SENATE—*Friday, February 4, 1994*

(Legislative day of Tuesday, January 25, 1994)

The Senate met at 8:30 a.m., on the expiration of the recess, and was called to order by the Honorable HERB KOHL, a Senator from the State of Wisconsin.

PRAYER

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

Let us pray.

The Lord is my shepherd; I shall not want. He maketh me to lie down in green pastures: He leadeth me beside the still waters. He restoreth my soul: He leadeth me in the paths of righteousness for His name's sake. Yea, though I walk through the valley of the shadow of death, I will fear no evil: for Thou art with me; Thy rod and Thy staff they comfort me. Thou preparest a table before me in the presence of mine enemies: Thou anointest my head with oil; my cup runneth over. Surely goodness and mercy shall follow me all the days of my life: and I will dwell in the house of the Lord for ever. 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 4, 1994.

To the Senate:

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

ROBERT C. BYRD,
President pro tempore.

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

GOALS 2000: EDUCATE AMERICA ACT

The ACTING PRESIDENT pro tempore. The clerk will report the pending business.

The 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 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.

The Senate resumed consideration of the bill.

Pending:

(1) Dorgan-Conrad amendment No. 1369, to require each local educational agency, as a condition for receiving Federal assistance, to implement a gun-free program in its schools.

(2) Kennedy amendment No. 1375 (to Amendment No. 1369), to express the sense of the Senate regarding guns in schools.

(3) Danforth-Kassebaum amendment No. 1383, to express the sense of the Senate that local educational agencies should encourage a brief period of daily silence for students for the purpose of contemplating their aspirations.

Mr. GORTON addressed the Chair.

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

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. KENNEDY. Mr. President, we are now working with the distinguished Senator from the State of Washington on an issue involving violence in schools. I think we are making good progress. The Senator from Washington intended to lay his amendment down at 8:30, and we were going to have the opportunity to debate it. I think we have been able to make good progress in terms of developing a common position so that the time is being well spent.

I would like to use some of this time prior to the vote at 9:30 on Senator DANFORTH's amendment. I will just elaborate on one of the important parts of this legislation that has not received attention but is, I think, extremely important.

Over the past several days our debate on the Goals 2000 bill has focused primarily on the first four titles of the bill, which deal with goals and standards for the improvement of our education system. This bill also, however, includes another equally important title which provides for the development of standards which will be crucial to the improvement of our job training system.

Under title V of the bill, we are establishing for the first time a national skill standards board to oversee the development of a voluntary national system of skill standards for use in the training of our workers. The proposal to create such a board was one of the key recommendations contained in the influential report, "America's Choice: High Wages or Low Skills," issued in 1990 by the bipartisan Commission on the Skills of the American Work Force. The cochairs of that were Senator Brock from Tennessee and Ray Marshall, who was Secretary of Labor under President Carter. This was one of their very important recommendations that we received at that time, and since we have received it, we have worked with a number of our colleagues, both on the committee as well as others who have been interested and experienced in these areas.

Those recommendations have been included in the legislation and work very much in harmony with what we will be doing subsequently with the dislocated worker program.

I know many of my colleagues are familiar with the work of that Commission which was cochaired by the Cabinet Members, Republican Bill Brock, a former Member of this body, and Ray Marshall, who was Secretary of Labor. Serving on that Commission were some of the most accomplished individuals in the country. The list of the members included business leaders like John Sculley, the CEO of Apple Computer; James Houghton, chairman of the board of Corning; Alan Wurtzel, chairman of Circuit City stores. Labor leaders, such as Owen Bieber, president of the Auto Workers; Howard Samuel, head of the AFL–CIO's industrial union department; Bill Lucy from AFSCME; John Jacob, president of the Urban League; and former Governors Jim Hunt and Tom Kean.

This was the caliber of individuals from the business community, from the labor and education community and from Government, who served on that Commission.

The constituencies these individuals represent tend to have very different views of the world. Yet what was remarkable about this Commission was that all of its members representing the three disparate interests came together and were able to agree on a sweeping set of recommendations for major reform of our education and job training systems.

As I said earlier, one of the key recommendations of the Commission was that we establish a national skill standards board to oversee the develop-

● 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

ment of voluntary standards for job training. As the Commission's report noted, one of the reasons why we have been doing such a poor job in providing training for our front-line work force is that we have no mechanisms for identifying the kinds of skills workers should be acquiring to meet the needs of a competitive economy.

We have no system by which to measure whether particular training programs are effective in providing workers with those skills. We have no system to certify that workers who have undergone training have acquired particular skills. What we have instead is a highly fragmented system of public and private training efforts that may or may not be teaching workers skills that are relevant to existing or future job opportunities.

What we have found is that, in many of these training programs, when individuals who go through the training programs finish the programs and are then hired, employers do not know precisely the range of different skills a particular graduate of a program has achieved. The graduates are not sure exactly what skills they have. Each knows that he or she has participated in a training program, but it may be one of many different types of training programs set up by the local group.

Third, the taxpayer does not know whether a particular training program is really effective in terms of the investment of the taxpayers in that program.

These are some of the concerns that exist with respect to training programs throughout the Nation.

We want to try to ensure that by establishing voluntary standards through various industries, individuals who participate in training programs will know that they have achieved certain skills, that those skills will be portable, and when they go to employers, that employers will know that they have those skills—and the taxpayers will know that their investments in training programs have been worthwhile and valid.

That is what we are attempting to achieve by consolidating and coordinating the various training programs with the recommendations that will be considered by the administration in the next few weeks, and doing so by developing various skills standards.

Under the Job Training Partnership Act, for example, every community has its own private industry council which contracts with providers to provide training in various different skills. Yet there is no uniformity in the content and quality of the programs offered. So, for example, a particular worker here in the District of Columbia might be referred to a program in computer technician training, but because there are no recognized standards for training workers for careers in that field, the individual making a decision whether to enroll in a particular program has no way of knowing whether the skills taught by that program will be skills valued by employers, or whether the program is effective in providing its participants with those skills. As a result, the worker is left with no effective way to choose a training program that will best serve his or her needs.

Now, suppose that a worker chooses and completes a training program and starts looking for a job. She puts on her résumé that she is a graduate of the District of Columbia computer operator training program, but finds out that going through that program is not helping her get hired, because the employers who interview her do not know what that credential means.

Unless an employer happens to be personally familiar with the particular program the worker completed, she has no way of knowing whether the training provided through that program is at all relevant to her company's needs, or what skills the worker actually acquired through the program.

By the same token, public officials, who are accountable for making good use of the taxpayers' money, have no reliable way of measuring whether the training the taxpayers are paying for is effective or not.

The National Skills Standards Board will help to address that problem.

One of the best models that we have in this country for a more effective training system is the building trades apprenticeship system used in the unionized construction industry.

The building trades apprenticeship system is widely recognized for doing an excellent job in developing highly skilled workers, who are, as a result, able to command very good wages and benefits. One of the key elements contributing to the success of that system is the use of recognized training standards, which are developed jointly by employers and unions in the relevant industry. There must be the combination of both groups in developing successful programs.

These standards typically allow for local variation, but establish basic criteria concerning the skills apprentices are expected to acquire at each stage of their training in order to advance through the program and achieve certification as fully qualified journeymen craft workers.

Because of these standards, an apprentice entering the program can be confident that he or she will be taught a full range of skills that will be relevant to the industry and valuable to employers, and that, after completing the program, will receive a certification that is meaningful, not just to one employer, but to employers throughout the industry and across the Nation.

At the same time, employers are willing to pay for training provided through the program, and to hire workers who have completed the program, because they have confidence in the credential and know that the skills that have been taught and acquired in that program are skills that are in fact relevant to their needs.

Our goal in creating a National Skills Standards Board is to create a framework for the development of industry-based standards for training workers, particularly in industries that do not have a tradition of apprenticeships or similar skill development systems in place.

Once developed, these standards could be used by government agencies as a means of ensuring that public training funds are used effectively.

That is very important in terms of the taxpayers' understanding of how resources within the budget are being used for training programs. This is something that the Nation will have to change about the training programs that have been developed in the past, and that were tailored to address different employment challenges, in order to create more coordinated and unified programs that will help individuals receive additional training and effective educations today and in the future.

Forty or fifty years ago, when someone worked in a shipyard in Fall River, MA, it was generally the case that, if his father or grandfather had been a welder, then he would be a welder also. Now we know that every new graduate who enters the work force may have perhaps six or seven different jobs over the course of their lifetime. If we are going to be competitive in the world community, it is essential that students have the opportunity to continue their training and their education, and to upgrade a variety of different skills. We are hopeful that we can achieve that objective in both the private and public sectors.

Workers will benefit by being able to select training programs knowing whether those programs have complied with recognized industry training standards.

And employers will benefit by being better able to assess the skill development needs of their workers and thereby improve their return on training investments.

In Germany, which is widely regarded as having the best worker training programs of any modern industrial countries, uniform national skills standards, developed jointly by labor and management, are regarded as critical to the training system.

In Australia, labor and industry—including many American companies that are doing business in that part of the world—have joined together to work with government and the education community to develop skills standards for their training programs.

In the development of the Australian skills standards, which were adopted a

little over a year ago, much of the support for those efforts came from American subsidiaries in those countries that were actually involved in those kinds of training programs. Their support was to ensure that, as they continue their education and training programs, companies in other industries will do the same so that everyone shares the costs of training effective workers, and as a result, everyone shares the benefits.

Under this proposal, we will also bring together business, labor, and the education community, to work together to establish a framework for a voluntary national skills standards system.

I particularly want to thank Senator KASSEBAUM for her contributions to this proposal. The substitute bill which is pending includes provisions modifying the composition of the Board which were worked out with her assistance, and which have helped us to secure broad support for the proposal from the business community.

Mr. President, this is one aspect of the Goals 2000 legislation that obviously will be related to the Schools-to-Work Program, as well as to the Dislocated Workers Program, which we hope to address in the late spring of this year.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska [Mr. MURKOWSKI], is recognized.

Mr. MURKOWSKI. I thank the floor manager.

Mr. President, I rise this morning in support of the Gorton amendment. From personal conversations I have had with educators, principals, and others, there is clearly a need for an amendment of this nature. It would assure communications between schools and between educators relative to young people who have a history of violence. Currently, there is no provision to allow communication to come forth if the youngster moves from school to school.

I am appalled at the rise of violence occurring in and around schools.

There are no comprehensive statistics on school violence but according to a survey by the National School Boards Association: 82 percent of 729 school districts said violence had increased; 61 percent reported weapons incidents; 39 percent reported shootings or knifings; 23 percent reported drive-by shootings; 15 percent reported at least one rape; 78 percent reported student assaults on students; and 60 percent reported student assaults on students and teachers.

Why does violence occur? According to an article in America's Agenda: 18 percent gang or drug disputes; 15 percent long standing arguments; 12 percent romantic disagreements; 10 percent fights over material possessions; and 13 percent accidents.

Earlier this week, I was visited by Larry Graham and Esther Cox, who were representing both the National Association of Elementary School Principals and the National Association of Secondary School Principals of which Esther is the State president.

Two weeks ago, it was one of the schools in Esther's district that was the recipient of a drive-by shooting.

As clearly stated by the National School Boards Association, "Violence is not confined to urban schools."

We can't expect children to learn if they are afraid to go to school.

It is, therefore, important to provide the safest environment for students to learn and teachers to instruct.

The significance of having this information is not to breach the individual rights of that student but simply to prepare the educator to better understand the actions of a youngster who has a history of violence.

Currently, as explained to me by educators, information is unable to be requested, and as a consequence, they have a very difficult time addressing the problems of violence. As you know, it is quite a common practice of schools with students who have a history of violence, to try to readjust them in new surroundings, where, hopefully, new friends and so forth will take some of the tensions off them.

So as I understand the amendment, Mr. President, it ensures that there is nothing standing in the way of schools, from the standpoint of Federal or State jurisdiction, which would prevent them from requesting or receiving information that would, perhaps, help them avoid a situation from developing that would jeopardize the teacher's safety or the safety of those in the classroom. The difficulties here are many, especially as to how we address those youngsters who are troubled and how we ensure that safety remains in the classroom for the benefit of the majority of youngsters.

This is an effort, if you will, to address a very difficult problem, in a broad way, by giving greater discretion to educators, who have the responsibility of accountability, which is appropriate.

I commend the Senator from Washington for his steadfast commitment to try to address, in a positive manner, one of the ways we can improve the process. Clearly, I think one of the most significant ways is to remove any Federal activities or strictures that would inhibit communication which would serve the best interests of students and the teachers.

I understand the amendment is under some review now, and I am certainly supportive of it.

I thank the Chair.

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 bill clerk proceeded to call the roll.

Mr. GORTON. 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. 1385

(Purpose: To help local communities achieve Goal 6 of the national education goals, which provides that by the year 2000, every school in America will be free of drugs and violence and will offer a disciplined environment conducive to learning, by strengthening local disciplinary control)

Mr. GORTON. Mr. President, I send an amendment to the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington [Mr. GORTON], for himself, Mr. WALLOP, Mr. GRAMM, Mr. COCHRAN, Mr. MURKOWSKI, and Mr. SIMPSON, proposes an amendment numbered 1385.

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

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

The amendment is as follows:

At the end of the bill, insert the following:

TITLE —YOUTH VIOLENCE IN SCHOOLS AND COMMUNITIES

SEC. 01. PURPOSE.

It is the purpose of this title to help local communities achieve Goal Six of the National Education Goals, which provides that by the year 2000, every school in America will be free of drugs and violence and will offer a disciplined environment conducive to learning, by strengthening local disciplinary control.

SEC. 02. FINDINGS.

The Congress finds that—

(1) the violence within elementary and secondary schools across the Nation has increased dramatically during the past decade;

(2) almost 3,000,000 crimes occur on or near school campuses every year, with 16,000 crimes occurring per school day or one crime occurring every 6 seconds;

(3) 20 percent of teachers in school have reported being threatened with violence by a student;

(4) schools are being asked to take on responsibilities that society as a whole has neglected, and teachers and principals are being forced to referee fights rather than teach;

(5) over two-thirds of public school teachers have been verbally abused, threatened with injury, or physically attacked;

(6) violent or criminal behavior by students interferes with a teacher's ability to teach in a safe environment the students not exhibiting such behavior;

(7) 40 percent of all students do not feel safe in school and 50 percent of all students know someone who switched schools to feel safer;

(8) nearly one-half of the teachers who leave the teaching profession cite discipline problems as one of the main reasons for leaving such profession; and

(9) a lack of parental involvement contributes strongly to school violence.

SEC. 03. PROVISIONS.

(a) LOCAL DISCIPLINE CONTROL.—No Federal law or regulation, except education and civil

rights laws protecting individuals with disabilities, or state policy implementing such a Federal law or regulation, shall restrict any local educational agency, or elementary or secondary school, from developing and implementing disciplinary policies and action with respect to criminal or violent acts of students, occurring on school premises, in order to create an environmental conducive to learning.

(b) SHARED INFORMATION.—No Federal law or regulation, or state policy implementing such a Federal law or regulation, shall restrict any local educational agency or elementary or secondary school from requesting and receiving information from a State agency, local educational agency, or an elementary or secondary school regarding a conviction or juvenile adjudication, within five years of the date of the request, or a pending prosecution for a violent or weapons offense, of a student who is attending an elementary or secondary school served by the local educational agency, or the elementary or secondary school, requesting such information.

(c) PARENTAL RESPONSIBILITY.—It is the policy of the Congress that States, in cooperation with local educational agencies, schools, and parent groups, should be encouraged to enforce disciplinary policies with respect to parents of children who display criminal or violent behavior toward teachers, students, other persons, or school property.

On page 90, line 10, strike "and".

On page 90, line 11, strike the period and insert ", and".

On page 90, between lines 11 and 12, insert the following:

(J) supporting the development, at the State or local level, of school-based programs that restore discipline and reduce violence in schools and communities, such as community mobilization programs.

Mr. GORTON. Mr. President, there are six education goals in broad, general terms established by this legislation, Goals 2000: School readiness; school of completion; student achievement in citizenship; excellence in mathematics and science; adult literacy and lifelong learning; sixth, and last in the bill, safe, disciplined, and drug-free schools.

Mr. President, with respect to the first four of those goals, we will find them impossible unless our school buildings provide a safe atmosphere in which our students are to learn.

We see on the front page of this morning's Washington Post three separate stories that deal with safety in schools and with school discipline, not the least of which is the visit by the President of the United States to a crime and violence-ridden school here in the District of Columbia. Regrettably, however, conditions in that school are not confined to that particular venue or to the District of Columbia but are found all across the United States.

Mr. President, early last month, in preparation for the debate in which we are engaged here today, this Senator convened an education conference in Fife, WA, a small city between Seattle and Tacoma, which was attended by 200 parents, teachers, students, principals, school board members, school administrators, representatives of private schools, home schoolers, business people, State legislators, representatives of disability groups, and other community leaders. The purpose was to discuss Goals 2000 and the direction of the education system in the United States.

Considerably, to my surprise, I found that the primary education concern of those attending was not the specific goals in mathematics, science, English, and the like, it was school discipline and the safety of students and teachers in the schools served by the local communities represented by the people attending my education conference.

We find, from a national point of view, that more than two-thirds of all public school teachers have been verbally abused, threatened with injury, or physically attacked. Perhaps more significantly, almost half of all of the people who leave the teaching profession, Mr. President, do so citing discipline problems as one of the frustrations which cause them to abandon that noble profession.

Violence has increased dramatically all across the country in schools, elementary as well as secondary, during the course of the last decade. Statistics show us that some 3 million crimes a year are committed on or very near to school campuses. One-fourth of all major urban school districts now use metal detectors at their schools. Twenty percent of all of the teachers have reported being threatened by violence by a student.

Mr. President, I have three children who have gone through the public schools of the State of Washington, occasionally with some problems, but never with a threat to their physical well-being. My first grandchild now is in kindergarten. I have a deep personal fear and concern over whether or not she will be granted the ability to learn those skills which are necessary for an American citizen, if she is required to go to a school in which her personal safety cannot be guaranteed because of other students engaged in criminal or violent activity.

All of this, Mr. President, is a springboard to the amendment which I have here submitted and which I am pleased and delighted to say has the agreement and support of the distinguished senior Senator from Massachusetts, who is managing this bill. I want to thank him for working out his very real concerns with some elements of the proposal, which can now be summarized relatively simply.

This amendment simply states that no Federal law or regulation will restrict the disciplinary rights of school districts and of schools regarding criminal or violent activity on the part of students on those school grounds.

Mr. President, that would seem almost to go without saying that this kind of authority should exist. Yet, I found a common thread in frustrations expressed to me by local communities. These Washingtonians feel restricted by Government laws and regulations in their ability to discipline violent or criminal activity. One school principal told me he has spent more time in hearings in the last 2 years than in the previous 25 years of his educational career.

A second area of importance, the second substantive area included in this amendment is the sharing of criminal information. We find schools and, for that matter, law enforcement authorities, fearful of lawsuits if they simply exchange information between one school district and another to follow a student who has a history of violent and criminal behavior. Law enforcement agencies are often reluctant to share such information with schools. This amendment states, again, that no Federal law or regulation will restrict the sharing of that information.

This Senator, Mr. President, believes in a Federal system and in the rights of States to pass their own laws and engage in their own activities. My amendment does not restrict what any State authority may require through State law of one sort or another. Though, obviously, we encourage States and local districts to impose appropriate disciplinary standards to reduce violent and criminal activity.

Perhaps the single most controversial element in connection with this amendment was the concern raised on the part of organized disability groups. So at the suggestion of my distinguished leader, Senator DOLE from Kansas, and of Senator KENNEDY himself, we have carved out an exception in this amendment for those determined to be disabled under Federal civil rights and disability laws.

I have some serious concerns about the misuse of a determination that a person is disabled and therefore cannot be disciplined for violent activities, Mr. President. I think in many cases we see how that misuse of those laws is exercised.

One of the front-page stories in the Post this morning, having to do with a separate law, illustrates dramatically the frustration of communities with respect to violent activity which is determined to be a result of a disability. But I have agreed to this exception for two reasons. One is that we will be dealing with at least some of these laws and their own reauthorization within the immediate future, and we can debate how they should be amended at that time.

Second, most Washingtonians tell me that the overwhelming majority of the violent offenses which are committed in schools are committed by those who are not disabled under any definition whatsoever.

The Washington State PTA told me:

We understand that parents of disabled children are concerned about the effect of

this amendment on the rights of their children. Parents and teachers [in Washington state] have observed that when a student exhibits violent behavior in a classroom and the teacher is unable to remove that student from the classroom due to an interpretation of a federal regulation, the educational performance of all students is impaired. The same parents and teachers have observed that the educational performance of special needs students [and others with disabilities] virtually comes to a halt. Under these circumstances, the Washington State P.T.A. believes that [your] amendment would provide much needed protection for these disabled students.

While I have reservations, my preference actually to do something about violence in schools, however, and to restore some authority and confidence to local communities exceeds my desire to do this job perfectly and totally at this particular time.

Mr. President, I would like to share with you a few of the words I have heard from parents and educational authorities in the State of Washington about this problem.

This is from a very recent letter:

DEAR SENATOR GORTON: The Washington Association of School Principals and our National Affiliates, the National Association of Elementary School Principals and the National Association of Secondary School Principals, support the concepts presented in [your] proposed amendment. Specifically: "that students and parents must realize there are immediate consequences for violent behavior"; "that information regarding criminal or violent behavior of students must be shared between agencies to maximize the chances for remediation and to ensure the safety of all students, staff and community"; and "that parents and students must take greater responsibility for the behavior of the student."

I would now like to quote from a letter I received from the Washington State PTA.

DEAR SENATOR GORTON: The Washington State P.T.A. supports the Youth Violence Amendment to Goals 2000 that you are sponsoring. We appreciate your quick response to the concerns about discipline and violence expressed by parents and educators at your Education Summit [and in Washington state].

Another letter:

DEAR SENATOR GORTON: The Washington State Educational School Districts support this amendment.

In a major meeting of the teachers and principals in King and Pierce County on Monday evening, there was an urgency expressed for clear laws regarding discipline and a zero-tolerance policy towards violence. They embraced the idea of being empowered at the local level to reduce violence.

Dr. Gene Sharratt of the North Central E.S.D. in Wenatchee says:

DEAR SENATOR GORTON: Your amendment is excellent and certainly reflects the feelings of not only the nine E.S.D.s in the State of Washington, but the 296 local school districts as well.

Another letter:

DEAR SENATOR GORTON: The Washington State School Directors' Association is "supportive of [your] proposed amendment."

Mr. President, these are samples of the kind of communications we have received, stating we must deal with violent and criminal behavior in our schools—now. That kind of behavior is taking place every day and it undercuts tremendously not only the security of our students, teachers, administrators, and communities, but with equal importance the ability of the millions of our students to actually learn. A safe environment for learning is vitally important. The goals of Goals 2000 cannot be met without safe schools and without schools free from the fear of violence.

As I said earlier, I do not believe that this amendment does the job as well as I would have liked. We do run into legitimate concerns on the part of those concerned with the disabled. We will have an opportunity to debate those particular matters in the near future. But the great bulk of the violence, the great bulk of the crimes committed in our schools, comes from those who are not in any way disabled whatsoever. And many of our school authorities feel that their hands are tied by Federal regulations; that they cannot take a young person who commits an assault at the beginning of a free school lunch period and expel him and deprive him of that lunch because it is a Federal program, and Federal regulations will lead to lawsuits about such a deprivation. Some of my colleagues tell me this is not the intent of the law. Well, I suggest talking to the people who must face these frustrations every single day. In fact, I recommend every Senator hold an education conference in their States. Hearing from the people who must deal with our education policies everyday is invaluable.

Our schools feel—and even if it is a feeling, this is significant—that their hands are tied with respect to discipline by a myriad of Federal laws and Federal regulations. The gist of my amendment, the guts of this amendment, is simply that no Federal law or regulation will limit the ability of schools except in cases regarding the disabled, implement prompt disciplinary policies with respect to violent or criminal activities on the grounds of our schools.

I hope at some point we will be able to go further, but I believe this empowerment of local schools and communities will have a significant and beneficial effect on safety in our schools, on the well-being of our children in our schools, and therefore on their ability of our children to learn and become good, law-abiding American citizens.

Once again, I wish to express my appreciation to the distinguished senior Senator from Massachusetts [Mr. KENNEDY], for agreeing to at least the heart of this amendment and a similar agreement on the part of the Senator from Vermont. I, therefore, have concluded my remarks.

Mr. President, I ask unanimous consent that a group of letters from which I quoted be printed in the RECORD.

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

WASHINGTON STATE PTA,
Tacoma, WA, February 2, 1994.

Hon. SLADE GORTON,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR GORTON: The Washington State PTA supports the Youth Violence Amendment to Goals 2000 that you are sponsoring. We appreciate your quick response to the concerns about discipline and violence expressed by parents and educators at your Education Summit.

Educators and parents stressed that there are federal regulations that make it difficult to create a safe, orderly environment in our schools. Educators are unreasonably hampered when they try to prevent or reduce violence. They find that federal regulations inhibit their ability to design and implement common sense discipline in their schools.

Thank you for including parents in the decision-making process. We believe parents need to help create disciplinary policies to make parents accountable for the acts of their children who display criminal or violent behavior towards teachers, students, other persons, or school property.

We understand that parents of disabled children are concerned about the effect of this amendment on the rights of their children. Parents and teachers have observed that when a student exhibits violent behavior in a classroom and the teacher is unable to remove that student from the classroom due to an interpretation of a federal regulation, the educational performance of all students is impaired. The same parents and teachers have observed that the educational performance of special needs students virtually comes to a halt. Under these circumstances, the Washington State PTA believes that this amendment would provide much needed protection for these disabled students.

Once again, thank you for your quick action on behalf of the safety and welfare of the students of Washington.

Sincerely,

CARA LOCKETT,
President.

NORTH CENTRAL
EDUCATIONAL SERVICE DISTRICT,
Wenatchee, WA, January 28, 1994.

CAMPBELL MATHEWSON,
Legislative Assistant, Senator Slade Gorton's Office, Hart Senate Office Building, Washington, DC.

DEAR CAMPBELL: I was extremely pleased to receive your fax on January 27 relating to Slade Gorton's amendment to Goal 2000. His proposed amendments are excellent, and certainly reflect the feelings of not only the nine ESDs in the State of Washington, but the 296 local school districts as well. Maintaining local district control for establishing a disciplined learning environment will help all schools meet the learning needs of their students in a safe and orderly manner.

I will be happy to write a letter of support or get others to either call or write, if necessary. Please extend our appreciation and congratulations to Senator Gorton for his leadership in this crucial area.

Sincerely,

GENE SHARRATT,
Superintendent.

To: Campbell Mathewson, Legislative Assistant for Senator Slade Gorton.
From: Dr. Charles E. Talmage, Walter Ball, and John Richardson, Executive Directors, Association of Washington School Principals.

The Association of Washington School Principals and our National Affiliates (NAESP/NASSP) support the concepts presented in Senator Gorton's proposed amendment:

First, that information regarding criminal and/or violent behavior of students must be shared between agencies to maximize the chances for remediation and to insure the safety of students, staff and community.

Second, that parents and students must take greater responsibility for the behavior of the student. That students and parents must realize there are immediate consequences to undesirable behavior. We have become a "too many chance" society.

To: Campbell Mathewson.
From: Walter Ball, Association of Washington School Principals.
Subject: Local discipline control.

MR. CAMPBELL MATHEWSON: Since the Goals 2000 apply to all of our nation's public K-12 students, we are concerned that subs (a) and (b) apply only to students in federally funded programs, a limited application. But, even this statement of federal support is of value in improving flow of information.

We would recommend for your consideration the following language for para (a):

"Notwithstanding any other provision of law, no Federal law, or State law that implements a Federal program or that establishes a State program funded in whole or in part with Federal funds, shall restrict a local school authority in developing and implementing disciplinary policies necessary to maintain a proper learning environment."

For para (b) the following:

"Notwithstanding any other provision of law, no Federal law, or State law that implements a Federal program or that establishes a State program funded in whole or in part with Federal funds, shall restrict any local school authority from requesting and receiving information from or sharing information with a State or local agency, including health, social service, law enforcement and judicial, regarding the criminal or violent behavior of a student who is attending an elementary or secondary school served by the entity requesting such information."

For para (e), the following:

"It is the policy of the Congress, that States, in cooperation with local education agencies and schools, should support the enforcement of disciplinary policies that include parental responsibility when their children display criminal or violent behavior toward teachers, students, other persons, or school property."

WASHINGTON STATE SCHOOL DIRECTORS' ASSOCIATION,
Olympia, WA, January 31, 1994.

To: Campbell Mathewson, education legislative assistant to Senator Gorton.
From: Dottee Rambo, coordinator for Federal relations.
Subject: Senator Gorton's proposed amendments to Goals 2000.

Thanks for sharing the proposed amendments with us and offering us an opportunity to comment before the fact.

The only concern we have is with provision (a) Local Discipline Control. It appears that attorneys have determined that the "stay put" provision of the Federal Education of the Handicapped Act (20 U.S.C., §1403 e 3) prohibits schools from removing a special-education student from his/her regular learning environment as a discipline measure even if the misconduct had no relationship to the student's handicap. (A "worst-case" example: a vision-impaired student brings a gun to school. Clearly there is no connection between the handicap and the misconduct, but apparently "stay put" would prevent usual discipline from being enforced.)

The WSSDA has difficulty with this particular provision even when the discipline problem is related to the handicap because the short period of time permissible to suspend such a student is inadequate to reassess the student's placement. But beyond that, it appears that federal regulations, rules or perhaps case law have extended this protection to other than handicapped-related incidents.

We would appreciate it if you and the Senator would take a look at this provision of the Education of the Handicapped Act as it related to schools' disciplinary ability, in order to protect all children in a safe and sound learning environment.

Other than this concern, the WSSDA would be supportive of the Senator's proposed amendment.

Mr. DODD. Mr. President, how much time remains on the 10 minutes? Have we exhausted the time the Senator from Washington requested?

The PRESIDING OFFICER. Four minutes 50 seconds remains.

Mr. JEFFORDS. I would like to briefly make 30 seconds of comments.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I rise in support of the compromise that we have reached with the Senator from Washington. The issue that he is addressing—reducing violence in schools—is a serious one and one I ardently support trying to solve that problem.

One death resulting from violence is one too many. Yet, we hear countless stories about guns in the school, stabbings, violence and discipline problems. The bloodshed has been so rampant that we have become numb to it. Clearly, we cannot sit idle, do nothing or ignore violence occurring in our schools. Yet, we must find the best way to stop the violence and we must be reasonable at the same time.

Yesterday, I believe we took a step in the right direction with respect to the Senator from Massachusetts and my colleague from Washington. We have reached full agreement today, and I am pleased to support his amendment.

I yield the floor.

Mr. GORTON. Mr. President, I yield back the remainder of my time.

Mr. KENNEDY. Mr. President, Senator GORTON's amendment is aimed at a critical issue, ensuring that schools have the flexibility to deal with criminal or violent acts on school premises, so that teachers may teach and students may learn, without disruption and without basic fear for personal safety. The amendment makes clear that no Federal law or regulation, or State policy implementing such a law or regulation, shall restrict a school district or school from implementing appropriate disciplinary actions to address and stop violence.

Before agreeing to accept the amendment, I and my colleague from Vermont, Senator JEFFORDS, insisted that the amendment make clear that it is not intended to override important protections in existing law for children with disabilities. Equally important, the amendment is not intended to override basic civil rights or due process protections embodied in State or Federal statutory law and in court cases interpreting various statutes and constitutional provisions.

This amendment also makes important strides with respect to providing schools with information on students in their midsts who have previously been convicted of firearms violations or other violent offenses, or who have a pending prosecution for such offenses. The newspapers are full of stories of students who enroll in a new school or school district, while under house arrest in another jurisdiction for a violent felony, with all of these facts and circumstances completely unknown to the new school. This amendment makes clear that no Federal law or regulation, or State policy implementing such a law or regulation, shall restrict a school from requesting or receiving information on students with violent felony convictions.

Again, the information that a school may request and receive is narrowly restricted only to convictions, juvenile adjudications, or pending arrests, and only to a narrow class of violent or weapons offenses. This amendment is not intended to promote fishing expeditions by school districts into the various records maintained by State and local agencies, which are protected from disclosure except under specified circumstances.

With these important restrictions in scope, we have accepted Senator GORTON's amendment as an important measure to help us achieve Goal Six of the National Education Goals, which provides that by the year 2000, every school in America will be free of drugs and violence and will offer a disciplined environment conducive to learning, by strengthening local disciplinary control.

The PRESIDING OFFICER. The Chair will inform the Senate that under the previous order a vote is now to be taken.

Mr. KENNEDY. Mr. President, if I could yield myself 1 minute to make a unanimous consent request.

I understand we are about to vote. We are going to urge the acceptance of this amendment.

Mr. GORTON. It is certainly agreeable to the Senator that we deal with the actual vote now.

Mr. KENNEDY. Mr. President, I ask unanimous consent that it be in order

to consider the amendment of the Senator from Washington.

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

The question is on agreeing to the amendment of the Senator from Washington.

The amendment (No. 1385) was agreed to.

Mr. GORTON. 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. KENNEDY. I thank the Senator.

VOTE ON AMENDMENT NO. 1383

The PRESIDING OFFICER. Under the previous order, the hour of 9:30 a.m. having arrived, the question is on agreeing to the amendment (No. 1383) of the Senator from Missouri [Mr. DANFORTH]. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Ohio [Mr. GLENN], the Senator from Maryland [Ms. MIKULSKI], and the Senator from Pennsylvania [Mr. WOFFORD] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Missouri [Mr. BOND], the Senator from Mississippi [Mr. COCHRAN], the Senator from Maine [Mr. COHEN], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Utah [Mr. HATCH], the Senator from North Carolina [Mr. HELMS], the Senator from Arizona [Mr. MCCAIN], the Senator from Oklahoma [Mr. NICKLES], the Senator from New Hampshire [Mr. SMITH], the Senator from Pennsylvania [Mr. SPECTER], and the Senator from Alaska [Mr. STEVENS] are necessarily absent.

I further announce that, if present and voting, the Senator from Utah [Mr. HATCH] would vote "yea."

