time (3:42:07).

The information follows:

1. 1-1-93, Hangover 10k (+20 miles prior to race), Indianapolis, IN—4:20:02.
2. 1-9-93, Jacksonville Marathon, Jacksonville, FL—4:21:09.
3. 1-10-93, Deleon Springs 1/2 (ran twice), Deland, FL—4:51:00.
4. 1-16-93, Miami Marathon (solo run with police escort), Miami, FL—4:34:01.
5. 1-17-93, Miami Marathon, Miami, FL—4:46:59.
6. 1-23-93, No Name, 106 laps around track in Indy, Indianapolis, IN—4:42:00.
7. 1-24-93, No Name, 106 laps around track in Indy, Indianapolis, IN—4:54:00.
8. 1-30-93, Naples 1/2 Marathon, ran the course twice, Naples, FL—4:36:00.
9. 1-31-93, Naples 1/2 Marathon, ran the course twice, Naples, FL—4:42:00.
10. 2-6-93, Las Vegas Marathon (solo with cyclist), Las Vegas, NV—4:31:27.
11. 2-12-93, Carolina Marathon, Solo, observed by Race Dir., Columbia, SC—5:10:00.
12. 2-13-93, Carolina Marathon, Columbia, SC—5:31:25.
13. 2-19-93, Space Coast Marathon, Solo with my wife as observer—4:57:00.

14. 2-20-93, Space Coast Marathon, Melbourne, FL—4:55:30.
15. 2-27-93, Blue Angel Marathon, Pensacola, FL—4:29:29.
16. 2-28-93, Blue Angel Marathon, Solo, Pensacola, FL—4:50:00.
17. 3-6-93, Los Angeles Marathon, Solo with cyclist, Los Angeles, CA—4:52:13.
18. 3-7-93, Los Angeles Marathon, Los Angeles, CA—5:04:00.
19. 3-12-93, No Name Marathon, Indy on Track, Lap Counter, Indianapolis, IN—4:48:00.
20. 3-13-93, No Name Marathon, Indy on Track, Lap Counter, Indianapolis, IN—4:51:00.
21. 3-19-93, Music City Marathon, Solo, Nashville, TN—5:10:00.
22. 3-20-93, Music City, Nashville, TN—4:48:13.
23. 3-27-93, Trailbreaker Marathon, Waukesha, WI—4:33:02.
24. 3-28-93, Trailbreaker Marathon, Solo, Witnessed by Wasson—4:45:00.
25. 4-3-93, Athens Marathon, Athens, OH—4:39:45.
26. 4-4-93, Athens Marathon, Athens, OH—4:32:14.
27. 4-9-93, Park Tudor Track (106 laps), Indianapolis, IN—4:39:35.
28. 4-10-93, Eagle Creek Park (410K+1.4M), Indianapolis, IN—4:48:10.
29. 4-17-93, Boston Marathon Course (Midway to Finish, Back), Boston, MA—5:06:00.
30. 4-18-93, Boston Marathon Course (Start to Mid-way, Back), Boston, MA—5:18:00.
31. 4-19-93, Boston Marathon, Boston, MA—4:41:40.
32. 4-24-93, Lake County Marathon Course, Chicago, IL—4:36:00.
33. 4-25-93, Lake County Marathon, Chicago, IL—4:39:02.
34. 5-1-93, Pittsburgh Marathon Course, Pittsburgh, PA—4:45:00.
35. 5-2-93, Pittsburgh Marathon, Pittsburgh, PA—4:34:22.
36. 5-7-93, 500 Festival 1/2 Marathon (2 circuits), Indianapolis, IN—4:35:00.
37. 5-8-93, "Mall Marathon", Indianapolis, Indiana—4:50:12.
38. 5-9-93, Spring Fling, Vandalia, OH—5:03:33.
39. 5-15-93, Cleveland, Revco Course, Cleveland, OH—5:01:00.
40. 5-16-93, Cleveland, Revco Marathon, Cleveland, OH—4:37:10.
41. 5-21-93, Andy Payne Course, Oklahoma City, OK—4:53:50.
42. 5-22-93, Andy Payne Marathon, Oklahoma City, OK—4:47:07.
43. 5-29-93, Vermont City Course, Burlington, VT—4:52:45.
44. 5-30-93, Vermont City Marathon, Burlington, VT—4:33:54.
45. 6-4-93, Sunburst Course, South Bend, IN—4:32:28.
46. 6-5-93, Sunburst Marathon, South Bend, IN—4:33:12.
47. 6-12-93, Palos Verdes Marathon, Palos Verdes, CA—4:21:19.
48. 6-13-93, Valley of the Flowers Marathon, Lompoc, CA—4:33:03.
49. 6-18-93, Grandma's Marathon Course, Duluth, MN—4:38:10.
50. 6-19-93, Grandma's Marathon, Duluth, MN—4:46:11.
51. 6-20-93, Finish Line Marathon, Dayton, OH—4:48:14.
52. 6-21-93, Park of Roses Marathon, Columbus, OH—4:43:24.
53. 7-3-93, Jerry Jeff Wasson Marathon, Indianapolis, IN—5:24:00.
54. 7-4-93, Independence Day Marathon, Indianapolis, IN—5:08:57.
55. 7-10-93, Ohio/Michigan Marathon, Toledo, OH—4:59:03.
56. 7-11-93, Ohio/Michigan Marathon, Toledo, OH—4:49:08.
57. 7-17-93, San Francisco Marathon, San Francisco, CA—4:52:49.
58. 7-18-93, San Francisco Marathon, San Francisco, CA—4:35:50.
59. 7-23-93, Deseret News Marathon, Salt Lake City, UT—4:30:12.
60. 7-24-93, Deseret News Marathon, Salt Lake City, UT—4:41:30.
61. 7-30-93, Balloon Run III, Middleton, OH—4:44:58.
62. 8-1-93, Union Terminal Marathon, Cincinnati, OH—5:13:43.
63. 8-7-93, Bloomington-Finish Line-60 Hill Marathon, Bloomington, IN—5:06:18.
64. 8-8-93, Morgan Monroe Miler Marathon, Bloomington, IN—4:36:00.
65. 8-14-93, Crater Lake Rim Marathon, Klamath Falls, OR—4:54:35.
66. 8-15-93, Crater Lake Rim Marathon, Klamath Falls, OR—4:47:37.
67. 8-21-93, Old Indy Windy Course, Indianapolis, IN—4:44:35.
68. 8-22-93, Lugar Loop Marathon, Indianapolis, IN—4:59:08.
69. 8-28-93, Silver State Marathon, Reno, NV—4:42:06.
70. 8-29-93, Silver State Marathon, Reno, NV—4:46:47.
71. 9-4-93, Black Hills Marathon, Rapid City, SD—4:52:38.
72. 9-5-93, Black Hills Marathon, Rapid City, SD—4:41:16.
73. 9-11-93, Bismarck Marathon, Bismarck, ND—4:12:22.
74. 9-12-93, Bismarck Marathon, Bismarck, ND—4:17:14.
75. 9-18-93, Eriesistable Marathon, Erie, PA—4:18:49.
76. 9-19-93, Eriesistable Marathon, Erie, PA—4:09:22.
77. 9-25-93, Megans 24 Hour Run, Portland, OR—4:39:00.
78. 9-26-93, Portland Marathon, Portland, OR—4:25:59.
79. 10-2-93, Denver International Marathon, Denver, CO—4:43:47.
80. 10-3-93, Denver International Marathon, Denver, CO—5:00:37.
81. 10-9-93, Lakefront Marathon, Milwaukee, WI—4:15:43.
82. 10-10-93, Lakefront Marathon, Milwaukee, WI—4:11:30.
83. 10-16-93, Detroit Free Press/Mazda International Marathon, Detroit, MI—4:20:32.
84. 10-17-93, Detroit Free Press/Mazda International Marathon, Detroit, MI—4:00:31.
85. 10-22-93, C & O Canal Towpath, 26.2, Washington, D.C.—4:39:05.
86. 10-23-93, Marine Corps Marathon Course, Washington, D.C.—4:33:05.
87. 10-24-93, Marine Corps Marathon Course, Washington, D.C.—3:51:31.
88. 10-30-93, Chicago Lakefront, 26.2, Chicago, IL—4:15:14.
89. 10-31-93, Chicago Marathon, Chicago, IL—4:06:40.
90. 11-5-93, Spearfish Canyon Run, 26.2, Spearfish, SD—4:17:03.
91. 11-6-93, Into The Wind, 26.2, Rapid City, SD—4:36:00.
92. 11-13-93, Central Park Marathon, New York City, NY—4:17:12.
93. 11-14-93, New York City Marathon, New York City, NY—4:20:17.
94. 11-20-93, St. Louis Marathon Course, St. Louis, MO—4:09:50.
95. 11-21-93, St. Louis Marathon, St. Louis, MO—4:24:40.
96. 11-27-93, Seattle Marathon, Seattle, WA—4:34:49.
97. 11-28-93, Seattle Marathon Course, Seattle, WA—4:31:20.
98. 11-29-93, Seattle-Marathon Distance at Green Lake, Seattle, WA—4:29:27.
99. 12-4-93, Sacramento International Marathon Course, Sacramento, CA—4:11:37.
100. 12-5-93, S.I.M. Sacramento, CA—New Fastest Time—3:42:07.
101. 12-11-93, Honolulu Marathon Course, Honolulu, HI—4:14:57.
102. 12-12-93, Honolulu Marathon, Honolulu, HI—4:57:47.
103. 12-26-93, Holiday 6-Pack, Vandalia, OH—4:58:15.
104. 12-30-93, Hometown Course, Indianapolis, IN—4:44:17.