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

The result was announced—yeas 78, nays 8, as follows:

[Rollcall Vote No. 24 Leg.]

YEAS—78

Akaka	DeConcini	Kassebaum
Baucus	Dodd	Kempthorne
Bennett	Dole	Kennedy
Biden	Domenici	Kerrey
Bingaman	Dorgan	Kerry
Boren	Exon	Kohl
Bradley	Faircloth	Lautenberg
Breaux	Feinstein	Levin
Brown	Ford	Lieberman
Bryan	Gorton	Lott
Bumpers	Graham	Lugar
Burns	Gramm	Mack
Campbell	Grassley	Mathews
Chafee	Gregg	McConnell
Coats	Harkin	Metzenbaum
Conrad	Heflin	Mitchell
Coverdell	Hollings	Moseley-Braun
Craig	Hutchison	Moynihan
D'Amato	Inouye	Murkowski
Danforth	Jeffords	Nunn
Daschle	Johnston	Packwood
Pell	Robb	Simpson
Pressler	Rockefeller	Thurmond
Pryor	Roth	Wallop
Reid	Sarbanes	Warner
Riegle	Sasser	Wellstone

NAYS—8

Boxer	Hatfield	Shelby
Byrd	Leahy	Simon
Feingold	Murray	

NOT VOTING—14

Bond	Hatch	Smith
Cochran	Helms	Specter
Cohen	McCain	Stevens
Durenberger	Mikulski	Wofford
Glenn	Nickles	

So the amendment (No. 1383) was agreed to.

Mr. DODD. 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.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I ask unanimous consent the Senator from Indiana [Mr. COATS] now be recognized to offer his amendment on school choice; that there be 1 hour of debate on the amendment divided as follows: 40 minutes under the control of Senator COATS or his designee, and 20 minutes under the control of Senator KENNEDY or his designee; that upon the conclusion or yielding back of time, the Senate vote on or in relation to the Coats amendment; that no second-degree amendments be in order thereto, and that all of the above occur without any intervening action or debate.

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

The PRESIDING OFFICER (Ms. MOSELEY-BRAUN). Under the previous order, the Senator from Indiana is recognized.

AMENDMENT NO. 1386

(Purpose: To provide a low-income school choice demonstration program)

Mr. COATS. Madam President, I will be shortly sending to the desk an amendment that Senator LIEBERMAN, the Senator from Connecticut, and I are offering relative to this bill. I would like just to take a few moments to describe what the amendment does and then turn it over to Senator LIEBERMAN for his analysis and description of the legislation.

It was Edmund Burke who said "Time is the grand instructor." When it comes to education and when it comes to making substantive changes in our education system, changes that will truly make a difference, it seems that our time is running short. It is true that not every education system is broken. There are a number of innovations underway. Some of those are effective, but it is also true that there are many education systems in public education today that are badly in need of repair.

Probably there is no area where there is greater need for examination of how we provide public education to our young people than in those education institutions affecting low-income children. It is easy and at least available for affluent families in America to make a choice as to where they send their children to school. If they are unhappy with the public education system or the school which their children are going to, they can place their children in a parochial school or a private school, giving their children what they believe are opportunities for a better education.

That is not true for low-income children. In many of our inner cities and in many of our rural areas, they simply do not have the choice or the financial wherewithal to make any decision other than sending their child to the public school.

The public school systems have tried all kinds of different innovations. We have reduced the size of school classes, increased the length of the school year, raised teachers' salaries, lowered expectations, painted buildings, encouraged ethnicity, and focused on self-esteem and feeling rather than fundamentals.

The bottom line is that most of these changes have not truly made a difference. They have not significantly altered the quality of education provided to these students and they have not only not improved the results as measured by SAT scores and other tests, but we have actually seen a reduction in those scores.

The truth is that for a majority of poor- and middle-class families in America, there is no choice about where they send their children to school and there is no competition within the system to force or to bring about innovative changes to make those school systems better.

Today in America, if you have the financial means, you have a choice of where you send your children to school, and if you do not have the financial means, you do not have a choice. We have had a number of discussions about the whole concept of choice on this Senate floor over a number of years. There are proponents and opponents. There are those who advocate that choice is the magic bullet solution to our educational problems and those who vigorously oppose that. I do not fully know whether or not choice is the answer, but it may be an answer and the amendment that we will be offering today says let us test the concept; let us not make a radical choice change now throughout the whole public education system, let us not mandate that the school systems offer this, but let us test the concept to see whether or not it works.

If the proponents of choice are correct, we will have objective data to analyze and to evaluate and to offer to other school districts and other State education institutions around the

country from which they can then make a decision as to whether or not they want to utilize choice in their systems for the future.

If the opponents are correct and the arguments that are raised against choice are valid, we will have an objective set of data to come to the conclusion that perhaps this is not the best solution.

So the amendment that we are offering today is very simple. It says, let us set aside a small amount of funds available to the Secretary of Education to offer six demonstration grants to local education associations for their utilization in providing a test of the choice system.

Our amendment would go specifically for the purpose of providing assistance to children from the lowest income homes, and their parents. The children who would be eligible under this program would be children who qualify for reduced school lunch prices or full subsidy on school lunch—an income-based measurement.

So the funds can only go to parents and children who fall in the low-income category. Those funds could be used to opt into and to pay for education costs at alternative schools. It would be the parents' choice as to which school they could send their children. There is no limitation, there is no restriction, yet there is no proscription of which school needs to be chosen.

We have incorporated a very strict civil rights and desegregation protection clause to make sure that participating schools can in no way discriminate on the basis of race. We also stipulate that demonstration projects cannot continue if they interfere with these segregation plans.

The total cost of this demonstration project would be $30 million and there would be no more than six projects. School districts would voluntarily apply for the grants through the Secretary, and we have established some criteria for the Secretary to make that determination as to which districts would be included.

My home State of Indiana has several existing choice initiatives underway. One program, originated by Golden Rule Insurance, pays half the tuition for children from low-income families to attend private schools. The program already serves 1,100 students, with a waiting list of 650 students. Our public schools are also experimenting with choice. Indianapolis public schools, for example, has initiated the Select Schools Program. More than 80 percent of parents participated this year.

I have spoken with educators in a district in Indiana who have already expressed an interest in the program. Some public school educators have met with the parochial and private school educators and there is real interest in testing the concept to see how it works, to work out the bugs, and to see if it would actually make a difference.

I do not really understand why anybody would want to oppose this particular amendment because it is not a mandate, it is purely voluntary. It provides a basis for which we in Congress can evaluate the validity of this particular concept. If it turns out that it substantially improves opportunities for low-income children, then why would we not want to provide that data to school districts and education agencies across this country? Why would we not want to have that set of information available so that we can make intelligent choices? After all, our bottom line is not preserving any particular system. Our bottom line is providing the best education opportunities we can to American children. In this particular area, we have denied that opportunity to children from low-income homes because they simply do not have the opportunity to have a choice as many others do.

It is important to understand what this amendment does not do. It does not force choice on anyone. It is purely voluntary. It will not upset the American public education system. We are simply doing it on a voluntary basis for six test districts throughout the entire country.

Third, it will not drain resources from any public school or education system. We have a specific prohibition against that. The Secretary cannot provide any reduction in funds or deny any funds that a public school would otherwise be eligible for, even though students in that school or school system opted out or numbers decreased. It cannot adversely affect the amount of funds available during this time.

It does not violate civil rights protections. I have already spoken to this. It does not destroy public education. In fact, I think it enhances public education. My home is Fort Wayne, IN. For decades, our education system has thrived on competition. We have a vigorous Catholic school education system in Fort Wayne, IN. We have a Lutheran school system because of our heavy concentration of people of Lutheran belief. They have established their own system.

Those two systems exist, along with other private education opportunities, side by side with the public schools in Fort Wayne, IN, and they are all thriving. They are thriving because the parents and students of Fort Wayne, IN, have a choice. The competition between those three systems has caused each system to better their education program to compete with each other for the students, and they work hand in hand. Parents in Fort Wayne have opportunities which parents in many States and areas do not have.

So why not give it a try? Why not give it a test?

Madam President, I think the amendment is very simple and self-explanatory. I now send it to the desk and ask for the yeas and nays.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Indiana [Mr. COATS], for himself, Mr. LIEBERMAN, Mr. HATCH, and Mr. MACK, proposes an amendment numbered 1386.

Mr. COATS. I ask unanimous consent that the amendment be considered as read.

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

The amendment is as follows:

At the end of the bill, insert the following:

TITLE ___—LOW-INCOME SCHOOL CHOICE DEMONSTRATION PROGRAM

SEC. ___01. SHORT TITLE.

This title may be cited as the "Low-Income School Choice Demonstration Act of 1993".

SEC. ___02. PURPOSE.

The purpose of this title is to determine the effects on students and schools of providing financial assistance to low-income parents to enable such parents to select the public or private schools in which their children will be enrolled.

SEC. ___03. DEFINITIONS.

As used in this title—

(1) the term "choice school" means any public or private school, including a private sectarian school, that is involved in a demonstration project assisted under this title;

(2) the term "eligible child" means a child in grades 1 through 12 who is eligible for free or reduced price meals under the National School Lunch Act;

(3) the term "eligible entity" means a public agency, institution, or organization, such as a State, a State or local educational agency, a consortium of public agencies, or a consortium of public and private nonprofit entities, that can demonstrate, to the satisfaction of the Secretary, its ability to—

(A) receive, disburse, and account for Federal funds; and

(B) carry out the activities described in its application under this title;

(4) the term "local educational agency" has the same meaning given such term in section 1471 of the Elementary and Secondary Education Act of 1965;

(5) the term "parent" includes a legal guardian or other individual acting in loco parentis;

(6) the term "school" means a school that provides elementary education or secondary education (through grade 12), as determined under State law; and

(7) the term "Secretary" means the Secretary of Education.

SEC. ___04. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $30,000,000 for fiscal year 1995, and such sums as may be necessary for each of the fiscal years 1996 and 1997, to carry out this title.

SEC. ___05. PROGRAM AUTHORIZED.

(a) RESERVATION.—From the amount appropriated pursuant to the authority of section ___04 in any fiscal year, the Secretary may reserve not more than 5 percent for evaluation of programs assisted under this title, in accordance with section ___11.

(b) GRANTS.—

(1) IN GENERAL.—From the amount appropriated pursuant to the authority of section ___04 and not reserved under subsection (a) in any fiscal year, the Secretary shall make

grants, in amounts not to exceed $5,000,000 in the first year of the demonstration project, to eligible entities to carry out not more than 6 demonstration projects under which low-income parents receive certificates for the costs of enrolling their eligible children in a choice school.

(2) INAPPLICABILITY OF SECTION 401.—Section 401 shall not apply to this title.

(c) USE OF GRANTS.—Grants awarded under subsection (b) shall be used to pay the costs of—

(1) providing education certificates to low-income parents to enable such parents to pay the tuition, fees, the allowable costs of transportation, if any, and the costs of complying with section ___09(a)(1), if any, for their eligible children to attend a choice school; and

(2) administration of the demonstration project, which shall not exceed 15 percent of the amount received in the first fiscal year for which the grant recipient provides certificates or 10 percent in any subsequent year, including—

(A) seeking the involvement of choice schools in the demonstration project;

(B) providing information about the project, and the schools involved in the project, to parents of eligible children;

(C) determining the eligibility of children to participate in the demonstration project;

(D) selecting students to participate in the demonstration project;

(E) determining the value of, and issuing, certificates;

(F) compiling and maintaining such financial and programmatic records as the Secretary may prescribe; and

(G) collecting and making available to the Secretary such information about the effects of the demonstration as the Secretary may need to conduct the evaluation described in section ___11.

(d) SPECIAL RULE.—Any school participating in the demonstration provided for under this title shall comply with title VI of the Civil Rights Act of 1964 and not discriminate on the basis of race, color, or national origin.

SEC. ___06. AUTHORIZED PROJECTS; PRIORITY.

(a) AUTHORIZED PROJECTS.—The Secretary may provide assistance under this title only to a demonstration project that—

(1) involves at least one local educational agency that—

(A) receives funds under section 1006 of the Elementary and Secondary Education Act of 1965; and

(B) is among the 20 percent of local educational agencies receiving funds under section 1006 of such Act in the State and having the highest number of children described in section 1005(c) of such Act; and

(2) includes the involvement of a sufficient number of public and private choice schools, in the judgment of the Secretary, to allow for a valid demonstration project.

(b) PRIORITY.—In selecting grant recipients under this title, the Secretary shall give priority to projects—

(1) in which choice schools offer an enrollment opportunity to the broadest range of eligible children;

(2) that involve diverse types of choice schools; and

(3) that will contribute to geographic diversity, including States that are primarily rural and States that are primarily urban.

SEC. ___07. APPLICATIONS.

(a) IN GENERAL.—Any eligible entity that wishes to receive a grant under this title shall submit an application to the Secretary at such time and in such manner as the Secretary may prescribe.

(b) CONTENTS.—Each application described in subsection (a) shall contain—

(1) information demonstrating the eligibility of the applicant and its demonstration project;

(2) with respect to choice schools—

(A) a description of the standards used by the applicant to determine which public and private schools are within a reasonable commuting distance of eligible children and present a reasonable commuting cost for such children;

(B) a description of the types of potential choice schools that will be involved in the project;

(C)(i) a description of the procedures used to encourage public and private schools to be involved in the demonstration project; and

(ii) a description of how the applicant will annually determine the number of spaces available for eligible children in each choice school;

(D) an assurance that each choice school will not impose higher standards for admission or participation in its programs and activities for eligible children with certificates provided under this title than the school does for other children;

(E) an assurance that each choice school will have been operating an educational program of the same type as the program for which it will accept certificates, for at least 1 year before accepting such certificate;

(F) an assurance that the applicant will terminate the involvement of any choice school that fails to comply with the conditions of its involvement in the demonstration project; and

(G) a description of the extent to which choice schools will accept certificates as full payment for tuition and fees;

(3) with respect to the participation of eligible children—

(A) a description of the procedures to be used to determine the eligibility of children under this title, which shall include—

(i) the procedures used to determine eligibility for free and reduced price meals under the National School Lunch Act; or

(ii) any other procedure, subject to the Secretary's approval, that accurately establishes a child's eligibility within the meaning of section ___03(2);

(B) a description of the procedures to be used to ensure that, in selecting eligible children to participate in the demonstration project, the applicant will—

(i) apply the same criteria to both public and private school children; and

(ii) give priority to children from the lowest income families;

(C) a description of the procedures to be used to ensure maximum choice of schools for participating children, including procedures to be used when—

(i) the number of parents with certificates who desire to enroll their children in a particular school exceeds the number of such children that the school has agreed to accept; and

(ii) grant funds are insufficient to support the total cost of choices made by parents with certificates; and

(D) a description of the procedures to be used to ensure compliance with section ___09(a)(1), which may include—

(i) the direct provision of services by a local educational agency;

(ii) arrangements made by a local educational agency with other service providers; and

(iii) an increase in the value of the education certificate in accordance with section ___08(a)(2)(A);

(4) with respect to the operation of the demonstration—

(A) a description of the geographic area to be served;

(B) a timetable for carrying out the demonstration;

(C) a description of the procedures to be used for the issuance and redemption of certificates;

(D) a description of the procedures by which a choice school will make a pro rata refund of the certificate for any participating child who withdraws from the school for any reason, before completing 75 percent of the school attendance period for which the certificate was used;

(E) a description of the procedures to be used to provide the parental notification described in section ___10;

(F) an assurance that the applicant will place all funds received under this title into a separate account, and that no other funds will be placed in such account;

(G) an assurance that the applicant will provide the Secretary periodic reports on the status of such funds;

(H) an assurance that the applicant will cooperate with the Secretary in carrying out the evaluation described in section ___11; and

(I) an assurance that the applicant will maintain such records as the Secretary may require, and comply with reasonable requests from the Secretary for information; and

(5) such other assurances and information as the Secretary may require.

SEC. ___08. EDUCATION CERTIFICATES.

(a) EDUCATION CERTIFICATES.—

(1) BASIC VALUE.—The basic value of an eligible child's education certificate under this title shall be the cost of tuition and fees normally charged by the public or private school chosen by the child's parents.

(2) INCREASES AND ISSUANCES.—Subject to such regulations as the Secretary shall prescribe—

(A) the value of the certificate may be increased to cover the additional reasonable costs of transportation directly attributable to the child's participation in the demonstration project or the cost of complying with section ___09(a)(1); and

(B) education certificates may be issued to parents of children who choose to attend schools that do not charge tuition or fees, to cover the additional reasonable costs of transportation directly attributable to the child's participation in the demonstration or the cost of complying with section ___09(a)(1).

(b) ADJUSTMENT.—The value of the education certificate may be adjusted in the second and third years of an eligible child's participation to reflect any increases or decreases in the tuition, fees, or transportation costs directly attributable to that child's continued attendance at a choice school, but shall not be increased for this purpose by more than 10 percent over the value for the preceding year. The value of the education certificate may also be adjusted in any fiscal year to comply with section ___09(a)(1).

(c) SPECIAL RULE.—If a participating eligible child was attending a public or private school that charged tuition in the year before the first year of a grant recipient's participation under this title, the basic value of the certificate for such child shall be the tuition charged by such school for such child in such preceding year, adjusted in accordance with subsection (b).

(d) MAXIMUM AMOUNT.—Notwithstanding any other provision of this section, the basic value of an eligible child's certificate shall

not exceed the per pupil expenditure for elementary and secondary education, as appropriate, for the preceding year by the local educational agency in which the public school to which the child would normally be assigned is located.

(e) INCOME.—Certificates, and funds provided under certificates, shall not be deemed income of the parents for Federal income tax purposes or for determining eligibility for any other Federal program.

SEC. ___09. EFFECT ON OTHER PROGRAMS; USE OF SCHOOL LUNCH DATA.

(a) EFFECT ON OTHER PROGRAMS.—

(1) IN GENERAL.—Eligible children participating in a demonstration under this title, who, in the absence of such a demonstration, would have received services under part A of chapter 1 of title I of the Elementary and Secondary Education Act of 1965 shall be provided such services.

(2) PART B OF THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.—Nothing in this Act shall be construed to affect the requirements of part B of the Individuals with Disabilities Education Act.

(b) COUNTING OF CHILDREN.—Notwithstanding any other provision of law, any local educational agency participating in a demonstration under this title may count eligible children who, in the absence of such a demonstration, would attend the schools of such agency, for purposes of receiving funds under any program administered by the Secretary.

(c) SPECIAL RULE.—Notwithstanding section 9 of the National School Lunch Act, a grant recipient under this title may use information collected for the purpose of determining eligibility for free or reduced price meals to determine a child's eligibility to participate in a demonstration under this title and, if needed, to rank families by income, in accordance with section ___07(b)(3)(B)(ii). All such information shall otherwise remain confidential, and information pertaining to income may be disclosed only to persons who need that information for the purposes of a demonstration project under this title.

(d) CONSTRUCTION.—

(1) SECTARIAN INSTITUTIONS.—Nothing in this title shall be construed to supersede or modify any provision of a State constitution or State law that prohibits the expenditure of public funds in or by sectarian institutions, except that no provision of a State constitution or State law shall be construed to prohibit the expenditure in or by sectarian institutions of any Federal funds provided under this title.

(2) DESEGREGATION PLANS.—Nothing in this title shall be construed to interfere with any desegregation plans that involve school attendance areas affected by this title.

SEC. ___10. PARENTAL NOTIFICATION.

Each grant recipient under this title shall provide timely notice of the demonstration project to parents of eligible children residing in the area to be served. At a minimum, such notice shall—

(1) describe the demonstration;

(2) describe the eligibility requirements for participation;

(3) describe the information needed to establish a child's eligibility;

(4) describe the selection procedures to be used if the number of eligible children seeking to participate exceeds the number that can be accommodated;

(5) provide information about each choice school, including information about any admission requirements or criteria; and

(6) include the schedule for parents to apply for their children to participate.

SEC. ___11. EVALUATION.

The Secretary shall conduct a rigorous evaluation of the demonstration program authorized by this title. Such evaluation shall—

(1) describe the implementation of each demonstration project and its effects on all participants, schools, and communities in the project area; and

(2) compare the educational achievement of all students in the project area, including—

(A) students receiving certificates; and

(B) students not receiving certificates.

SEC. ___12. REPORTS.

(a) REPORT BY GRANT RECIPIENT.—Each grant recipient under this title shall submit an annual report to the Secretary, at such time, in such manner, and containing such information as the Secretary may require.

(b) REPORT BY SECRETARY.—

(1) IN GENERAL.—The Secretary shall report annually to the President and the President shall report annually to the Congress on the progress of the local demonstrations, including information submitted by each grant recipient and from other sources.

(2) SUBMISSION.—The Secretary shall submit a report to the President and the President shall submit a report to the Congress on the national evaluation described in section ___11 within 9 months after the conclusion of the demonstration projects assisted under this title.

In section 3, in the matter preceding paragraph (1), strike "title V" and insert "titles V and ___".

Mr. COATS. With that, I yield to my colleague and cosponsor, the Senator from Connecticut.

Mr. LIEBERMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. I thank the Chair. I thank my colleague from Indiana. I am delighted to join with him as a cosponsor of this amendment, repeating a role that I played with another distinguished Member of this Chamber 2 years ago.

Madam President, I associate myself with everything my colleague from Indiana said, and I would add a few remarks.

It seems to me the amendment we are offering is entirely consistent with the thrust and the content of the underlying Goals 2000 bill which starts from a recognition that our current system of education is obviously doing well in some areas but failing a lot of our kids in other areas; that we need to set goals for ourselves nationally, and that we need to stimulate a lot of different programs, fresh ideas to try to achieve those goals.

In fact, Goals 2000, as submitted by the administration and reported out of the committee, and the Elementary and Secondary Education Act, which will come before us in a while, does open unconventional, new doors, down the road to educating our children.

The fundamental truth is that what we are about is not focusing on any particular structure or defending that existing structure of education. What we are focused on is our children and what is the best way to educate and prepare them for lives that are self-sufficient, that are productive, that are responsible. In fact, in Goals 2000 and in the later bill, the Elementary and Secondary Education Act, to follow there is specific endorsement, as the President has personally, of public school choice, a fresh idea in many cases. Let us stimulate children and parents to have the choice to take their kids from one public school to another, creating some competition among the public schools and hopefully upgrading the quality of education.

In the Goals 2000 proposal and in the Elementary and Secondary Education Act there is explicit support of a great idea that is being tried in more and more of our States that my colleague from Minnesota, Senator DURENBERGER, and I introduced legislation on in the last two sessions, which is charter schools, independent entities set up generally within the public school format or within the public school aura, but freed of the central bureaucracy, usually created by groups of teachers. It would be created by entrepreneurs, negotiating a charter with the public education authority, given 3, 4, 5 years to achieve the aims and, if they achieve it, the charter, the contract is renewed. If they do not, that is it. It is a very innovative idea, supported by the underlying bill and the overall Elementary and Secondary Education Act to follow.

So as I cosponsor this amendment, I see it as consistent with this attempt to focus on the children, not ón the buildings or the existing personnel, and to open the door to innovation, acknowledging that a lot of what we are doing now is not working, and all of it aimed at helping our kids and our society achieve the kinds of goals we are talking about in the underlying bill.

Madam President, that is what this amendment is all about. It says a number of things. One is that, as my colleague from Indiana has said and I will just mention it briefly, we have a special challenge in educating our poorest children, and it has special consequences for our society. Our poorest children come into the schools too often with problems, and it is hard for the schools often to respond to those problems. But you know what, our poorest children are born with the same potential as every other child in America. I take it is as a failure of the system, not a failure of the child, when too many of our poorest children are moved along through the system of education without having attained the skills, increasingly deprived of self-esteem because they know they are not being given what it takes to make it, being sent in and out of a world in which they are not going to be prepared; they do not have the training to live the kinds of lives they and their parents want them to live.

This amendment says let us give the parents of those poorest children—in this case defined as families that qualify for free or reduced-price school lunches—the opportunity to make the same choices that wealthier parents make in our society. If they are not happy with the school, the public school that their kids are attending, they pick them up and either push their way to another public school or send them to a private or a religious-based school.

Today, poor parents do not have that option, and that is what this amendment is all about.

It is about something else. It is about what I have observed in the State of Connecticut, which is that private schools—and in this case I wish to particularly focus on the religious-based school systems, and in the State of Connecticut that mostly means schools operated by the Catholic Church, the so-called parochial school system, many of these schools built around churches that were started decades ago in many of our cities, in many cases around those churches is now mostly a poor or minority population.

Those schools that have opened up and reached out to a lot of kids in those neighborhoods, African-American, Hispanic-American, inviting them into education, and the result—incidentally, many, if not most, of the kids are not Catholic, as it happens, an expression of the mission, of the remarkable mission, of these church-related, church-sponsored schools. And by and large I observe—I know there are arguments about why—that the kids from the poor families who are going to those parochial schools seem to be doing better. You know there are those who argue this is a self-selection process. Parents who care enough to send their kids to the parochial schools are ones who are obviously guiding them with education. I think it is something more than that.

The Rand Corp. did a study a while back evaluating the performance of a comparable group of African-American and Hispanic-American children in Catholic parochial schools and public schools. The study shows that the gap in performance between these minority children and all other children dropped significantly in the parochial school system. The Rand study also points out that these parochial schools seem to perform better because they had a very rigorous academic curriculum. They were independent, sometimes not so much by choice but by necessity, because there is not much money there. The central bureaucracy got in the way. They had the ability to provide the students with more attention than their colleagues in the public school system.

I also suspect that the record here is an expression of the special sense of mission and underlying sense of values that I have noted every time I have been inside or been in touch with teachers and administrators in a religious-based school system. So we do have these schools that seem to be working.

I note parenthetically, although it is not the purpose of this amendment in a specific sense, that, unfortunately, many of these schools are in financial trouble today. It is hard to run a school. It is hard to run a school particularly where the children —it is not so much the children of the people who are going to the church any more than they are going to the school. One positive effect of a choice program would be to give a little bit more financial support for these schools to keep some of them open. In the State of Connecticut, the trend is for these schools to close because of financial problems.

I know the question is raised that if we have a school choice program, it will be a fundamental threat to the public schools.

Madam President, obviously our primary responsibility as public officials is to the public schools. I am a graduate of the public school system, and I am grateful for the education I received and proud of it.

Most of our children will always be educated at the public school system, where they should be. And most of the money will go there. But what we are saying here is maybe there is something special going on in these religious-based school systems. Maybe this is a little bit extra in the way of education and values being conveyed to our children that not only educate them in reading and writing, but educate them with a sense of purpose and value and mission.

Maybe we ought to open this little door to allow some parents to make this choice, and maybe the public schools will learn—all of us will learn—some things from this test.

Mr. BYRD. Madam President, will the Senator yield?

Mr. LIEBERMAN. I certainly yield to the President pro tempore, Senator BYRD.

Mr. BYRD. I thank the Senator for yielding.

Madam President, I suggest that the biggest threat to the public schools of this country is the fact that more and more there is less and less discipline in those schools. Anything goes. The halls are filled with thugs in many schools, carrying guns and knives. I have voted, I guess, for every bill that has come along in this Senate in the nearly 36 years that I have been a Member of the Senate, for every bill supporting public education.

As Caesar said in Shakespeare's Julius Caesar:

> But I am constant as the northern star, of whose true-fix'd and resting quality there is no fellow in the firmament.

I have been constant in my support for public education, and I am still very supportive of public education. It will be a catastrophe in this country if the public school systems ultimately fail. But I am becoming frustrated, and I think I reflect the frustrations of millions of citizens in this country, millions of students, and thousands upon thousands of teachers.

How can a teacher teach in an environment where the teacher is threatened, feels threatened, and is many times the subject of abuse and the object of assault and battery? How can students learn in such an atmosphere?

So I say the biggest dangers to the public school system today are the problems that are associated with it concerning lack of discipline, the failure to teach, the failure to educate, and the failure to learn.

I have voted for billions of dollars to go into the public school systems of this country. I have never failed in my support for those moneys. But as I say, I am becoming frustrated. I hear it every day from teachers, from parents, and from students.

This is not to say that there are not some excellent public schools nor that they do not turn out some excellent students. But all too often, and all too much we are not getting our dollars' worth in the education of our young people. And the taxpayers of this country are going to turn away to something else. That is the greatest danger to the public school system.

I have some hesitations about voting for this amendment. But I also have some inclinations to vote for it. As I understand, it is a pilot project. Perhaps we ought to give it a try. If we really want to save the public school system in this country, it had better shape up. There needs to be discipline. For the rowdies and the thugs, they ought to be thrown out; have a special building for them if necessary; put all of them in it. Let those students who are not only willing to learn but who are desirous of learning have the chance to learn in an atmosphere which is not threatening to life and limb.

I thank the Senator for yielding.

Mr. LIEBERMAN. I thank the President pro tempore, and I appreciate his remarks very much. They are really at the heart of what motivates this amendment.

I spoke to one parent in a Connecticut city who said to me, "My child, when he goes to school, is more worried about getting shot than getting AIDS, and that is why I want to pull him out of that school.

I think one of the things that might come out of this test we are talking about—and it is only a test—is that one of the reasons why some of these religious-based schools seem to do better with the same population of kids is that they have more discipline and they have this sense of mission and values.

Mr. BYRD. If the Senator will yield, I have had the occasion many times during my years of service in the Senate to observe students who are taught discipline in the schoolrooms and respect for the flag, respect for authority, respect for their teachers, and, in many instances, those are Catholic schools.

Another thing, we are not teaching our children the basics. I saw on television, not too long ago, a young lady who was asked, "What do you remember about Abraham Lincoln?" She giggled and said, "He got shot." How much longer are we going to pour billions of dollars of taxpayers money into a system that turns out students who are not ready to be promoted or to graduate? We are experimenting too much with our children and they are not being taught the basics.

"Every mother breeds not sons alike." Daniel Webster was next-to-the-youngest in a group of eight siblings. Those people were poor, but the other seven siblings were not Daniels. There was only one Daniel Webster. Shakespeare, in Titus Andronicus, said, "Every mother breeds not sons alike." He was later on to say, "All the water in the ocean can never turn a swan's black legs to white, although she lave them hourly in the flood."

I think we ought to do everything we can to educate children who really want to learn, and put the fast learners on a fast track. I think we ought to emphasize excellence in our schools, not only with students but also with teachers. It came to my attention in the last day or so that, on a blackboard in a local school over in Virginia, a teacher had written w-h-o-'-s for the pronoun w-h-o-s-e, and t-h-e-y-'-r-e for t-h-e-i-r. How can students learn when they have teachers who cannot spell?

I thank the Senator. I am just having difficulties within myself as to how to vote on an amendment like this. I have been a stalwart, but I am becoming frustrated and the people are becoming frustrated, and it poses a danger to the public school system. It is going to have to be cleaned up, and the people of the education system are going to have to learn to teach. It is all right to study methodologies, but they also need to know the substance of the subjects they are teaching.

Mr. LIEBERMAN. I thank the President pro tempore. I will conclude here. I hope I can convert his inclination to a definite disposition to vote for the amendment. The amendment is merely a test. God knows that none of us can say that our existing school systems are working perfectly so we should not at least take $30 million out of the hundreds of billions that are spent in American education and test this idea of choice. If it does not work, that will be it. If it does, we will see how we can expand it.

I thank the Chair and yield the floor.

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. I yield 5 minutes to the distinguished Senator from Vermont.

Mr. JEFFORDS. Madam President, I understand the desires of the proponents of this amendment, and I recognize the validity of taking a look at the comparisons of the private versus public school system. However, I must oppose the amendment at this time. First of all, and probably foremost, we have gone out of our way to ensure that we do not load this bill down with demonstration programs. This will be the first one which will be added which would authorize funds to start demonstration projects before we have had an opportunity to implement the bill and to look at the planning process and get the advice of the States. There is no prohibition right now for States to do anything—they can have private school choice.

Again, I reiterate that my main concern here is that the school choice amendment which is being offered is the only and the first of what could prove to be many, if we start allowing demonstration-type projects to be offered to what is designed to be a planning bill to provide funds for the States to plan.

There is no prohibition under the law or any Federal prohibitions to the States or the local Governments from sending or having their own programs on demonstrating the applicability or the desirability of school choice.

I point out, however, that I also believe at this time, when we should be and hopefully will be reordering priorities, I have looked at the proposal of the administration this morning on eliminating the number of demonstration projects in the Department of Education with the expectation that that will help fund other programs. I have some concern about that, and I am hopeful that we will at least find out through studies as to their validity and whether those programs have and are working.

I just point out that we are going to be eliminating a number of demonstration projects. Should we now start adding more of them? I hope that will not occur here.

I think it is time we reorder our priorities on education and examine all those programs that have worked. However, at this time, we should not be adding new demonstration projects.

We point out that also this will cut into the amount of money that is available in the Department of Education under the funds for education to assist, to try to serve some of the needs.

This amendment establishes a $30 million program to assist private schools, while our financially strapped public schools continue to fight looming deficits. In the past decade, this Nation has seen a declining share of funds committed to education. The total share of Federal spending on education accounts were a mere 1.8 percent compared to 2.5 percent in 1980. In other words, we have had a real slide during that period of time. In addition to that, when this Nation had its huge educational crisis after World War II, we committed 10 percent of our budget to education.

So we have had an overall decrease, after adjusting for inflation, of 5 percent and 15 percent from funds for elementary and secondary education. To start now siphoning funds off into a choice plan I think would be a serious mistake at this particular moment.

Along with the decline in Federal funds has come an increase in the number of 5- to 17-year-olds in this country. Over 4 million eligible children will be denied chapter 1 reading and math instruction.

Furthermore, the Federal Government picks up a mere 9 percent of the cost of educating our children with disabilities, far short of the 40 percent we promised to shoulder, and Senator GREGG will raise that issue later, talking in depth.

The tragic state of funding for this has led the Vermont House of Representatives to pass a bill to call for massive restructuring of the tax base to curtail increase in property taxes. Thirty other States in this Nation are facing a similar crisis.

Too much of the burden to pay for our Federal programs is falling on the States. Passage of an amendment similar to this one will provide even less money to the States to fund their own public educational programs.

An important element of that argument is the very real fear that the local schools will be left with the most difficult and expensive students to serve. Private schools may still use the same entrance exam on choice students as they do on all students.

The PRESIDING OFFICER. Does the Senator from Connecticut yield additional time?

Mr. JEFFORDS. Madam President, I just hope that we will be able to accommodate these kinds of matters as we change our national priorities to provide much more money to education.

I yield the floor.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Madam President, I will now propound a unanimous-consent request. After I complete the request, but prior to action on that request by the Chair, I would like to make a brief explanatory comment and then invite the comments of the minority leader in that regard.

Madam President, I now ask unanimous consent that the Senate proceed to the consideration of S. 1361, the

school-to-work bill, no later than 10 a.m. on Monday, February 7, and that it be considered under the following limitation:

That there be 1 hour for debate on the bill equally divided in the usual form, with an additional 20 minutes for debate under Senator GREGG's control; that the only first-degree floor amendments in order be the following, and that they be subject to second-degree amendments if they are relevant to the first-degree amendment, and limited to the following time limitations if applicable:

An amendment by Senator KASSEBAUM that is relevant; an amendment by Senator KASSEBAUM that is relevant;

An amendment by Senator SIMPSON regarding vocational education;

An amendment by Senator COVERDELL that no new programs be funded until the earthquake supplemental is paid for;

An amendment by Senator NICKLES regarding funding, 2 hours equally divided in the usual form;

An amendment by Senator GORTON regarding privatization, 2 hours equally divided in the usual form;

An amendment by Senator DOLE that is relevant;

An amendment by Senator THURMOND that is relevant;

An amendment by Senator PRESSLER that is relevant;

An amendment by Senator THURMOND that is relevant;

An amendment by Senator CHAFEE that is relevant;

An amendment by Senator KERRY of Massachusetts that is relevant;

An amendment by Senator LAUTENBERG that is relevant;

An amendment by Senator KENNEDY that is relevant;

An amendment by Senator KENNEDY that is relevant;

That all first-degree amendments must be offered by 6 p.m. on Monday, February 7; that all time is to be equally divided in the usual form; that upon the disposition of the above amendments and the committee substitute, the bill be read a third time; the Senate then proceed to the House companion H.R. 2884, as amended; that all after the enacting clause be stricken and the text of S. 1361, as amended, be substituted in lieu thereof, and the Senate proceed to vote on passage of H.R. 2884; that the Senate then insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses, and the Chair be authorized to appoint conferees, with the preceding all occurring without any intervening action or debate; and that upon the disposition of H.R. 2884, S. 1361 be indefinitely postponed; further, that the second-degree amendments, if offered to a first-degree amendment which had a time limitation, be under the same time limitation as the first-degree amendment.

Madam President, that concludes the request. Before I ask the Chair to act on it, I would like to put it in context.

We are now on the Goals 2000 education bill. This agreement deals with the school-to-work education bill and, as stated, it contemplates proceeding to the consideration of the school-to-work education bill by no later than Monday, February 7. That means, obviously, that we have to complete action on the Goals 2000 bill now pending before we go to the school-to-work bill.

We are now working to try to get an agreement that would permit us to do that by completing action on the pending amendments today, with votes on those amendments to occur on Tuesday.

If we get that agreement, then we will proceed today to the school-to-work bill and begin consideration of it because the agreement states no later than 10 a.m. Monday, leaving open the possibility of proceeding to it today. If we are unable to get that agreement, then we will remain in session with amendments and voting in an attempt to complete action through final passage of the Goals 2000 education bill today.

It is my hope and my intention that the latter course of action not occur; that is to say, that we not be required to continue and have the votes on amendments and final passage today but, rather, that we reach an agreement that will permit us to complete consideration of the amendments, but have the votes set over until Tuesday with final passage on that.

That is the context in which we are operating. We do not yet have a final agreement. We are awaiting a response from one Senator, but as soon as that occurs, I hope we can get an agreement of the type and of the content I have just described with respect to the Goals 2000 legislation.

I ask, before the Chair acts on the pending unanimous-consent request, that the minority leader be recognized for any comments he may wish to make.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. DOLE. Madam President, I think the majority leader stated it correctly. I just urge my colleagues to cooperate. We are trying to accommodate colleagues on both sides who are on official business in some cases, and in other cases have serious illnesses in their family or family in the hospital.

So it is going to depend on cooperation today and, as I said, it is also going to depend on cooperation on Monday.

I see some of these amendments have a couple hours to complete. I guess as long as they are offered before 6 p.m., they can be debated after 6 p.m. So I guess that will not be a problem.

I urge my colleagues on this side of the aisle to try to cooperate with the managers. They have done an excellent job. Both of these are very important pieces of legislation.

It is my hope that we can work out the agreement on the pending bill, Goals 2000.

As I add it up, that may mean as many as 10 votes on Tuesday. But that would at least give us the agreement today, give us the agreement Monday, and move these bills out of here as we go to the supplemental. I assume that will take a day or two next week.

Mr. JEFFORDS. Madam President, reserving the right to object, if I may, I would just ask what the intention of the majority leader will be with this particular amendment, 1386, on which the time will be expiring in 15 or 20 minutes. Is he desirous to go ahead with the vote on that at this time?

Mr. MITCHELL. Madam President, if we can reach an agreement that will permit us to complete action on the Goals 2000 bill today and set the votes over until Tuesday, I am prepared to include the vote on the pending amendment as one of those that will be set over to Tuesday. That would accommodate the maximum number of Senators.

I want to repeat and make it clear so there can be no misunderstanding: If we cannot reach such an agreement, then we will vote on this amendment today, and we will stay here until we finish this bill today, including votes on all pending amendments and voting on final passage.

Mr. JEFFORDS. I guess my question is, should we defer voting on this in a half hour or so, or until we have an opportunity to do so, so that we do not inconvenience those who are not here?

Mr. MITCHELL. My answer is yes. My hope and understanding is we are just waiting for a response from one Senator.

My hope is, in the remaining time of debate on this amendment, we will get that response so we will then be able to get the agreement on the Goals 2000 prior to the time when the vote would otherwise be scheduled.

If that does not occur, then I will consult with the managers and the Republican leader prior to the time the vote occurs.

Mr. JEFFORDS. I withdraw my reservation.

Mr. MITCHELL. Madam President, I would like to modify the request to add two amendments by Senator BYRD that are relevant.

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

Mr. MITCHELL. I thank my colleagues for their cooperation. I hope we do not disadvantage the Senator from Massachusetts, who as usual has demonstrated his leadership and legislative skill in handling these education bills, and the Senator from Vermont likewise has been of tremendous assistance.

We are now continuing debate on this amendment, and then hopefully we will have a response and be able to make a decision and announcement with respect to the rest of the day.

But, Madam President, I want to make clear so there can be no misunderstanding on anyone's part, any Senator who leaves here now leaves at his or her risk. If we do not reach an agreement, as I have described, and there are going to be votes today, Senators should be aware of that until such time as we reach an agreement.

I thank my colleagues.

The PRESIDING OFFICER. Who yields time?

The Senator from Massachusetts.

Mr. KENNEDY. Madam President, if I could address the majority leader, has the unanimous-consent request been approved with regard to the school-to-work program?

The PRESIDING OFFICER. The request has been approved.

Mr. KENNEDY. I thank the Senator.

Mr. JEFFORDS. Madam President, first, I want to state that I understand very clearly what the majority leader has said, and it is our intention to finish this bill today. Anyone who does leave leaves at his or her peril, to offer amendments as well as to such votes as may occur.

Mr. DODD. I yield myself 5 minutes.

Madam President, let me begin by saying to my colleague from Indiana, who I have worked on many issues with, and my colleague from Connecticut, for whom I have the highest regard and respect, that I do not have any disagreement with their comments about the value of private or parochial education. I am a product of St. Thomas the Apostle, a Jesuit boys' school. I am very proud of the fact that my parents made this choice. However, they never felt, in making that choice, that public schools did not deserve their support or that they should have been subsidized by the Federal Government. And that is really what we are talking about here.

There is a fundamental difference of view as to whether or not we ought to be in the business of funding a dual system of education, whether it is a pilot program in 1 district or in 10 or in 100. My view is this is fundamentally a bad idea, and bad ideas do not need to be demonstrated.

One might suggest that perhaps we ought to increase the speed limit. Why not try out a 100 miles-per-hour speed limit in certain districts to see how it works? Or others might wonder if people who said they were damaged by nuclear testing were really damaged and test again? I think this notion of taking $30 million to test something which we know is detrimental to our primary responsibility, public education, is simply a bad idea and needs no demonstration.

Our primary responsibility is and must be to public education. That has been a common commitment of Republicans and Democrats alike for a century. We have worked to support education and we must continue to work to improve the quality of public education in this country. We must not pit one system against another. We made a decision long ago that we had limited resources and we had to allocate those resources as effectively as we could.

What we are asked by this amendment to do is to take $30 million out of a fund that would otherwise go to public education and test an idea—the idea that we can support two school systems.

In 1980, 9.1 percent of the money spent on elementary and secondary education in this country came from the Federal Government. That was 14 years ago. Last year, only 5.6 percent was contributed by the Federal Government. We have nearly halved our responsibility. At a time, when it is clear that the cost of education has not gone down. They have gone up.

And, who is bearing the larger costs? Our States and our local communities.

Yesterday, I offered an amendment here, which was carried by a unanimous vote, to put $20 million into making our schools safer. We all know, and the Senator from West Virginia articulated it very clearly, of the violence in our schools—130,000 kids with guns and knives coming to school everyday. And yet, all we could come up with was $20 million for every school district in this country to try to grapple with the problem of violence.

The amendment we are considering now asks us to spend $30 million in six school districts to test funding of private and parochial education. I would like to get that $30 million and spend it in communities in my State and across this country to stem the tide of violence. I cannot get that kind of money. Yet we are being asked to spend $30 million in six school districts.

Where are our priorities? The Senator from West Virginia is absolutely correct. We all sense the frustration of what is going on in our public school systems. It is angering to see our schools struggling simply to keep children safe, when learning is what they should be about.

I have a sister who teaches in the largest inner-city elementary school in my State. To listen to her week after week talk about what is going on with these children and infants who are just starting school. It is frightening what happens in their homes.

The Senator from West Virginia is once again correct. It begins with parents. That is where discipline begins. It should not be the job of my sister or some other teacher to become a police officer, a religious leader, or a psychologist. That should happen at home. Unfortunately, there has been a tremendous breakdown there.

But to say now, because our schools are struggling to keep up with the problems of the 21st century, we are going to wipe our hands, walk away, and start funding private education with public taxpayer money. This is ridiculous.

Now a number of States have examined this idea. The most recent was the State of California. It was overwhelmingly defeated. Seventy-three percent of the voters in that State said, "Absolutely not. You are not going to use my hard-earned tax dollars to subsidize private schools."

Oregon has said the same; Colorado has said the same. In every State where this idea has been brought to a referendum, it has been soundly defeated, because people honestly believe that we have to do a better job in public education.

So my plea here is that I admire tremendously what private and parochial education does. These schools provide an important alternative to parents. And we must continue to be supportive of private education.

But, with limited, scarce dollars—dollars that have been halved effectively in a decade—we cannot allow six school districts in America to try an idea that has been tried and brought up in other places and has been rejected.

So I urge my colleagues, when this vote come up, to reject this amendment. It was rejected 2 years ago, when offered by Senator HATCH, by a vote of 57 to 36, I believe the vote was. My hope is this amendment would be rejected, as well, when the vote occurs.

Madam President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. JEFFORDS. How much time is remaining on both sides?

The PRESIDING OFFICER. There are 9 minutes remaining for the proponents of the amendment and 18 minutes remaining for the opponents of the amendment.

Mr. METZENBAUM. I ask for 5 minutes.

Mr. DODD. I yield 5 minutes to the Senator from Ohio.

The PRESIDING OFFICER. The Senator from Ohio is recognized for 5 minutes and the Senator from Rhode Island for 3 minutes.

Mr. METZENBAUM. Madam President, I thank my colleague from Connecticut. I commend him for his very stirring and very explicit and very well thought-out speech. I think it was very persuasive.

I join him in strong opposition to this amendment. I, frankly, am dismayed that we must once again consider an effort to shift scarce Federal fund from our public schools to private and religious schools. We are talking about taking $30 million away from our public schools to spend on private school voucher programs in six school districts.

I want to remind my colleagues that the House and Senate have recently

gone on record against this ill-conceived policy.

In the last Congress, during consideration of the Neighborhood Schools Improvement Act, the Senate soundly defeated, by a vote of 57 to 36, a similar amendment which would have provided vouchers for students attending private and religious schools.

And, just last October, by a decisive vote of 300 to 130, the House rejected an amendment to their Goals 2000 legislation which would have earmarked funds for choice programs which could include private schools.

Now we are faced once again with a proposal to benefit private and religious schools at the expense of our public school system.

This Senator is a product of the public school system. This Senator believes very strongly in the public school system and believes that we can take no action on the floor of the Senate or in the Congress in order to deter that battle that is being made in this country to bring about a decent and effective public school system.

There are problems that exist in the public school system. There is just no argument about that. But because we have those problems, do we take $30 million away from the public school system and put it into the private school system? This Senator very strongly thinks not.

And once again, Mr. President, this is the nose under the tent amendment. While this proposal may be limited in scope, make no mistake, passage of this amendment would set a dangerous precedent and open the door to unlimited expansion of funding for private and religious schools.

I cannot say too strongly that passage of this amendment would be a terrible mistake, which would unwisely break down the barrier between church and state and distract our attention from the real needs of our public schools.

This amendment would divert scarce Federal resources to private and religious schools at a time when public schools throughout our Nation are facing serious financial problems.

In every region of the country, we have urban school districts which lack the funds to make desperately needed building repairs. Class sizes grow as budget crunches force teacher layoffs.

Many schools have had to eliminate sports and physical education programs, art and music, and even essential counseling programs for at risk children. Students lack access to computers and science labs, and even basic textbooks, while teachers have to buy paper and pencils out of their own pockets.

Many public school systems have great problems with violence in the schools and guns in the schools. Are we going to be taking the money away from those schools which face such challenges and put it into the separate private and religious school system?

When we are asking our schools to deal with the increasingly difficult problems caused by a rise in child poverty and other ills of the society at large, it simply does not make sense for the Federal Government to shift support from public education to private schools.

Supporters of vouchers argue that somehow competition will lead to overall school improvement. Yet the competition is inherently unfair, since it will not be conducted on a level playing field. Why? Because private schools do not have to meet all the requirements imposed on public schools.

Public schools are accountable to the community and must accept and keep all children who want to attend, including those with behavior problems, low achievement levels, severe disabilities, lack of English skills, or lack of motivation. The public schools must accept all those children, and rightfully so. They should. Private schools can select students based on virtually any criteria they wish. In fact, although proponents claim that private school voucher plans offer parental choice, this is misleading. In reality, it is the private schools which ultimately make the choice about admission, not the parents.

Under a voucher plan, private schools will be able to skim the best students, and the dollars to support them, leaving those with the most severe problems for the public schools to deal with. This is likely to lead to even greater inequity between rich and poor, and encourage further divisions in our society along religious, racial, and economic lines.

I would like to know how this can be considered a fair competition, or how it will lead to public school improvement.

And that, President, is the bottom line. This amendment will do nothing to improve our public schools, which the majority of American students attend.

Throughout our Nation's history, public schools have played a fundamental role in preparing children from diverse backgrounds to take their place in our democracy. And never before have we asked as much of our schools as we do at this moment.

We ask schools to deal with all the problems of our society—poverty, drugs, violence, teen pregnancy, and disintegrating families. And, at the same time, we expect our schools to turn out students with the advanced skills they will need to compete in the high tech, global economy of the future.

Is it any wonder that despite heroic efforts, some of our schools are in crisis and are not doing as well as they should by our children?

But the solution is not to abandon them. The solution is to commit the support and the resources necessary to help those schools improve so that all our Nation's schools are worth choosing, rather than provide $30 million to the private and parochial school system.

That is the approach taken by President Clinton's Goals 2000: Educate America Act. The Goals 2000 legislation demonstrates our commitment to the national education goals and establishes a program to help all our public schools achieve those goals. Instead of quick fixes and easy answers like vouchers, the President has proposed a sustained commitment to helping our public schools improve through comprehensive, systemic reform. The Goals 2000: Educate America Act will help all our schools to become worthy of choice, so that all American children have access to an excellent education.

This amendment, by contrast, proposes to save our schools by abandoning them. It will do nothing to help our public schools or to solve our education crisis.

And the American people apparently agree that choice is not the magic bullet which will solve our education problems. When given the opportunity to vote on the question, Americans have consistently turned down proposals to establish voucher programs in their States.

Just last November, 70 percent of California voters said no to a school voucher proposal. Referenda on vouchers were defeated in Colorado in 1992 and in Oregon in 1990, both by 2-to-1 margins. In 1991, the voters of Portsmouth, NH, turned down a voucher proposal by a margin of almost 5 to 1.

This amendment is opposed by the Clinton administration and by a broad coalition of education and religious groups. A partial list of these groups includes: the American Association of School Administrators, the American Association of University Women, the American Federation of Teachers, the American Jewish Committee, the American Jewish Congress, the Baptist Joint Committee on Public Affairs, the Council of Great City Schools, the General Board of Church and Society of the United Methodist Church, the General Conference of Seventh-day Adventists, the National Association of Elementary School Principals, the National Association of State Boards of Education, the National Council of Jewish Women, the National Education Association, the National PTA, the National School Boards Association, the Union of American Hebrew Congregations, and the Unitarian Universalist Association.

The American voters, the administration, and these respected organizations are exactly right on this issue. If we want to remain competitive as a Nation and give all our children the tools they need to succeed in life, we must direct all our resources and ef-

forts toward improving our system of public education. We must not allow ourselves to be diverted by voucher amendments which will ultimately do nothing to help our Nation reach its education goals.

I believe very strongly that, if we believe in our public school system we cannot, here, today, do anything to detract or deter the public school system from doing the job we so much want it to do. It calls upon all of us, whether we think it is right or wrong to help the private and parochial school systems, to first concern ourselves about the public schools. That is our primary responsibility, our primary obligation. I do hope this amendment will be defeated.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Madam President, as we all know, the Federal Government is not the major player in education. That is a role played by State and local government. The Federal role is a small but highly targeted one, providing assistance primarily in areas of clearly defined needs. Because of that, I believe our emphasis should be upon those schools that serve the vast number of students in our Nation, namely the public schools.

Basically, I am of the mind that the way to achieve educational excellence nationwide is to have the schools that are open to all students be second to none in the world. The investment we make in public education will unqestionably determine our future strength as a nation.

Make no mistake about it, our public schools are in trouble; they need our help. Teachers are overburdened with large classes and need opportunities to upgrade their skills. Many schools lack adequate science facilities. Students go without updated textbooks and a safe environment in which to learn. These are the needs where we should be directing Federal resources to make our schools the best in the world.

There are some who say that competition with private schools will cause public schools to become more responsive to parents and more likely to make needed improvements. Unfortunately, public and private schools do not compete on a level playing field.

Public schools must serve all students. Private schools choose who they serve and may ask students to leave if they have behavior problems or other difficulties. Public schools often do not have that luxury, and must deal directly with problems that private schools do not.

Private schools, as we all know, make extremely valuable contributions to American education. They give a quality of excellence that is truly needed and important to the Nation. But precisely because the Federal role is a small and targeted one, the public schools should be our first concern, and to make them schools of excellence must be our first responsibility.

I urge my colleagues to join me in opposing this amendment.

The PRESIDING OFFICER. The Senator from Washington.

Mr. KENNEDY. Madam President, how much time remains in opposition?

The PRESIDING OFFICER. The Senator from Massachusetts has approximately 3 minutes remaining.

Mr. KENNEDY. Three minutes? Madam President, I will yield—how much time does the Senator from Indiana have?

The PRESIDING OFFICER. The proponents of the amendment have 18 minutes remaining. The opponents of the amendment have approximately 3 minutes remaining.

Mr. KENNEDY. I yield such time as the Senator from Washington requires—the remaining time to the Senator from Washington.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. I thank the Senator from Massachusetts. Would it be possible at all for the opponents to request additional time?

Mr. COATS. This agreement was worked out over a period of 2 days. If the Senator from Washington wants to go speak to the majority leader—I think he is insistent we move forward today. We have an hour of time of which we have used—most of it. I cannot make that decision.

Mr. KENNEDY. Can we ask consent that 5 minutes more be added for the Senator from Indiana and an additional 5 minutes for the Senator from Washington?

Mr. COATS. I have no objection to that. But I do not know——

Mr. MACK. Reserving the right to object. It really is not my intention to object, but I am interested in being able to offer an amendment myself and, like many of my colleagues, I have other demands at my State later on in the day.

Mr. KENNEDY. Objection has been heard. I yield the remaining time to the Senator from Washington.

Mrs. MURRAY. Madam President, I rise to speak about the amendment before us, offered by Senators COATS and LIEBERMAN, which provides for private school vouchers.

There has been so much talk recently about the need to improve public education. Our President pro tempore spoke eloquently just a few moments ago. I know from firsthand experience the challenges our schools face today. There is no doubt that our public schools are in need of help. Many are overcrowded and underfunded. Many must deal with violence, drugs, and health issues. They need our help and to abandon them now with the passage of this amendment is the wrong message. We should be sending a message to our youth that we are committed to quality education for all Americans.

Some of my colleagues believe that private school choice is the solution to many of our problems in education. Some are not certain what private school choice would do to our education system but have somehow decided it is all right to spend some of our precious education dollars on this to see what happens. As a former school board member, I have always had serious reservations about private school choice, particularly from a Federal standpoint, and am convinced that choice would not improve our current system. It will do more harm than good. Let me tell you why.

Choice is based on the idea that competition between public and private schools is healthy and can weed out the weaker schools. I agree that competition is healthy when it is based on an even playing field. The problem is that public and private schools are not equal because they follow two very different sets of rules and regulations.

Public schools must take all children, private schools can select who they want. Public schools must obey due process and public disclosure rules when they need to suspend or expel their students; private schools are under no such obligations. Public schools must obey Federal, State, or local regulations pertaining to health and safety, civil rights, bilingual and special education, curriculum and textbooks, and credentials of staff. Private schools are either wholly or largely exempt from such regulations. Private and public schools are not, nor should they be considered equals.

As for the argument that choice would increase accountability in education, again we must realize that private schools follow different rules. Private schools do not have to account to the public. They do not have to account for their admissions procedures, the nature and quality of their educational programs, or the source of their funds or how they spend them. Our tax money under the voucher system could go to building hot tubs at private schools or to schools teaching bizarre rituals and there would be no school board or constituents or taxpayers who could do a thing about it. Is that what we want? At a time when we are understandably looking for more accountability in education, there is justification for giving public funds to schools that are not accountable to the public.

We also must recognize the potential impact such legislation would have on States, such as Washington, that constitutionally prohibit public funds from going to sectarian institutions or public funds for private use which would prohibit funds from going to academies and nonsectarian schools. We could be opening our States to lengthy and expensive legal battles they can ill afford.

Transportation costs, costs of educating parents on the choices they

have, concerns over the possibility that choice would create segregated schools, and administrative problems, the list is endless of the issues we would be concerned with if this amendment were to pass.

I believe in our public schools. As a product of Washington State public schools and as a mother of two public school students, I am proud of what our schools are doing today. This amendment undermines our public schools by diverting scarce public resources to private schools. This amendment I believe takes us away from what we are really here to do and that is to improve our public schools. I urge my colleagues to vote against this amendment.

To charge that public schools have no control over discipline is to forget that discipline and control begins at home.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Madam President, I yield myself 5 minutes. Madam President, it seems the argument we are hearing from those who oppose the amendment that Senator LIEBERMAN and I are offering is that we have to save the system. I do not hear anybody saying we have to save the student. The purpose of this amendment is to test an idea that is directed toward giving the student a better opportunity, giving low-income students an opportunity that others have because they have the financial means to opt out of a school that is not meeting their children's educational needs or other needs. What is a low-income parent do to, in an inner-city location where there is only one public school available if that school is not teaching their child sufficiently; if that school jeopardizes their health and safety because of violence or because of lack of discipline, if that school lacked the kind of things the Senator from West Virginia talked about?

Parents of means can do what Senator DODD's parents have done, and many other parents have done, by saying, "We're going to send our child to a school that we feel gives them a better education."

But low-income parents, parents from the inner city, do not have that choice. Why should that choice be available to those who have the funds to make that decision but not available to those who do not? Why should a mother from an inner city who is scared to death about her child's health and safety and is convinced that her child is not getting one whit of education or cannot begin to compete with other children who have options of going elsewhere because the particular school in that area is simply not doing the job, why should that mother not have the same choice that other parents have?

I do not understand this idea that we have to save the system. The system is broken in some places and needs to be changed. I am saying this as a parent who sent all three of his children to public schools, and as one who has benefited from and supported public schools.

Mr. MACK. Will the Senator yield?

Mr. COATS. For goodness sake, for those who are not happy with their schools, can we not give them a choice? I think it makes the public schools better. I think it gives the parent a choice. We must decide what is in the best interest of the student, not the system.

I will be happy to yield to the Senator from Florida.

Mr. MACK. Madam President, I want to make a point with respect to saving the system. I met an educator out in California by the name of Anyim Palmer who was a public schoolteacher and became so angry because everyone was interested in protecting the system and not in providing an education to the children that he quit and several years later started his own private school to give the benefits that you have been talking about to those who so desperately need them.

I thank the Senator for yielding.

Mr. COATS. I thank the Senator from Florida.

Madam President, we are not talking about an amendment which eliminates the public school system or mandates choice for anybody. We are talking about an amendment that sets up a pilot program on a voluntary basis for six school systems in this country—six. A $30 million program to be administered by the Secretary of Education to try and see if it makes a difference, to see if it works.

All I am saying to the opponents of this measure, for those who are coming down here like Horatio at the bridge and defending the public school system is, it is an idea that some people think has merit. Why do we not try it to see if it does? What are you afraid of? The results? If the results come in and they are positive, should we not then use it as a basis to make some changes? After all, it is going to benefit the students who are the recipients of those changes.

Our goal here should not be to save some system. Our goal should be to ask the question: How can we improve education for our young people in this country? Why not try some innovative programs on an experimental basis to see if they work? I think our attention and focus ought to be on the students and what is best for them, not on the system and what might preserve it when I think unanimously, or almost unanimously, most acknowledge that system is in dire need of some repair.

I yield back—I do not know if I used my 5 minutes or not.

The PRESIDING OFFICER. The Senator's time has just expired.

Mr. LIEBERMAN. Will the Senator yield me 5 minutes?

Mr. COATS. I will be happy to yield whatever time the Senator from Connecticut needs.

Mr. LIEBERMAN. Madam President, I thank my friend and colleague from Indiana. I think the Senator from Indiana has really put his finger on the appropriate focus. Too often when people talk about choice—and it has happened here again this morning—they talk about a battle between the public schools and the private and parochial schools. That really is not and should not be the issue.

In the first place, that battle is settled. Our primary responsibility is to public schools. It is not the time nor the reason to discuss it here, but I have spent a lot of my public career supporting public schools, and I intend to continue to do so. That issue is decided.

But when you get into that kind of conflict, it masks what the Senator from Indiana has correctly said should be our primary focus, which is the children; what is the best way to reach and educate our children.

Again, this amendment is totally within the spirit of the underlying bill, Goals 2000, which sets some goals about how to educate our children and then I think not only suggests some paths but provides some money to local school systems around the country to try to innovate, to try to reform because everyone knows—and the bill accepts the premise—that the current system of education is failing too many of our children. It is in that spirit that Senator COATS and I have offered this as an amendment.

Some say that school choice is the solution to our problems. We are not saying that. We are saying that this is a positive, creative idea; that there seems to be some very good things happening in the private and parochial schools and let us test it, let us see how choice works. Let us see how a true choice system in only six communities in our country—incidentally, again, it is only $30 million out of the hundreds of billions that are spent every year—Federal, State, and local—on the public schools, let us test and see what works, let us see how the choice affects the children, let us see how the choice affects their parents, let us see how the choice affects the public schools and then let us come back and make a reasoned judgment.

Madam President, on the question of the money, again, it is a small amount of money that we are investing in this test which could have enormous implications positively for our children. But let us remember also that every boy or girl educated in a private or parochial school is one less child educated in the public school system and, therefore, in that sense reduces the cost of public school education. And every time a parochial or other religious-sponsored-based school system closes, as I said before, as they have with alarming fre-

quency in my State because they do not have the money to go forward, then by and large, those children, particularly the poorest of them go to the public schools and that costs the public school more money.

So I say that an investment in the private and parochial school system, as we are going to test here, really could be not a subtraction of an enormous amount of money available for the public schools but in fact make more money available to them because of this.

The question was raised about, OK, the private and parochial schools are doing a good job but why should the public support them? I think we have spoken to that. Let me add a few more points on that. One is that there are significant Federal, State, and local programs of education support that do go now to children at the private and parochial schools. Chapter One, a special program in the Elementary and Secondary Education Act, is aimed at helping children and it helps children who qualify at private and parochial schools. Unfortunately, there was a Supreme Court decision, a ridiculous one, in my opinion, that said the money can go to the kids at the parochial schools so long as they were not inside the parochial school buildings when they receive the special assistance that poor children are eligible for. So schools have had to buy or lease trailers which they put alongside the parochial school and take the kids out for that special education. But the fact is that this is not a precedent creator. This exists now.

Let us take the GI bill which is just about the most popular and admired program the Federal Government has had for education.

Nobody told the recipients of the GI bill they could only go to a public school of higher education. They went to wherever they wanted to go, including the religiously sponsored colleges and private colleges. Why? Because the aim of that program was to educate people, not to support a particular set of institutions. This is another way to do the same.

Finally, reference was made to California and the rejection of a school choice proposal initiative there. I wish to say, very briefly, that was a big proposal that was controversial and it went much further than this proposal.

This amendment is modest, both in scope and in dollars committed to it, and it is again just a way to test. Incidentally, the test will be evaluated by the Department of Education of the United States of America—to put it mildly, not biased in favor of school choice perhaps. I do not say that to denigrate the Department. I do it to say the evaluation of the test under this program will be an extremely impartial one.

So let us not be defensive about what exists now. Let us acknowledge in the spirit of the Goals 2000 bill that we have a long way to go to see that our kids are better educated. We ought not worry so much about the camel's nose under the tent, but we ought to be anxious to open the door of the tent a little bit to let some fresh light in to see whether it can better educate our children. That is what our goal is in submitting this amendment.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. COATS. May I inquire, Madam President, how much time is remaining?

The PRESIDING OFFICER. The Senator from Indiana has 6 minutes remaining.

Mr. COATS. I do not know whether we need to use all that time. Let me summarize the amendment, and then if there is time remaining we can yield it back.

I wish to make sure my colleagues understand what we are talking about here is a pilot program. It is a test concept that has been discussed at great length across the country in educational circles. Many believe, as do I, that it is an option that all parents ought to have; that it should not be reserved just for the wealthy; that low-income parents, if they are unhappy with the education their child is receiving at the local public school, ought to have an option to secure an education for their child at the school of their choice as wealthy parents have the opportunity to do.

This amendment is modest. It is $30 million. It goes to six demonstration projects around the country. Those projects have to be directed toward low-income students. This money is not going to go to anyone except those who qualify for subsidies under the school lunch program. There are even directions that the Secretary favor those applications which have a considerable number of the lowest income students.

It is strictly a voluntary program. No educational agency or parent will have to participate in this program if they do not want to apply for this program. So if a community is applying, it simply means that the public educators in that community have decided they want to participate in the program.

As I mentioned, there are public and private school educators in Indiana who have met and begun to discuss the idea. The public schools should not be afraid of it. In many instances public and private schools exist side by side and are complementary to each other rather than one pulling the other one down.

I also want to point out that there are civil rights and racial discrimination and desegregation protections built in our amendment. There is also a very specific prohibition protecting any public school that participates in this project from being denied one cent of money that is otherwise available to it from the Secretary of Education. Because some of their students opt out of the school, the amount of funds going to that school from the Federal Government may not be reduced by a penny. So nobody is going to be hurt by this project.

What we will do is end up with some information that will allow us to evaluate the concept to enable us, as a body, to decide how we may want to build on the results. It will also provide information and a good test to all those other educational systems and State educational agencies around the country that may be wondering if some of the fears that are raised about choice valid or not. Similarly, are the claims about the benefits of choice valid or not valid? It will give them an opportunity to evaluate these questions.

This amendment has bipartisan support. I hope we can make a decision not on the basis of what saves the system, because the system, I think everybody agrees, needs to be modified and changed if we are going to provide better educational opportunities for our children. Rather, we should make a decision based on what is in the best interest of children and, in this case, what is in the best interest of low-income children from primarily urban areas that simply do not have the choice as many of the rest of us.

So with that, I hope we could at least give this a test and support this amendment when it comes up for a vote on Tuesday.

Madam President, I yield back whatever time I have remaining.

The PRESIDING OFFICER. The Senator has 1 minute 45 seconds remaining. The time is yielded.

Mr. HOLLINGS. Right to the point, we are again considering a proposal to add private schools to the public tab. We considered this issue in the Senate in 1978, in 1983, and again in 1992. Each time we rejected it in a bipartisan manner.

But we are back at it. This drumbeat for vouchers, tuition tax credits, and privatization comes from an economic theory that we have an equal duty to give taxpayer dollars to public schools and private schools. Nothing could be further from the truth. The Government's duty to the public is to provide public schools. The duty of the Government toward private schools is to leave them alone. That way we guarantee all our children a school system and keep government out of private education and religion.

Again, we hear the drumbeat for "competition." First, let us look at the unfair playing field on which this competition would take place.

Your public school is required by law to take all comers. It must educate every child. It takes the rich, the poor,

the smart, the slow, the one that has an attention deficit, the one that speaks Spanish. This makes sense because we want every child in this country to have access to elementary and secondary education. We invest every child. The alternative is to have a system that chooses winners and losers from the start, that chooses who will rule and who will serve. That is the importance of universal education. It is why we have dedicated ourselves in this country to a system that provides free, public education to all children.