TIME BREAKDOWN

5 Hours or more=13.
4:50-4:59=18.
4:40-4:49=22.
4:30-4:39=26.
4:20-4:29=9.
4:10-4:19=10.
4:00-4:09=4.
3:50-3:59=1.
3:40-3:49=1.●

CATHOLIC SCHOOLS WEEK

● Mr. DURENBERGER. Mr. President, we are in the midst of Catholic Schools Week, making this an appropriate time for all of us to recognize and salute the contributions being made in the hallways and classrooms of Catholic elementary and secondary schools all over America.

Several years ago, I had the opportunity to visit one of Minnesota's highly regarded Catholic schools, St. Matthew, which is located on St. Paul's West Side.

St. Matthew School is a wonderful example of the kind of loving and nurturing educational environment that every American child deserves. Its enrollment reflects the racial, cultural, and even religious diversity of the neighborhood it serves. And, its relationship with the West Side community extends well-beyond the student body and school day—with day and evening child care, for example, and other programs that serve neighborhood children and their families.

Mr. President, many of the assets and contributions of Catholic schools are summarized in an article by St. Matthew's parish priest, Father Stephen Adrian, that ran in last week's "Twin Cities Catholic Bulletin". Because this article so concisely captured the spirit and value of Catholic schools during this year's Catholic Education Week, I would ask that it be reprinted at this point in the RECORD.

The article follows:

SEVEN REASONS BEHIND MY BIAS FOR CATHOLIC SCHOOLS

(By Father Stephen Adrian)

Catholic Schools have had rough sledding during the past generation—closings, consolidations, lower enrollments, higher tuitions.

Few schools have been built during the past 20 years. Catholic schools generally are concentrated in city centers or first-ring suburbs—places that more affluent Catholics have abandoned.

The mission of Catholic education also has shifted. Many of our schools are now "mission schools." In many places, we are the last best hope for high-quality, safe, value-centered education as the public education system crumbles in city centers.

I have a bias. I have regular experience with students, teachers, administrators, parents. I teach. I celebrate liturgy with students. I meet with a host of parent committees and boards. I raise money, I am committed to Catholic schools. Why?

First, Catholic schools are centers of evangelization in the city's center. In these schools, future Catholic men and women learn their faith, see the lives of faith of staff and teachers, develop a sense of "belonging" to a parish or a community.

These schools draw parents more deeply into the life of their parishes. Through children, parents are drawn into a deeper sense of what it means to be Catholic and what it means to act on their values as Catholics.

Second, Catholic schools are small and intimate. Teachers know students, teachers and administrators know parents, pastors get to know families.

Our schools are true extensions of family life and family values.

Third, Catholic schools are responsive to parents' and family needs.

Administration is local. Parents serve on decision making and policy setting boards. The PTA and the school board have a close and direct link with each other.

The ability to respond, the ability to change, the ability to innovate, the ability to create, is immediate—the result of local management.

Fourth, our schools are by and large very safe institutions—police officers do not walk our halls. There is a clear code of conduct and clear expectations about performance.

The clarity is possible because staff and parents and students are all involved in the decision-making process. Teachers are held accountable, students are held accountable, parents are held accountable.

Fifth, the success of Catholic schools is a joint venture—parents, staff, students, pastor, board, parish members—all see it as their corporate responsibility to insure that continued growth and prosperity of the school.

It is everyone's self interest to see these schools succeed.

Sixth, Catholic schools in the city's center have been able to respond to emerging education needs—child care, extended day programs, latch key, summer school, summer and vacation programs. At St. Matthew, we have been able to provide the opportunity for day and evening child care. We are the only such center in the city.

Seventh, Catholic schools are "Catholic" not because all our students are Catholic or because all our teachers are Catholic. Catholic schools are Catholic because the foundation and spirit that imbues the education is Catholic, the tradition upon which we build today is Catholic, the commitment—yesterday and today—is Catholic.

These buildings were and are made possible because of Catholic commitment, Catholic money, Catholic values.

We are coming up on Catholic Schools Week. This is a good time for all of us to reflect on what is perhaps the single most important and unique aspect of the American Catholic experience—the system of Catholic education that has been the backbone of Catholic evangelization in the United States for more than 200 years.●

CARL JENKINS—RETIRING SCOUT EXECUTIVE CATALINA COUNCIL, BOY SCOUTS OF AMERICA

● Mr. DECONCINI. Mr. President, I rise today to share with the Senate the devotion and dedication of Carl Jenkins to one of this Nation's premier youth organizations, the Boy Scouts of America. Carl was honored by the scouting community this past Friday in Tucson and I want to add my voice to those in attendance in recognizing his achievements.

Carl began his 32 years of service to professional Scouting as a Boy Scout himself. Strongly influenced by his Scoutmaster, Carl went on to combine his own professional career with services to the Boy Scouts in various capacities. Over 20 years ago, Carl began serving as program director for the Catalina Council in Tucson. Carl continued his service to Scouting, holding various positions in Phoenix, Flagstaff, and other Arizona cities before returning to Tucson as Scout executive in 1987. Under his leadership, Carl has had the pleasure of watching the Catalina Council grow over the past 7 years; the council currently comprises 359 Scouting units, and has had to move into new headquarters.

Mr. President, those involved with the Catalina Council are, I am sure, somewhat ambivalent about Carl's impending retirement from professional scouting. They are sad that he will no longer be serving the scouting community but are happy for him and his wife, Carolyn, as they pursue new adventures. Despite his departure, his 32 year-long legacy of leadership and devotion to the Boy Scouts of America will remain strong. As Carl was inspired by his Scoutmaster in the past, his example shall serve as a guide to the youth of today and tomorrow.

Mr. President, I ask the Senate to join me in extending our gratitude for Carl Jenkins' many years of exemplary service in the development of our Nation's young people.●

THE SERVICE CORPS OF RETIRED EXECUTIVES ASSOCIATION

● Mr. SIMON. Mr. President, I would like to tell you about the Service Corps of Retired Executives Association, or SCORE, an Illinois organization of retired businesspeople donating their time to helping new small-business owners and existing entrepreneurs by offering their lifetimes of experience and advice. This is a positive group and I would like to commend them for their efforts.

SCORE works with small businessowners who are just getting started or have requested help. SCORE provides counseling and encourages them through annual awards and celebrations. Recently, the organization named the Oakland Market and Deli Small Business of the Year. SCORE had helped the store's owners to start up their business. In the same ceremony, SCORE also recognized other individuals for their accomplishments in business or for their contributions to the Small Business Administration, Millikin University, as well as to SCORE itself.

I would like to commend SCORE for generously helping these business newcomers and especially, I would like to recognize charter member Parke Boyer, who helped to found the Millikin University SCORE chapter in 1978 and has helped keep it alive for the last 15 years.

I ask that this SCORE article be entered in its full length at this point in the RECORD.

The article follows:

OAKLAND MARKET, DELI RECOGNIZED—SCORE HONORS ADAMSES

(By Gary Minich)

DECATUR—Al and Ada Adams and their business, Oakland Market and Deli, were honored as the Small Business of the Year by Millikin University and its SCORE Chapter Tuesday evening.

They were the first recipients of the award as the school and its Small Business Institute celebrated 15 years' association with SCORE—or Service Corps of Retired Executives Chapter 296.

A number of service awards were handed out by Millikin's Tabor School of Business, where SCORE makes its headquarters; by the Small Business Administration and by the chapter itself.

Charter member Parke Boyer who helped found the chapter in 1978, received service pins from all three institutions: a plaque from Millikin for 15 years' service, and 15-year service pins from both the SBA, which sponsors the SCORE program, and the chapter.

The Millikin chapter is one of the nation's most successful and has established branches in Champaign, Danville and Kankakee. SCORE principally counsels small businesses, either in startup or on request.

In naming Oakland Market and Deli as the year's outstanding small business Sharon Alpi, director of the Small Business Institute, said "From the beginning, I was excited about this store.

"I am still excited about this unique business."

The Adamses bought the small market on South Oakland Avenue two years ago, in part to preserve a neighborhood business and to help preserve a sense of community and identification for a neighborhood in transition.

Ada Adams was deli manager for Kroger in Mount Zion and Al is a long-time employee of Illinois Power Co.

Millikin students and SCORE members worked with the couple as did others who helped arrange a low-cost loan.

Others recognized Tuesday night:

Tom Garren, plaque, 10-year service to the university; 10-year SBA service award and 10-year SCORE service pin.

Charlie Harris and Buzz Grigsby, six-year service awards; Bob Moore and Bob Spinner, three-year awards.

Boyer, in addition to his 15-year service awards, was given a lifetime Gold Card membership, as were Russ Morris and Paul Breyfogle.

SCORE Chairman William Gerstner was taken by surprise when Alpi ran in an unan-

nounced plaque honoring his tireless efforts on the chapter's behalf. A standing ovation greeted the presentation.●

ELIMINATING WASTE AND FRAUD IN FEDERAL NUTRITION PROGRAMS BY ADOPTING A NATIONAL ELECTRONIC BENEFITS TRANSFER SYSTEM

● Mr. CONRAD. Mr. President, today I attended a hearing held by the Senate Agriculture Committee on fraud in Federal nutrition programs. I wanted to bring this important issue to the attention of my colleagues. Significant efforts are needed to prevent waste, fraud, and abuse in programs that are designed to help those most in need.

Fraud in Federal nutrition programs is, unfortunately, a significant problem in this country. This fraud takes a number of different forms: trafficking, counterfeiting, and forgery of food stamp coupons; embezzlement and theft of government benefits; and racketeering of feed stamp coupons. Fraud in Federal nutrition programs wastes scarce Federal dollars because it requires the expenditure of Federal money for investigations, arrests, and prosecutions of those who defraud the Food Stamp, WIC, and other Federal nutrition programs, and because of the losses incurred through the fraud itself. Fraud leaves many eligible families hungry because money that should be available to provide for their nutritional needs goes instead to unscrupulous people.