The private school, however, does not take all comers. It supports itself and makes its own policies. For example, 71 percent of Catholic high schools require an entrance exam, as do 43 percent of other religious schools and 66 percent of independent private schools. Those who can't get past these exams are accepted into the public school. I am not speaking about theory here. In the Milwaukee voucher experiment, 40 percent of the poor children seeking to participate could not find a private school that would accept them. So a voucher system would have parents paying for schools that could reject their children. It would have children not accepted into school in the first place. And it would have the public school that takes all children competing against the private school that can limit access to a select group of bright, well-balanced, motivated children.

These different admissions policies—and, of course, tuition and religious convictions—produce different student bodies. The parents of a public school child are more than twice as likely to have less than a high school education. The parents of a private church school are half-again as likely to have a college education as the parents of a public school child. Parents at nonsectarian private schools, are three times more likely to have a college education.

The public school parent is about three times as likely as the private school parent to have an income below $15,000. The private school parent is more than twice as likely to have an income above $50,000. We hear about Catholic schools doing good work in cities, and that is true. However, only 2 percent of Catholic schools overall fall in the lowest income quartile for students, and in the urban areas where nearly a fifth do, the public schools are twice as poor.

The amazing thing is that these stark differences do not result in significantly different education outcomes. On our National Assessment for Educational Progress, high school seniors in private schools were only 7 points higher on a 500-point scale in math. And a larger percentage of the public school seniors actually scored at the top achievement level. This slight overall private school edge disappears completely when you control for the education levels of the parents. Even Chester Finn—President Reagan's Assistant Secretary for Education—said "With differences that large in parent education, it is conceivable that there is no (private) school effect showing up here at all." This man is a voucher advocate, and the National Assessment of Educational Progress results are backed up by another national test: The Federal High School and Beyond survey.

These general findings are driven home in the Milwaukee experiment. After evaluating the program for 3 years, Professor John Witte writes that "When we controlled for other relevant variables, however, the effect of being in a choice school was insignificant."

So two aspects of this call for competition have become clear. One is that public schools take all comers while private schools pick and choose. The other is that public schools and private schools achieve much the same results, though I would add that neither is doing well enough. We can never do well enough, but the idea that we will improve the system by draining funds from public schools to fund private schools that aren't any better is ridiculous. It also is obviously a direct threat to the public schools that give most people in this country opportunity.

Then, there is the issue of religion. Eighty-one percent of private schools are religious schools. You can argue about whether the aid goes to the parent or the child or the school, but this is an obvious constitutional concern when millions of dollars flow to pervasively sectarian institutions that will then lobby this Congress for yet more funding.

Again, you can consider not only the theory, but also our experience in Milwaukee. The Milwaukee program does not allow sectarian religious schools to participate. So one school dropped its religious emphasis in order to join the voucher program. Then the school's parents rebelled, so it reinstated religious instruction and backed out of the voucher program. Sixty-three voucher children were returned to the public schools. Then the school went bankrupt.

This example shows why we have safeguards for the public through regulations that require public decision-making. The academic planning and financial soundness is on the table for public debate and development. But we cannot implement similar safeguards on a private school sector that is 81 percent religious without risking dangerous entanglement of church and State. We either spend taxpayers' money without accountability, or we have accountability that interferes with religion, or we entice the private schools to choose between money and their beliefs. Mr. President, this voucher movement invites the snake into the garden—not just of public schools—but of private schools too.

Finally, we can't ignore the fact that no voucher plan I know of covers transportation. Tuition is not the whole story by a longshot. Ask any State legislator what the perennial issues are in education, and you will hear "the bus fleet." We worry about quality drivers, aging buses, and adequate routes. This massive effort ensures that the children—particularly of parents with full work schedules, who may work an early morning or night shift, or who may live miles from a rural school—can get the public education to which they are entitled. Tuition grants usually are not proposed to cover all of tuition, much less transportation. Particularly in a State like South Carolina, transportation is essential.

On that note, what have the States said about this private school voucher idea? Well, while the U.S. Senate has said "no" to the private school lobby three times, but the States have said "no" 19 times. In 19 of the 20 times private school funding has been considered statewide since 1966 it has been defeated. It has been defeated twice since we last considered it in the Senate—in Colorado and most recently in California. In both places it lost 2-to-1. Mr. President, we have a lot of needs out there and scarce funds. I don't know why we at the Federal level continue to consider providing tax money to States for something they don't want and parents don't want. The only poll that counts is the ballot box, and private school funding is a significant loser there.

Mr. President, the States have the primary responsibility, but I am proud to say that the Federal Government has not been idle. Go down to The Mall and read the wall of the memorial to Thomas Jefferson: He urged his colleagues to "Establish the law for educating the common people * * *. That it is the business of the State to effect and on a general plan." And what was his proudest achievement? His epitaph reads: "Here was buried Thomas Jefferson, author of the Declaration of American Independence, of the Statute of Virginia for Religious Freedom, and father of the University of Virginia." Becoming President of the United States was left off, founding a public university was left in.

We have James Garfield, accepting his nomination to be President:

> Next in importance to freedom and justice is popular education, without which neither freedom nor justice can be permanently maintained.

We have President Kennedy:

> Education is the keystone in the arch of freedom and progress. Nothing has contributed more to the nation's strength and opportunities than our traditional system of free, universal elementary and secondary education, coupled with widespread availability of college education.

We have President Johnson:

> The American people, among their notable contributions to the arts and crafts of civili-

zation have insisted that education not be the prized possession of the few.

We have the Federal judiciary, in interpreting the law: "Today, education is perhaps the most important function of State and local government," said Chief Justice Warren. "The public school was the true melting pot * * *" said Justice Douglas. "The public school is at once the symbol of our democracy and the most pervasive means for promoting our common destiny," said Justice Felix Frankfurter."

And we have the Congress, encouraging the establishment of public schools, colleges, and universities through the Northwest Ordinance of 1787, and the First and Second Morrill Acts of 1862 and 1890.

Mr. President, after the Federal Government has spent 200 years urging States to build, maintain, and improve a public school system, let's not put termites in the foundation. There are always those, who when a public commitment runs into problems, say "let's privatize it." But we would not have built a public school system in the first place if it were not fundamental to our democracy.

My colleagues know that history often repeats itself. In the Dictionary of American Biography that Horace Mann became Secretary of the Massachusetts Board of Education in 1837. At that time, the public schools had "a multitude of evils, including disastrous decentralizations, a decline in public interest, and a decrease of financial support." We read that "Free schools, the one-time glory of colonial Massachusetts, were now regarded with contempt by the well-to-do-classes, who more and more patronized private schools * * * One-sixth of the children of the State were being educated in private schools and academies and one third were without any educational opportunities whatsoever." We read that "His first task was to arouse and to educate public opinion with reference to the purpose, value, and needs of public education."

By the time he left, standards and salaries were raised, numerous improvements were made, the budget was doubled, and "fifty new high schools were established * * * opportunities for free public secondary education became widely distributed throughout the State." State after State sought his advice to follow suit.

Mr. President, Horace Mann is not remembered in history for abandoning the commitment to a free education for all children. We should not be either. I hope today that we will agree with the taxpayers, the voters, and the parents to keep our commitment to public schools and leave private schools alone.

Mr. KENNEDY. Mr. President, I am opposed to this amendment for many reasons: Public school dollars should not support private schools.

It is wrong to shift money from public schools which serve the common good—all children in all communities—to pay for a few to go to private or parochial schools. This is especially true in these times of fiscal stress and shrinking budgets.

Basic education has a greater impact on social progress, economic productivity, and political participation than any other public service. We need a strong common school, reflecting the values of the Nation, to provide a quality education—for any student, regardless of race, class, or ethnic background—and to be accountable to the public.

We should reform our public schools, not abandon them. Private school choice undermines our much-needed commitment to improving the public schools and replicating successful State and local initiatives all across the United States.

The Federal Government has a limited but important role to play in school reform: to encourage public school reform through proven strategies. We know what good schools contain. The task at hand is to produce more exemplary schools. In schools like the Mason School in Roxbury, MA, every student in the school, no matter what his or her background, is learning and making progress. Now it's time to encourage and support the replication of schools like the Mason School.

Critics are right when they say that educational bureaucracy and top-down management contribute to the present difficulties. The solution lies in encouraging the characteristics which distinguish good public schools: excellent local leadership, a sense of purpose shared by the principal and staff, teacher professionalism, and the use of proven, effective teaching practices.

We should also support strategies like charter schools, magnet schools, and interdistrict public school choice plans that encourage creativity and innovation.

The best available evidence suggests that private school choice neither improves student achievement nor stimulates school renewal.

In 1992, the Carnegie Foundation for the Advancement of Teaching, after a yearlong study in which they visited schools nationwide, studied the literature, and conducted a survey of 1,000 parents, published a comprehensive and substantive report on choice. They found that there is no evidence that either competition or vouchers improves education. The educational impact of school choice is ambiguous at best.

Choice is based on a flawed assumption that schools are like markets, and that markets ensure quality.

In the first place, education is not a commodity. It is a uniquely human experience, influenced by dozens of factors besides the threat of being overcome by competitors.

In the second place, lots of junk survives the consumers' taste test. Proponents of this legislation assume that schools are like cars: bound to improve under competitive pressure. But people don't always go for quality. For instance, in the limited choice system in Fall River, MA, a 1990 survey revealed that the main reason parents select their first-choice school is proximity to home. Others give reasons such as convenience, social atmosphere, or family tradition. Competitive sports programs are also a big draw. But high academic standards actually send kids running; students in one Minnesota district transferred to another school with easier graduation requirements.

Private schools do not have to accept all students who choose them.

Public schools take all comers. Private schools don't. Private schools may choose whom to admit and they may discard students who misbehave or who have learning disabilities. Private schools may not admit a child unless he or she is a member of the right socioeconomic class, ethnic group, religion, or has the right combination of intellectual, athletic, and creative abilities or otherwise fits into the market niche the private school has established. We should not subsidize education which is only available to the lucky ones who fit this niche.

The most recent poll shows that most Americans oppose school choice.

In the 1993 Phi Delta Kappa/Gallup Poll of the public's attitudes toward public schools, 74 percent of Americans opposed allowing students and parents to choose a private school at public expense.

In the referendum on vouchers in California last November, the public rejected vouchers by over 73 percent.

For all these reasons, Mr. President, I urge my colleagues to reject this amendment.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Madam President, I see our colleague, the Senator from Iowa, in the Chamber at this time, so I would ask unanimous consent that the Senator's amendment be temporarily set aside. We are prepared to move ahead on a vote, but following the recommendation of the leader, we will temporarily hold on that request, although we expect to continue the debate on various amendments.

The Senator from Iowa has an amendment we will consider. Following that, the Senator from Florida, Mr. MACK, has an amendment. Then possibly Senator GREGG. We are moving along and, hopefully, that issue can be resolved. Then, quite frankly, we are very close to—I understand at the present time Senator HELMS might be considering additional amendments. There are others who have amendments that are very important and we

have had the opportunity to talk about. They want to make some kind of statement or expression.

But I give that kind of update of where we are. As the leader said, we will remain here during the course of the day and then after the discussion on this legislation we may begin the debate on the school-to-work program. I know Senator COVERDELL has an amendment he may want to address.

That is at least our hope about the way we proceed. That judgment will ultimately be made by the leaders.

Mr. JEFFORDS. Will the Senator yield for an inquiry?

Have the yeas and nays been ordered on the Coats amendment?

The PRESIDING OFFICER. They have not been ordered.

Mr. JEFFORDS. I would ask for the yeas and nays on the Coats amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. KENNEDY. I have asked unanimous consent that the Coats amendment be temporarily set aside.

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

Mr. GRASSLEY. If it is okay with the managers of the bill, I would defer for 4 minutes to the Senator from Arkansas—if it is okay with the managers.

Mr. KENNEDY. It is always okay with the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Arkansas.

AMENDMENT NO. 1387

(Purpose: To provide for intergenerational mentoring programs)

Mr. PRYOR. Madam President, the graciousness of my colleague from Iowa and my colleague from Florida, Senator MACK, I deeply appreciate.

Today, Madam President, I send an amendment to the desk in behalf of myself, Senators LEVIN, PELL, FEINGOLD, and REID.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Arkansas [Mr. PRYOR], for himself, Mr. LEVIN, Mr. PELL, Mr. FEINGOLD, and Mr. REID, proposes an amendment numbered 1387.

Mr. PRYOR. 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 6, between lines 23 and 24, insert the following:

(6) the term "intergenerational mentoring program" means a program that—

(A) matches adult mentors, with a particular emphasis on older mentors, with elementary and secondary school age children for the purposes of sharing experience and skills;

(B) is operated by a nonprofit organization or governmental agency;

(C) provides opportunities for older individuals to be involved in the design and operation of the program; and

(D) has established, written mechanisms for screening mentors, orienting mentors and proteges, matching mentors and proteges, and monitoring mentoring relationships;

On page 7, line 4, strike "(7)" and insert "(8)".

On page 7, line 9, strike "(8)" and insert "(9)".

On page 7, line 15, strike "(9)" and insert "(10)".

On page 7, line 20, strike "(10)" and insert "(11)".

On page 7, line 23, strike "(11)" and insert "(12)".

On page 8, line 3, strike "(12)" and insert "(13)".

On page 8, line 5, strike "(13)" and insert "(14)".

On page 8, line 8, strike "(14)" and insert "(15)".

On page 80, line 2, insert "integenerational mentoring programs," after "agencies,".

On page 90, line 10, strike "and".

On page 90, between lines 10 and 11, insert the following:

(I) supporting intergenerational mentoring programs; and

On page 90, line 11, strike "(I)" and insert "(J)".

Mr. PRYOR. Madam President, I understand this amendment has been cleared on both sides of the aisle. I wish to thank the Chair and ranking minority member and also the distinguished manager of this bill for allowing this amendment to be accepted.

This amendment is going to pave the way for an exciting new thing to happen in Goals 2000. It will mean that for the first time schools are going to be able to tap into the vast pool of resources represented by our older citizens. It is the very first step toward creating a National Mentor Corps that will place trained, mature adults into the public school system. It will match the needs of the young with the talents of seniors in the effort to revitalize education in America.

Last spring, I introduced the National Mentor Corps Act with 29 cosponsors, to encourage our schools to use the experience and wisdom of our mature adults in the classroom. By making the National Mentor Corps a part of Goals 2000, we can provide our schools with an important tool in their efforts to provide our young people with the day-to-day guidance they need from us.

Growing up has always been hard. Growing up in America today is especially hard.

Today's children are less likely to finish high school, and more likely to get pregnant, die violently, or be arrested for violent crimes. When our children leave the classroom at the end of the school day, they are likely to encounter an empty home. In the fifties, 11 percent of America's children found no one home at the end of the day. Today, 65 percent of our children go home to an empty house.

The job of being a parent today is also hard. Many of our parents are struggling to raise their children, hold down a job, be active in their community—in many cases, without the help and support of a spouse.

Is it any wonder that many of them find they have less time than they would like to pass along to their children the special skills and values they need to make it in this world?

As the Goals 2000 effort acknowledges, today's schools also face special challenges. The individuals on the very front lines of this uphill battle to educate America's students are the teachers, who have some of the most difficult jobs imaginable.

If our schools are to succeed in turning out young adults who will meet the challenges they face in the work force, they must be supported in every way possible. This includes being able to supplement their efforts in the classroom, and perhaps before and after school, with help from individuals who have so much to offer—our older adults.

The purpose of Goals 2000 is to give our Nation's schools standards to live up to so they can produce students who are prepared to enter the work force, and to give them the tools they need to meet these standards. I can think of no better way to strengthen their arsenal for this fight than to give them the National Mentor Corps.

The intent of this amendment is to encourage States to use intergenerational mentoring for State educational improvements. First, it would ask States, in developing State improvement plans, to describe strategies for utilizing programs such as intergenerational mentoring in helping students meet State standards. Second, it authorizes that funds be used for State activities designed to implement the State improvement plan that would include programs such as intergenerational mentoring.

These provisions encourage, but do not require, States to take advantage of intergenerational mentoring as an important part of their strategy to revitalize the educational process.

This action is not meant to replace current mentoring programs but to encourage others like them to develop and to grow. Intergenerational mentors are already playing important roles in the educational process by serving as special math and science mentors, listener mentors for pupils in the primary grades, oral historians, and tutors. They work with our children in schools, community centers, Head Start facilities, and even in homes.

I urge you to support this amendment that will encourage our schools to tap into the rich pool of resources our older adults offer.

Madam President, I urge my colleagues to support the amendment. I thank my colleagues on the other side of the aisle and the distinguished managers for allowing me to send the

amendment to the desk and have it considered at this moment.

Mr. KENNEDY. Madam President, if the Senator will yield for a moment, I want to commend the Senator for this amendment. Many of us have witnessed mentoring programs in the schools. I mentioned earlier in the debate how teachers in Dade County are mentoring young students to interest them in pursuing careers in teaching. They are making a very powerful impact. They have been able to gain many of the most gifted students in their classes, who continue their educations and then return to teach in their communities.

We have seen a variety of different mentoring programs for individual students conducted by the schools, the communities, and by the private sector as well. The cost incurred is a very small expense for what has been demonstrated as a very effective program.

I welcome these recommendations, and the opportunity to support effective mentoring programs.

I thank the Senator very much.

Mr. JEFFORDS. Madam President, I can say no more than the Senator from Massachusetts has already said.

I want to thank the Senator for bringing this to us. I look forward to working with him.

Mr. PRYOR. Madam President, I thank my colleagues from Massachusetts and Vermont.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 1387) was agreed to.

Mr. KENNEDY. Madam President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. KENNEDY. Madam President, I think we are prepared to consider the amendment of the Senator from Iowa, Senator GRASSLEY, and then following that, the amendment of the Senator from Florida, who has been willing to enter into a time agreement of 40 minutes. I will propound that time agreement when we address the amendment. But we are thinking of 40 minutes equally divided. We are moving along. If it is the desire of the Senator from Iowa to offer his amendment, I will be glad to proceed.

Mr. GRASSLEY. Madam President, I thank the Senator and the distinguished managers of the bill. These two managers are very good about being efficient and making those of us who are sponsoring amendments toe the line, get down to work, and expedite the process of the Senate.

Even though I may disagree with exactly how they approach that job, they do a very good job of being good taskmasters. I want to compliment them on it. We need more of that leadership in the Senate.

I have a very simple amendment from some standpoints, but a very complicated amendment from others, dealing with the use of Goals 2000 money. But it also goes beyond that, quite frankly and candidly, to how a school district might operate from the standpoint of testing for values and eliciting information from children. So I want to be very up front with my colleagues.

Yet, it goes back to a very basic problem that Senator HATCH tried to deal with in 1978. I think at the time it did deal with the issue very effectively, on some of the misuse of Federal money as it involved or did not involve parents in the education of their children, and parents as an interested party in what their children might be exposed to in their local schools. In 1978, Senator HATCH was able to have passed a very good amendment that required the consent of parents for certain psychological and aptitudinal testing in schools that would be of a nonscholastic nature.

But what we have found happen since that time is that there is a lot of bureaucratic red tape and regulations that make the Hatch amendment very ineffective from the original intent of Senator HATCH.

His amendment was an amendment requiring parental consent for nonscholastic and nonachievement-oriented testing. He pointed out in that debate on August 23, 1978, that most of the Elementary and Secondary Education Act money was going for very worthwhile and necessary forms of tests, surveys, and other scholastic and aptitude examinations which he said were above reproach.

But then he mentioned some parent concerns at that time:

> Parents have serious reservations about some of the nonscholastic or aptitude tests, the psychiatric probing and other nongermane, often mind-bending surveys, being conducted in elementary and secondary schools without the knowledge, much less the consent, of the parents or guardians.

He pointed out that he had nothing to argue about regarding the use of these surveys in the school. He was only dealing with whether or not there was parental knowledge of their use and parental consent about their use. His amendment dealt with seeing that parents were informed, able to consent to their child's participation. Because he said that:

> Simply stated, our amendment requires that before any elementary or secondary age child is subjected to psychiatric behavior, probing, or other nonscholastic and nonaptitude testing, there must first be obtained the written consent of the respective child or parent.

He went on to express some problems in the school at that time. He said:

> The whole problem came about when schools started becoming more concerned with children's attitudes, beliefs, and emotions rather than providing them with basic education—

Remember, this is 1978, I might add parenthetically.

> in the schools, a situation where dramatically fewer young children can read, write, or count but who become worldly wise to stories about sex and drugs and violence. This does not speak well of the long-term emotional stability of the child and such implicit value changes which attend teaching very young children about drugs or sex, and which challenge their faith in their parents, constitutes the most vile threat to the American family.

That was 1978. He went on to say that this is a distortion of the purpose and legislative intent of the Elementary and Secondary Education Act. "It is not what Congress intended when this legislation was first enacted, and I am sure that is not on the minds of my colleagues."

Well, his amendment was accepted by Senator PELL at that time, who was managing that legislation. As I said, the regulations drafted to implement the amendment kept Senator HATCH's intent from being accomplished. But there are other problems that evolve with those regulations that make it very difficult for a family to appeal to the Secretary of Education and to get, what they hope to get, some satisfaction.

In the 10 years since the regulations were drafted, Madam President, only 17 cases have successfully gotten through all the hoops and loops that a parent has to go through just to get an investigation by the Family Compliance Office. Only 17 cases.

I want to say to you, Madam President, that I start with a very basic principle: Parents are primarily responsible for the upbringing and education of their children, and our Supreme Court recognizes that. They recognized it beginning in the 1920's, and they recognized it as late as 1972, and they recognize it later than that, as recently as last year in a lower court of our system, which cited the Pierce case and the Yoder case.

There is a series of three Supreme Court decisions that are the foundation for the constitutional right of parents to be primarily responsible for the upbringing and education of their children. It was firmly established very early in some of these cases that parents retain the primary control over a child's education.

In Meyer versus Nebraska, 1923, the State of Nebraska had forbidden the teaching of all languages other than English in the schools. Apparently, the law at that time resulted from some antiforeign sentiment flourishing because of World War I. A private school teacher was convicted for teaching German to one of his pupils. The Supreme Court reversed the conviction. According to the Supreme Court, parents have a right to engage someone to

teach their children as they think appropriate without interference from the State.

This doctrine was further strengthened in the Pierce case of 1925, which held that a State cannot prohibit all education outside the public schools. Equivalent private schooling is a satisfactory alternative. Parental rights today are largely dependent on this case for their foundation. The court said that parents have a right to direct, first, the upbringing and, second, the education of their children.

Additionally, the Supreme Court held in Farrington versus Tokushige in 1927 that parents have a liberty interest in choosing their children's teachers, curriculum, and textbooks without unreasonable interference from the State.

This doctrine was affirmed most recently in Wisconsin versus Yoder in 1972. That is an Amish case regarding the right of parents to conduct the education of their children separate and apart from the mandatory school attendance laws of a particular State. The Supreme Court said: "The primary role of parents in the upbringing of their children is now established beyond debate as an enduring American tradition."

Let me remind some people about the picture of Amish children in Iowa. The case involves Wisconsin, but it is very similar in Iowa. During the tenure in our State of Governor Harold Hughes—who went on to become a very outstanding Member of this body from 1968 to 1974, until he voluntarily retired—we had a truant officer going to a rural school of Amish children. You had these children, on the front pages of every major newspaper in the State of Iowa, running to the cornfield to hide from the truant officer. Well, that sparked a lot of attention to the cause of the education of Amish children in America and the constitutional rights of their parents to be involved in their education.

I was in the legislature under Governor Harold Hughes' leadership. We passed a law that solved the problem for the Amish people of the State of Iowa. But it did not solve the problems for the Amish in a lot of other States, including Wisconsin. That is why we ended up with the Yoder case. But, very definitely, the Yoder case just 22 years old now and still legal precedent with the Supreme Court, establishes the primary role of the parents in the upbringing of their children. The Court goes beyond the cases of the 1920's which I mentioned earlier. It says that parental authority in the upbringing of their children is now established beyond debate as an enduring American tradition.

Finally, in December of 1993, the supreme court of the State of New York, appellate division, in the matter of Alfonzo versus Fernandez, stated that "The petitioners enjoy a well-recognized liberty interest in rearing and educating their children in accord with their own views," and cited both the Pierce and Yoder cases.

The Alfonzo case involved a lot more controversial stuff today than with the Amish in 1972. It involved the distribution of condoms without parental consent, and that involves a lot of controversial stuff today that people are trying to deal with, and, quite frankly, you know there is a lot of disagreement over the issue. A lot of people with good intent say it should be done.

But here the court deals with the issue—not whether or not it is right or wrong to distribute condoms in the schools and the schools' good-faith efforts to do that to solve a social problem or a medical problem as well, but it involves whether or not parents ought to have something to say about that. The court, very clearly, said,

> The petitioner parents are being compelled by State authority to send their children into an environment where they will be permitted, even encouraged, to obtain a contraceptive device which the parents disfavor as a matter of private belief. Because the Constitution gives parents the rights to regulate their children's sexual behavior as best they can, not only must a compelling State interest be found supporting the need for the policy at issue, but that policy must be essential to serving the interest as well.

So you have the test of compelling State interest. You have the test of it being essential to what the State wants to accomplish.

The court went on to say that it did not find the compelling State interest, and it reiterated the Pierce and Yoder doctrines. So clearly this is still the foundation of our U.S. Supreme Court. While Alfonzo is not a Supreme Court case, it is a recent appellate court decision which affirms the doctrines established by Pierce in 1927 in the Supreme Court and by Yoder in 1972 by the Supreme Court.

Thus it is clear that the basis for my amendment is the constitutional right of parents to be primarily responsible for the upbringing and education of their children.

Together these cases guarantee that parents have certain rights with respect to their children's education. While a State government has an interest in the proper education of children within its borders, and we do not deny that interest, parents are primarily responsible for this education.

Thus the State must not unreasonably interfere with this parental right. Absent a showing of abuse or neglect the parental right to direct and control the upbringing and development of their minor children remains very substantial and may be subject to governmental interference only when such interference is supported by a significant government interest.

I raise this balance of parental and State rights because, as my colleagues are fully aware, I have been a defender of State and local control of education. This has been a principle over time that I have advanced and protected, not only in the State legislature but, here as well.

However, what happens when States and localities are not fulfilling their responsibility to protect another basic constitutional foundation of our society? Then I think we can raise questions, and Congress ought to be concerned.

Obviously, we ought to have a concern in the same way of whether or not the door is open in a public school to all children regardless of race or religion.

What happens when parents' rights are being trampled and State and local government, through its public schools, is the one trampling those rights? Well, Congress ought to be just as concerned about the violation of constitutional rights of parents in the schools as it is concerned about other sorts of constitutional violations which occur in that school.

I firmly believe that education should be controlled on the State and local level. However, I also firmly believe that the parents' right to control the upbringing and education of their children is paramount and the courts have declared it. Congress should protect this right as much as they protect the civil rights of students' access to the school door.

Mr. KENNEDY. Madam President, will the Senator yield?

Mr. GRASSLEY. I yield to the manager as long as I do not lose my right to the floor.

Mr. KENNEDY. Would the Senator be willing just to permit us an opportunity to counsel with him on the Senator's amendment? There are a number of provisions. The basic thrust of the proposal we are in great sympathy with and Senator KASSEBAUM is in great sympathy with.

I was just wondering whether at this time the Senator would be willing to just withhold for a brief period of time and temporarily set aside that amendment and permit to accommodate the schedule of the Senator from Florida, and have an opportunity to visit with the Senator, and we can proceed with the debate on the amendment of the Senator from Florida?

We think we can expedite the Senator's amendment, and the Senator from Florida is willing to enter into a time agreement.

Mr. GRASSLEY. What is that time agreement?

Mr. KENNEDY. Forty minutes evenly divided.

The PRESIDING OFFICER. The Senator from Massachusetts should be advised the amendment offered by the Senator from Iowa has not been sent to the desk yet.

Mr. KENNEDY. Fine.

We are in the process of consulting with Senator KASSEBAUM, and we be-

lieve we have a proposal for the Senator which I think would certainly reach his goal.

Mr. GRASSLEY. Are they some very simple changes? Is the Senator talking about changing a few words or a complete rewrite of the amendment?

Mr. KENNEDY. No. Basically, I think it carries the thrust of the Senator's purpose. We will be glad to share that language with the Senator. We believe that it would. We believe that we would accomplish the objective the Senator would like to do. I quite frankly think we might be able to achieve the Senator's objective in a more expeditious way. I am not interested in leaving. I plan to be here for whatever period of time it takes. I thought we might be able to accommodate the Senator's schedule first and then come right back to the Senator's amendment.

Mr. JEFFORDS. Madam President, I might address where I understand the suggestion to the Senator of Iowa would be to amend existing law which would make it much more simple rather than the language that the Senator presently has.

Mr. GRASSLEY. That will not. I have heard about that approach. That will not solve the basic problem with the 1978 statute.

Mr. JEFFORDS. If the Senator is amending the 1978 statute, would that not solve the basic problem with it?

Mr. GRASSLEY. No, because of the inability to satisfy the Department of Education that there is a direct relationship between the problem in the local school and a Federal dollar being spent.

I will make that very clear. I am in the process now. I know it takes a long time to get to the point that the Senator raises because of a very key element, and I have an answer for that.

But I needed to establish the constitutional basis of the right of the parents in the education of their kids. I have done that now, and I wish to move on. I thought the Senator from Florida was satisfied with how long it was going to take my amendment because it would have been better for me to accommodate him at 11:30 a.m. than now. I spoke to the fact that Senator KENNEDY asked me to do this Thursday and I was responding to Senator KENNEDY. I wanted to be able to go through this and do it without any problem.

Mr. JEFFORDS. Time runs on, and I defer at this point. I think the suggested amendment might meet the Senator's requirements. However, I suggest he proceed so we do not lose any more time.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Madam President, in essence, the epitome of local control, the control by the most basic institutions of our society, is parental control.

Recent studies show that many of society's problems, such as drug abuse, juvenile delinquency, teen pregnancy, low self-esteem, and low academic achievement to some extent is the result of the breakdown of the family.

With this in mind, should we not be taking steps to strengthen parents and the family? Should we not be protecting their rights and responsibilities as outlined by the Supreme Court cases that I discussed?

Schools are taking on activities traditionally in the purview of the family. Because schools are taking on these additional activities, they have less time to teach the basics.

I would like to give some examples. As Senators, we live very busy lives, and I suppose for most of us we do not have young children still in school, but most of us have staff members who still have children in school.

Madam President, some of us are a lot older than you are.

I would like to have my colleagues consider the following in terms of their own relationship with their children or that of the children of staff because we are one big happy family. We have to be in each separate office here, staff and Member alike. The questions to my colleagues:

Have you ever driven too fast? Have you ever neglected to complete a child's school form? Have you ever let your child stay overnight at a friend's house without speaking with the parents? Have you ever worked so much that you do not have time to spend with your children? Have you ever refused to let your child participate in outside activities of the school because it was inconvenient? Have you ever missed a parent-teacher conference or other school activity?

The point about these questions is that if any of my colleagues, or any other busy parent that might be listening, have done any of these things you might be guilty of what is called "passive child abuse."

I ask unanimous consent to print the full questionnaire that those few questions were taken from and the letters from the mother who sent it to me and the child who took the questionnaire in the RECORD at this point.

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

DAVENPORT, IA,
JANUARY 26, 1994.

Hon. CHARLES GRASSLEY,
U.S. Senate, Washington, DC.

DEAR SENATOR GRASSLEY: Thank you so much for your efforts to guide the education system in our country in a direction that will benefit our children. I have become increasingly concerned as I see the results of Goals 2000 and outcome-based education come home each day in my childrens backpacks.

The attached "Passive Child Abuse" listing was, in fact, distributed and discussed in my daughter's seventh grade Health class last spring (1993). She attends Walcott Junior High School, which is in the Davenport Community School District, Davenport, Iowa. The students were instructed to leave the copies on their desks when they left the room at the end of class. My daughter is aware of my concerns and chose to bring her copy home to me instead.

Needless to say, I was shocked and quite upset at the message being sent to our children through this lesson. As you read through the list, you can see that virtually every parent has violated at least one of these criteria! I see this as a clear attempt to dissolve parent rights and usurp parental authority in the child's mind. The fact that this was presented "in secret" from the parent only adds to the suspicions being raised in the child's mind.

I see this as psychological testing (for responses) and treatment of my daughter. Since this was completed without prior informed written consent by my husband or myself, I feel our own rights have been violated.

Please be diligent in your efforts to insure that parents and families are protected from this breach of our rights as you debate "Goals 2000". I appreciate your thoughtful consideration.

Sincerely,

RITA S. PETERSON.

Enclosures.

JANUARY 26, 1994.

Hon. CHARLES GRASSLEY,
U.S. Senate, Washington, DC.

DEAR SENATOR GRASSLEY: I am glad that you have taken this position regarding education. Before I start, I will tell you about myself. I am thirteen years old and I am in the eighth grade at Walcott Jr. High. My school is in the Davenport School District, Iowa.

I was the student that obtained this sheet titled "Passive Child Abuse". I took it out of my seventh grade health class last year. There was class discussion about the list. We were instructed not to take it out of the classroom, but, I thought that it was probably not something we should be looking at in a health class.

This isn't the only example of psychological testing and attitude-changing. In the same health class, we took a questionnaire twice (once at the beginning of the course, once at the end of the course). Our teacher said it was to see if our attitudes had changed over the length of the course. Though we did not put our name on it, we wrote on it our age, gender, race, parental status, etc. It had multiple choice questions like "Do you often feel depressed?", "What would you do if a friend was contemplating suicide?", "How do you feel about your current weight?", and, How do you feel about yourself now?"

Also, all of a sudden our schools can't have anything to do with religion. In our Spanish and chorus class, we can't sing Christmas songs. We can't go caroling to different classes in our school because, as we were told, caroling is a Catholic tradition. My American studies teacher says that Puritans were "always constipated trying to think their high, good thoughts." They are trying to change out attitudes about religion.

I am editor of my school paper, and in the last issue I wrote an editorial about how I was against a grade restructuring plan that was approved by our school board. My principal called me into his office and intimidated me. He tried to tell me that all of my opinions were wrong. Even though all of the facts I used in my editorial were true and well checked, he told me those were wrong,

too. One of the facts was told to me and my class by a teacher and he still insisted it was wrong. I think it is wrong for a principal to intimidate a student and tell the student her opinions are wrong.

I think it is wrong that they are trying to change and monitor our attitudes. I want to go to school to learn facts and not learn what opinions my school administration wants me to know. I want to form my own opinions. I urge Congress to help make sure kids can form their own opinions.

Sincerely,

MICHELLE PETERSEN.

PASSIVE CHILD ABUSE*

There are many ways to abuse children other than actively hitting, pushing, pinching, and name-calling them. The following is a list of ways in which children may be passively abused.

1. Allowing children to stay up late watching TV on school nights.
2. Failure to have children's Glasses fixed or teeth repaired.
3. Failure to have a will made or to designate a guardian for your children.
4. Staying with a partner who is an active and abusive alcohol or drug user.
5. Dating or living with someone who hates and is abusive to children.
6. Driving too fast, carelessly, or under the influence of alcohol or drugs.
7. Not fastening children into automobile child restraints, seat belts, and shoulder harnesses when driving.
8. Abusing alcohol or drugs or selling illegal drugs.
9. Being very critical of mate and talking against him or her to children.
10. Neglecting to fill out or sign children's school forms.
11. Having no idea who your children's friends are or where your children hang out.
12. Sending children to school when ill or letting them fake illness to avoid school.
13. Not providing clean clothes and a clean home.
14. Not having children immunized.
15. Never following through on punishments given to children.
16. Letting children stay overnight at a friend's home without talking to the parents.
17. Bringing one partner after another into your life.
18. Never doing anything alone with your children.
19. Working so much that there is no time to spend with children.
20. Promising to do something with your children and then canceling out because you have lost interest.
21. Treating yourself to new things but expecting children to make do with what they have.
22. Refusing to allow children to participate in outside activities because it's inconvenient.
23. Allowing children to watch adult (sex and violence) movies.
24. Smoking cigarettes.
25. Never taking children's side against a teacher or always taking children's side against a teacher.
26. Never attending parent-teacher conferences or other school activities.
27. Making children late to school by not getting up in the morning.
28. Having extremely high or low expectations of children.
29. Allowing your children to skip school because you want their company or because you do not feel like getting them dressed.

*Adapted from "Are You A (Passive) Child Abuser?" an article in the April 29, 1991, Quad-City Times by Doris Wild Helmering of the Scripps Howard News Service.

Mr. GRASSLEY. Madam President this questionnaire was discussed in a Davenport, IA, seventh grade health class, and children were specifically told not to take a copy out of the classroom or discuss this exercise with their parents. Fortunately, this mom has trained her kids that when this kind of thing happens, it is exactly the kind of thing that a parent ought to know about and the child took the questionnaire home.

Another mother wrote me a letter from which I will quote directly.

Last year, my 15-year-old daughter, who was a student in Colorado School District 11, came home from school one day and told me about a survey she had been given instructions to complete during algebra class. I would not have known about this survey if she hadn't mentioned it since the school did not notify parents they were administering it. The survey was unrelated to the subject of mathematics; instead, questions were asked about students' emotions and out-of-school behavior, attitudes about parents, home life (including behavior of parents and siblings), and a variety of other invasive inquiries. The purpose of this survey, the students were told, was to identify those students who would "benefit" from a therapeutic support group. My daughter who was reluctant to submit to this type of non-academic exercise, refused to respond to the survey. She wrote "none of your business" across the questionnaire and signed her name to the incomplete form.

Two weeks later, she was told to leave at the end of her first period class and go to another room; she was not given the reason for this order. When she arrived, she was told to sit down and participate in a "support group," for which she had been selected, based on her "responses" to the above-mentioned survey. By way of introduction, the students were told to state their name and their favorite season of the year. When it was my daughter's turn, she said, "My name is Sara and I have better things to do than to sit here and let you analyze me." She then rose from her seat and returned to her civics class.

But the mother goes on to ask in her letter that the Senate please ensure that this type of psychological manipulation will not continue to be a part of the school system.

I ask unanimous consent to have the full text of that letter be printed in the RECORD.

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

ALLEN, TX, *October 30, 1993.*

DEAR SENATOR GRASSLEY: I am writing to express my intense concern about the non-academic subjects, invasive questionnaires, and psychological therapy being forced upon students in our public schools without either the permission or knowledge of parents—a subject in which, I believe, you are also interested. Please allow me to give you an example.

Last year, my 15-year-old daughter, who was a student in Colorado School District 11, came home from school one day and told me about a survey she had been given instructions to complete during algebra class. I would not have known about this survey if she hadn't mentioned it since the school did not notify parents they were administering it. The survey was unrelated to the subject of mathematics; instead, questions were asked about students' emotions and out-of-school behavior, attitudes about parents, home life (including behavior of parents and siblings), and a variety or other invasive inquiries. The purpose of this survey, the students were told, was to identify those students who would "benefit" from a therapeutic support group. My daughter who was reluctant to submit to this type of non-academic exercise, refused to respond to the survey. She wrote "none of your business" across the questionnaire and signed her name to the incomplete form.

Two weeks later, she was told to leave at the end of her first period class and go to another room; she was not given the reason for this order. When she arrived, she was told to sit down and participate in a "support group," for which she had been selected, based on her "responses" to the above-mentioned survey. By way of introduction, the students were told to state their name and their favorite season of the year. When it was my daughter's turn, she said, "My name is Sara and I have better things to do than to sit here and let you analyze me." She then rose from her seat and returned to her civics class.

When she told me about this incident, I was proud of her willingness to stand up for her beliefs, in spite of potential disciplinary action by her school. I have instilled in my children the meaning of the Bill of Rights and what these rights mean to us as citizens. Our family does not necessarily subscribe to the tenets of popular psychology, and as citizens of the United States, our family should be allowed to choose *not* to participate in coerced support group therapy in a public school.

After my daughter's refusal to participate in this support group occurred, she was treated differently by some of her teachers—they viewed her as disrespectful and uncooperative—and I was finally forced to remove her from the Colorado state school system. Please ensure that this psychological manipulation will not continue to be part of our public school system, or added to the new education strategy, Goals 2000: Educate America Act.

Sincerely,

SUSAN L. GABRIEL.

(Mrs. MURRAY assumed the chair.)

Mr. GRASSLEY. Madam President, these things simply should not happen without parental knowledge or consent.

Let me clarify here that my amendment does not deal with the right of the school districts to conduct these sorts of surveys or support groups. That decision is up to the local school district. My amendment only deals with the parents' right to know that their child might be involved in that activity and consent to the activity.

Some will argue that there is really not much wrong with Senator HATCH's amendment of 1978, the protection of pupil rights amendment—section 439 of the General Education Provisions Act. They will argue that we can manipulate that law a little bit to solve the problem.

Well, I think that is a very reasonable place to start. What I want the managers of the bill, Senator KENNEDY and Senator JEFFORDS, to be concerned about are the problems that we have with that approach; and that their attempts to change that law, as legitimate as it might be, will not solve the problem because of the inability to show the direct relationship between Federal funding and the activity in question.

I checked into the 1978 law. If it is not working, why is it not working? We just ran into this terrible regulatory black hole, let me call it.

So I wrote a letter to Secretary Riley at the Department of Education and raised some questions to clarify the 1978 law and its implications for parents.

Remember, in 10 years, since the regulations were promulgated, we have only had 17 cases reach the threshold of an investigation. Many other parents have not been able to get through all the burdensome hoops.

The law, as introduced by my colleague, Senator HATCH, in 1978 has two major provisions. First, to ensure that schools allow parents to review instructional materials used in Department of Education funded research or experimentation programs or projects; and, second, to ensure that parents give written permission before Department-funded psychological and psychiatric testing or treatment is undertaken involving minor children who are thereby required to provide elements of personal information listed in the law.

Let me explain why the 1978 law usually proves ineffective in practice. The regulations drafted to effectuate the purposes of the protection of pupil rights amendment simply place an undue burden on parents. First, parents must prove that they attempted a resolution at the local level. They must prove that the development and/or administration of the program is supported by the U.S. Department of Education funds.

They must prove that the activity that they find offensive meets the definition of a research or experimentation program or project under the regulations.

There is nothing wrong with going to local people to solve this, but a terrible burden when you have to prove that you have attempted to resolve the conflict locally.

If the conditions appear to exist that are spelled out in the law, then parents must get through each and every one of the following hoops for the Family Compliance Office at the Department of Education to investigate.

Parents must prove that the specific activity that they find offensive is funded with Department of Education funds. They must prove that their child is directly affected by the activity in question. They must prove that the activity meets the definition of psychiatric or psychological testing or treatment in the regulation. They must prove that the primary purpose of the activity is to reveal private information protected under the act.

They must prove that the school has not received their written consent. They must prove that they attempted to resolve the conflict at the appropriate State and local levels before filing a complaint with the Family Compliance Office at the Department of Education in Washington.

Madam President, with all due respect to the spirit and the intent of this 1978 law, unfortunately, the burden on parents is so heavy, so terribly heavy, that they understandably feel powerless to protect their children.

I ask unanimous consent that the portion of Secretary Riley's letter dealing with the protection of pupil rights amendment be printed in the RECORD at this time.

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

U.S. DEPARTMENT OF EDUCATION,
THE SECRETARY,
October 7, 1993.

Hon. CHARLES E. GRASSLEY,
U.S. Senate, Washington, DC.

DEAR SENATOR GRASSLEY: Thank you for your letter of August 9. In response to your questions, my staff has prepared the enclosed set of responses. I hope you will find this information useful and will contact me if I may be of further assistance.

Yours sincerely,
RICHARD W. RILEY.

Enclosure.

PUPIL PROTECTION ACT

The Family Policy Compliance Office also administers the Protection of Pupil Rights Amendment (PPRA) and is responsible for investigating alleged violations of PPRA and its implementing regulations, the Student Rights in Research, Experimental Activities, and Testing Regulations. Section 439 of the General Education Provisions Act, 20 U.S.C. §1232h. *See also* 34 CFR Part 98.

The law has two major purposes. These are:

To ensure that schools allow parents to review instructional materials used in U.S. Department of Education funded research or experimentation programs or projects (34 CFR §98.3); and

To ensure that parents give written permission before Department-funded psychological and psychiatric testing or treatment is undertaken involving minor children who are thereby required to provide elements of personal information listed in the regulations (34 CFR §98.4).

The specific questions you raised with regard to PPRA are addressed below.

Issue: What must a parent do to trigger enforcement under the Act?

Response: Parents who believe that their rights under PPRA may have been violated may file a complaint with the Department by writing the Family Policy Compliance Office. Complaints must contain specific allegations of fact giving reasonable cause to believe that a violation of PPRA occurred. The regulations require the Family Policy Compliance Office to undertake a review of a complaint alleging a violation of §98.3 if the following conditions appear to exist:

(1) The development and/or administration of the program is supported with funds, in whole or in part, provided by the U.S. Department of Education.

(2) The complainant is a parent or guardian of a student directly affected by the activity;

(3) The activity meets the definition of research or experimentation program or project found in §98.3(b);

(4) The complainant has attempted to resolve the apparent conflict at the appropriate local and State levels (if a State complaint procedure exists) before filing the complaint with the Department.

For complaints alleging violation of §98.4, the Department is required to investigate a complaint only if all of the following conditions appear to exist:

(1) The activity that is the subject of the complaint is supported with funds supplied, in whole or in part, by the U.S. Department of Education.

(2) The complainant is either a parent or guardian of a student, or the student if an adult or emancipated minor, who is directly affected by the activity.

(3) The activity meets the definition of psychiatric or psychological examination, test, or treatment in §98.4(c)(1) and §98.4(c)(2) of the regulations.

(4) The primary purpose of the activity is to reveal any of the information listed in §98.4(a)(1)–(7).

(5) The school district or other recipient of funds has not obtained prior written consent of the student's parent.

(6) The complainant has attempted to resolve the apparent conflict at the appropriate local and State levels (if a State complaint procedure exists) before filing the complaint with the Department.

Once the Department receives a valid complaint—one that meets the conditions described above—the Family Policy Compliance Office provides written notice to the educational agency that includes the substance of the alleged violation. The written notice also informs the educational agency that the Office will investigate the complaint and that the agency may submit a written response to the allegation(s). The Office will provide the educational agency with a "response form" that, when completed, will aid in the investigation. If the agency does not submit a written response to the allegation(s) presented, the Office may at that point make a determination based on the available information as provided by the complainant.

Following the receipt of the complaint and the notice to the educational agency, the parties may submit further written or oral arguments. The evidence received by the parties will be examined in light of the criteria explained above to determine whether a PPRA violation has occurred.

The Family Policy Compliance Office provides the complainant and the educational agency a written notice of the findings and the basis for the findings. If a violation has occurred, that office will provide the agency with a statement setting forth the specific steps that it must take to come into compliance with the law. The educational agency is given a reasonable amount of time to achieve voluntary compliance.

If the educational agency does not comply during the period of time set by the Family Policy Compliance Office, the Department may, at its discretion, initiate one of the following actions: (1) withhold further payments; (2) issue a complaint to compel compliance through a cease-and-desist order; or

(3) terminate eligibility to receive funding under an applicable program. However, as in the Department's experience in administering FERPA, we have never had to take such action because voluntary compliance has always been secured.

Issue: What is the standard of proof required under the Act? How does a parent meet the necessary standards of proof? How is a parent protected if he or she cannot meet the necessary standard of proof?

Response: As explained above, complaints must contain specific allegations of fact giving reasonable cause to believe that a violation of PPRA occurred and must appear to meet the conditions listed above before an investigation is initiated by the Department. Following its investigation, the Family Policy Compliance Office provides to the complainant and the educational agency a written notice of its findings and the basis for its findings. 34 CFR §98.9(b). The regulations provide that "[i]f the Office finds that the recipient . . . has not complied with [PPRA]" it notifies the recipient of the specific steps that it must take to comply. 34 CFR §98.9(c) (emphasis added). There is no other "standard of proof" set forth in the statute or regulations, and the Department interprets this as equivalent to the ordinary "preponderance of the evidence" (more likely than not) standard used in civil litigation. That is, the Office will determine whether it is more likely than not that the educational agency has not complied with PPRA's requirements. If the "standard of proof" has not been met, it means that the Department has found that PPRA was not violated.

Issue: How many cases have been filed since passage of the Act?

Response: The Family Policy Compliance Office has received numerous requests for investigation of allegations of violation since the regulations were promulgated. However, valid complaints are restricted to those programs, projects, and testing that meet the above criteria. "Complaints" received in writing that do not meet the above delineated criteria are treated as inquiries for information about PPRA requirements. Additionally, the Family Policy Compliance Office responds to numerous calls of concern and requests for information by telephone from parents regarding the applicability of PPRA to certain programs and for information regarding our investigation procedures. The Department has initiated investigation into 17 formal complaints alleging violation of PPRA.

However, no school district or State educational agency has had funding withdrawn as a result of our investigations. The school districts or State educational agencies in question voluntarily brought their activities into compliance with PPRA. Additionally, some of the complaints investigated were later found to be invalid because no Department funds were found to be involved in the activities in question, although it may have been initially believed by the parent that Department funds were involved. As a matter of note, the last three investigations conducted by the Family Policy Compliance Office resulted in two State departments of education and one local school district adopting agreements with the Department to implement policies in compliance with PPRA.

Issue: How many cases were deemed inconclusive because the parents were unable to meet the necessary standard of proof?

Response: We understand your question to be how many allegations of violation of PPRA have been deemed inconclusive because we determined the conditions necessary for an investigation were not satisfied. Our records are not kept in such a way that we can provide this information.

Issue: Are there other federal educational laws, beyond the Protection of Pupil Rights Amendment, which grant protection to specific parties? (Such as, but not limited to, the Individuals with Disabilities Education Act.) If so, what is the standard of proof under those laws?

Response: It would take us additional time to review all the education laws in order to provide you with a summary of the statutes that grant protection to specific parties.

Issue: How are the funds tracked so that it is possible to know which activities are federally funded and thus, must follow the notice requirements of the Protection of Pupil Rights Amendment?

Response: PPRA and the implementing regulations apply to programs, projects, and testing if Department funds are involved in either their development or implementation. The Department maintains information about the award of grants (discretionary and formula) and contracts to States and local educational agencies. However, the Department does not maintain a listing of specific programs, projects, or other activities conducted with these funds. The Department relies on the States to account for the use of such funds. In conducting a PPRA investigation, we work with the school district and/or State department of education to make this determination.

As noted above, complaints filed with the Department under PPRA must include evidence of attempted resolution at the local level—and at the State level if a State resolution process exists. Should the above conditions exist, however, parents may file a complaint with the Family Policy Compliance Office, providing adequate information to substantiate their allegation that a violation of PPRA has occurred.

Mr. GRASSLEY. Madam President, one mother attempting to come under the protections of the Pupil Protection Act, wrote a letter to her local school district superintendent asking that her child not be involved in any school activity listed under the Pupil Protection Act unless she was first given access to the relevant materials and her written consent was obtained.

In other words, this parent was doing exactly what she thought the 1978 law gave her a right to do. Her letter describes the superintendent's answer as follows:

Both the Mentor Board and staff are committed to full compliance with all applicable laws governing the District. However, we [meaning the school superintendent and the school district] cannot and will not modify our entire approach to education in the District based upon a Federal statute which has only limited application to our program.

I ask unanimous consent to have that letter printed in the RECORD at this point.

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

NOVEMBER 2, 1993.

Hon. SENATOR GRASSLEY,
U.S. Senate, Washington, DC.

DEAR SENATOR GRASSLEY: I am writing you to express my frustration with the present condition of our education system. There was a time, not so long ago, when our communities and schools were very close * * * functioning as one and benefiting all. We sent our children off to school where they could acquire all of the tools necessary to function as a responsible and contributing adult. They learned of the academics * * * English, Math, Science, Geography * * * etc. from textbooks. They learned social graces * * * fairness, politeness, compassion, civic duty, etc. through participation in activities with other children and by following examples set by fine teachers. That was their environment * * * a kind, compassionate, knowledgeable teacher leading by example and focused on rigorous academics. Parents worked hand-in-hand with teachers, reinforcing what they had learned that day in school * * * trusting their children's schools and teachers. This system built, and will continue to build, America * * * or so we were taught.

Early this century "social engineering" utilizing the tools of the psychologist's trade began to find its way into our classrooms. It was harmless enough at its inception * * * just a way of more formally instructing the social skills. Time spent in this area was minimal. But as the decades rolled by, it began to "eat into" the time set aside for academics * * * the primary reason for the children being there. True academics moved further and further into the background while psychological assessments and later, manipulations, moved to the foreground. It happened so gradually * * * most parents were lulled to sleep * * * comfortable in their trusting relationship with the schools. This, after all, was a better way to build America * * * or so we were told.

Today * * * our students, teachers and administrators alike * * * spend the overwhelming majority of time pursuing the psychology of it all. Our schools, once the place of academics, are now devoting most time, energy and money to the "feel-good" curriculum. I would wager that it is for this reason alone that our schools have deteriorated in their ability to teach. Our schools are producing illiterate adults * * * but ones that feel good about being so.

School administrators were quick to see this as a wonderful way to run the schools * * * a reduction in measurable academics, accompanied by an increase in unmeasurable psychological assessments and counseling. Remember, these are not just measurable and unmeasurable as it applies to the student, but also as it applies to the schools * * * who all the time demand (and get) larger budgets. It is by their implicit design that there is no real means of accounting when our school administrators fail. We parents can no longer measure the successes and failures of our school systems * * * all we're to do is feed it more money and more children.

All this has come to a head recently throughout the country and it has driven a powerful wedge between the schools and the community. No longer can the schools be given our trust "Carte Blanche", and for good reason * * * our privacy and the sanctity of our families have been breached by the psychological assessing and the recording of these assessments in computer databases throughout the nation. Technology has made it a snap.

Who knows what future uses (or misuses) of this information will be * * * who knew of what use (or misuse) the recording of information in Germany would bring to the world? Much of that data was collected by documenting the results of harmless "mental" testing (currently referred to as "coun-

seling") done in the 1920's and 30's. Can what followed there happen here? Probably not, thankfully * * * but none of us can answer definitely not. A decade ago it would have been ridiculous to presume that the Berlin wall would no longer stand * * * that the USSR would disassemble itself. Who knows for certain what our future is? What will the seemingly innocent aspects of this "classroom psychology" mutate into in the coming years?

Many parents have recently submitted "Hatch" letters (a copy of which is enclosed) to their children's schools in an effort to combat this problem. The response that my husband and I received from our district superintendent includes the following paragraph, which pretty well sums up their lack of respect for the parents of those students entrusted to them:

"Both the Mentor Board and staff are committed to full compliance with all applicable laws governing the District. However, we cannot and will not modify our entire approach to education in the District based upon a federal statute which has only limited application to our program."

What a reply. We express our genuine concerns and respectfully request a review of curriculum, and this guy crawls into a legal shell. Perhaps that shell is one of our problems. Imagine the frustration and mistrust that this kind of response breeds in our community. I know how it affected us * * * I can only imagine how it affected those with religious convictions, who take very seriously many of the items on the list that my husband and I had no problem with.

Is this all only a mistrust of the schools by the parents? Is this a one-way street? No * * * as parents have awakened to what's happened, they are increasingly viewed as threats to school budgets. We see the schools' mistrust of parents demonstrated through actions like the earmarking of $10 million by the NEA for campaigning in opposition to the "voucher" initiative in California. What does the NEA fear? If parents choose another school for their child, won't the child's new teachers be members of the NEA, as well? Or do they fear that new schools will spring up dedicated to measurable academics? Is that perhaps more work? Is it too measurable? Do they fear that a precedence is being set by the upward-spiraling numbers of "home schoolers"?

The mistrust, in both directions, is the destructive force that needs to be dealt with. One way of dealing with it is to strengthen one of the core philosophies of America * * * our rights to privacy. What harm can come of creating laws that enhance the sanctity of the family * * * that reaffirm our rights * * * that secure further our freedoms? This will be the first step in healing the division between community and school * * * we could once again hand over our most treasured gifts * * * our children * * * to go and learn to love learning * * * secure in knowing that the right to privacy within our family unit is protected by "We, the people * * * This is the way America was built * * * this we know.

We must enact much stronger legislation at the local, State and Federal levels of our country to halt this invasion of our homes. Will the passing of new laws, or the strengthening of existing ones, stop the sapping of time from true "academics"? Will it stop the foolish waste of money? No * * * but what it can do is to stop the erosion of our rights and freedoms, the rest of what ails the learning community will be taken care of in the home, at local board meetings and at the polls * * * perhaps that's why I decided to write this on election day. We, the parents, are taking our schools back. But we need help from those legislators who still truly believe that serving the public's interest is an honor.

Sincerely,

MRS. JANE F. PONN,
Parent.

THE RIGHTS OF PARENTS AND STUDENTS REGARDING PUBLIC AND PRIVATE SCHOOL EDUCATION

Considering the diversity of curricular matters being discussed in both public and private school today, it is of vital importance that parents know their rights and the rights of their children under law. It is equally important that parents inform the school authorities, in the institution where their child attends, that they desire to have access to and opportunity to approve or disapprove of the curricula their child will be taught before the child is subjected to the material in class.

It does not go without saying that much of what is being taught as "truth" and "fact" in schools today is directly contrary to measurable scientific thought and traditional family values.

The recent upsurge of parents in New York City regarding materials of a perverted sexual orientation that were being thrust upon their children at the first grade level, is itself only the tip of the iceberg.

Educational institutions are not a law unto themselves. They are accountable to local school boards, which in turn, are accountable to parents and the public-at-large. Given the overall mobility of our society, whether a student in one state is correctly taught ought to be the concern of the rest of us. Thus, New York's problems are ours as well.

The following letter is a model by which you may legally inform your school officials of your rightful desires with respect to the education of your child. Read it carefully; then copy and submit it to your local school officials. Be certain that they not be allowed to ignore your request for a copy of their "policy statement on procedures for parental permission requirements."

This is your right under the law.

The original letter was reprinted from How Good is Your School? by Sally D. Reed. National Council for Better Education, Capital Headquarters, Washington, DC 20070-0158.

Some minor modifications were made to the original letter by the SYSOP of the OHPIN BBS. These changes were additions to the original text, and were included to eliminate what we considered to be potential loopholes.

Parents' Name(s):

Date:

Street Address, City, State, Zip:

I am the parent of , who attends school. Under U.S. legislation and court decision, parents have the primary responsibility for their children's education, and pupils have certain rights which the schools may not deny.

Parents have the right to be assured that their children's beliefs and moral values are not undermined by the schools. Pupils have their right to have and to hold their values and moral standards without direct or indirect manipulations by the schools' supplementary assignments.

Under the Hatch Amendment, I hereby request that my child not be involved in any school activities or material listed below unless I have first reviewed all the relevant materials and have given my prior written consent for their use:

Psychological and psychiatric treatment or testing that is designed to affect behavioral, emotional or attitudinal characteristics of an individual or designed to elicit information about attitudes, habits, traits, opinions, beliefs or feelings of an individual or group;

Values clarification, use of moral dilemmas, discussion of religious or moral standards, role-playing or open-ended discussions of situations involving moral issues, and survival games including life/death decision exercises;

Contrived incidents for self-revelation; sensitivity training, group encounter sessions, talk-in, magic circle techniques, self-evaluation and auto-criticism; strategies designed for self-disclosure including the keeping of a diary or a journal or a log book;

Sociograms, sociodrama; psychodrama; blindfolded walks; isolation techniques; death education, including abortion, euthanasia, suicide, use of violence, and discussions of death and dying;

Curricula pertaining to drugs and alcohol;

Nuclear war, nuclear policy and nuclear classroom games;

Globalism, one-world government or anti-nationalistic curricula;

Discussion and testing on interpersonal relationships; discussions of attitudes towards parents and parenting;

Educating in human sexuality, including pre-marital sex, extra-marital sex, contraception, abortion, homosexuality, group sex and marriages, prostitution, incest, bestiality, masturbation, divorce, population control, and roles of males and females; sex behavior and attitudes of student and family;

Pornography and any materials containing profanity and/or sexual explicitness;

Guided fantasy techniques; hypnotic techniques; imagery and suggestology;

Discussions of witchcraft, occultism, the supernatural, and Eastern mysticism;

Political and/or religious affiliations of student or family;

Income of family;

Non-academic personality tests; questionnaires on personal and family life attitudes.

The purpose of this letter is to preserve my child's rights under the Protection of Pupil Rights Amendment (The Hatch Amendment) to the General Education Provision Act, and under its regulations as published in the Federal Register of September 6, 1984, which became effective November 12, 1984.

These regulations provide a procedure for filing complaints first at the local level, and then when the U.S. Department of Education. If a voluntary remedy fails, federal funds can be withdrawn from those in violation of the law.

I respectfully ask you to send me a substitute written response to this letter, attaching a copy of your policy statement on procedures for parental permission requirements, to notify all my child's teachers, and to keep a copy of this letter in my child's permanent file.

Thank you for your cooperation.

Mr. GRASSLEY. Note, please, what the superintendent said. He said that the Pupil Protection Act had only limited application to his programs.

Secretary Riley's response to my questions about the protection of the pupil rights amendment, combined with Mrs. Ponn's letter about the response from her local school super-

intendent, confirms my belief that this law provides little practical protection for parents. And my statistical proof that in 10 years since the regulations were promulgated, only 17 requests have gotten through all these hoops to even be investigated. Only 17 cases have been investigated since the regulations were completed in 1984.

However, I have received more than 17 letters of complaint in just the last 10 days, since my amendment has been out for public discussion.

So, turning then, to my amendment, it takes a more concrete approach. It says that a Goals-2000-funded school cannot do activities involving surveying, analyzing, or evaluating the personal values, attitudes, beliefs, or sexual behavior of a student unless it gets prior written consent of the student, if emancipated, or parent if the student is not emancipated. It further requires that the parent or guardian have access to curriculum materials or information regarding activities relevant to the development or assessment of personal values, attitudes, beliefs, or sexual behavior of a student before the implementation of such curriculum, use of such materials, or occurrence of such activity.

The school districts can do anything they want to with Federal money or their own money. They can offer all these approaches that they want. I would not presume to interfere in a school district's right to do that.

I only say—based upon the constitutional rights which the Supreme Court has stated for parents to be chiefly responsible for the upbringing and education of their children—that the parent has a right to know about these activities and look at the material.

I would like my colleagues to note what my amendment does not require. Some of this will be for purposes of emphasis because I have stated it before. It does not require that parents prove the activity in question is federally funded or what the primary purpose of the activity is. That is a very major stumbling block to getting the relief that Senator HATCH meant to get for parents in the 1978 law.

It does not require that the parent prove that the activity is research or experimental in nature. That is a very difficult thing for a parent to show to get relief. All the parent has to demonstrate is that the activity in question involves personal values, attitudes, beliefs, or sexual behavior of their child and that their written consent was not obtained. As a parent, do you think that you ought to have the right to know that your child is being questioned about their personal values, about their attitudes, and about their beliefs about their sexual behavior? I think most parents would want to know that. Actually, I think most parents think they would have that right now.

Madam President, it is not my intent to unduly burden school districts. Note that my amendment does not tell school districts how they are to gain written consent from parents. Some school districts will probably simply add a form at the beginning of the year for parents to sign, telling them that their children will be involved in these kinds of activities at times. Most parents would probably sign such a form carte blanche. But for parents who truly want to be involved on a daily basis in their child's educational activities, the school would need to contact them before this particular activity took place.

The latest social science research shows what many of us have believed all along, that the family is the best available institution to foster healthy, happy and well-adjusted children. These children are best able and most likely to excel in every area of life, including school. True education reform must foster the family as the most basic unit of our society. In fostering the family, children will learn and become fruitful citizens. When schools are acting behind the backs of parents to influence the values, attitudes, beliefs, or sexual behavior of their children, that does not foster the family. And that would be true even if there is no ill intent. And I do not know that there is any ill intent on the part of schools to do that.

So I urge my colleagues to join me in providing this needed information for parents and families. I have received additional letters from parents in Arkansas, Georgia, Indiana, my home State of Iowa, Kentucky, Maryland, Missouri, New Mexico, Ohio, Oklahoma, Pennsylvania, South Carolina, Virginia and Washington, who have had activities of this nature take place without their knowledge or consent.

I thought I would go into just one survey that was being given in my State, just to point out some of the things that parents might have some concern about. I am not going to go through all the questions.

There were questions like:

Do you regard yourself as a bigot?

Do you think homosexuality is a problem society must deal with as strictly as possible?

Do you think people are born homosexual or do you think they choose to be homosexual?

Do you think the United States was stolen from Native Americans or do you think that it was rightfully colonized by Europeans?

Have you ever rolled up your car windows in a predominantly minority neighborhood?

Have you ever rolled up your windows in a predominantly poor white neighborhood?

How would you feel about having a minority as a physician?

Then it lists a whole bunch of nationalities and religions: Irish-Americans, Hispanic-Americans, Italian-Americans, African-Americans, Eastern-Indian-Americans, British-Americans, French-Americans, Polish-Americans, German-Americans, Eastern-European-Americans, Nordic-Americans, Japanese-Americans, Vietnamese-Americans, native Americans, Middle-Eastern-Americans, Jews, Catholics, Protestants, and then, last, "Others—Please specify."

Then it asks a whole series of questions where you are supposed to put down the number from these nationalities or religious groups.

I wonder what the purpose of this questionnaire is in a school system? You know, the American school system is the greatest institution of the democratization of American society that exists. It is even more basic than our churches. That should not be, but there is more democratization of American society that goes on in the schools than even in the churches of America.

So schools ought to be pulling American society together, not leading to the Balkanization of American society. It seems to me the questions I am going to read emphasizing whether you are an Irish-American, a Hispanic-American, an Italian-American, an African-American, or whether you are a Jew or a Catholic do not send the right signals to our schoolchildren. The questions are:

Which of the above—

Meaning all these divisions of American society based on nationalities and religion—

Which of the above do you think is responsible for the decline of the U.S. economy?

When are we in the business, Madam President, of making a case that a particular subdivision of America is responsible for the economic decline or for a depression?

Which of the above do you think is more susceptible to alcoholism?

When I was in school, there was not a teacher who tried to lead me to believe that one division of America, based on nationality or religion, was more prone to alcoholism than another one. Is that the sort of signal we are supposed to be sending through our educational system, that we ought to look for certain nationalities that might be more prone to alcoholism than others?

Which of the above do you think is the most likely to raise a large family?

Is that geared toward Catholics, maybe? Is there something bad about Catholicism? Or is that geared toward Italians? Or would that be geared toward African-Americans? Is that not a nice attitude to put in the minds of our young people? Is that going to bring America together, or is that going to tear America apart?

Which of the above do you think is most subject to suspicion of criminal activity?

I will let you guess what that is geared toward.

Which of the above are you most likely to assume does not speak fluent English?

Which of the above do you think is most likely to have any connection to organized crime?

Think about that one. We all know where that one is geared.

Which of the above do you think is most likely to have incomes over $50,000?

I do not know whether that necessarily implies hatred or not.

Which of the above do you think would be most likely to eliminate an entire race?

Here we have kids in school being asked to think in terms of what division of America—Irish-American, Hispanic-American, Italian-American, African-American, Eastern-Indian-American, British-American, French-American, Polish-American, German-American, Eastern-European-American, Nordic-American, Japanese-American, Vietnamese-American, native American, Middle-Eastern-American, Jews, Catholics, or Protestants—would want to eliminate an entire race.

Do I raise any questions about the school being able to test this way if they want to? No. Under my amendment, the school can test this way if they want to. All I say as a parent, Madam President, is you have a right to know that the school is asking these questions of your child. If you do not want to know that, then you do not have enough concern about your kids and you do not have to exercise your rights.

Then the questionnaire goes on to ask:

Who has most influenced the way you feel about other races? With whose influence have you most strongly disagreed?

Here is a question:

If you could eliminate an entire race, would you?

Do we want our kids to think in terms of the possibility of eliminating an entire race, to indicate that it is a good thing to be doing? What I would want to teach in my school is that it was wrong, absolutely wrong, for a guy like Adolf Hitler to do what he did to the Jewish population of Europe. No question about it.

If we are concerned about racism in our schools, do you want our kids to think about the elimination of an entire race? We want to teach people to get along with each other. I hope it is not constitutionally impermissible to say that it is wrong not to love a person that is a little bit different than you. Agape love, meaning that you have an intense interest in the well-being of your fellow man or woman. That is what we should be teaching in school.