I am pleased to say that my home State of North Dakota has been virtually free of fraud in Federal nutrition programs. Only one case of food stamp counterfeiting has ever been discovered in the State. Trafficking and forgery are not problems in my State. And the workers in our health clinics do not embezzle, take kickbacks, or set up phony recipients of these programs. I wish the same were true of other States. Illegal activities that defraud Federal nutrition programs, especially the Food Stamp and WIC programs, often run rampant in bigger cities with large low-income populations.

In addition to fraud, the costs of administering certain Federal benefit programs are too high. The Food Stamp Program is a good example. In fiscal 1993, the Federal Government spent a total of $22 billion providing food stamps to eligible individuals and families. Although the Federal Government shares the costs of administering the Food Stamp Program with the States, $1.75 billion was spent by the Federal Government in administering the program that same fiscal year. This $1.75 billion represents 8 percent of the cost of the program. Clearly, we should be able to reduce these administrative costs and save taxpayers money.

The Food Stamp program also demonstrates why paper-based benefit programs are so costly to operate. Currently, the program prints over 2.5 billion paper coupons per year at a cost of between $30 to $40 million. It is estimated that the annual costs of printing food stamps will rise to approximately $70 million by fiscal year 1995. This is an increase of close to 100 percent. Clearly, we must find ways to get these costs under control.

Not only is the paper-based Food Stamp Program expensive and difficult to administer, it is also highly susceptible to waste, fraud, and abuse. New technology, called Electronic Benefits Transfer [EBT], may be the answer to reducing costs and preventing abuse of the Food Stamp Program.

Fraud and overpayments in the Food Stamp Program are currently estimated to cost the Federal Government $1 billion per year. Although the exact number and dollar value of counterfeit food stamp coupons may never be known, the food and nutrition service estimates that $1.2 million in counterfeit coupons were discovered between 1986 and 1992. The nationwide implementation and use of an EBT system would reduce fraud and discourage the diversion of benefits.

Fraud in Federal nutrition programs is far too costly to American taxpayers. We must take strong action to prevent these types of abuse. The criminals who abuse these programs are not only stealing from those who can least afford it, they are also stealing from every taxpayer who is forced to pay for investigations and prosecutions of these criminals in addition to losing the tax dollars through the fraud itself. They must be stopped, and future fraud must be prevented. A national EBT system has many of the qualities necessary to reach this goal. The key question is how much, if anything, can be saved by adopting a national EBT system. I hope that the Senate Agriculture Committee will carefully examine this issue in the weeks ahead.●

ORDERS FOR TOMORROW

Mr. KENNEDY. Mr. President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10 a.m. Thursday, February 3; that following the prayer, the Journal of proceedings be approved to date; that the time for the two leaders be reserved for their use later in the day; and that the Senate then resume consideration of S. 1150, as provided for under a previous unanimous consent agreement.

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

RECESS UNTIL 10 A.M. TOMORROW

Mr. KENNEDY. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in recess, as previously ordered.

There being no objection, the Senate, at 8:29 p.m., recessed until Thursday, February 3, 1994, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate February 2, 1994:

DEPARTMENT OF COMMERCE

MICHAEL KANE KIRK, OF FLORIDA, TO BE DEPUTY COMMISSIONER OF PATENTS AND TRADEMARKS, VICE DOUGLAS B. COMER, RESIGNED.

DEPARTMENT OF JUSTICE

DEVAL L. PATRICK, OF MASSACHUSETTS, TO BE AN ASSISTANT ATTORNEY GENERAL, VICE JOHN R. DUNNE, RESIGNED.

DEPARTMENT OF EDUCATION

RODNEY A. MCCOWAN, OF OKLAHOMA, TO BE ASSISTANT SECRETARY FOR HUMAN RESOURCES AND ADMINISTRATION, DEPARTMENT OF EDUCATION, VICE DONALD A. LAIDLAW, RESIGNED.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

ROBERT S. WILLARD, OF OHIO, TO BE A MEMBER OF THE NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE FOR THE REMAINDER OF THE TERM EXPIRING JULY 19, 1994, VICE JAMES E. LYONS, RESIGNED.

ROBERT S. WILLARD, OF OHIO, TO BE A MEMBER OF THE NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE FOR A TERM EXPIRING JULY 19, 1999. (REAPPOINTMENT)

INTERSTATE COMMERCE COMMISSION

LINDA JOAN MORGAN, OF MARYLAND, TO BE A MEMBER OF THE INTERSTATE COMMERCE COMMISSION FOR A TERM EXPIRING DECEMBER 31, 1998, VICE EDWARD J. PHILBIN, TERM EXPIRED.

INTERNATIONAL MONETARY FUND

BARRY S. NEWMAN, OF VIRGINIA, TO BE U.S. ALTERNATE EXECUTIVE DIRECTOR OF THE INTERNATIONAL MONETARY FUND FOR A TERM OF 2 YEARS, VICE QUINCY MELLON KROSBY, RESIGNED.

DEPARTMENT OF COMMERCE

WILLIAM ALAN REINSCH, OF MARYLAND, TO BE UNDER SECRETARY OF COMMERCE FOR EXPORT ADMINISTRATION, VICE DENNIS EDWARD KLOSKE, RESIGNED.

IN THE NAVY

THE FOLLOWING NAMED CAPTAINS OF THE RESERVE OF THE U.S. NAVY FOR PERMANENT PROMOTION TO THE GRADE OF REAR ADMIRAL (LOWER HALF) IN THE LINE AND STAFF CORPS, AS INDICATED, PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 5912:

UNRESTRICTED LINE OFFICER

To be rear admiral (lower half)

CAPT. WILLIAM HENRY BUTLER, [redacted] U.S. NAVAL RESERVE.
CAPT. CASEY WILLIAMS COANE, [redacted] U.S. NAVAL RESERVE.
CAPT. WILLIAM JOHN LOGAN, [redacted] U.S. NAVAL RESERVE.
CAPT. BRADLEY CHILTON POOLE, [redacted] U.S. NAVAL RESERVE.

UNRESTRICTED LINE OFFICER

TRAINING AND ADMINISTRATION OF RESERVE

CAPT. STEPHEN THOMAS KEITH, [redacted] U.S. NAVAL RESERVE.

AEROSPACE ENGINEERING DUTY OFFICER

CAPT. WILLIAM EDWARD HERRON, [redacted] U.S. NAVAL RESERVE.

MEDICAL CORPS OFFICER

CAPT. JAN HOLLAND NYBOER, [redacted] U.S. NAVAL RESERVE.
CAPT. PAUL VINCENT QUINN, [redacted] U.S. NAVAL RESERVE.

DENTAL CORPS OFFICER

CAPT. ROBERT FRANKLIN BIRTCIL, JR., [redacted] U.S. NAVAL RESERVE.

MEDICAL SERVICE CORPS OFFICER

CAPT. DOUGLAS LEE JOHNSON, [redacted] U.S. NAVAL RESERVE.

NURSE CORPS OFFICER

CAPT. NANCY ALEEN FACKLER, [redacted] U.S. NAVAL RESERVE.

SUPPLY CORPS OFFICER

CAPT. THOMAS JAMES HILL, xxx-xx-xxxx U.S. NAVAL RESERVE.

CIVIL ENGINEER CORPS OFFICER

CAPT. THOMAS JOSEPH GROSS, xxx-xx-xxxx U.S. NAVAL RESERVE.

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR PROMOTION IN THE RESERVE OF THE AIR FORCE UNDER THE PROVISIONS OF SECTIONS 593 AND 8379, TITLE 10 OF THE UNITED STATES CODE. PROMOTIONS MADE UNDER SECTION 8379 AND CONFIRMED BY THE SENATE UNDER SECTION 593 SHALL BEAR AN EFFECTIVE DATE ESTABLISHED IN ACCORDANCE WITH SECTION 8374, TITLE 10 OF THE UNITED STATES CODE. (EFFECTIVE DATE FOLLOWS SERIAL NUMBER).

LINE OF THE AIR FORCE

To be lieutenant colonel

MAJ. ANDREW P. BRAKORA, xxx-xx-x... 6/18/93
MAJ. JOHN S. CHAMBERS, JR., xxx-xx-x... 6/10/93
MAJ. JOHN W. DUNCAN, JR., xxx-xx-x... 7/1/93
MAJ. DENIS C. FICARRA, xxx-xx-x... 6/30/93
MAJ. MICHAEL D. GULLIHUR, xxx-xx-x... 6/18/93
MAJ. KINSER H. HAGEE, xxx-xx-x... 8/2/93
MAJ. JOHN E. MURPHY xxx-xx-x... 6/12/93
MAJ. RICKY S. SPENCER xxx-xx-x... 7/10/93
MAJ. ROBERT C. ST CLAIR xxx-xx-x... 7/10/93
MAJ. RICHARD WILLIAMS xxx-xx-xxxx 8/28/93

JUDGE ADVOCATE GENERALS DEPARTMENT

To be lieutenant colonel

MAJ. DAVID S. PENNINGTON xxx-xx-x... 7/8/93

MEDICAL CORPS

To be lieutenant colonel

MAJ. ANNETTE L. SOBEL, xxx-xx-x... 7/14/93

NURSE CORPS

To be lieutenant colonel

MAJ. SANDRA A. KELLY xxx-xx-x... 6/12/93
MAJ. MARIA A. MORGAN xxx-xx-x... 6/5/93

DENTAL CORPS

To be lieutenant colonel

MAJ. KENNETH W. DONALDSON, xxx-xx-x... 7/10/93
MAJ. WILLIAM M. EDIGER xxx-xx-x... 7/11/93
MAJ. PETRO S. KRAFCISIN xxx-xx-x... 7/10/93

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR PROMOTION IN THE RESERVE OF THE AIR FORCE UNDER THE PROVISIONS OF SECTIONS 593 AND 8379, TITLE 10 OF THE UNITED STATES CODE. PROMOTIONS MADE UNDER SECTION 8379 AND CONFIRMED BY THE SENATE UNDER SECTION 593 SHALL BEAR AN EFFECTIVE DATE ESTABLISHED IN ACCORDANCE WITH SECTION 8374, TITLE 10 OF THE UNITED STATES CODE. (EFFECTIVE DATE FOLLOWS SERIAL NUMBER).

LINE OF THE AIR FORCE

To be lieutenant colonel

MAJ. DWIGHT D. DUCKETT, xxx-xx-x... 7/6/93
MAJ. RAYMOND A. DUFOUR, JR. xxx-xx-x... 8/1/93
MAJ. WILLIAM A. FLETCHER, xxx-xx-x... 7/30/93
MAJ. KENNETH A. FRY xxx-xx-x... 8/7/93
MAJ. ORLANDO R. GONZALEZ, xxx-xx-x... 7/7/93
MAJ. ROBERT B. HUNTER, xxx-xx-x... 8/9/93
MAJ. STEVEN J. HUSSEY xxx-xx-x... 8/1/93
MAJ. JOHN H. STEVENS xxx-xx-x... 8/4/93
MAJ. FREDRIC G. WILSON, xxx-xx-x... 8/7/93
MAJ. BENJAMIN E. WOODS xxx-xx-x... 7/9/93

JUDGE ADVOCATE GENERALS DEPARTMENT

To be lieutenant colonel

MAJ. DENNIS R. KRAMER, xxx-xx-x... 8/7/93
MAJ. JOHN D. WOOTTEN, JR., xxx-xx-x... 8/1/93

CHAPLAIN CORPS

To be lieutenant colonel

MAJ. JOHN E. SKANSE, xxx-xx-x... 8/7/93

MEDICAL CORPS

To be lieutenant colonel

MAJ. CHARLES H. CRABBE, JR. xxx-xx-x... 8/23/93
MAJ. DAVID T. HARRISON, xxx-xx-x... 8/8/93
MAJ. VICTORIA V.B. KING, xxx-xx-x... 8/18/93
MAJ. JAMES E. ROUKEMA xxx-xx-x... 7/10/93
MAJ. JASVANT S. SURANI xxx-xx-x... 8/2/93

BIOMEDICAL SERVICES CORPS

To be lieutenant colonel

MAJ. JOSEPH T. HORMAN xxx-xx-x... 8/7/93

NURSE CORPS

To be lieutenant colonel

MAJ. THELMA D. BURGESS, xxx-xx-x... 8/23/93
MAJ. VERNELL A. PERRY xxx-xx-x... 8/7/93

DENTAL CORPS

To be lieutenant colonel

MAJ. WILLIAM D. COMPTON, xxx-xx-x... 7/15/93
MAJ. LEE E. FREIDMAN, xxx-xx-x... 7/30/93

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR PROMOTION IN THE U.S. AIR FORCE, UNDER THE APPROPRIATE PROVISIONS OF SECTION 624, TITLE 10, UNITED STATES CODE, AS AMENDED, WITH DATES OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE, AND THOSE OFFICERS IDENTIFIED BY AN ASTERISK FOR APPOINTMENT IN THE REGULAR AIR FORCE UNDER THE PROVISIONS OF SECTION 531, TITLE 10, UNITED STATES CODE, WITH A VIEW TO DESIGNATION UNDER THE PROVISIONS OF SECTION 8067, TITLE 10 UNITED STATES CODE, TO PERFORM DUTIES INDICATED PROVIDED THAT IN NO CASE SHALL THE FOLLOWING OFFICERS BE APPOINTED IN A GRADE HIGHER THAN INDICATED.

DENTAL CORPS

To be colonel

LAWRENCE W. BANDONI xxx-xx-x...
PETER S. BARRINGER xxx-xx-x...
JAMES W. BASDEN xxx-xx-x...
GARDNER G. BASSET xxx-xx-x...
HENRY S. BOYARS xxx-xx-x...
JEFFREY H. CAMM xxx-xx-x...
LYLE B. CHAMBERLIN xxx-xx-x...
DAVID A. CHANCE xxx-xx-x...
DAVID R. COOLEY xxx-xx-x...
WILLIAM L. DAVENPORT xxx-xx-x...
DAVID E. DAVIS xxx-xx-x...
SAMUEL P. DAVIS xxx-xx-x...
STEVEN E. DAZEY xxx-xx-x...
SCOTT C. DILORENZO xxx-xx-x...
JAMES M. DUNBAR xxx-xx-x...
ROBERT L. ECKLES xxx-xx-x...
WILEY J. FAIRCLOTH JR. xxx-xx-xxx...
MCLANE H. FELT xxx-xx-x...
BECKY L. GERING xxx-xx-x...
THOMAS B. GIRVAN xxx-xx-x...
KEVIN M. GURECKIS xxx-xx-x...
CHARLES W. HENDERSON xxx-xx-x...
DELVIN D. HORNBECK xxx-xx-x...
VINCENT C.H. HU xxx-xx-x...
MICHAEL S. JACOBS xxx-xx-x...
SAMUEL L. KRETZSCHMAR JR. xxx-xx-xxx...
ERIK D. LANGSJOEN xxx-xx-x...
TIMOTHY L. LILLARD xxx-xx-x...
MICHAEL A. MCHENRY xxx-xx-x...
BROCK C. MILLER xxx-xx-x...
ROBERT A. MIRRIELEES xxx-xx-xxx...
DAVID P. MJOS xxx-xx-x...
JOHN W. MORRISON xxx-xx-x...
LAWRENCE C. PARRISH xxx-xx-x...
FRANK W. SALLUSTIO xxx-xx-x...
ELLEN M. SIMMONS xxx-xx-x...
RICHARD SKINNER xxx-xx-x...
KEITH S. SMITH II xxx-xx-x...
BYRON M. WADE xxx-xx-x...
LEIGHTON W. WOOD xxx-xx-x...
JOHN E. ZURASKY xxx-xx-x...

MEDICAL CORPS

To be colonel

CAROLINE A. BOHANON xxx-xx-x...
DEAN L. BRISTOW xxx-xx-x...
EMMETT H. BROXSON JR. xxx-xx-xxx...
RICHARD D. CHANDLER xxx-xx-x...
MURPHY A. CHESNEY III xxx-xx-x...
DANIEL P. CONNELLY xxx-xx-x...
JERRY M. DAVENPORT xxx-xx-x...
ALAN D. DENNISON xxx-xx-x...
DAVID S. DOUGHERTY xxx-xx-x...
JAMES J. DOUGHERTY III xxx-xx-xxx...
JAMES B. EAVES xxx-xx-x...
SHARON A. FALKENHEIMER xxx-xx-x...
ROBERT A. GASSER JR. xxx-xx-xxx...
ROBERT K. GILLETTE xxx-xx-xx...
WILLIAM D. GOULD xxx-xx-x...
KURT GREENWALL xxx-xx-x...
JOSE J. GUTIERREZ xxx-xx-xx...
ERNEST C. HANES xxx-xx-x...
JAMES E. HANSEN xxx-xx-x...
DOYLE W. ISAAK xxx-xx-x...
ROBERT R. KUNKEL xxx-xx-x...
FREDERICK D. LEONARD xxx-xx-x...
SHINE S. LIN xxx-xx-x...
HERNAHOPE R. LLAMAS xxx-xx-x...
THOMAS J. LOFTUS xxx-xx-x...
HEIDI F. MABATID xxx-xx-x...
HARRY E. MARDEN JR., 005-46-4246
CHANDRA B. MOHAN xxx-xx-x...
JOHN C. MORRISON xxx-xx-x...
JAMES J. MURTAGH xxx-xx-x...
JOHN S. NALL xxx-xx-x...
HENRY B. NELSON III xxx-xx-x...
JEFFREY L. NELSON xxx-xx-xx...
STEVE A. OLIVER xxx-xx-x...
HASMUKH R. PAREKH xxx-xx-x...
RANJAN H. PAREKH xxx-xx-x...
MARGARET L. PARRISH xxx-xx-x...
RONALD E. PERSING xxx-xx-x...
RICHARD A. PETERS xxx-xx-x...
CLINTON D. POLHAMUS xxx-xx-x...
WARREN REESE xxx-xx-x...
PAUL E. REID xxx-xx-x...
EARL F. RITER JR. xxx-xx-xx...
EARL E. ROTH JR. xxx-xx-xx...
ROLANDO R. SANTAANA xxx-xx-x...
RICHARD F. STRIBLEY xxx-xx-x...
KENNETH G. VANN xxx-xx-x...
JAY A. WEISS xxx-xx-x...