We had an amendment before us earlier today about violence in schools. We are going to adopt an amendment, I believe, that will say that there cannot be any Federal rule or regulation that keeps a teacher from protecting himself or herself from criminal activity that might be going on in a school.

If we start using our schools to bring people together as opposed to emphasizing the things that this questionnaire emphasizes, we might not have the problems of criminal activity in our schools. We in America have to pull together, cooperate, work together, love each other, and be tolerant toward each other.

Then it goes on to ask after the question, "If you could eliminate an entire race, would you? If yes, which one?"

Madam President, I ask unanimous consent that the entire survey be printed in the RECORD, along with a letter from the mother who sent it to me.

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

JANUARY 31, 1994.

DEAR SENATOR GRASSLEY: I have been asked to submit a letter stating my experience with the Assessment Test given in the Bettendorf Schools.

In the school year of 1991–1992 my sophomore son was administered the test in his Social Studies class. as I understand it, the test was not always administered in any one certain class. My son informed me that he only chose a certain few questions to answer. After reviewing the questions on the test and becoming totally upset about the kind of questions being asked of our youth I would have definitely requested that my son not partake in the test taking process had I known this was to be given. In the future I will request my children going through the system be excluded from this testing.

Sincerely,

MRS. SUSAN GRUENHAGEN.

BETTENDORF SURVEY

Note: This poll is entirely anonymous except for your sex and graduation year. Please answer as honestly as you can.

Are you male or female?

What year are you?

Do you regard yourself as a bigot?

Do you think homosexuality is a problem society must deal with as strictly as possible?

Do you think people are born homosexual or do you think they choose to be homosexual?

Do you think everyone who wishes to become a United States citizen should be made to speak a minimal/function amount of the English language?

Do you think the United States was stolen from native Americans or do you think it was rightfully colonized by Europeans?

Have you ever rolled up your car windows in a predominantly minority neighborhood?

Have you ever rolled up your windows in a predominantly poor white neighborhood?

How would you feel about having a minority as your physician?

Nationalities and religions:

(1) Irish-Americans
(2) Hispanic-Americans
(3) Italian-Americans
(4) African-Americans
(5) Eastern-Indian-Americans
(6) British-Americans
(7) French-Americans
(8) Polish-Americans
(9) German-Americans
(10) Eastern-European-Americans
(11) Nordic-Americans
(12) Japanese-Americans
(13) Viet Namese-Americans
(14) Native-Americans
(15) Middle-Eastern-Americans
(16) Jews
(17) Catholics
(18) Protestants
(19) Other (please name)

All "Which of the above" questions should be answered with the numbers of the nationality or religion:

Which of the above do you think is responsible for the decline of the U.S.'s economy?

Which of the above do you think is more susceptible to alcoholism?

Which of the above do you think is the most likely to raise a large family (8 or more children)?

Which of the above do you think is most subject to suspicion of criminal activity?

Which of the above are you most likely to assume does not speak fluent English?

Which of the above do you think is most likely to have any connection to organized crime?

Which of the above do you think is the most likely to have an income of over $50,000?

Which of the above do you think would be most likely to eliminate an entire race?

Who has most influenced the way you feel about other races?

With whose influence have you most strongly disagreed?

If you could eliminate an entire race, would you?

If yes, which one? (Responses will not be published.)

Have you ever put someone down because they were of a different religion than you?

Have you or would you ever physically assault someone because of their sexual preference?

Would you ever associate with someone of the same sex who was either rumored or a self-declared homosexual?

Why or why not?

What do you think about racism in general?

What do you think about individuals who use violence to support their bigoted beliefs?

Would someone else regard you as a bigot?

AMENDMENT NO. 1388

(Purpose: To prohibit the use of certain funds for activities related to a student's personal values, attitudes, beliefs, or sexual behavior without certain consent, notification, access to information, and an opportunity for a hearing; to provide for enforcement of such prohibition; and to require the Secretary of Education to designate or establish an office and review board within the Department of Education)

Mr. GRASSLEY. Madam President, I send my amendment to the desk and ask for its immediate consideration. Then I am about to yield the floor.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. GRASSLEY], for himself, Mr. THURMOND, Mr. BURNS, Mr. WALLOP, Mr. MACK, Mr. NICKLES, Mr. FAIRCLOTH, and Mr. HELMS, proposed an amendment numbered 1388.

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

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

The amendment is as follows:

At the end of title IV, insert the following:

SEC. . PROHIBITION.

(a) IN GENERAL.—No funds shall be made available under this Act to any State educational agency, local educational agency, or school—

(1) that directly or indirectly engages in surveying, analyzing, evaluating, or any other activity relating to, the personal values, attitudes, beliefs, or sexual behavior of a student without the written consent of—

(A) in the case of a student who is an adult or an emancipated minor, such student (hereafter in this section referred to as an "adult student"); or

(B) in the case of a student who is an unemancipated minor, such student's parent or guardian (hereafter in this section referred to as a "parent" or "guardian").

after such adult student, parent, or guardian has been informed of the purpose of such survey, analysis, evaluation or activity;

(2) unless the parent or guardian is given access to any curriculum, materials, or information regarding activities relevant to the development or assessment of personal values, attitudes, beliefs, or sexual behavior of a student prior to the implementation of such curriculum, use of such materials, or occurrence of such activities;

(3) that fails to ensure that an adult student, parent or guardian—

(A) is given written notice of their rights under this section; and

(B) is provided with an opportunity for a hearing, in accordance with regulations promulgated by the Secretary, to enforce paragraph (1) or (2).

(b) ENFORCEMENT.—The Secretary shall take such action as the Secretary determines appropriate to enforce this section, except that action to terminate assistance provided under this Act shall be taken only if the Secretary determines that—

(1) there has been a failure to comply with such section; and

(2) compliance with such section cannot be secured by voluntary means.

(c) OFFICE AND REVIEW BOARD.—The Secretary shall establish or designate an office and review board within the Department of Education to investigate, process, review, and adjudicate violations of the rights established under this section.

Mr. GRASSLEY. I ask unanimous consent to put the additional letters in support of my amendment in the RECORD and then I would like to yield the floor.

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

DAVENPORT, IA, *January 26, 1994.*

Hon. CHARLES GRASSLEY,
U.S. Senate, Washington, DC.

DEAR SENATOR GRASSLEY: Thank you so much for your efforts to guide the education system in our country in a direction that will benefit our children. I have become increasingly concerned as I see the results of "Goals 2000" and outcome-based education come home each day in my childrens' backpacks.

The attached "Passive Child Abuse" listing was, in fact, distributed and discussed in my daughter's seventh grade Health class last spring (1993). She attends Walcott Junior High School, which is in the Davenport Community School District, Davenport, Iowa. The students were instructed to leave the copies on their desks when they left the room at the end of class. My daughter is aware of my concerns and chose to bring her copy home to me instead.

Needless to say, I was shocked and quite upset at the message being sent to our children through this lesson. As you read through the list, you can see that virtually every parent has violated at least one of these criteria! I see that as a clear attempt to dissolve parent rights and usurp parental authority in the child's mind. The fact that this was presented "in secret" from the parent only adds to the suspicions being raised in the child's mind.

I see this as psychological testing (for responses) and treatment of my daughter. Since this was completed without prior informed written consent by my husband or myself, I feel our own rights have been violated.

Please be diligent in your efforts to ensure that parents and families are protected from this breach of our rights as you debate "Goals 2000". I appreciate your thoughtful consideration.

Sincerely,

RITA S. PETERSEN.

Enclosures.

JANUARY 26, 1994.

Hon. CHARLES GRASSLEY,
U.S. Senate, Washington, DC.

DEAR SENATOR GRASSLEY: I am glad that you have taken this position regarding education. Before I start, I will tell you about myself. I am thirteen years old and I am in eighth grade at Walcott Jr. High. My school is in the Davenport School District, Iowa.

I was the student that obtained this sheet titled "Passive Child Abuse". I took it out of my seventh grade health class last year. There was class discussion about the list. We were instructed not to take it out of the classroom, but, I thought that it was probably not something we should be looking at in a health class.

This isn't the only example of psychological testing and attitude-changing. In the same health class, we took a questionnaire twice (once at the beginning of the course, once at the end of the course). Our teacher said it was to see if our attitudes had changed over the length of the course. Though we did not put our name on it, we wrote on it our age, gender, race, parental status, etc. It had multiple choice questions like "Do you often feel depressed?", "What would you do if a friend was contemplating suicide?", "How do you feel about your current weight?", and, "How do you feel about yourself now?"

Also, all of a sudden our schools can't have anything to do with religion. In our Spanish and chorus class, we can't sing Christmas songs. We can't go caroling to different classes in our school because, as we were told, caroling is a Catholic tradition. My American studies teacher says that Puritans were "always constipated trying to think their high, good thoughts." They are trying to change our attitudes about religion.

I am editor of my school paper, and in the last issue I wrote an editorial about how I was against a grade restructuring plan that was approved by our school board. My principal called me into his office and intimidated me. He tried to tell me that all of my opinions were wrong. Even though all of the facts I used in my editorial were true and well checked, he told me those were wrong, too. One of the facts was told to me and my class by a teacher and he still insisted it was wrong. I think it is wrong for a principal to intimidate a student and tell the student her opinions are wrong.

I think it is wrong that they are trying to change and monitor our attitudes. I want to go to school to learn facts and not learn what opinions my school administration wants me to know. I want to form my own opinions. I urge Congress to help make sure kids can form their own opinions.

Sincerely,

MICHELLE PETERSEN.

PASSIVE CHILD ABUSE*

There are many ways to abuse children other than actively hitting, pushing, pinching, and name-calling them. The following is a list of ways in which children may be passively abused.

1. Allowing children to stay up late watching TV on school nights.
2. Failure to have children's glasses fixed or teeth repaired.
3. Failure to have a will made or to designate a guardian for your children.
4. Staying with a partner who is an active and abusive alcohol or drug user.
5. Dating or living with someone who hates and is abusive to children.
6. Driving too fast, carelessly, or under the influence of alcohol or drugs.
7. Not fastening children into automobile child restraints, seat belts, and shoulder harnesses when driving.
8. Abusing alcohol or drugs or selling illegal drugs.
9. Being very critical or mute and talking against him or her to children.
10. Neglecting to fill out or sign children's school forms.
11. Having no idea who your children's friends are or where your children hang out.
12. Sending children to school when ill or letting them fake illness to avoid school.
13. Not providing clean clothes and a clean home.
14. Not having children immunized.
15. Never following through on punishments given to children.
16. Letting children stay overnight at a friend's home without talking to the parents.
17. Bringing one partner after another into your life.
18. Never doing anything alone with your children.
19. Working so much that there is not time to spend with children.
20. Promising to do something with your children and then canceling out because you have lost interest.
21. Treating yourself to new things but expecting children to make do with what they have.
22. Refusing to allow children to participate in outside activities because its inconvenient.
23. Allowing children to watch adult (sex and violence) movies.
24. Smoking cigarettes.
25. Never taking children's side against a teacher or always taking children's side against a teacher.
26. Never attending parent-teacher conferences or other school activities.
27. Making children late to school by not getting up in the morning.
28. Having extremely high or low expectations of children.
29. Allowing your children to skip school because you want their company or because you do not feel like getting them dressed.

*Adapted from "Are You A (Passive) Child Abuser?" an article in the April 29, 1991 Quad-City Times by Doris Wild Helmering of the Scripps Howard News Service.

JANUARY 25, 1994.

During the first semester of my daughter's eighth grade year she was asked to fill out a

series of questions for her Career Orientation Class. She brought these papers home and upon reviewing them, we found questions which were an invasion of her privacy. We wrote her teacher relating our concerns and informing her that our daughter would not be filling this out. The teacher had told the students they would not be graded but she wrote us that she would have to adjust my daughter's grade if she didn't fill it out. This to me constitutes grading. The papers to be filled out were "Self Awareness", "Identifying Values" and "Occupational Exercise." This happened last year 1993.

REBECCA GARRISON,
Arkansas.

ACTIVITY 2-1 IDENTIFYING YOUR VALUES

The purpose of this activity is to help you identify and rate the importance of your values so that you can select a career goal that matches well with your values.

As you know from reading Chapter 2, values are those things that you feel are important in your life. You need to know what your values are when it comes time to select a long-range career goal. Otherwise, you might choose a career that conflicts with your values.

Below and on the next few pages are one hundred statements that deal with the ten values discussed in Chapter 2. Read each statement carefully. Then rate the statement as it applies to you.

VALUES STATEMENTS

1. I have a physical checkup every year.
2. I will take my children to church services regularly.
3. I enjoy attending musical concerts.
4. It is important to me to have a lot of friends.
5. I donate to charities that I feel are worthwhile.
6. I envy the way movie stars are recognized wherever they go.
7. I would like to have enough money to retire at fifty.
8. I would rather spend an evening at home with my family than out with friends.
9. I enjoy making decisions that involve other people.
10. If I had the talent, I would like to write songs.
11. I have a close relationship with at least one of my parents.
12. I have taught a Sunday school class or have otherwise taken an active part in my church.
13. I am willing to spend time helping fellow students who are having difficulty with their studies.
14. Even at the same salary. I would rather be the boss than just another worker.
15. I have a special appreciation for beautiful things.
16. If I had the talent, I would like to appear regularly on television.
17. I would like to counsel people and help them with their problems.
18. I would enjoy associating with movie stars and other celebrities.
19. I have a dental checkup at least once a year.
20. I enjoy writing short stories.
21. I would rather spend a summer working than going on a paid vacation.
22. I like to go to parties.
23. I think it would be fun to write a play for television.
24. I believe in a Supreme Being.
25. I would rather be an officer than just a club member.
26. I would rather spend my last $100 for needed dental work than for a vacation at my favorite resort.
27. I enjoy giving presents to members of my family.
28. If I were a teacher, I would rather teach poetry than math.
29. I often have daydreams about things that I would like to do if I had the money.
30. I enjoy giving parties.
31. I am willing to write letters for old or sick people.
32. It would be very satisfying to receive a lot of publicity for acting in movies or television.
33. When I feel ill, I usually call a doctor.
34. I believe that it is important to support a church by giving time and/or money.
35. I enjoy taking part in discussions at the family dinner table.
36. I enjoy visiting art museums.
37. I like to write poetry.
38. I like to be around other people most of the time.
39. I like to be the one who decides what we will do or where we will go when I'm out with friends.
40. Someday I would like to live in a large, expensive house.
41. Each day I try to set aside some time for worship.
42. If I knew a family that had no food for Christmas dinner, I would try to provide it.
43. I like to spend holidays with my family.
44. I like to see my name in print (in the newspaper).
45. I would rather take a class in freehand drawing than a class in math.
46. I do not like to spend an entire evening alone.
47. If the salary were the same, I would rather be a school principal than a classroom teacher.
48. I have expensive tastes.
49. I can tell the difference between a really fine painting or drawing and an ordinary one.
50. If I had regular headaches, I would consult a doctor even if aspirin seemed to lessen the pain.
51. I have several very close friends.
52. I expect to provide music lessons for my children.
53. It is important to me that grace be said before meals.
54. I sometimes miss sleep to visit late with company.
55. I usually get at least eight hours of sleep each night.
56. I like to design things.
57. I would rather be well-known throughout the country than highly respected by my co-workers.
58. I would get a sense of satisfaction from nursing a sick person back to health.
59. I care what my parents think about the things I do.
60. I daydream about making a lot of money.
61. I like to be the chairperson at meetings.
62. It is thrilling to come up with an original idea and put it to use.
63. I believe there is life after death.
64. If someone is hard to get along with, I try to be understanding.
65. If I were in the television field, I would rather be a celebrated actor than a scriptwriter.
66. I enjoy decorating my room at home.
67. I enjoy a picnic with my family.
68. As an adult, I want to earn a much higher salary than the average worker.
69. I am careful to have a balanced diet each day.
70. I often influence other students concerning the classes they enroll in.
71. I would like to be written up in *Who's Who*.
72. I read the Bible or other religious writings regularly.
73. If I were in the clothing industry, I would enjoy creating new styles.
74. I look forward to an evening out with a group of friends.
75. When I am with a group of people, I like to be the one in charge.
76. I dislike being financially dependent on others.
77. When a friend is in trouble, I feel I must comfort him or her.
78. I love my parents.
79. I almost never skip meals.
80. I have a collection of phonograph records.
81. I have a particular friend with whom I discuss problems.
82. I am interested in and respect others' religious beliefs.
83. I enjoy buying clothes for members of my family.
84. I would enjoy having people recognize me wherever I go.
85. I like planning activities for others.
86. I do not smoke.
87. I feel good when I do things that help others.
88. Someday I would like to write a novel.
89. I would put up with undesirable living conditions in order to work at a job that paid extremely well.
90. I belong to several clubs and organizations.
91. I believe in the power of prayer and meditation.
92. I would enjoy having my picture in the school yearbook more than it has been in the past.
93. I often organize group activities.
94. When I see a newly constructed building, I consider its beauty as much as its practical use.
95. I respect my father and mother.
96. I like to design or make things that have not been made before.
97. Some of the hobbies I would like to have are quite expensive.
98. I enjoy classical music.
99. I would never use potentially harmful drugs because of what they might do to my body.
100. I am kind to animals.

This unit on cartooning was introduced by the 'Search' teacher to the 8th grade talent-proof at Bartlett Middle School in October of 1992.

Upon our conference Diane Saturday showed me the Benchmark Orientation and Fall Testing guide. She used page 12, comprehension section-line on stereotypes and bias as the basis for the cartooning segment.

The cartoons were duplicated, handed out and discussed and taken back up. My daughter was the only child to keep a copy. (She asked permission.) Because of our strong stand on one of the issues and our family discussions she knew we would be interested.

Let me emphasize this is 8th grade and I question the material because of its bias, (pg 30, 31, 32, 33) age appropriate level and because of its very detailed discussion questions. Who would lead the discussion, control the discussion or dominate their opinions during it. I consider this an attempt to undermine the values of our religious faith and that more personally, of our family.

I especially concentrated my disapproval of the 'Memo to the Apostle Paul.' My Bible is sacred and I consider the authors men of God.

The booklet was purchased and ordered by the teacher with funds the county made available to her.

Concerned parent.

SARAH M. MIDDLETON, *Georgia.*

DILEMMA DEBATE NO. 15: THE NATURE OF PREJUDICE

In the last problem we observed that prejudice and discrimination usually go hand-in-hand. But they can occur independently of each other. For example, a person may retain his or her belief that all Spanish-speaking people are drug dealers. If, in spite of this belief, that person lets Spanish-speaking people move into his or her neighborhood without interference, s/he is displaying prejudice without discrimination. Any effort to block them from moving into the neighborhood would be prejudice with discrimination. On the other hand, a person may think that his/her neighbors are ridiculous for believing such slanderous things about Spanish-speaking people. Because one does not, however, want the neighbors as enemies, s/he freely signs a petition to keep them out of the neighborhood. This is discrimination without prejudice.

In general, prejudice and discrimination are mutually reinforcing. Most prejudices among people are acted on either personally or institutionally—they are put into the religious, educational, or legal system of the society. This result is discrimination. Today, most forms of discrimination have been legally abolished, but because many people have deep-seated prejudices, they have discovered ways to avoid full compliance with the law and thus, discrimination still flourishes among us.

CARTOONS

In the first cartoon, a man (Senator Jesse Helms of North Carolina) demonstrates the inconsistencies which can arise because of conflicting prejudices. In the struggle over the issues of abortion and welfare, the result of his strident opposition to welfare and to abortion is contradictory for the unborn children. He is concerned to protect the right to life of the unborn child but will not do anything to help ensure the fetus is healthy, is properly cared for, or has adequate nourishment. Is there prejudice toward women in this position? What should we do as a nation which professes the highest degree of morality about women's rights?

In the second cartoon, we bumped head-on into two major fallacies in our reasoning processes, inconsistency (self-contradiction) and name calling (attacking the person rather than the argument). Are the attitudes expressed in this cartoon consistent with Christian ethics? Do they show prejudice? What we seem to need is a method for retaining our consistency in argumentation and a way of keeping our emotions in check as the debates begin to heat up.

ACTIVITY

When we focus on equal rights for women, two major issues often come to the top of our thinking: abortion and salary discrimination. Using problem-solving strategies outlined in Section One of this book, choose one of these issues, divide the class into research teams, and seek a solution to these problems. As you reach your final solutions and bring into the class of discussion, refer to the section in this book entitled "Planning For Classroom Discussion." Following the steps and idea provided for you in these sections will help you avoid fallacious arguments and discover more useful and acceptable solutions.

When you have finished with this activity, answer the following questions.

1. In your research, did you carefully seek out factual information from your "doctor" the facts to suit your preconceived purposes?
2. While debating with other members of the class, did you keep emotions in check? That is, did you avoid name calling, screaming and the like?
3. Did you follow the problem-solving method outlined in Section * * * of this book? Did you document each step along the way? Did * * * for you?
4. Was the class solution a compromise of differing positions or did the group dominate? Explain your answer to this question.
5. Were you personally satisfied with the solution agreed upon by the class? If not, what changes would you make in it?

MIND BUILDER WHO SHOULD BE SPARED?

The purpose of this exercise is to have students think about the values and beliefs about what is desirable for a person to do and be in American society.

Ten people are trapped on the top of a skyscraper which is on fire. There is only one possible escape route: a small tunnel leading to safety. Only one person at a time can enter the tunnel and crawl to safety. Not very much time is left for the group to escape.

The task of the students is to arrange the people below in the order they would have them escape. Remember that at any time the escape route may be closed.

Let the students work individually on the problem. Have them carefully and systematically record their thoughts about why they lined the people up as they did.

Arrange the students in groups to discuss their solution and the reasons for their choices.

Are some people consistently at the front of the line and others at the end of the line?

Discuss what might be the reasons for this.

What does this tell us about status and prestige in American society?

What, if any, were the assumptions made about these people?

People on Top of the Skyscraper: Television preacher, Small child, Businessman, Policeman, Famous poet, Pregnant female, Congressman, Professional athlete, Engineer, Medical doctor.

HUNTINGTON, IN,
January 24, 1994.

DEAR SENATOR GRASSLEY: I'm pleased to hear of your concern for our children. Please find attached an in class assignment for home room for my sixth grade middle school daughter. There have been many others similar to this that the teacher keeps in her possession. All involving feelings and emotions. It seems that the schools through curricula have appointed themselves as surrogate parents for all children because of a lack of parental concern by a few irresponsible parents.

Teachers have no business being involved in the intentional formation of my child's emotions, feelings and values.

Teachers have no business conditioning my child's emotions and feelings.

Teachers have no business attempting to talk to my child in a parent like manner in which trusting parent like bonds would be encouraged and nurtured.

This child was placed in my trust and I will protect my child from any threat to covertly transfer that trust to any other. So help me God!

Teachers are to be academic educators. Not parents. Not psychological conditioners. Not values evaluators. Not emotion guides.

Please help protect our children from the New World Order.

Sincerely,

STEVEN L. BAILEY.

THIS IS ME

1. I am happiest when?
2. I get angry when?
3. I am frightened by?
4. I feel love when?
5. I feel sad about?
6. I get excited when?
7. I am bored when I?
8. I am most proud of?
9. I get satisfaction out of?
10. I put trust in?
11. I get "hung up" over?
12. I feel safe when?
13. I feel peaceful when?
14. I feel hurt when?
15. Things that make me happy are?
16. I am annoyed when?
17. When I'm by myself I like to?

GLASGOW, KY,
January 20, 1994.

DEAR SENATOR GRASSLEY: Your office has requested examples of tests involving values, attitudes, and beliefs given students without parental knowledge.

Enclosed is a computer lab writing assignment for a two-day class period given by a computer aide to my eighth-grade daughter. She realized the very personal nature of these completions and that her responses were being recorded on her computer file, so she brought the worksheet home to ask me about it. (Please note the margin type which reads 1990 by the Center for Applied Research in Education.)

I contacted the principal the next morning and asked him to exempt her from the second day of writing on this assignment and erase her first day of responses. I asked that an assignment of a more academic nature be substituted.

To justify my request, I showed him statements proving sentence completions to be psychological tests which should only be administered by the professional psychologist. I also knew from local newspaper articles that this new middle school is already 90% compliant with KERA (Kentucky Education Reform Act) in computer technology which means there is the potential to store such personal student material as this.

The principal was cooperative and said since this was not for a grade it could be erased. He was also defensive and said it was not meant as a psychological test nor were her responses being stored on file.

My daughter found her whole file erased upon getting to class and the teacher "was really ticked off with me." She did touch typing practice that period as did everyone else in her class.

I also remarked to the principal on the very personal nature of the journal and portfolio entries for the year thus far. After recording each assigned topic, there appears to be a pattern toward eliciting personal data. (See second enclosure.) He responded that students could write best about personal topics as they would be most familiar with themselves. I suggested that academic research which leads a student beyond himself should be the purpose of regular school writing assignments.

I hope this information will be helpful toward documentation of your amendment to Goals 2000. Please let your fellow senators know that Kentucky students are being dumbed down by current mandated state education reform which is a mini-version of the national reform proposed.

The financially-backed cheerleading which has accompanied the implementation of KERA has suppressed voices of opposition from students, parents, and teachers. We need help in Kentucky to uncover the truth about KERA and to make it known. Please

don't let our hands be further tied with the passage of Goals 2000. America may never recover if we give up our children's rights and minds.

Sincerely,

MARTHA HODUM.

[Grade 8, Glasgow, Ky. Middle School, Dec. 14, 1993]

I'LL NEVER FORGET

Part One—Getting in Touch: When something happens that makes you have strong feelings, you probably remember that event for a long time—perhaps forever! This activity will help you recall some of these times, even if you think you've forgotten them.

All you have to do is fill in the blanks in the sentences below: You'll be surprised at how much you'll begin to remember.

1. I'll never forget the first time I
2. I remember how angry I was when my father
3. No one knew that I cried when
4. I was so surprised when my friend
5. Once, when I was alone in my house, I
6. I was so ashamed when
7. I was really scared when
8. My happiest day of the past year was when
9. I'll never tell anyone about the time

Part Two: Choose one of the events in the list above and write about it in your journal. Use lots of details as to where it happened, who was there, how they looked, what was said, how you felt, etc. The more details you use, the more you will remember.

Journal and Portfolio Assigned Topics:

8-93—Things I Fear Most. My Most Memorable Experience.

9-28-93—I Get Angry When . . . Makes Me Sad . . . Makes Me Happy.

If I knew I had only one day to live, I would . . .

A Major Decision You've Dealt With in Your Life.

10-18-93—A person who made an impression on me. My Idea of a Perfect Person.

10-25-93—I knew I wasn't supposed to, but . . .

10-26-93—Teacher instructions: "An opinion is a belief that you hold about something. Example—Cheating is dishonest." Write an opinion of your own. Give 3-5 reasons for holding this belief.

(Parent Note—from Webster's Dictionary—"Cheating is the act of fraudulently deceiving; an intentional active distortion of the truth." The teacher did not give an example of an opinion. Cheating is dishonest by definition.

A Long Period with No Journal Writing.

12-13-93—A Christmas Memory.

Social Studies Portfolio Assignment:

10-93—You go back in time in an H.G. Wells machine. Write what would be different today if an historical event had turned out differently. This should be done in first person as if you changed history.

(Parent Note—My child chose to write on George Washington's divine protection during the French and Indian Battles and what our country would have missed if Washington had not been protected. The teacher instructed that this should be written in first person as if "she" killed Washington. *"Imagine telling a child to kill someone (even in a story) when the child is trying to lift him up as a hero," I commented to the principal. He does not comment.

Math Portfolio Explanation:

Teacher: You must record use of a tool such as calculator, charts, or graphs used to help solve the problem.

The problem does not have to obtain the correct answer to score well but must show good documentation.

MT. AIRY, MD.

As of September, 1992 my first wife and I had been separated for two years. We have two sons, ages 6 and 9, at New Market Elementary School. Without my prior knowledge or approval the school included my youngest son in a discussion group for children of broken homes.

The purpose of the group was to allow the children to discuss their problems, if any, and vent whatever negative feelings they had. I found out about this group one year later when they tried to include my son in the next session—when he got into 2nd grade. I spoke with the individual in charge of this program. I told her my son would not attend and that neither me nor his teachers felt he had any problems. Both my sons do very well in school—all A's and B's, they work hard and are well liked by their classmates and teachers.

I have no idea how my son was chosen for this group nor do I know why I wasn't advised prior to the first session.

RICHARD H. ALLEN.

January 28, 1994.

Hon. CHARLES GRASSLEY,
U.S. Senate,
Washington, DC.

DEAR SENATOR GRASSLEY: This is the sixth year my children have been in Maryland's public schools. In that time, I have often been disappointed in some of the teaching methods and materials used. Some have taught or encouraged attitudes and ideas for real-life problemsolving which conflict with what I have taught at home. This undermines the parent/child relationship in our home, as values and attitudes have been taught without my knowledge and certainly without my consent, and I have witnessed the despair, sadness and confusion that some of the teaching has put in my children's minds.

At times I only became aware of what was being taught by listening to my child express concern and by questioning my child or the teachers. Information was not given to me in advance concerning the nature of the lessons. I had to aggressively seek information, and have withdrawn my child from certain exercises, sometimes risking that my child would not receive a grade in the subject (science or social studies).

Enclosed are some examples of programs which I find offensive:

"Chase Your Monsters" from the drug awareness program "Here's Looking at You 2000:" My second grade son was taught that monsters greet him at school trying to tear down his opinion of himself and make him feel like a failure. He was to learn how to talk back to those monsters in order to cope with life, so that he would feel good about himself and become successful. My child should not be taught to believe in monsters or any other imaginative creature at all, much less as a strategy for dealing with life. And I, as a parent, was not advised by the school of what my child would be taught to believe.

"Galleon:" I thought this to be social studies. By comments my daughter made concerning the daily "Galleon" experiences, I realized that collaborative decision-making, team effort (which encouraged cheating and compromise for the best outcomes of the crew), and critical thinking skills were integral parts of "Galleon." The class had advanced far into the program before I realized my child was being called upon to creatively evaluate the scenarios, which included life and death situations, potential starvation, Fate Bulletins, and other hazards filled with despair and hopelessness. She was also to tell how she would handle some of the situations, causing her to make value judgements based on what she was being taught in the classroom. (Fifth Grade)

In our elementary school, the guidance counselor has met in group sessions as well as individually with students, without advising the parents. I discovered that she was planning to counsel my first-grade son periodically in a group with three to five other boys. When I questioned her about this, she said she does not tell parents about this because that would be a breech of confidentiality (toward my seven-year-old son). She said she would help them deal with their feelings about themselves. I should be advised prior to any such meetings, and should have the opportunity to refuse the counseling if I disagree with the attitudes taught. Presently, the same guidance counselor is meeting with another student periodically, and refuses to notify the parents, again stating to me that it will breach the confidentiality she has with the student.

Parents should have the right to know about the values and attitudes which are being taught to their children, as well as the right to decide who will teach beliefs, values, and attitudes to their children. I believe this personally, as a parent and a PTA member who serves on the Legislative Committee of our local PTA unit.

Sincerely,

CYNTHIA L. SHARRETTS.

LIBERTY, MO,
January 24, 1994.

I am a seventeen-year-old junior in high school. The summer before my freshman year at Liberty, MO, I was chosen to attend a leadership conference sponsored by the school. I arrived at the conference excited. I had heard good things about it from upperclassmen who had attended in previous years. However, the conference that year was very different.

To start things off, we had a meeting and the leaders introduced themselves. They said they were citizens of the world first and citizens of America second. We were instructed to recite a pledge to the world flag before we said the Pledge of Allegiance. I was disgusted, but decided not to say anything. We were then divided into groups that were to be our "families" for the two days. We had a father figure and a mother figure. I did not like that either because I already have a father and mother. During one of the breaks the man running the conference came to talk to me. He had heard that I was a Christian and wanted to know what I believed. I was perplexed because I did not think my faith had anything to do with a school-run function. They put us on a diet that eliminated sugar, salt, meat, and caffeine. That was a little weird, but I did not mind too much. We did not get to bed until late that night and we had to get up very early the next day. Many of us were very tired during the next day.

The teacher who was my "father" had to leave about noon on the second day. He was replaced with the teacher who was the head of the program sponsoring the conference. That afternoon we were brought into the theater that was our big meeting room. Everyone was there except for the teacher who had left. Everyone received a piece of paper and a pencil. The man in charge put a tape on and told everyone to close their eyes. On this day he told us to hypnotize ourselves (the day before the had taught us how this is

done), listen to the tape, and do what it said. I sat in my seat, listened to the tape and took notes on what it said. I did not participate. The tape instructed us to pretend we were a stream, a tree stump, and a cabin. It was guided imagery or transcendental meditation. After the tape was over, we were told to write a story about what had happened and how we felt when we were the different objects. We then broke up into our "families". I waited until the theater was empty and then went to talk to the teacher in charge. I asked her if I could call home. I wanted my parents to know what was going on before they came that night. She said that she did not know if I could, that she would have to ask the man in charge. When he heard what I wanted to do, he started asking why. I answered him repeatedly that I only wanted to talk with my mother. This man and the teacher were not satisfied with that answer. They harassed me so much I started to cry. After that they relented. When I told my mother what had happened, she was upset because I was at a school sponsored function and the people in charge did not want me to talk to my parents. After I spoke to my mother, the teacher asked to speak to her. The teacher told my mother that everything we had done in the two days would be explained to the parents when they came for the ending program. That night nothing was said about transcendental meditation or anything else that had happened.

My parents rights were ignored as were mine. I was very offended with what happened at this conference. A teacher of the district got away with the harassment of a student because nothing was ever done about it despite repeated letters from my parents to the superintendent and the school board trying to get them to address the issue.

Sincerely,

REBEKAH ANDERSON.

LIBERTY, MO,
January 23, 1994.