DENTAL CORPS

To be lieutenant colonel

DOUGLAS J. AMMON xxx-xx-x...
JEFFERY W. ARMSTRONG xxx-xx-x...
BERNADETTE C. ARROYO KEMP xxx-xx-x...
LYNN F. ASCHER xxx-xx-x...
GEOFFREY R. BAUMAN xxx-xx-x...
MALCOLM R. BERG xxx-xx-x...
WILLIAM F. BERGERON JR. xxx-xx-xx...
MARCUS P. BEYERLE xxx-xx-x...
HARVEY H. BRECKNER xxx-xx-x...
DOYLE A. CHAMBERS JR. xxx-xx-x...
JESUS, CORTES MORALES xxx-xx-x...
STEVE R. CURTIS xxx-xx-x...
DAVID E. DEAS xxx-xx-x...
ALLEN M. EDWARDS xxx-xx-x...
ANTHONY G. GIARDINO xxx-xx-x...
CHARLES R. GLOSSON xxx-xx-x...
GEORGE H. GUERRANT xxx-xx-x...
ROBERT H. HALLER xxx-xx-x...
THOMAS D. HAWLEY xxx-xx-x...
KEVIN M. HIRSCHEY xxx-xx-x...
GLORIA J. HOBAN xxx-xx-x...
CHARLES A. HUGGINS xxx-xx-x...
STEPHEN B. HYSLOP xxx-xx-x...
CAROL L. KADOW xxx-xx-x...
KEVIN D. KIELY xxx-xx-x...
JEFFREY A. MARX xxx-xx-x...
MARK F. MATHEWS xxx-xx-x...
PATRICK A. MATTIE xxx-xx-x...
BRIAN L. MEALEY xxx-xx-x...
DAVID MIKITKA xxx-xx-x...
KAY L. NESS xxx-xx-x...
THOMAS G. OLDAG xxx-xx-x...
PAUL A. ONNINK xxx-xx-x...
CARROLL A. PALMORE xxx-xx-x...
ALAN L. PEET xxx-xx-x...*
RODNEY D. PHOENIX xxx-xx-x...
STEVEN F. RECK xxx-xx-x...
FREDERICK L. SCHAEFER xxx-xx-xx...
STEPHEN P. SCHOEN xxx-xx-x...
JAMES W. SCHUMACHER xxx-xx-x...
JOHN D. SMITH xxx-xx-x...
JOE D. SPARKS xxx-xx-xx...
WILLIAM C. STENTZ JR. xxx-xx-x...
STEVEN M. STOECKLEIN xxx-xx-x...
WILLIAM F. TROLENBERG IV xxx-xx-x...
LON J. WARREN xxx-xx-x...
DOUGLAS J. WASSON xxx-xx-x...*
NORMA I. WESTERBAND xxx-xx-x...
ROBERT P. WHITE xxx-xx-x...
STEVEN L. WIRE xxx-xx-x...
MARTIN B. YULES xxx-xx-x...

MEDICAL CORPS

To be lieutenant colonel

WILLIAM P. ABRAHAM xxx-xx-x...
KATHRYN M. AMACHER xxx-xx-x...*
KENTON R. AMSTUTZ xxx-xx-x...
CHARLES T. ANDERSON xxx-xx-x...
COLLEEN A. ANNES xxx-xx-x...
DAVID P. ARMSTRONG xxx-xx-x...
ANTHONY H. ARNOLD xxx-xx-x...
MOISES A. ARRIAGA xxx-xx-x...*
ARIEL D. ARUS xxx-xx-x...
CARL E. BAKER xxx-xx-x...
DEBORAH A. BARTHOLOMEW xxx-xx-x...
WENDALL C. BAUMAN JR. xxx-xx-x...
JOHN S. BAXTER xxx-xx-x...
DOUGLAS E. BEAKES xxx-xx-x...
LIANIS Z. BIDOT xxx-xx-x...
RICHARD R. BLACK xxx-xx-x...
JEFFREY D. BLOSS xxx-xx-x...
JOE W.R. BOLTON xxx-xx-x...
STEPHEN C. BOOS xxx-xx-x...
THOMAS P. BRADLEY xxx-xx-x...
DAVID L. BROWN xxx-xx-x...
JOHN B. BUDINGER xxx-xx-x...
STEPHEN M. BURNS xxx-xx-x...
BYRON C. CALHOUN xxx-xx-x...
MICHAEL E. CANFIELD JR. xxx-xx-x...
ROBERT E. CARROLL xxx-xx-x...
STEPHEN F.W. CAVANAH xxx-xx-x...
DANIEL R. CAVAZOS xxx-xx-x...
PETER J. CHENAILLE xxx-xx-xx...
HENRY W. CHEU xxx-xx-x...
MING JEN CHIANG xxx-xx-x...
VAL D. CHRISTENSEN xxx-xx-x...
MATTHEW A. COATSWORTH xxx-xx-x...
MARK S. COLLINS xxx-xx-x...
JOHN T. COOPER JR. xxx-xx-xx...
KORY G. CORNUM xxx-xx-x...
DENNIS J. COSTA xxx-xx-x...
JAMES E. COX JR. xxx-xx-xx...
MARK D. CUNNINGHAM xxx-xx-x...
MALCOLM M. DEJNOZKA xxx-xx-x...
PETER F. DEMITRY xxx-xx-xx...
LAURA L. DIPUMA xxx-xx-xxxx
SUE A. DONAHEY xxx-xx-x...
DANIEL J. DONOVAN xxx-xx-x...
JOHN R. DOWNS xxx-xx-x...
JEFFREY J. DUBOIS xxx-xx-xx...
THOMAS M. DUGINSKI xxx-xx-x...
LOUIS D. ELDREDGE xxx-xx-x...
JOHN E. EVERETT III xxx-xx-xx...
PATRICIA L. FRIERSON xxx-xx-xx...
ROY M. FUJITANI xxx-xx-x...
BRYAN J. FUNKE xxx-xx-x...

GARY L. GEORGE JR. xxx-xx-x...
WALTER GRADY xxx-xx-x...
DANA F. GRAICHEN xxx-xx-x...
WILLIAM J. GRAY III xxx-xx-x...
CARLOS A. GUERRA xxx-xx-x...
ROY J. GUSE JR. xxx-xx-xx...
TIMOTHY K. GUTHRIE xxx-xx-x...
JAMES C. HAAK xxx-xx-x...
DAVID R. HARNISCH xxx-xx-x...
KAREN L. HARTER xxx-xx-x...
BETH A. HASELHORST xxx-xx-x...
ARNE HASSELQUIST xxx-xx-x...
CRAIG W. HENDRIX xxx-xx-x...
RICHARD A. HERSACK xxx-xx-x...
HENRY E. HOLLOWAY xxx-xx-x...
ROBERT L. HOOD xxx-xx-x...
STEPHAN P. HYAMS xxx-xx-x...
JAMES S. ICE xxx-xx-x...
KAREN A. JAHNKE xxx-xx-x...
MOON YUB JEU xxx-xx-x...
BRYAN E. JEWETT xxx-xx-x...
ARTHUR M. JOHNSON xxx-xx-x...
JAMES L. JOHNSON xxx-xx-x...
RONALD C. JONES xxx-xx-x...
JAMES G. JULIN xxx-xx-xx...
ROBERT P. KADLEC xxx-xx-x...
DAVID N. KENAGY xxx-xx-x...
PRICE M. KLOESS xxx-xx-x...
DAVID A. KLOPFENSTEIN xxx-xx-x...
ROBERT J. KOOGLER xxx-xx-x...
JULIE A. KOVACH xxx-xx-x...
JANE E. LACEY xxx-xx-x...
CHARLES P. LATTUADA JR. xxx-xx-xx...
PAUL J. LAVEAU xxx-xx-x...
HOBSON E. LEBLANC xxx-xx-x...
CHARLES E. LEE xxx-xx-x...
RICHARD W. LIEBERMAN xxx-xx-x...
JAMES R. LITTLE xxx-xx-xx...
DAVID J. LOUIS xxx-xx-x...
DEBORAH S. LYON xxx-xx-x...
PETER B. MAPES xxx-xx-x...
GEORGE MAROSAN xxx-xx-x...
JANET T. MARTINO xxx-xx-x...
ABUBAKR A. MARZOUK xxx-xx-x...
MICHAEL D. MASSEY xxx-xx-x...
JOHN C. MCCAFFERTY xxx-xx-x...
THOMAS L. MCKNIGHT xxx-xx-x...
PAUL M. MCNEILL xxx-xx-x...
GREGORY P. MELCHER xxx-xx-x...
JEFFREY L. MIKUTIS xxx-xx-xx...
THOMAS R. MILLER xxx-xx-x...
ANDREW R. MONTEIRO JR. xxx-xx-x...
ALEXANDER Z. NAGY xxx-xx-x...
EMMANUEL D. NAVAL xxx-xx-x...
RAFAEL E. NEGRON JR. xxx-xx-xx...
JAY C. NEUBAUER xxx-xx-x...
DANNY W. NICHOLLS xxx-xx-x...
GERARD J. OAKLEY JR. xxx-xx-xx...
FRANCESCO R. OLIVITO xxx-xx-x...
KIRT S. OLSON xxx-xx-x...
JEFFREY S. OSWALD xxx-xx-xx...
LEE E. PAYNE xxx-xx-x...
DAVID N. PEDERSON xxx-xx-x...
SAMUEL J. PERETSMAN xxx-xx-xx...
ROBERT PERSONS xxx-xx-x...
JAMES PETTEY xxx-xx-x...
KENNETH G. REINERT xxx-xx-x...
JAMES S. REITMAN II xxx-xx-x...
ROLLAND D. REYNOLDS JR. xxx-xx-x...
ORLANDO A. RICALDE xxx-xx-x...
WALTER E. RIZZONI xxx-xx-x...
JOSE E. RODRIGUEZVAZQUEZ xxx-xx-x...
WILLIAM M. ROGERS xxx-xx-x...
JEFFREY N. RUBIN xxx-xx-xx...
JAMES R. RUNDELL xxx-xx-x...
VICTOR P. SALAMANCA xxx-xx-x...
MICHAEL F. SCHULTZ xxx-xx-x...
RICHARD T. SCOTT JR. xxx-xx-x...
ISSAC B. SHAW xxx-xx-x...
PHILIP M. SHUE xxx-xx-x...
ERNEST C. SKIDMORE xxx-xx-x...
TODD D. SLATER xxx-xx-x...
ALLEN T. SMITH xxx-xx-x...
MICHAEL W. SPATZ xxx-xx-x...
DANIEL L. STEPHENSON xxx-xx-x...
JEFFREY M. THOMPSON xxx-xx-xx...
ROBERT T. THURMAN xxx-xx-x...
KENNETH A. TJEERDSMA xxx-xx-x...
ROBERT F. TODARO xxx-xx-x...
JOHN R. TORRENT xxx-xx-x...
JOHN R. TRUMBO xxx-xx-x...
ANN M. VRTIS xxx-xx-x...
JOSEPH S. WEISMAN xxx-xx-x...
HOWARD D. WILCOX xxx-xx-x...
ROBERT A. WILLIAMSON xxx-xx-x...
JAY A. WINZENRIED xxx-xx-x...
MARK W. WOLFE xxx-xx-x...
CHRISTINA M.K. ZIENO xxx-xx-x...

DENTAL CORPS

To be major

RONALD A. ABBOTT xxx-xx-x...
CHARLES T. ADAMO xxx-xx-x...
NEIL W. ANDERSON xxx-xx-x...
DAVID K. ANDREWS xxx-xx-x...
JANET A. BLACK xxx-xx-x...
JAMES R. BULLARD xxx-xx-x...
DAVID B. CHIESA xxx-xx-x...
JULIE M. COLLINS xxx-xx-x...
ROBERT I. DELO xxx-xx-x...
PAUL D. DEVEAU xxx-xx-x...
DREW W. FALLIS xxx-xx-x...
JAY D. GRAVER xxx-xx-x...
WILLIAM A. GREENHILL xxx-xx-x...
JENNIFER A. HARTE xxx-xx-xx...
BILLY B. HATCHETT xxx-xx-x...
DAVID L. HAYHURST xxx-xx-x...
ROBIN E. HINRICHS xxx-xx-x...
DONALD R. HOAGLIN xxx-xx-x...
BRYAN N. HOUSE xxx-xx-x...
ROBERT T. JENSEN xxx-xx-x...
THOMAS M. MARTIN xxx-xx-x...
MICHAEL J. MAYERCHAK xxx-xx-x...
ROBERTA M. MELTON xxx-xx-x...
JOSEPH E. NOVAK xxx-xx-x...
MICHAEL H. PAYNE xxx-xx-x...
DAVID H. PFOTENHAUER xxx-xx-x...
MICHAEL S. PHILLIPS xxx-xx-x...
GARY M. PIORKOWSKI xxx-xx-x...
WILLIAM B. POULSEN xxx-xx-x...
JAMES G. RAFAEL xxx-xx-x...
MICHAEL D. SIGNORELLI xxx-xx-x...
DAVID M. SMITH xxx-xx-x...
DIANA C. STASSI xxx-xx-x...
JEFFREY S. THOMPSON xxx-xx-xx...
JOSE VILLALOBOS xxx-xx-x...
DANIEL J. WADZINSKI xxx-xx-x...
RODNEY M. WAITE xxx-xx-x...
DEAN H. WHITMAN xxx-xx-x...
DALTON P. WILSON xxx-xx-x...
ROBERT B. WORTHINGTON xxx-xx-x...

MEDICAL CORPS

To be major

NAGI H. ABADIER xxx-xx-x...
MIGUEL A. ACEVEDOSEGUI xxx-xx-x...
ALAA Y. AFIFI xxx-xx-x...
DENISE E. AGATEP xxx-xx-x...
JOSE A. AGOSTO xxx-xx-x...
NADINE S. AGUILERA xxx-xx-x...
SAMUEL J. AJIZIAN xxx-xx-x...
TODD M. ALBINGER xxx-xx-x...
DANIEL V. ALFARO III xxx-xx-x...
NAPHTHALI A. ALINSOD xxx-xx-x...
JEFFERY D. ALLEN xxx-xx-xx...
JON C. ALLISON xxx-xx-x...
DAFAUCE LUIS ALONSO xxx-xx-x...
JUAN E. ANCHIETA xxx-xx-x...
JAMES W. ANDERSON xxx-xx-x...
KATHLEEN M. ANKERS xxx-xx-x...
STEPHEN P. ANTHONY xxx-xx-x...
GERARD EMILE, ARDRON xxx-xx-x...
MARIGOLD J. ARDRON xxx-xx-x...
REINALDO ARROYO xxx-xx-x...
CHRISTOPHER W. ASUNCION xxx-xx-x...
STANTON A. BAILEY xxx-xx-x...
JAMES K. BAKER xxx-xx-x...
STEPHEN S. BAKER xxx-xx-x...
TERRY L. BALDWIN xxx-xx-x...
STEPHEN L. BANKS xxx-xx-x...
FREDRICK J. BARTON xxx-xx-x...
JOANN L. BASARAN xxx-xx-x...
MICHAEL T. BASHFORD xxx-xx-x...
SCOTT N. BEATSE xxx-xx-x...
GREGG A. BENDRICK xxx-xx-x...
PAUL A. BERG xxx-xx-x...
STEVEN J. BINDRIM xxx-xx-x...
TERESA O. BISNETT xxx-xx-xx...
DAVID P. BLAKE xxx-xx-x...
DAVID D. I LANEY xxx-xx-x...
WYNDAL K. BLANKENSHIP xxx-xx-x...
CAROLYN A. BOLTON xxx-xx-x...
ROBERT J. BONHOMME xxx-xx-x...
JEFFREY A. BORNSTEIN xxx-xx-xx...
BRIAN T. BOWDITCH xxx-xx-x...
JOHN W. BRADY xxx-xx-x...
RICHARD E. BRANSDORF xxx-xx-x...
KEVIN B. BRAY xxx-xx-x...
MARGARET M. BRENNAN xxx-xx-x...
GERALD A. BRISTOL xxx-xx-x...
LEON C. BRITTON xxx-xx-x...
THOMAS M. BROWN xxx-xx-x...
DANIEL D. BROWNSTONE xxx-xx-x...
ERICH W. BRUHN xxx-xx-x...
THOMAS A. BUCHHOLZ xxx-xx-x...
PETER M. BUERGER xxx-xx-x...
DANIEL G. BURNETT xxx-xx-x...
JOHN S. BURR xxx-xx-x...
STEVEN D. BUSER xxx-xx-x...
RUDOLPH CACHUELA xxx-xx-x...
JOSEPH R. CALIFANO xxx-xx-x...
JOHN J. CAMPBELL III xxx-xx-xx...
JOHN T. CARMACK xxx-xx-x...
SAMUEL R. CARTER xxx-xx-x...
DAVID A. CASS xxx-xx-x...
CRAIG Y. CASTILLO xxx-xx-x...
RICHARD D. CESPEDES xxx-xx-x...
CHOON HONG CHA xxx-xx-x...
ROBERT G. CHANDLER xxx-xx-x...
RUSSELL W. CHARLESWORTH, JR. xxx-xx-xx...
DAVID L. CHIN xxx-xx-x...
BRADLEY G. CHRISTIANSON xxx-xx-x...
LAURENCE CHU xxx-xx-x...
GERARD P. CLANCY xxx-xx-x...
CHARLES R. CLINCH xxx-xx-x...
LEONARD G. COINER xxx-xx-x...
SPENCER N. COLBY xxx-xx-x...
KEVIN F. COLTON xxx-xx-x...
JOHNNIE E. CONYERS xxx-xx-x...
JAMES A. COOKE xxx-xx-x...
GEOFFREY W. CRAWLEY xxx-xx-x...
DAVID J. CROSS xxx-xx-x...
ERIK D. DANIELS xxx-xx-x...
MARCIA J. DAVIS xxx-xx-x...
JOHN J. DEGOES xxx-xx-x...
GARY S. DEGUZMAN xxx-xx-x...
STEPHEN E. DEMICK xxx-xx-x...
RICHARD DEMME xxx-xx-x...
LISA D. DESVIGNE xxx-xx-x...
JAMES J. DEVITT II xxx-xx-xx...
ROBERT J. DIGERONIMO xxx-xx-x...
HAROLD D. DILLON III xxx-xx-x...
PAUL S. DOAN xxx-xx-x...
ALDO J. DOMENICHINI xxx-xx-x...
RUTH A. DOOLEY xxx-xx-x...
GINA R. DORLAC xxx-xx-x...
WARREN C. DORLAC xxx-xx-x...
JOHN J. DOSKI xxx-xx-x...
SCOTT K. DOUGLAS xxx-xx-x...
LINCOLN A. DRECKMAN xxx-xx-x...
JOHN J. DREYZEHNER xxx-xx-x...
DANIEL T. DUBOSE xxx-xx-x...
TERESA A. DUDEK xxx-xx-x...
MARY D. DVORAK xxx-xx-x...
JAMES R. EELLS xxx-xx-xx...
TIMOTHY J. ELDRIDGE xxx-xx-x...
KATHLEEN B. ELMER xxx-xx-x...
JAMES F. ELTON xxx-xx-x...
ROBERT W. ESSELSTEIN xxx-xx-x...
DAVID W. FAIRBANKS xxx-xx-x...
CLARANCE FARMER xxx-xx-x...
KIMBERLY R. FAUCHER xxx-xx-x...
MICHAEL FERGUSON xxx-xx-x...
MARK A. FERRANTE xxx-xx-x...
STEVEN D. FILARDO xxx-xx-x...
JEFFREY FINKELSTEIN xxx-xx-xx...
VAL J. FIORAZO xxx-xx-x...
RALPH J. FITZGERALD xxx-xx-xx...
MARK H. FLETCHER xxx-xx-x...
BRENDA M. FOLEY xxx-xx-x...
YVONNE A. FOSTER xxx-xx-x...
MICHAEL K. GAREY xxx-xx-x...
DAVID M. GARRISON xxx-xx-x...
ALAN G. GARSCADDEN xxx-xx-x...
EMILY M. GARSCADDEN xxx-xx-x...
JAMES W. GASQUE xxx-xx-x...
THOMAS R. GATES xxx-xx-x...
STACEY L. GIBBONS xxx-xx-x...
RICHARD D. GIBBS xxx-xx-x...
MARK A. GIBSON xxx-xx-x...
JOHN D. GILBERTSON xxx-xx-x...
BRIAN D. GILL xxx-xx-x...
JORDAN GOETZ xxx-xx-x...
MARC V. GOLDHAGEN xxx-xx-x...
CORA I. GOODMAN xxx-xx-x...
PAUL J. GREBE xxx-xx-x...
DAVID MARK GREEN xxx-xx-x...
KENNETH S. GREEN III xxx-xx-x...
WILLIAM J. GREEN xxx-xx-x...
DARLINDA M. GRICE xxx-xx-x...
CHRISTOPHER B. GRIFFIN xxx-xx-x...
SUSAN E. GRILLEY xxx-xx-x...
DALE J. GROSS xxx-xx-x...
GUSTAVO A. GROSS xxx-xx-x...
BALAJI K. GUPTA xxx-xx-x...
DWIGHT E. GURLEY xxx-xx-x...
DAVID C. HAGER xxx-xx-x...
SAMUEL HAKIM xxx-xx-x...
STEPHEN P. HALL xxx-xx-x...
PHILIP A. HANRAHAN xxx-xx-x...
LEE WAYNE HASH xxx-xx-x...
DAVID J. HEICHEL xxx-xx-x...
CRAIG J. HELM xxx-xx-x...
JAMES H. HENICK xxx-xx-x...
KENNETH I. HENSON xxx-xx-x...
DAVID P. HERRICK xxx-xx-x...
JAMIE L. HETTICK xxx-xx-x...
STEPHEN W. HIGGINS xxx-xx-x...
JEFFREY W. HOFFMEISTER xxx-xx-xx...
JAMES K. HOLBROOK xxx-xx-x...
MAUREEN S. HOLLAND xxx-xx-x...
SCOTT P. HOOPES xxx-xx-x...
HELEN M. HOOTSMANS xxx-xx-x...
DENNY J. HORN xxx-xx-x...
GREGORY S. HOULIHAN xxx-xx-x...
TIMOTHY A. HURSH xxx-xx-x...
JAMES P. ICE xxx-xx-x...
CLAIRE E. INGHAM xxx-xx-x...
MARK H. IVEY xxx-xx-x...
BLAKE A. JOHNSON xxx-xx-x...
JOSEPH E. JOHNSON xxx-xx-x...
MARK A. JOHNSON xxx-xx-x...
MARK L. JONES xxx-xx-x...
WHAY H. JONES xxx-xx-x...
JOSEPH L. JOYAL xxx-xx-x...
MARIE Z. KAIRYS xxx-xx-x...
DANIEL T. KANE xxx-xx-x...
AUDREY M. KERN xxx-xx-x...
JAMES C. KERR xxx-xx-x...
MARY B. KERR xxx-xx-x...
CHERYL J. KING xxx-xx-x...
JONATHAN D. KING xxx-xx-x...
MICHAEL D. KIRKHAM xxx-xx-x...
JAMES J. KLOSTERMAN xxx-xx-xx...
ALLAN R. KORNFELD xxx-xx-x...
EDWARD R. KOST xxx-xx-x...
DAVID L. KOURI xxx-xx-x...
JOHN J. KOWNACKI xxx-xx-x...
WILLIAM G. KRACHT xxx-xx-x...
MATTHEW B. KREBS xxx-xx-x...
TIMOTHY J. LACY xxx-xx-x...
ROBERT F. LANDY xxx-xx-x...
SHERLYN B. LARRISON xxx-xx-x...
DANIEL J. LEE xxx-xx-x...