My children are in first and third grade at Manor Hill Elementary in Liberty, Missouri. When my oldest son started kindergarten, I became very involved at the school. I worked in his classroom every week, served on PTA, and read every paper that came home. I have continued this involvement over the years. Therefore, I was shocked to find out last year that my children were involved in "counseling club." During "counseling club," district counselors come to the classroom on a regular basis. They sit with the children and discuss feelings, issues related to self-esteem, and decision making. This is a regular part of the district's elementary curriculum, but this fact is not included in any of the information that is given parents regarding curriculum. In fact, there has been no effort on the district's part to inform parents about this aspect of their children's education. Most parents have no idea this is happening. Further, I have learned that children can request a visit with the counselor, and be taken out of the class to see the counselor one on one without prior parental consent or knowledge. As a parent, I feel that my child's emotional well being is my responsibility, therefore when the school involves my children on this type of counseling, they have infringed on my rights by assuming a role that I have not authorized.

LORI ELLIOTT.

DEMING, NM,
January 20, 1994.

Re amendment to America 2000.

DEAR SENATOR GRASSLEY: I was excited to hear about your amendment. I support you completely. I am a divorced mother of two young daughters. Motherhood is my top priority and then my job. I have taken my children to work with me for nine years now and it is not easy, but God put me here to raise them, not anyone else. That leads me to our concern. The Deming Public School system has decided it can counsel our children on any subject without our permission. I have been told personally if they feel my girls need counselling about divorce, they will do it, without contacting me. Or about death or any other subject they see fit. They are even going so far as to counselling a whole classroom. In my daughter's kindergarten class, they are using the horrifying DUSO program, and have been without the parents' permission or even passing the curriculum through the school board.

It has been an ongoing battle here. I have even shown the school officials some laws the New Mexico State Senate have passed, but they still refuse to listen and continue doing what is desperately wrong. I hope and pray your amendment will help solve this matter.

Sincerely,

BECKY ALLEN.

DAYTON, OH, *January 19, 1994.*

Hon. CHARLES GRASSLEY,
U.S. Senate,
Washington, DC.

DEAR SENATOR GRASSLEY: I am deeply concerned with the Goals 2000 proposal now up for a vote. Frequently in the public school system my children have been ask and required to submit personal information regarding their beliefs, feelings, attitudes, and values. Having done considerable research into the Goals 2000 proposal, it is my belief that these actions on the part of the public schools will escalate.

Two years ago when my oldest daughter was 13, she was required to fill out a "Values Questionnaire" (enclosed) by her Health teacher. The children did not have to put their names on them however, each questionnaire was numbered so that the teacher was aware of how each student had answered. When I contacted the proper officials about what had happened, the only response I received was from the principal who asked me not to tell anyone as we wouldn't want to blacken the eye of the school. I proceeded to contact every parent who had a child in the class to ask them if they were aware of what had taken place. It led to one of the biggest school board meetings in the school's history, however because of my involvement in making the parents aware, I was immediately labeled a troublemaker and accused of belonging to some right wing organization that was attempting to take over the schools. These labels came after 7 years of being in the district and volunteering on committees, PTO, and being a head home room mother for several classes. I have since learned that this is quite common if you protest anything that the system does.

Due to this incident I decided that I must become deeply involved in what was happening in the classroom with regards to my children. I found that these type of things were happening all over the country and began to keep an account of what was taking place in my system.

The following year my daughter again received another survey to fill out "Symptoms of Stress" (enclosed) that ask her if she became frigid or impotent or had a loss of sex drive when she was under stress. She was 14 years old at the time and had never had a boyfriend.

During that same year, my daughter was given a journal assignment that ask what I considered very personal information regarding our family and home life. The English teacher told her students (in writing) that these were their journals and that she would not be reading them. I had my daughter write down all of the questions that she was ask that she considered an invasion of privacy along with the date they were posted on the board. At the end of the semester the teacher collected these journals to be graded. I cannot claim that the teacher read through these journals. I do however find it suspect that she felt the need to collect and grade them after she promised the students she would not read them. I have enclosed a list of the questions and the date they were posted on the board for the students to answer.

Senator, that same year my twins (age 9) entered the second grade of school in this same system. A mandatory guidance program was started. A guidance counselor come to each classroom on a regular basis to discuss their feelings. I obtained a copy of the curriculum from the district so that I would be aware of what this program entailed. The curriculum guide stated that they would be discussing their attitudes and beliefs. It also stated that they would be using experimentation in this program and keeping files on the children. I applied in writing to have my children excused from this program, and my request was granted. However, unless I came up to the school during that period and physically removed my children from the classroom they were made to sit in the office. The school would not allow them to go to the library or participate in an extra art or phys. ed. class at that time. I would come up to the school and remove the children and spend 40 minutes reading with them or working on Math. A place was not provided for me to go and often times I had to sit on the front porch of the school with them. I have enclosed some of the papers that were handed out in guidance to be filled out by the children, along with a letter from another parent in the district. Senator, I removed my children from this class because of what the curriculum guide stated was going to take place. I did not send my children to school for counseling, but for a factual academic education. In October of this year, my husband and I made the decision to pull our twins from the public school system because of the emphasis being put on "affective education" rather than academics. It was one of the toughest decisions we ever had to make. I am currently Home Schooling our children with the hopes of being able to afford private school in the near future.

Senator in closing, I would like to state that I do not live in a "poor, inner city area" but supposedly am supporting one of the finest schools in the State with my tax dollars. Three months ago when I pulled my twins from the system my son could hardly read and could not subtract. In the past three months with Home Education, he is reading on grade level and this past week completed three 200 page books. Both of my twins have gone from barely understanding subtracting to comprehending that along with multiplication, division with remainders, and small equations. I am not a certified teacher. I am aware however that being smart "feels good" to these children.

I am deeply concerned that the Goals 2000 proposal will only further invade the privacy of families and fail to educate our children. It is time for the public schools to get back

to the job of educating our children in the classroom and stop the attempts at coming though my front door.

Anything you can do to help would be deeply appreciated.

Sincerely,

CHRISTY D. HELM.

Enclosures.

VALUES QUESTIONNAIRE

Okay or not okay:

Sex before marriage.

Having sex so I will be popular.

Having sex so I won't be lonely.

Having sex so I won't be unhappy.

Having sex because "I got carried away." (Lost control.)

Thinking about sex.

Having sex because "everybody's doing it."

Waiting to have sex until I'm married.

Masturbation (touching yourself for sexual pleasure).

Not having sex because I'm not ready for that yet.

Having sex because it's "right for me."

Having sex when I am in love.

Having sex for fun.

Having sex to repay a favor.

Bragging about having sex with someone.

Getting pregnant so my boyfriend knows I really love him.

Using birth control.

After completing this exercise, I learned ———.

SYMPTOMS OF STRESS

It's important to learn to recognize your own signs of stress. If you are experiencing some or any of the symptoms below you should heed the warnings that your body may be giving you. Of course, stress is only one of the possible causes of these symptoms.

Nervous tic.

Muscular aches (especially the neck, shoulders, back, or legs).

Increased appetite or loss of appetite (or overeating or not eating).

Increased smoking or chain-smoking.

Inability to sleep or nightmares.

Increased sweating.

Stuttering.

Nausea or stomach pain.

Grinding teeth.

Headache, dizziness.

Low-grade infections.

Rash or acne (especially on face or back).

Desire to cry or crying.

Constipation or diarrhea.

Frigidity or impotence.

Loss of sex drive.

High blood pressure.

Dry mouth or throat.

Irritability or bad temper.

Lethargy or inability to work.

Cold, clammy, or clenched hands.

Sudden bursts of energy.

Finger-tapping, foot-tapping, pencil tapping.

Depression.

Fear, panic, or anxiety.

Hives.

Coughing.

Excessive snacking.

Nagging.

Fatigue.

Pacing.

Frowning, wrinkling forehead.

Restlessness.

Unnecessary hand-waving, making wild gestures.

Other Symptoms:———.

Given to a 9th grade health class. Students were to fill out and return.

JOURNAL QUESTIONS FOR 9TH GRADE ENGLISH

09/08/92 Describe your most perfect day

09/09/92 Looking into the future where can you see yourself in 15 years?

09/14/92 What remembrance of your past has made a significant change in your life?

09/16/92 Pick one word that bests describes yourself. How does the word reflect your personality? Would your best friends and your parents pick the same word?

09/17/92 What makes you happy?

09/18/92 What does the word family mean to you? Is there such a thing as a typical family? What do you consider your family?

09/21/92 What was the most embarrassing moment you have ever experienced? How did it make you feel?

09/30/92 Here's your chance to gripe! What do your parents or parent do that drives you crazy?

10/02/92 If a physician told you that in one year that you would be dead, what would you want to be remembered for? What would you want your surviving friends and family to say about you?

10/08/92 You're planning a year long trip to another galaxy. What items would you take with you? If only one person was allowed to travel with you, who would you bring?

10/09/92 Why do you dress the way you do? Do your friends influence your style?

10/12/92 Pretend you believe in reincarnation; who were you in a past life? Were you famous? Were you of the same sex? Is your life better now?

10/15/92 Music has a very therapeutic effect on many people. What kind of music do you listen to? Why do you like it? Is it a sort of therapy for you?

KITTANNING, PA, *January 26, 1994.*

Hon. CHARLES E. GRASSLEY,
U.S. Senate,
Washington, DC.

DEAR SENATOR GRASSLEY: I am very concerned about the increasing invasion of privacy issues that I see in our educational system. I am concerned about interference by some teachers in our parenting and family relationships.

My wife and I have seven children each three years apart. The oldest just graduated from college and the youngest will start kindergarten this Fall. Over the last fifteen years we have been able to observe differences in educational philosophy in the various age groups. Despite the laws against psychological testing and invading the privacy of students I have seen education turn away from cognitive learning to a strong focus on affective education. I'm told by teachers that affective learning is more successful—they must get the students involved at an emotional level or they will not choose to learn. As a pastor and religious teacher I use affective education and I know that those who choose to view the Bible simply from a cognitive level will not learn to use what they know. The major difference is that people come to me or my church on a voluntary basis and I am free to use the foundations, morals, and values that I believe are true to engage others in affective learning. Public education is different. My child is a captive audience held by an authority figure who is increasingly undermining my values, for example, the concept of parental authority. Allow me to offer several illustrations. Here are two incidents from our local school district during last school year, one from the 1992-93 Iowa test, and one from the 1992 Pennsylvania TELLS test.

1. During the two school weeks of October 12-23, 1992, Miss Smail, 7th grade English teacher in Kittanning-Armstrong School District, gave a series of writing assignments to her class. One of her students was Ryan Schwartz, son of Mr. and Mrs. James Schwartz of RD #2 Box 75A Kittanning, PA 16201. The writing prompts were assigned one day and the essay was to be completed the next day in class. Among the writing prompts were these statements: (1) "Write about something your parents did to embarrass you or that you did to embarrass your parents." (2) "Write about something weird your parents do that you will probably do some day." (3) "Write about a change that has happened in your family, something that you do now that you didn't do when you were smaller." After writing similar essays for nine days the last writing prompt was assigned: "What don't you like about yourself and why." Ryan struggled with what he would write about. However the greatest injustice was about to occur. That Friday in class after these last absurd essays were written, Miss Smail instructed the students to exchange their papers with their classmates and then she had the essays read aloud to the class. I can only wish that I had been there. 7th graders, at the most emotionally fragile time of their life, being subjected to the abuse of their teacher and classmates! All this while we are spending huge dollars for programs that we need to "build the student's self-esteem." I wish I could tell you that this teacher was disciplined or better relieved from her responsibilities so that she could pursue something she is more suited for. The sad fact is that these parents felt intimidated and therefore were unwilling to approach the teacher or principal with their concerns for fear their son would be adversely affected. I did communicate this situation to the Superintendent of the school district, but no official action has been taken.

2. During early October, 1992, Mrs. Brewer, 9th grade English teacher in Ford City-Armstrong School District, gave a writing prompt to her students. One of her students was Kendra Neale, daughter of Rev. and Mrs. James Neale of RD #8 Kittanning, PA 16201. The writing prompt was: "Write an essay about the lie you told your parents." Again in this case the teacher was not confronted for fear of retribution.

3. On October 23, 1992, I went to our elementary school to preview the Iowa Test my son was to receive. This test for fifth grade contained a writing prompt that I did not approve of. I was not permitted to copy the prompt verbatim so I must paraphrase: "There is something that you would like to do which your parents will not allow. Write an essay explaining how you are going to be able to do this thing." I removed my son from this testing and complained to the school administration who said they had no control over the test questions.

4. My last illustration is a little different, but again points to what I believe is a spirit of rebellion and antagonism being promoted among our students. Pennsylvania puts together an assessment test which they call TELLS and added a "Health" section for the Spring 1992 test. Later we would find seven or eight versions for each age group, with variations in the controversial questions, but the edition my fourth grade son was to take contained this question: "What do you think about our country's laws on marijuana?" I believe my fourth grader needs to learn what the law is and why it is illegal, rather than asking him for an opinion when he is not mature enough to have an opinion based on the facts.

I sincerely desire the freedom to guide my children's education and instill values in

them without this type of interference. As President Clinton said toward the end of his State of the Union address, "Government doesn't raise children, parents raise children."

Respectfully,

RONALD AND LINDA LITHGOW.

TODAY'S FAMILIES—11TH GRADE HOME ECONOMICS TEST FROM NOVEMBER 2, 1992

Answer the following questions as directed—true or false:

In order to be part of a family, you have to be related to other people by blood, marriage, or adoption.

You're not part of a family unless you and the other members live in the same house.

A couple isn't really a family unless they have children.

College roommates (two people of the same sex) could be considered a family.

If a young person is living with his parents and sister but doesn't feel the group shares love, trust; and respect, then according to our definition, he doesn't really have a family.

A family is a group of people who work together to solve problems and who never argue.

Couples today are spending fewer years having children than couples did in the past because they're having fewer children.

Today, it's likely that couples will easily have thirty or more years to spend together as a couple after the children leave home.

The family of the 1890's commonly lived on the farm, producing what it needed to survive. Today's family has moved off the farm and buys most of what it needs to survive.

One hundred years ago, few women worked outside the home for pay.

(Source: Jamestown HS, Jamestown, PA.)

HARLEYSVILLE, PA, *January 26, 1994.*

Hon. CHARLES GRASSLEY,
U.S. Senate Post Office,
Washington, DC.

DEAR SENATOR GRASSLEY: As parents of three public school children, ages seven, eleven and fourteen, we have learned through personal experiences that there is a strong need for more effective parental rights legislation. Such legislation would serve to protect the integrity of our children's learning environment and also to elevate parent confidence.

While this sentiment has evolved from many experiences, we would like to specifically relay to you some details regarding a particular counseling program that ignored some very basic parental rights.

Parents discovered that the federally funded Lincoln Center program was administered to our children long after the fact. In June of 1992, we came across several worksheets used in this program during the 1991-1992 school year. When we discovered the Group Guidance Rules, our son was reluctant to talk to us because of his concern that he was breaking the rules. These rules stated, "What is said in the group stays in the group." and "I will not talk with anyone outside of my group about what other members have shared." This written agreement was signed by our child and the counselor. We also came across a worksheet where the children had to rate their stress on a scale from one through five: The children answered: "Fear of parents' divorcing. Not getting enough attention, Other family members hurting me, Fighting between parents, Having so little supervision that it is easy to get in trouble, etc." The children that circled a five (the highest rating) were asked to raise their hands and tell the class what it was they were stressed about.

The counselor from this outside agency, Lincoln Center, came into the children's English. Math, Science, Social Studies, and Reading classes to administer this program for the entire North Penn 6th grade student body. Through talking with our child about this outside group guidance program, we discovered that a school counselor had come routinely into his classrooms for the last 3 years.

It was also discovered at this time, that the Lincoln Center program was funded by federal grant money for Drug-Free Schools and Communities Act of 1986 (DFSCA). This Lincoln Center program was approved by the school directors to give "drug and alcohol services" for "at risk students and those returning from treatment." Contrary to this formal approval of school directors, it was given to the entire six grade student body. Then, the administrators sent home a letter to parents, by way of the children, describing the program to be "Curriculum-based Group Guidance" not "Drug and Alcohol Services."

Points that are worthy of noting are:

1. The parental notification letter was distributed, by way of students, after the program began without approval from parents. This parent letter is not in accordance with the DFSCA terms (pg. 12, II) that requires all announcements to clearly identify DFSCA programs.

2. During this program, eleven and twelve year old children signed a contract/agreement with an adult counselor without parents knowledge or permission.

3. Children were encouraged to have discussions in the group. These discussions invaded the privacy of a family's home life. (When we asked our child what was discussed, he told us about families that were having marital problems.)

4. It is stated on page five (5) of the DFSCA application, that such programs must "clearly" teach our children that drugs and alcohol are illegal. Nowhere within this Lincoln Center program or the counselor's outlined objectives is this stated. (The children received a "Certificate of Completion for Group Guidance Lessons", not for "Saying No to Drugs,")

While the personal and legal violations of this program, were many, it has nonetheless been delivered with taxpayers' dollars with impunity. Clearly, stronger and more concise legislation is needed to give parents their right to secure a family's right to privacy, protect children from entrapment, and to safeguard the quality of education curriculum.

Sincerely,

GARY and JANET L. VOLPE.

TARENTUM, PA, *January 26, 1994.*

DEAR SENATOR GRASSLEY: I am writing in regards to my children and the future of their education in "Goals 2000". Thank you so much for what you are trying to do with your amendment.

There are several things that I am very concerned about. For one, I have great concern as to the lax enforcement of the Hatch amendment. I am sending you a copy of a test done on my child last year without my knowledge. I only was able to find out because my son came home to my wife saying, "What a strange test I had today." My wife then went to the school asking for this test and why it was done. Shouldn't we as parents be able to decide whether our children should be subject to these kinds of questions.

Another matter of concern that I have is children being told, by the teachers, not to mention various things going on at school. These children are our responsibilities, not the state's or the nation's. We would like to see them brought up to trust and respect us as parents. I realize some children are subjected to parents who don't care and appreciate them, and the option should be there for those children to talk and discuss things with counselors who care. Yet, my children should not be forced to give information about personal feelings.

I hope you can use some of the information from this letter and the copy of this test. Thanks for what you are doing to support better quality education in the United States.

Sincerely,

DAVID M. SMITH.

1. I spend a lot of time daydreaming.
2. Boys and girls like to play with me.
3. I like to spend most of my time alone.
4. I am satisfied with my school work.
5. I have lots of fun with my mother.
6. My parents never get angry at me.
7. I wish I were younger.
8. I have only a few friends.
9. I usually quit when my school work is too hard.
10. I have lots of fun with my father.
11. I am happy most of the time.
12. I am never shy.
13. I have very little trust in myself.
14. Most boys and girls play games better than I do.
15. I like being a boy/I like being a girl.
16. I am doing as well in school as I would like to.
17. I have lots of fun with both of my parents.
18. I usually fail when I try to do important things.
19. I have never taken anything that did not belong to me.
20. I often feel ashamed of myself.
21. Boys and girls usually chose me to be the leader.
22. I usually can take care of myself.
23. I am a failure at school.
24. I find it hard to make up my mind and stick to it.
25. My parents make me feel that I am not good enough.
26. I never get angry.
27. I often feel that I am no good at all.
28. I have many friends about my own age.
29. Most boys and girls are smarter than I am.
30. Most boys and girls are better than I am.
31. My parents dislike me because I am not good enough.
32. I like everyone I know.
33. Children pick on me very often.
34. I like to play with children younger than I am.
35. I like to be called on by my teacher to answer questions.
36. I would change many things about myself if I could.
37. There are many times when I would like to run away from home.
38. I am as happy as most boys and girls.
39. I can do things as well as other boys and girls.
40. I often feel like quitting school.
41. I worry a lot.
42. My parents understand how I feel.
43. When I have something to say, I usually say it.
44. I never worry about anything.
45. I am as nice looking as most boys and girls.
46. Other boys and girls are mean to me.
47. I know myself very well.

48. I am doing the best school work that I can.
49. People can depend on me to keep my promises.
50. My parents thing I am a failure.
51. I always tell the truth.
52. I need more friends.
53. I always know what to say to people.
54. My teacher feels that I am not good enough.
55. My parents love me.
56. I never do anything wrong.
57. Most boys and girls are stronger than I am.
58. I am proud of my school work.
59. I often get upset at home.
60. I am never unhappy.

TARENTUM, PA, *January 26, 1994.*

DEAR SENATOR GRASSLEY: Thank you so much for the amendment you are proposing for "Goals 2000" because parent's rights need to be protected.

I am a mother of three boys, ages 14, 11, and 5. I have lived in my area all of my life and I have never questioned my children's education until last year. I always believed that my children were being properly served by my district, until a question arose from one of my sons. I decided to look into the matter and ask if I could review the curriculum (which was granted). To my dismay, I found questionable material throughout two different courses. One being Guidance and the other being Advisory (Lions Quest). There were several questions pertaining to cigarette smoking, drugs, sex, suicide, and most puzzling of all were questions undermining parental authority.

After gathering information on the curriculum, I approached the Administration with several questions. (never did I approach them in a threatening manner, but that of a concerned parent.) Through the process of several written letters to the Superintendent, I was told that they would take these courses, even though various information was presented to them as to the harm that this could cause my sons. As a mother, I wonder what "Goals 2000" will bring. It seems as if we are losing our rights to our children with the exception of caring for their material needs. I believe that we should have the right to teach our children values, and not have them undermined by questions such as "Ask students to think about a families rights to privacy vs. society's right to intervene?" or another example "Ask students how they feel when they do what they are told, even though they don't want to". Point out that Holly does this with just about everything, and ask them to imagine how this would feel. Note: Holly tries to commit suicide, in this material.

I was told that if my children didn't participate, they would not be graded on as favorably. Should my children have to discern what questions they can and cannot answer, so young in life, to protect their own privacy. The "Hatch Amendment" was made as a protection for our children. I would like to see it enforced.

I will enclose several pieces of information that I have compiled, as examples for you. Thank you for what you are trying to do to better our children's education.

Sincerely,

NANCY JEAN SMITH.

Enclosures.

TARENTUM, PA, *May 18, 1993.*

HIGHLANDS SCHOOL DISTRICT,
Natrona Heights, PA.

DEAR DR. BALDASSARE: We are writing in regards to the matter of our sons taking the Advisory and Guidance courses. We have discussed this with various administrators throughout the district. As you know, we feel that both of these courses could be harmful to our children, and we would like to have our children opted out completely.

From information we have obtained the whole non-judgemental, non-directive approach has been proven to be ineffective. We are not against drug education in the directive form, but these classes are clearly non-directive in every subject matter including suicide. Since when is it legally right for a minor to do drugs, drink alcohol, smoke cigarettes or commit sucide? Our laws cleary state that these practices are illegal; thus, we would like our children to be directed in this way.

Another contention we have with this program is the fact that many of the questions asked are of a personal nature. Even though some of the questions are implied for someone the child knows, a child in 6th grade knows of no other experiences other than his or her own. In our view this is a violation of our rights as parents to consent to any psychological or personal questioning and can be, as a result, in direct violation of the Hatch amendment.

As we have stated before, we want nothing more then to have our children challenged academically. They are good students in the district and we want them to have a sound and positive education, with this, the things they will learn at home and in school can be applied later on in their lives. We are sorry for any inconvenience this may cause; however, we feel these courses could lead our children to make the wrong decisions morally and spiritually.

We won't go into details over the curriculum specifically since we had to return it. Also, we do not wish to inconvenience you anymore than we already have. I will attach the information I have already provided concerning some of the most offensive sections of Mill River in particular. Please remember we were unable to receive the student guides to evaluate them individually. We only obtained two lessons and the teachers guide.

In closing we ask you to review the information we have already delivered to you concerning Quest and Mill River and the whole non-directive approach. We are not asking you to change anything you are now doing but we are asking you to consider the research we have provided to the district as a whole. We have not solely cited the views of one researcher, but that of several sources. Research done particularly on Quest has not been favorable. Please understand, we do not want to cause the district undue grief, we are merely attempting to look out for our children's best interests.

Thank you for the time you have set aside to read this. We ask you again to please opt our children out completely from Advisory and Guidance. We feel if they are not opted out completely they may have to endure undue peer pressure from those who know that they are being opted out for sections. Thank you again for your time and consideration.

Sincerely,

DAVID M. and NANCY JEAN SMITH,
(Parents of Jonathon and Daniel Smith.)

Enclosure.

MILL RIVER

Episode 2: Just average.

Suggested activity—have student write a classified ad [mostly positive and including a price] for selling or buying one of their siblings.

Episode 3: My summer vacation

Worksheet—4. Ask students to think about a family's right to privacy versus society's right to intervene.

Episode 8: The baddest and the best.

Worksheet—ask students if they would rather be known for something bad than not known at all

Episode 9: I see you see

Worksheet—6. Ask students how they feel when they do what they are told, even though they don't want to. Point out that Holly does this with just about everything, and ask them to imagine how this would feel.

Episode 10: A choice in the matter.

Suggested activity—have students write their own obituaries. They should include their accomplishments, and how they achieved them.

Episode 12: All's fair.

Champ believed he had an obligation to Rhett as a friend in his dispute with Tony. But Jack felt no obligation to Champ. Have students discuss the extent of their obligations to others.

1. In discussion, ask if Jack can be excused because of his drunkenness. If Tony had missed with the bottle, do students think Jack should still have warned Champ?

2. Similar to question 1, with two exceptions: Champ and Rhett are friends while Jack and Champ are not going to use a bottle to fight. Ask students if it would be all right for Tony to stick up for Rocko if Champ had picked a fight with Rocko. Ask them if Champ had a "right" to intervene on Rhett's part, since he had a score to settle with Tony from the football game.

3. Have students discuss whether "anything goes" in a fight. Should Champ have jumped on Tony once he knocked him down?

4. There is not necessarily a right answer. Point out that this is not unusual. That kids often don't like something about their parents, but as they get older they are likely to do the same thing.

5. Holly and Gina seem to have a very superficial relationship.

Episode 15: Court's in session.

Worksheet—1. Those who agree with this question probably have a great deal of difficulty trusting others. Adults often say that students must do things they don't want to do because it is "good for them." Let students debate the question. Acknowledge the truth that people sometimes do trust others and get hurt as a result. Also, recognize that sometimes adults use the "best for you" statement when they are trying to control kids.

Episode 17: Hot stuff.

GREENVILLE, PA.

Hon. CHARLES GRASSLEY,
U.S. Senate.

DEAR SENATOR GRASSLEY: I am writing to you in relationship to a situation that occurred in our school system concerning my forester-boy Richard Smith.

Rich was a sophomore at Greenville High School. Every sophomore is enrolled in a class that is run by the guidance counselor entitled "Life Skills". It was in this class that an incident took place without the prior knowledge or consent of parents.

On a Friday evening Rich came home after a night out roller skating with friends. Everything seemed fine. We both went to bed. Twenty minutes later I had an uneasy feeling. I wanted to check up on Rich. I went downstairs because I noticed some lights on that I had previously turned out. I went back upstairs to turn out the bathroom light when I found Rich's note. "Please don't be mad at

me, I just took all the rest of my medication." Rich was on medication for depression.

To make a long story short, I got Rich to the emergency room where they pumped his stomach and kept him overnight for observation. I didn't think anything unusual about this because we were told that Rich may have tendencies to attempt suicide due to his depression.

However, on Monday afternoon my wife received a phone call from another sophomore who was a friend. She informed her that she might know why Rich had attempted suicide on Friday. That day in Life Skills class they had shown a movie on suicide entitled "Why did Jenny have to die?" In tears she described for my wife what a depressing movie it had been.

You can imagine how shocked we were! And as much as I felt for Rich, I couldn't help but think how I would feel if this had been one of my own boys. My emotions ranged from shock to fear to anger! Todays teenager doesn't need much of a reason to attempt suicide. Especially after seeing a movie which truly romantisizes suicide. (I have since viewed the movie) And again, without any prior knowledge or consent of the parents.

This kind of situation does not belong in our school systems and is something that should be handled by a profesional. I thank you and encourage you to do all you can to remove this kind psychological counselling from our schools.

Sincerely,

MICHAEL A. COLEMAN.

DRY FORK, VA,
January 22, 1994.

Re amendment to President Clinton's education Goals 2000.

Hon. CHARLES GRASSLEY,
U.S. Senate, Washington, DC.

DEAR MR. GRASSLEY: Although many in the education field are sincere in their efforts to educate and help children, there are still many others within the system who are clearly moving away from respecting parental rights. We have experienced the supremacy of the home being replaced by the school as more and more within education endeavor to attend to the needs of the psychological development of school children without seeking nor acknowledging the importance of parental involvement. It is this thinking that has America on a slippery slope and is the antithesis of true freedom and liberty.

My husband and I have twice experienced the blatant disregard of our authority and legal responsibility for our child, Michael, within the first two years he was in school. In 1990, approximately four months after the death of our infant daughter, our son entered Kindergarten. It was during this year (the 90/91 school year) that he was counseled against my expressed wishes on the topic of Death & Dying. Not only was he counseled privately on more than one occasion, but the entire classroom was lead into discussions to sharing their feelings and emotions on the deaths of their family members and other loved ones and not one single parent had prior knowledge or given any consent to this form of counseling. Not one single parent was told of this form of counseling ever taking place until after I discovered it myself.

When I did, my son's teacher was moved to tears as she shared with me what it was like to hear all these children's stories. I couldn't help but wonder what emotions were aroused in the hearts of those young five-year olds. Our son had told the class about how his little sister had died. Although our entire family had coped with the losses of other family members over the previous years and had managed to cope quite well without psychiatric intervention, this death was more difficult for our little son because he came to the realization that sometimes children die. I wondered how many of his classmates suddenly came to that realization themselves as he shared his experiences before the classroom, and how many of those children went home more fearful than when they came to class that day. I also wondered how the teacher and counselor responded to any of their comments and questions without the infusion of religion or their own religious beliefs. And again, no note was sent home to as much as express to the parents, "You may need to talk with your child about death and dying this evening as it was the topic of discussion this afternoon."

I thought this was just an isolated instance. I was angry and disturbed, but kept telling myself the school was just trying to help.

In the following weeks, however, my son began having nightmares. Thinking these were probably to be expected considering the grief he was experiencing, we simply became more careful with what we permitted him to watch on TV or read in books. Never in our wildest dreams did we expect to discover the source of his nightmares would turn out to be directly from the counseling he had received in school—but they were. I would later discover our school used a program which delved very deeply into psychotherapy specifically geared to help children cope with their feelings, fears, and emotions regarding Divorce/Separation, and Death/Dying. His nightmares matched detail-for-detail the last story written in the Counseling program entitled "Bright Beginnings" written by Jill Anderson.

The last story is about a monster visiting a little girl six nights in a row. Finally on the 6th night the little girl overcomes her fears and speaks to the monster only to find out he wants to be her friend and learn how to dance. Isn't that delightful?! This horror story is purported to be helpful in assisting young children (of Kindergarten age) how to distinguish warnings to be sure the children know the difference between good fears and bad fears as confusion in this area can be psychologically damaging as they get older!

In the 91/92 school year, we discovered once again our son (then in 1st grade) being counseled without our prior knowledge or consent in a program using coercive thought reform techniques.

A curriculum expert's review of this program describes the methods as a "form of indoctrination". I contacted several psychiatrists as well. Two leading psychiatrists in the field of hypnotherapy have critiqued this program and have issued strong warnings against its use within schools because it goes so deeply into psychotherapy, and they went as far as to identifying the guided imagery exercises within the program as being indicative of self-hypnosis which could induce an altered-state-of-consciousness in young children.

We lead parents in our country forcing the removal of this program after our local school superintendent refused to offer written protective guidelines or restrictions concerning the techniques we found in this program. (He offered to remove the techniques, but would not put this in the form of a *written policy statement.*) Since then we have discovered multiple programs with the same manipulative methods and guided imagery/hypnotic techniques—and we are very alarmed at the indifference of some within the education field. And please note we say "some," because we have found many teachers objecting to the infusion of psychotherapy into the classrooms as well.

But we no longer have trust in our schools as they have since labeled us and other concerned parents as "book censors." We are now working statewide with parents and concerned education personnel, trying to obtain protective restrictions as more aggressive forms of psychotherapy are becoming more commonplace in the classroom. And we have the documentation to verify this for anyone desiring to see it.

Please do everything you can, everything within your power, to re-establish our trust in public education. The courts in our nation still recognize the supremacy of parents in the upbringing and nurturing of their children, but our schools are in desperate need of strong reminding of this fact today.

My husband and I will not be as naive again. If necessary we will have our rights upheld through the legal process if we ever encounter a similar circumstance again. Except for it exposing our children to potential harm, we would almost relish the opportunity taking place.

You have my sincere regards, and appreciation for your efforts in having at least some restrictions implemented in this area of education.

Sincerely,

MICHAEL and JUDY C. ROMINGER.

MOUNTAIN HOME, AR, *January 22, 1994.*

Hon. CHARLES GRASSLEY,
U.S. Senate, Washington, DC.

DEAR SENATOR: I have recently learned of your amendment regarding parental approval prior to obtaining some types of personal information from schools receiving America 2000 funding. My husband and I are in full support of this legislation and would like to provide some examples of the need for it.

When my son was in the 6th grade, he was registered for a mandatory class entitled "Skills for Adolescence". Upon inquiry, I was told by the principal that this was a "study skills" class. Many parents became concerned when their children reported class discussions on their personal family situations, i.e., alcoholism and abuse. Parental discipline techniques were critiqued and the positive aspects of shoplifting were taught. I obtained the student text and was disgusted with the anti-family values portrayed. Parents were depicted in a negative way consistently while students were urged to seek counsel apart from the family structure. I felt the curriculum undermined the values we were instilling in our children. When 40 parents objected to the material, an alternative was offered but not without some intimidation.

Enclosed you will find a copy of a Health Track Survey. During my son's 7th grade year, he was part of a "health awareness week" that featured blood testing and other health care services along with this survey. Many citizens objected to the personal nature of the questions and the fact that the responses were elicited at school without their prior knowledge.

We hold traditional Judeo-Christian values and send our children to school to get an education rather than be psychoanalyzed or screened for potential health problems. We object to these invasions of privacy and parental rights and feel it is only reasonable to at least obtain parental permission before performing these non-traditional functions.

I will be in touch with my Senators regarding this issue and hope to appreciate the protection this amendment offers in the future. Thank you.

Sincerely,

JENNIFER JONES.

Enclosure.