FRANK S. LEE xxx-xx-x...
GARRY ROBERT, LEE xxx-xx-x...
KI HYEOK, LEE xxx-xx-x...
DAVID C. LEGGETT xxx-xx-x...
MICHAEL R. LENONARDI xxx-xx-...
JERRIE G. LIM xxx-xx-x...
VIKI T. LIN xxx-xx-x...
STEVEN J. LIPSCOMB xxx-xx-xx...
TODD L. LOCHER xxx-xx-x...
PARTICIA D. LOGAN xxx-xx-x...
MARYBETH LORE, xxx-xx-x...
NANCY A. LORENZINI xxx-xx-x...
DAVID R. LOUDER xxx-xx-x...
KENNETH R. LUCKAY xxx-xx-x...
THOMAS D. LUNA xxx-xx-x...
MICHAEL A. LUTARWYCH xxx-xx-x...
MICHAEL E. MAHIG xxx-xx-x...
ZALEGOWSKI KRISTA A. MANGES xxx-xx-x...
ALEX E. MARI xxx-xx-x...
THOMAS O. MARKEL xxx-xx-x...
WILLIAM J. MARKOWSKI xxx-xx-x...
JEFFREY MARQUARDT xxx-xx-x...
STEPHEN R. MARSHALL xxx-xx-x...
GLENN A. MASON xxx-xx-x...
GEORGE M. MATOOK xxx-xx-x...
EDWIN C. MATTHEWS xxx-xx-x...
RANDOLPH O. MAUL xxx-xx-x...
DAVID A. MAY xxx-xx-x...
JOHN A. MCCALL xxx-xx-x...
JOHN R. MCCONAGHY xxx-xx-x...
MATTHEW J. MCCORMICK xxx-xx-x...
KENNETH P. MCDONNELL xxx-xx-x...
FLORENCE MCEACHRANE xxx-xx-x...
KRISTA L. MCFARREN xxx-xx-x...
MILES D. MCGUFF xxx-xx-x...
ROBERT J. MCLAUGHLIN xxx-xx-x...
ANNE C. MCRAE, xxx-xx-x...
ANDREW L. MECCA xxx-xx-x...
JEFFREY D. MEDLAND xxx-xx-xx...
GREGORY K. MEEKIN xxx-xx-x...
HERMANN J. MELLON xxx-xx-x...
PAUL METZGER xxx-xx-x...
ERICH G. METZLER xxx-xx-x...
VINCENT J. MICHAUD xxx-xx-x...
FREDERICK H. MICHEL xxx-xx-x...
JOHN A. MILLARD xxx-xx-x...
DAVID A. MILLER xxx-xx-x...
KELLY P. MILLER xxx-xx-x...
ROBERT I. MILLER xxx-xx-x...
ROBYN R. MILLER xxx-xx-x...
PETER V. MITREV xxx-xx-x...
JOSEPH A. MOKULIS xxx-xx-x...
KENNETH P. MOORE xxx-xx-x...
GREG W. MORGAN xxx-xx-x...
RONALD J. MORRELL xxx-xx-x...
ANTHONY A. MORRIS xxx-xx-x...
JOEL A. MORTON xxx-xx-x...
MICHAEL R. MURCHLAND xxx-xx-x...
MARSHALL J. MURPHY xxx-xx-x...
PHILIP F. MURPHY xxx-xx-x...
DAVID R. NABERT xxx-xx-x...
JARED W. NELSON xxx-xx-x...
SHIRLEY ELAINE NIX xxx-xx-x...
FRANK P. NORTH xxx-xx-x...
RAFAEL A. OCASIO xxx-xx-x...
ROBIN R. OCKEY xxx-xx-x...
ANTHONY F. OLIVA, xxx-xx-x...
GREGORY D. OLSON xxx-xx-x...
ALBERT D. OLSZEWSKI xxx-xx-x...
RAYMOND P. ONDERS, xxx-xx-x...
SANDRA M. ORFGEN xxx-xx-x...
MICHAEL B. OSSWALD xxx-xx-x...
SANDRA S. OSSWALD xxx-xx-x...
JOANNA M. OSUGA xxx-xx-x...
BRADLEY O. OSWOOD xxx-xx-x...
RANDALL A. OW xxx-xx-x...
LORNA L. OYOUNG xxx-xx-x...
DANILO T. PACHECO xxx-xx-x...
CRAIG S. PACKARD xxx-xx-x...
WILLIAM R. PADGETT xxx-xx-x...
DAVID W. PAINE xxx-xx-x...
THOMAS A. PASCUZZI xxx-xx-x...
RICHARD A. PATTERSON xxx-xx-x...
RONALD W. PAULDINE xxx-xx-x...
MARIE J. PAUROSO xxx-xx-x...
DEBRA JO PENNINGTON xxx-xx-x...
JAMES R. PESCOSOLIDO xxx-xx-x...
GERALD E. PETERS, JR. xxx-xx-xx...
GORDON C. PETERS xxx-xx-x...
HAI V. PHAM xxx-xx-x...
RICHARD M. PICO xxx-xx-x...
JANE M. PORTER xxx-xx-x...
GEORGE C. POWERS xxx-xx-x...
SCOTT D. PRICE xxx-xx-x...
WAYNE M. PRITT xxx-xx-xxxx
PAUL I. PYLES xxx-xx-x...
TODD R. QUIER xxx-xx-x...
GREGORY W. RANDOLPH xxx-xx-x...
ANNETTE C. REDONDO xxx-xx-x...
DOUGLAS A. REXIN, xxx-xx-x...
RODOLFO C. REYES xxx-xx-x...
SARA D. REYNOLDS xxx-xx-x...
RITA M. RICCI xxx-xx-x...
DAVID W. RIRIE xxx-xx-x...
EUGENIO RIVERA, JR. xxx-xx-x...
RANDY R. ROSS xxx-xx-x...
GLENN P. ROTHHAAS xxx-xx-x...
THOMAS J. RUHNKE, xxx-xx-x...
TODD S. RUSHE xxx-xx-x...
DIANNA L. RYNKIEWICZ, xxx-xx-x...
THOMAS A. SAMES xxx-xx-x...
GENEVIEVE M. SAN MARTIN xxx-xx-x...
RICHARD D. SANDERS xxx-xx-x...
JEAN A. SANSARICO xxx-xx-x...
GAIL L. SAWYER xxx-xx-x...
ANDREW M. SCANAMEO xxx-xx-x...
DAVID J. SCARPELLI xxx-xx-xx...
JEFFREY S. SCHACK xxx-xx-xx...
MICHAEL P. SCHAELLING xxx-xx-x...
MARTHA P. SCHATZ xxx-xx-x...
JORGE J. SCHEIRER xxx-xx-xx...
CARL W. SCHERER xxx-xx-x...
MARK R. SCHICK xxx-xx-x...
KIMBERLY D. SCHLACK xxx-xx-x...
CINDY SCHMID xxx-xx-x...
STEVEN P. SCHMIDT xxx-xx-x...
MARY J. SCHMITZ xxx-xx-x...
STEWART G. SCHOTT xxx-xx-x...
MARK T. SCHROEDER xxx-xx-x...
JEROME J. SCHULTE xxx-xx-xx...
KURT T. SCHULTZ xxx-xx-x...
ERIC T. SCHWARTZ xxx-xx-x...
NORMAN B. SCOTT xxx-xx-x...
NEAL B. SECRIST xxx-xx-x...
JAMES A. SEXSON xxx-xx-x...
RICHARD K. SHEWBRIDGE xxx-xx-x...
ROBERT C. SIMPKINS xxx-xx-x...
GALE J. SKOUSEN xxx-xx-x...
ROBERT A. SLANEY xxx-xx-x...
JAMES W. SLAUSON xxx-xx-x...
JOSEPH N. SLAVOSKI xxx-xx-x...
STEPHEN JOHN SMART xxx-xx-x...
ROBERT DANIEL SMITH xxx-xx-x...
ROY E. SMITH xxx-xx-x...
DEBORAH L. SPENCER xxx-xx-x...
JAN J. STASIUK xxx-xx-xx...
TIMOTHY R. STERLING xxx-xx-x...
CHRISTINE L. STEVENS xxx-xx-xx...
ROBERT R. STOCK xxx-xx-x...
ANTHONY K. STRIGENZ xxx-xx-x...
JAMES SUTHERLAND xxx-xx-x...
KAY L. SUTHERLAND xxx-xx-x...
LANCE L. SWEENEY xxx-xx-x...
RAYMOND E. SWIENTON xxx-xx-x...
EDWARD TANG xxx-xx-x...
WILLIAM J. TARVER xxx-xx-x...
ALAN W. THOMAS xxx-xx-x...
JAMES E. THOMAS xxx-xx-x...
CHARLES D. THOMPSON xxx-xx-x...
MICHAEL S. TORRES xxx-xx-x...
LEE D. TROTTER xxx-xx-x...
MARTHA A. UHLER xxx-xx-x...
MATTHEW E. ULVEN xxx-xx-x...
BARBARA P. URBAN xxx-xx-x...
MICHAEL D. VAN AMROOY xxx-xx-x...
SCOTT M. VAN DE VEER xxx-xx-x...
CLIFTON O. VAN PUTTEN xxx-xx-xx...
TAMA R. VANDECAR xxx-xx-x...
BALAVITTTAL VARANASI xxx-xx-x...
WILLIAM E. VENANZI, JR. xxx-xx-x...
DAVID L. VLACH xxx-xx-x...
THEODORE P. VLAHOS xxx-xx-x...
PATRICK B. VON DIPPE xxx-xx-x...
WILLIAM VRANOS xxx-xx-x...
JOHN A. WATSON xxx-xx-x...
KAREN L. WATSON xxx-xx-x...
GREGORY B. WAWRYSZCZUK xxx-xx-x...
MARK E. WERNER xxx-xx-x...
MICHAEL D. WHITING xxx-xx-x...
AMY I. WHITSEL xxx-xx-x...
JOHN M. WIGHTMAN xxx-xx-x...
CARLA J. WILLIAMS xxx-xx-x...
DAVID A. WILLIAMS xxx-xx-x...
MARK H. WILLIAMS xxx-xx-x...
LARRY L. WILSON xxx-xx-x...
CURTIS R. WINKLER xxx-xx-x...
DONALD K. WINTER xxx-xx-x...
MELINDS L. WINTERSCHEID xxx-xx-x...
THOMAS A. WOHL xxx-xx-x...
SUSAN E. WOLVER xxx-xx-x...
KAREN L. WOOLFALL xxx-xx-x...
JOHN L. WRIGHT III xxx-xx-x...
TIMOTHY A. WRIGHT xxx-xx-x...
JONATHAN A. WYNSTRA xxx-xx-x...
BARBARA JO YARWOODWISHNER xxx-xx-x...
DEBORAH A. ZDORNORTH xxx-xx-x...
MARK A. ZELKOVIC xxx-xx-x...
JOHN B. ZIMMERMAN xxx-xx-x...

IN THE NAVY

THE FOLLOWING NAMED TEMPORARY LIMITED DUTY OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT IN THE LINE AS LIMITED DUTY OFFICERS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5589(A):

LINE OF THE LIMITED DUTY OFFICERS

To be lieutenant

DANIEL A. ABRAMS
KEVIN H. ADAMS
PAUL M. AGUILAR
MARK W. ALLEN
MICHAEL E. ALLEN
STEPHEN L. ALLEN
THOMAS H. ALLEN
WILLIAM B. ALLEN
DAVID R. ALLISON
WALLACE C. ANDERSON
WILLIAM P. ANDERSON
JAMES K. APLING
MICHAEL R. ARMSTRONG
KEVIN F. ARNETT
SIDNEY J. AULT
CRAIG R. BACON
THOMAS H. BACUS
DENNIS S. BAIRD
JOHN T. BAKER II
KIM W. BALDWIN
DENNIS R. BARCLAY
IRA L. BARKER
KENNETH L. BARKER
KEVIN T. BARRENTINE
JAMES B. BEARD
DAVID W. BECHARD
DOUGLAS B. BECKER, JR.
BRYON O. BELLERUD
KATHLEEN A. BENSE
JOHANN BERGER
MARK J. BILLOW
THOMAS B. BINNER
OMAR G. BJURBACK
DWAYNE V. BLACK
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KERRY D. SIMMONS
MELVIN J. SIMON, JR.
MICHAEL J. SINGLETON
JOHN P. SIPES, JR.
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RICHARD K. SMITH
ROBERT W. SMITH
RODNEY S. SMITH
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JOHN J. TOYE
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STEVEN D. WEBER
THOMAS L. WESTER
JEFFREY D. WESTON
PETER R. WHEELER
ERASMUS D. WHITE
JAMES C. WHITE
KEVIN M. WHITE
PAUL G. WHITE
RANDALL L. WHITE
DAVID L. WIKOFF
THOMAS L. WILHARMS
MICHAEL L. WILLARD
KIMBERLY B. WILLIAMS
ROBERT A. WILLIAMS
ROBERT W. WILLIAMS
THOMAS L. WILLIAMS
SUSAN M. WILLY
EARNEST WILSON
FRANCES K. WITT
THOMAS A. WOLFE
MARK A. WOOD
MARK A. WRIGHT
FRANK E. WUCO
KEITH B. YAUGER
GEORGE E. ZINSER, JR.

THE FOLLOWING NAMED TEMPORARY LIMITED DUTY OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT IN THE SUPPLY CORPS AS LIMITED DUTY OFFICERS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5589(A):

SUPPLY CORPS LIMITED DUTY OFFICERS

To be lieutenant supply corps

BARBARA J. BASALLOTE
MICHAEL P. BERRY
WILLIAM D. BRYAN
THOMAS M. DAILEY
STEVEN A. EBNER
PAMELLA D. HAAN
LESLIE T. HUFFMAN
STUART R. HALPASS
JAMES R. PELTIER
ANGEL J. SANCHEZ
CALVIN D. SCOTT
JOSEPH C. SHARPE II
MARK A. STANLEY
ALAN L. WELLS
JOHN S. WILLIS

THE FOLLOWING NAMED TEMPORARY LIMITED DUTY OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT IN THE CIVIL ENGINEER CORPS AS LIMITED DUTY OFFICERS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5589(A):

CIVIL ENGINEER CORPS LIMITED DUTY OFFICERS

To be lieutenant

MICHAEL D. CHRISMAN
DAVID S. HENSON
MICHAEL J. HYNES
DANNY L. MOSER
PETER J. NICKEL, JR.
WILLIAM J. PASTOR
DAVID D. SIMPKINS
BILLY W. SLOAN
DIANA L. STONE
THOMAS B. WRIGHT

THE FOLLOWING NAMED TEMPORARY LIMITED DUTY OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT IN THE LAW PROGRAM AS LIMITED DUTY OFFICERS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5589(A):

LAW PROGRAM LIMITED DUTY OFFICERS

To be lieutenant

WAYNE V. HILDRETH
CHARLES L. JONES
WINNIE J. MANNING
LINDA M. VIGIL