JUNIOR HIGH SCHOOL HEALTH RISK INVENTORY

This questionnaire asks about your health habits and will give you a computer printout based on your answers.

It is completely confidential, so don't put your name anywhere on the questionnaire or answer card.

Before beginning—you must darken in the Junior H.S. circle at the top of the answer card.

D1. Which are you? (1) male; (2) female.

D2. What is your race? (1) White (non-Hispanic); (2) Black (Afro-American); (3) Hispanic/Puerto Rican/Latin; (4) Asian; (5) Other.

D3. Which adults do you live with now? (1) 2 parents; (2) 1 parent/1 step parent; (3) 1 parent only; (4) other.

D4. Compared to other students in your school, how are your grades? (1) the best grades; (2) above average grades; (3) average grades; (4) below average grades.

D5. How old are you now? (1) twelve or younger; (2) 13; (3) 14; (4) 15; (5) 16; (6) 17 or older.

D6. How many brothers and sisters do you have? (1) none (only child); (2) 1; (3) 2; (4) 3; (5) 4 or more.

D7. What is the highest grade you plan to reach in school? (1) may not finish HS; (2) plan to finish HS but not go to college; (3) plan to go to college; (4) other.

Grade: What grade are you in now?

Height: How tall are you (without shoes).

Weight: How much do you weigh (without clothes).

Answer the rest of the questions on the bottom portion of the answer card.

1. How often do you brush your teeth? (1) more than once a day; (2) once a day; (3) 3 to 6 days a week; (4) less than 3 days a week.

2. Have you been to the dentist or dental clinic in the last year? (1) yes; (2) no.

3. Are you now on a diet to lose weight? (1) yes; (2) no.

4. How many days a week do you usually eat breakfast? (1) almost every day; (2) 3 times a week; (3) 1–2 times a week; 94) almost never.

5. How often do you eat "junk-food" (chips, candy, snack foods, etc.)? (1) almost every day; (2) 3 times a week; (3) 1–2 times a week; (4) almost never.

6. How often do you eat fruits and vegetables? (1) almost every day; (2) 3 times a week; (3) 1-2 times a week; (4) almost never.

7. How often do you play or exercise hard enough to sweat and breathe heavily for at least 30 minutes at a time? (1) almost every day; (2) 3 times a week; (3) 1-2 times a week; (4) almost never.

8. How often do you join in recreational activities—such as basketball, baseball, tennis, bowling, bike riding, swimming, etc.? (1) almost every day; (2) 3 times a week; (3) 1-2 times a week; (4) almost never.

9. How many cigarettes have you smoked in your life? (1) none; (2) less than 100 (5 packs); (3) 100 or more.

10. Do you smoke cigarettes now? (1) no; (2) yes, but not every day; (3) yes, every day.

11. Do you use "smokeless tobacco" (snuff or chewing tobacco)? (1) I never have (or only tried it); (2) I did, but quit; (3) I do but not every day; (4) I do every day—once or twice; (5) I do every day—3 or more times.

12. Do you drink beer, wine, wine coolers, or other alcoholic drinks (other than for religious reasons)? (1) no, I don't (or only tried it); (2) yes, but not often; (3) yes, but not every week; (4) yes, 1 or 2 days a week; (5) yes, 3 or more days a week.

13. About how many alcoholic drinks do you drink in a week? (1) none, or less than 1 a week; (2) 1 or 2 drinks a week; (3) 3 to 5 times a week; (4) 6 to 12 drinks a week; (5) more than 12 drinks a week.

14. In the past 2 months, how many times have you been drunk? (1) I don't drink; (2) none in the last two months; (3) once or twice in last 2 months; (4) three or more times in last 2 months.

15. Has anyone ever asked you to try a drug such as marijuana, cocaine, or crack? (1) no; (2) yes; (3) not sure.

16. Have you ever smoked marijuana? (1) no, I never tried it; (2) yes, but only to try it; (3) yes, I used to, but quit; (4) yes I do now, less than once a week; (5) yes I do now, more than once a week.

17. Have you ever used cocaine (other than crack? (1) no, I never tried it; (2) yes, but only to try it; (3) yes, I used to, but quit; (4) yes I do now, less than once a week; (5) yes I do now, more than once a week.

18. Have you ever used crack? (1) no, I never tried it; (2) yes, but only to try it; (3) yes, I used to, but quit; (4) yes I do now, less than once a week; (5) yes I do now, more than once a week.

19. Have you ever used a drug other than marijuana, cocaine, or crack to get high? (1) no, I never tried it; (2) yes, but only to try it; (3) yes, I used to, but quit; (4) yes I do now, less than once a week; (5) yes I do now, more than once a week.

20. What is the main reason you think people your age might try a drug such as marijuana, cocaine, or crack (mark only one answer)? (1) to feel older; (2) to have a good time; (3) to get over feeling bad; (4) to fit in with their friends; (5) some other reason.

21. Do you ever ride with a driver who has been drinking or using drugs? (1) no, never; (2) yes, once or twice in 6 months; (3) yes, less than once a week; (4) yes, once a week or more.

22. How often do you use seatbelts when you drive or ride in a car? (1) always; (2) most of the time; (3) sometimes; (4) never.

23. Do you ever carry a gun, knife or other weapon for protection? (1) yes; (2) no.

24. In the past year, how many times have you hit or beat up anyone? (1) never; (2) once in the last year; (3) 2 or 3 times in the last year; (4) 4 or more times in the last year.

25. Do you turn to friends or relatives when something is troubling you? (1) yes, almost always; (2) yes, sometimes; (3) no, not usually; (4) no, never.

26. In the past six months, have you had feelings that life wasn't worth living? (1) yes, often; (2) yes, sometimes; (3) yes, but rarely; (4) no, never.

27. Are you under much stress because of pressures at school? (1) yes, a lot; (2) yes, sometimes; (3) no, not much; (4) not at all.

28. Are you under much stress because of pressures at home? (1) yes, a lot; (2) yes, sometimes; (3) no, not much; (4) no, not at all.

29. Do you ever worry that one of your parents will hit you or hurt you? (1) yes, often; (2) yes, sometimes; (3) no, never.

30. Are you under much stress because of a boyfriend or girlfriend pressures? (1) yes, a lot; (2) yes, sometimes; (3) no, not much; (4) no, not at all.

31. In the past six months, have you had long periods (2 weeks or more) when you were depressed or felt really unhappy? (1) no, not really; (2) yes, but I feel OK now; (3) yes, but things are getting better; (4) yes, and I still feel depressed and unhappy.

32. How many friends do you have? (1) No close friends-I'm a loner; (2) I have one close friend; (3) I have a few close friends; (4) I have many close friends.

33. In the past six months, have you had any serious personal losses (broke up with boy/girl friend, your parents got divorced, someone close to you died, etc.)? (1) no; (2) yes, one serious loss; (3) yes, two or more serious losses.

34. Have you ever had a friend or classmate who killed himself or herself? (1) yes; (2) no.

35. In the last year, have you thought about or tried to kill yourself? (1) no; (2) yes, but not seriously; (3) I've thought about it seriously once or twice; (4) I've thought about it seriously often; (5) I've made an attempt at suicide.

36. Do you feel pressure on you to be sexually active (have sexual intercourse)? (1) yes, a lot; (2) yes, a little; (3) no; (4) I don't know.

37. Do you every have questions about sex that you don't know who to ask? (1) no; (2) yes, a few questions; (3) yes, a lot of questions.

38. Do you know the ways a person can protect him/herself from getting AIDS and other sexually transmitted diseases (VD)? (1) no; (2) yes, I think so; (3) yes, I'm sure.

39. Do you worry about whether your body is developing (growing and changing) in a normal way? (1) yes, I worry about that a lot; (2) yes, I worry about that sometimes; (3) I worry about that a little; (4) I don't worry about that at all.

40. In general, how honest have you been in filling out this questionnaire? (1) very honest; (2) mostly honest; (3) somewhat honest; (4) not very honest at all.

Special Questions: Do you have a first degree relative: Mom Dad Brother Sister with Diabetes? With High Blood Pressure? With heart disease before age sixty?

FAIRFIELD, IA, *November 26, 1993.*

CHARLES E. GRASSLEY,

Hart Senate Office Building, Washington, DC.

DEAR SENATOR GRASSLEY: I am a concerned parent writing to inform you of something which has happened in our local Iowa school district, which may be of interest to you. This may have something to do with an upcoming discussion on "Goals: 2000" coming up after the January recess.

I am enclosing a copy of the "IOWA YOUTH SURVEY" which was distributed this November to sixth, eighth, and tenth graders in the Fairfield School District. I was told by the local administration that not all students in those three grades were given the survey.

Students were asked not to put their name on the survey and they were also (supposedly) told it was purely voluntary.

Notes were supposed to have been sent home to inform parents this was happening, not to ask their permission in any way. However, many parents I have spoken with knew nothing about the survey, and upon further investigation found out that indeed their children did complete the survey without their knowledge or consent. Some parents did receive the notice, but the survey had already been completed by their children.

After reading thru the survey, I personally feel these are very private and inappropriate questions to ask your average teenager! A child in a private counselling session (professional, not through the school) may need to be asked these questions, but not the average teenager.

I question the motive behind any type of survey—especially when parents are not informed or even asked for their approval.

Senator Grassley, please consider this issue as you discuss "GOALS: 2000" after the January recess; especially when the point of PARENTAL KNOWLEDGE AND CONSENT is brought forward.

For some reason our wonderful Iowa schools are getting further and further away from teaching the basics and getting closer and closer to trying to raise our children for us!! Please, Senator Grassley, re-read the "GOALS: 2000" Plan. Does Iowa want to buy into this? Does Iowa have to buy into this?

Most sincerely,

VICTORIA L. EASTBURN.

Enclosure.

IOWA YOUTH SURVEY

This survey is designed to help educators understand the behaviors and attitudes of students in your area and in the state of Iowa. DO NOT put your name on this survey. Your answers are strictly confidential, and no one will be able to find out how you or anyone else answered. The reports that are issued will combine many students' answers together and will help educators plan effective programs.

Thank you very much for the time and attention you give to completing these questions honestly and thoughtfully.

Part A. This first section of the survey asks some general questions about you.

1. In what grade are you? 6th, 7th, 8th, 9th, 10th, 11th, 12th.

2. Are you male or female? Male, Female.

3. How do you describe yourself? American Indian; Asian or Pacific Islander; Black or African American; Latino or Hispanic; White or Caucasian; Other/Mixed race.

4. With whom do you live most of the time? Both birth parents; Adoptive parent(s); Mother only; Father only; Mother and stepfather; Father and step-mother; Relatives other than the above; Guardian/foster parents; Other.

5. Are your birth parents divorced or separated? Yes, No, I'm not sure.

During an average week, how many hours do you spend . . .?

6. In band, choir, orchestra, music lessons, or practicing voice or a musical instrument.

7. Playing sports on a school team.

8. In clubs or organizations at school, such as student government, debate or drama, science clubs, language clubs, chess clubs, journalism.

9. In clubs or organizations outside of school.

10. At church or synagogue worship services, programs, or activities.

11. Doing homework.

12. During an average week, on how many evenings do you go out for fun and recreation? None, 1, 2, 3, 4 or 5, 6 or 7.

Part B. The questions in this section ask about your attitudes and feelings regarding school, self, and others.

How much do you agree or disagree with each of the following?

13. At school I try as hard as I can to do my best work.

14. My teachers really care about me.

15. It bothers me when I don't do something well.

16. I don't care how I do in school.

17. My teachers don't pay much attention to me.

18. I get a lot of encouragement at my school.

19. How long do you expect to go to school?

Would like to quit school as soon as I can.

Plan to finish high school but don't think I'll go to college.

Would like to go to some kind of trade school or vocational school after high school.

Would like to go to college after high school.

Would like to go to college and then go on after college to study to be something like a lawyer, professor, or doctor.

20. Compared with others your age, how well do you do in school?

Much above average.

Above average.

Average.

Below average.

Much below average.

21. Have you felt you were under any strain, stress, or pressure during the past month?

Yes, almost more than I could take.

Yes, quite a bit of pressure.

Yes, some/more than usual.

Yes, a little/about usual.

No, none at all.

22. How often have you felt anxious, worried, or upset during the past month:

All the time.

Most of the time.

Some of the time.

Once in a while.

Not at all.

How much do you agree or disagree with each of the following statements?

23. I have a number of good qualities.

24. My neighborhood is a safe place to live.

25. At times, I think I am no good at all.

26. I care about people's feelings.

27. All in all, I am glad I am me.

28. My parents often tell me they love me.

29. I feel I do not have much to be proud of.

30. It is against my values to have sex while I am a teenager.

31. My family life is happy.

32. On the whole, I like myself.

33. There is a lot of love in my family.

34. I get along well with my parents.

35. If I break one of my parents' rules, I usually get punished.

36. My family has enough money to meet our basic needs for food and clothing.

37. My parents give me help and support when I need it.

How often have you felt sad or depressed during the past month?

All the time.

Most of the time.

Some of the time.

Once in a while.

Not at all.

39. In the last year, how often, if at all, have you thought about killing yourself?

Never.

Once.

Twice

3–5 times.

6 or more times.

40. Have you ever tried to kill yourself?

No.

Yes, once.

Yes, twice.

Yes, more than 2 times.

Part C. In this section, the questions deal with the use and non-use of alcohol and other drugs.

In questions below, a "drink" is defined as a glass of wine, a bottle or can of beer, a shot glass of liquor, or a mixed drink.

41. In an average month, how often (if ever) do you drink beer, wine, "coolers," or liquor?

I never drink alcoholic beverages.

I used to drink but don't now.

Less than once a month.

About once a month.

2–3 times a month.

About once a week.

2–4 times a week.

About once or more each day.

42. When you drink alcoholic beverages, how many drinks do you usually have at any one time?

I don't drink.

Less than 1 drink.

1–2 drinks.

3–4 drinks.

5–6 drinks.

More than 6 drinks.

43. Think back over the last two weeks. How many times have you had five or more drinks in a row?

None, Once, Twice, 3–5 times, 6–9 times, 10 or more times.

44. How old were you the first time (if ever) you had your own glass of beer, wine, shot of liquor, or a mixed drink?

I have never used alcohol, 8 or younger, 9 or 10, 11 or 12, 13 or 14, 15 or 16, 17 or 18, I don't remember.

45. In an average week, how often (if ever) do you usually smoke tobacco (cigarettes, pipes, cigars)?

I never smoke tobacco.

I have smoked but don't now.

1–6 times a week.

7–25 times a week.

4–10 times a day.

More than 10 times each day.

46. How old were you the first time (if ever) you tried tobacco?

I have never tried tobacco, 8 or younger, 9 or 10, 11 or 12, 13 or 14, 15 or 16, 17 or 18, I don't remember.

47. How often (if ever) do you use smokeless tobacco (snuff, plug, dipping tobacco, chewing tobacco)?

I never use smokeless tobacco.

I have used smokeless tobacco but don't now.

1–5 times a month.

6–20 times a month.

About once or more each day.

48. In an average month, how often (if ever) do you usually use any amount of marijuana (pot, grass, hash)?

I never use marijuana.

I have used marijuana but don't now.

Less than once a month.

About one a month.

2–3 times a month.

About once a week.

2–4 times a week.

About once or more each day.

49. How old were you the first time (if ever) you tried marijuana (pot, grass, hash)?

I have never tried marijuana, 8 or younger, 9 or 10, 11 or 12, 13 or 14, 15 or 16, 17 or 18, I don't remember.

50. In an average month, how often (if ever) do you usually use any amount of cocaine (coke, rock, crack)?

I never use cocaine.

I have used cocaine but don't now.

Less than once a month.

About one a month.

2–3 times a month.

About once a week.

2–4 times a week.

About once or more each day.

51. In an average month, how often (if ever) do you usually use any amount of amphetamines (speed, meth, crank)?

I never use amphetamines.

I have used amphetamines but don't now.

Less than once a month.

About one a month.

2–3 times a month.

About once a week.

2–4 times a week.

About once or more each day.

52. In an average month, how often (if ever) do you usually use any amount of other drugs such as hallucinogens (LSD), heroin, or barbiturates.

I never use other drugs.

I have used other drugs but don't now.

Less than once a month.
About one a month.
2–3 times a month.
About once a week.
2–4 times a week.
About once or more each day.

53. How old were you the first time (if ever) you tried drugs other than alcohol or marijuana?

I have never tried other drugs, 8 or younger, 9 or 10, 11 or 12, 13 or 14, 15 or 16, 17 or 18, I don't remember.

54. In the last month, how many times, if any, have you sniffed glue, breathed the contents of aerosol spray cans, or inhaled any other gases or sprays in order to get high?

0 times, 1 or 2 times, 3–5 times, 6–9 times, 10 or more times.

55. In the last month, how many times have you driven a car or other motor vehicle after using any amount of alcohol or other drugs?

I don't drive, 0 times, 1 or 2 times, 3–5 times, 6 or more times.

56. In the last month, how many times have you ridden in a car or other motor vehicle whose driver had been using alcohol or other drugs?

0 times, 1 or 2 times, 3–5 times, 6 or more times.

In the past year, how many times have you?

57. Drunk alcohol (wine, beer, or liquor) at home with your parents or other adult family members (such as having wine with a meal).

58. Been to a party where other kids your age were drinking.

59. Taken steroid pills or shots without a doctor's prescription.

60. Have you ever used alcohol or other drugs so much that the next day you could not remember what you had said or done?

61. Do you find that you use more alcohol or other drugs now than you used to, without feeling the same effects?

62. Have you ever hit anyone or become violent while drinking or using other drugs?

63. Have you ever wanted to stop drinking or using drugs but could not?

64. Have you ever lost any friends because they didn't approve of your alcohol or other drug use?

65. In the past year, how often (if ever) did you use alcohol or other drugs at school or on school property?

Never, 1 or 2 times, 3–5 times, 6 or more times.

66. In the past year, how often (if ever) were you disciplined at school for breaking school rules about alcohol or other drugs?

Never, 1 or 2 times, 3–5 times, 6 or more times.

How much do you think people risk harming themselves (physically or otherwise) if they . . .?

67. Take 1 or 2 drinks of alcohol nearly every day.

68. Smoke marijuana regularly.

69. Smoke one or more packs of cigarettes a day.

70. Take amphetamines regularly.

71. Take 4 or 5 drinks of alcohol nearly every day.

Part D. The next questions are about other experiences you may have had.

How often in the past 12 months have you:

72. Had your things (clothing, books, bike, car) stolen or deliberately damaged on school property.

73. Been threatened or injured by someone with a weapon (such as a gun knife, or club) on school property.

74. Been involved in a service project at school that helped make life better for other people.

75. Given money or time to a charity or organization that helps people.

76. Been disciplined at school for fighting, theft, or damaging property.

77. Used a weapon, force, or threats to get money of things from someone.

78. Bet on the outcome of sports events, card games, or horse/dog races.

79. Spent time helping people who are poor, hungry, sick, or unable to care for themselves.

80. Beaten up on someone or fought someone physically because he/she made you angry.

81. Bought lottery tickets, pull tabs, or scratch-off tickets.

82. When you gamble, (if ever,) how much money do you usually bet?

I never gamble, Less than $5, $5–$10, $11–$25, $26–$50, More than $50.

83. About how often in the last month have any of your classroom teachers had to stop teaching in order to deal with a major student disruption or behavior problem?

0 times, 1 or 2 times, 3–5 times, 6–9 times, 10 or more times.

84. Have you ever had a course on peer helping or peer counseling?

Yes, at school; Yes, outside of school; No.

85. Have you ever been physically abused by an adult (that is, where an adult caused you to have a scar, black and blue marks, welts, bleeding, or a broken bone)?

Never, Once, 2–3 times, 4–10 times, More than 10 times.

86. Have you ever been sexually abused by someone (that is, someone in your family or someone else did sexual things to you that you did not want or forced you to touch them sexually)?

Never, Once, 2–3 times, 4–10 times, More than 10 times.

87. On the average, about how many hours per week do you spend doing volunteer work to help other people (such as helping out at a hospital, day care center or nursery, food shelf, youth program, community service agency, etc.)?

None, 1–2 hours, 3–5 hours, 6–9 hours, 10 or more hours.

Part E. In this final section, the questions relate to peers, parents, and other resources.

Among the people you consider friends, how many would you say...?

88. Do well in school.

89. Drink alcoholic beverages (liquor, beer, wine).

90. Smoke cigarettes.

91. Help other people.

92. Smoke marijuana (pot, grass) or hashish.

93. Get drunk at least once a week.

94. Are involved in band, choir, or other musical activities.

95. Are involved in clubs, organizations, or sports programs outside of school.

96. Get into trouble at school.

97. Really care about you and your feelings.

98. Do you think your mother, father, or step-parent has a serious problem with alcohol or other drugs? Yes, No, Maybe; I'm not sure.

99. Do you think another member of your family such as a brother, sister, or grandparent has a serious problem with alcohol or other drugs? Yes, No, Maybe; I'm not sure.

100. Do you think one of your friends has a serious problem with alcohol or other drugs? Yes, No, Maybe; I'm not sure.

101. How upset do you think your parents would be if you came home from a party and they found out you had been drinking? Not at all upset, A little upset, Somewhat upset, Very upset, Extremely upset.

102. How upset do you think your parents would be if you came home from a party and they found out you had been using illegal drugs (such as marijuana or cocaine)? Not at all upset, A little upset, Somewhat upset, Very upset, Extremely upset.

103. If you had an important question or concern about alcohol, other drugs, sex, or some other serious issue, would you talk to your parent(s) about it? Yes, Probably, I'm not sure, Probably not, No.

104. How often does one of your parents ask you where you are going or with whom you will be? Practically never, Seldom, Sometimes, Often, Very often.

105. How often does one of your parents talk to you about what you are doing in school? Practically never, Seldom, Sometimes, Often, Very often.

106. About how often in the last month have you had a good conversation with one of your parents that lasted 10 minutes or more? 0 times, Once, Twice, 3 times, 4 or more times.

107. If you were having a problem with alcohol or other drugs and you wanted to talk with someone about it, where would you most likely go first for help?

Close friend.
Parent(s) or guardian.
Brother, sister, or other young relative.
School counselor or teacher.
Minister, priest, rabbi, or other religious leader.
Family doctor.
Crisis line or alcohol/drug treatment center.
Trusted adult (other than those named above).

Please rate the following in terms of how helpful they have been as sources of information about alcohol and other drug issues.

108. Parent(s).
109. Friends.
110. School classroom teacher.
111. School counselor.
112. Someone who is now using alcohol or other drugs.
113. Police or other law enforcement person.
114. Counselor at an alcoholism/drug treatment center.
115. Person from an alcohol/drug abuse prevention program.

Now rate these additional factors in terms of how helpful they are as sources of information about alcohol and other drug issues.

116. TV or radio.
117. Telephone "hotline."
118. Books, magazines, or pamphlets.
119. Instruction or a course in a class such as health.
120. School assembly.
121. Personal experience.

DANVILLE, KY,
October 12, 1993.

DEAR SENATOR GRASSLEY: The attached "Piers-Harris Children's Self Concept Scale" was administered to the 6th graders in Danville's Bate Middle School during the week of October 4, 1993. It was administered without the notification or permission of the parents. In addition, the results were not sent to the parents.

Although the students were told that this was not a test, expected scores for successful outcomes were posted on the board during the exercise. After the exercise, the students reviewed the results with the counselor, who told them what the correct answers were. Many students, realizing that their answers did not match the ones that the counselor said were correct, changed answers for fear

of failure. This created a dilemma in many of the student's minds. They felt that despite what they knew to be true about themselves, they had to lie to get a successful score.

The scale was not administered by a trained psychologist. This is evidenced by its poor administration. Posting scoring ranges on the board during the exercise, using self grading, and describing answers as right or wrong are extremely questionable testing procedures which, without doubt, invalidate any conclusions that could be drawn.

I also do not know if this scale was even designed for the 6th grade age group. Many of the questions do not appear appropriate for 6th graders and others seem to link self esteem directly to physical beauty. The following yes/no questions are examples: I am popular with boys, I have pretty eyes, I am good looking, and I have a good figure. I do not understand how the answers to these questions have a right or wrong answer, nor do I see how this information is important to the education of our children.

I hope that you find this information helpful and I would be happy to discuss this matter with you personally.

Sincerely,

VICTORIA AND WALT NYZIO.

THE PIERS-HARRIS CHILDREN'S SELF CONCEPT SCALE—THE WAY I FEEL ABOUT MYSELF

Here are a set of statements. Some of them are true of you and so you will circle the yes. Some are not true of you and so you will circle the no. Answer every question even if some are hard to decide, but do not circle both yes and no. Remember, circle the yes if the statement is generally like you, or circle the no if the statement is generally not like you. There are no right or wrong answers. Only you can tell us how you feel about yourself, so we hope you will mark the way you really feel inside.

1. My classmates make fun of me.
2. I am a happy person.
3. It is hard for me to make friends.
4. I am often sad.
5. I am smart.
6. I am shy.
7. I get nervous when the teacher calls on me.
8. My looks bother me.
9. When I grow up, I will be an important person.
10. I get worried when we have tests in school.
11. I am unpopular.
12. I am well behaved in school.
13. It is usually my fault when something goes wrong.
14. I cause trouble to my family.
15. I am strong.
16. I have good ideas.
17. I am an important member of my family.
18. I usually want my own way.
19. I am good at making things with my hands.
20. I give up easily.
21. I am good in my school work.
22. I do many bad things.
23. I can draw well.
24. I am good in music.
25. I behave badly at home.
26. I am slow in finishing my school work.
27. I am an important member of my class.
28. I am nervous.
29. I have pretty eyes.
30. I can give a good report in front of the class.
31. In school I am a dreamer.
32. I pick on my brother(s) and sister(s)
33. My friends like my ideas.
34. I often get into trouble.
35. I am obedient at home.
36. I am lucky.
37. I worry a lot.
38. My parents expect too much of me.
39. I like being the way I am.
40. I feel left out of things.
41. I have nice hair.
42. I often volunteer in school.
43. I wish I were different.
44. I sleep well at night.
45. I hate school
46. I am among the last to be chosen for games.
47. I am sick a lot.
48. I am often mean to other people.
49. My classmates in school think I have good ideas.
50. I am unhappy.
51. I have many friends.
52. I am cheerful.
53. I am dumb about most things.
54. I am good looking.
55. I have lots of pep.
56. I get into a lot of fights.
57. I am popular with boys
58. People pick on me.
59. My family is disappointed in me.
60. I have a pleasant face.
61. When I try to make something, everything seems to go wrong.
62. I am picked on at home.
63. I am a leader in games and sports.
64. I am clumsy.
65. In games and sports, I watch instead of play.
66. I forget what I learn.
67. I am easy to get along with.
68. I lose my temper easily.
69. I am popular with girls.
70. I am a good reader.
71. I would rather work alone than with a group.
72. I like my brother (sister).
73. I have a good figure.
74. I am often afraid.
75. I am always dropping or breaking things.
76. I can be trusted.
77. I am different from other people.
78. I think bad thoughts.
79. I cry easily.
80. I am a good person.

TULSA, OK,
January 4, 1994.

Hon. CHARLES GRASSLEY,
U.S. Senate,
Washington, DC.

DEAR SENATOR: Thank you for your interest in protecting students and families from the ever persistent involvement of government in personal lives. May you succeed in including the "Parental Rights Restoration Amendment" philosophy into the Goals 2000 push.

Enclosed is a copy of "Computer Daze Questionnaire" taken last year by my son and essentially all other students at Jenks High School, Jenks, Oklahoma. This "Questionnaire" was not shown to parents before being taken, was officially sponsored by a student group, but strongly pushed by High School staff and faculty providing time for all students to participate as specifically scheduled event. When I found out my son had taken the Questionnaire as a Freshman, I wrote the school to complain and requested my son's form to be returned and not submitted for whatever analysis is done. If not possible to retrieve his form, I requested they provide me any and all data from his profile so obtained. I received nothing for my request . . . too late, already submitted . . . you've heard the line.

Last year my same son took the Iowa Test of Basic Skills, a standardized norm-referenced, academic test, right? One of his questions on that test was basically this: "Teenagers like to wear different kinds of clothes. Who influences what you wear? A. Parents, B. Church, C. School, or D. Peers." What is the correct answer if this is academic? If it is a personal profile question, what right does the testing company have to intersperse this underhanded probe into a required "academic" test, and to whom does the information go, and why do they need it, and what do they plan to do with it?

Thank you for your concerns in this area and may your efforts be blessed.

Sincerely,

WAYNE K. TAYLOR.

Enclosure.

COMPUTER DAZE QUESTIONNAIRE

Complete this survey so that you will have a chance to obtain a list of your best matches in this school.

1. I am: (1) Male; (2) Female.
2. At amusement parks or carnivals, I have the most fun with: (1) the rides; (2) just hanging out with friends; (3) the games to win prizes and stuffed animals.
3. If I were invited to a costume party I'd: (1) turn down the invitation; (2) plan my costume carefully; (3) go absolutely wild.
4. You're out with friends when you realize there is no way you'll make it home on time. You'd: (1) call home and tell them you'll be late; (2) call home and beg for more time; (3) try to sneak in the house.
5. You hand the checkout person $5 for a purchase. She gives you change for $20. You'd: (1) gently point out the error; (2) quickly pocket the mistake; (3) quickly pocket the mistake but feel pretty rotten.
6. When it comes to giving speeches or reports in front of class: (1) I don't mind it as long as I'm prepared; (2) I enjoy it; (3) It scares me; (4) I hate it.
7. Driving to school, you run into the mailbox on the corner. You would: (1) skip school and get the car fixed; (2) trust that your parents will understand; (3) tell everyone the car got dented in the parking lot.
8. To me, love is: (1) a bad joke; (2) an emotional high; (3) a reason for much confusion; (4) nice with the right person.
9. If you walked out of the house and saw a beautiful duck with a badly injured wing, you would: (1) take it home and nurse it back to health; (2) leave it alone; (3) have roast duck for dinner.
10. If your friends were looking for you after school, they would probably find you: (1) at practice; (2) at your job; (3) shopping at the mall; (4) at home.
11. If I end up very successful in life, the ONE most important factor I would attribute it to would be: (1) I'm smart; (2) I'm competitive; (3) I work hard; (4) I'm lucky.
12. When I have the TV remote I: (1) flick through the channels often; (2) use it once in a while; (3) hardly even touch it.
13. If you found out that your friend got the best grade on a test because he saw the questions ahead of time, you'd: (1) let the teacher know someone cheated; (2) express your anger to your friend; (3) pay no attention to the matter; (4) convince your friend to share the questions with you next time.
14. If I had a long way to go on a major assignment due tomorrow I'd: (1) stay up all night and get it done; (2) do as much as I can and turn it in; (3) ask for an extension; (4) call in sick.
15. If I said something really dumb in class and everyone laughed I'd: (1) die of embarrassment; (2) shrug it off; (3) laugh with everyone else.

16. When a lot of people try to change my mind about something I feel strongly about I usually: (1) Get more stubborn; (2) Listen and consider their opinion; (3) Often end up agreeing with them.

17. If I saw a new girl/guy in the hall that I would like to meet I would: (1) Go right up and introduce myself; (2) Get one of my friends to do it; (3) Walk nearby and hope he/she notices me.

18. When I go out to eat with friends, I prefer to: (1) pay exactly what I owe; (2) throw in a few dollars and estimate; (3) split the bill evenly among each person.

19. Recycling is: (1) too much trouble for me; (2) something I'll do if convenient; (3) something I'm totally in to.

20. I will go to a teacher for help in a class: (1) only when I realize I'm totally lost; (2) rarely because I don't want to seem dumb; (3) I never have to; (4) at any stumbling block.

21. At the movies you pick the best seat until Miss Big Hair sits down right in front of you. You'd: (1) move to another seat; (2) ask her to sink down in her seat; (3) flick popcorn at the back of her head.

22. Suppose you made the team and felt that your good friend deserved to make it too, but didn't. What would you do? (1) do your best to console your friend; (2) plead with the coach to change his mind; (3) quit the team; (4) nothing, that's life.

23. When told a secret I usually end up: (1) letting everyone else in on it; (2) telling one other friend; (3) keeping it.

24. The worst thing a teacher can do is: (1) accuse an innocent person of cheating; (2) put down a student in front of the class; (3) play favorites; (4) waste my time.

25. Whether it is sports or a project, I prefer: (1) to be involved in a team or group activity; (2) one that depends on my own performance; (3) no preference—depends on the activity.

26. Busted. You get your first traffic ticket. You would: (1) pay it quickly before anyone finds out; (2) show up at court alone and try to beat it; (3) tell your parents and ask for their help getting it taken care of.

Answer questions 27-33 with: (1) Always (2) Sometimes (3) Rarely (4) Never.

27. I exercise.
28. I keep informed about current events.
29. I get bored during summer vacation.
30. I play jokes on my friends.
31. I eat at fast food places.
32. I watch music videos.

SIMPSONVILLE, SC.

Hon. CHARLES E. GRASSLEY,
U.S. Senate,
Washington, DC.

DEAR SENATOR GRASSLEY: I am writing as a concerned parent of children in Public School. The trend of education in the last several years seems to be a shift away from academics to focusing on what my child thinks and feels about personal and social issues.

I am enclosing two surveys that were given to students, here in Greenville, S.C. One of the surveys was given to my son, the other to my nephew. On the personality Questionnaire that was given to my son notice question number 5. In general, how do you feel about your family? 1. I love them to death 2. They're nice. 3. I can put up with them. 4. I hate them. Why are schools asking such personal questions to my children? The questionnaire also asks for the child's name and other identifying information, this is not an anonymous questionnaire.

My question is, who has access to this information, and where is this tabulated and is this part of student's personal records. I was told that this information was tabulated at a local college by their "super" computer. I am concerned about the capability that computers have to store such information and make is available to unidentified people or organizations.

My question is, what are parents rights and is it legal to do these types of surveys without parents knowledge or consent. Thank you for addressing these issues.

Sincerely,

PATTY STONER.

Enclosure.

PERSONALITY QUESTIONNAIRE

1. You think that in the future the world will be: (1) Better; (2) Worse; (3) About the same.

2. What do you look for in a friend? (1) someone to have fun with; (2) some I can talk to; (3) someone who shares my interests.

3. In school, your favorite nonphysical) subject area is: (1) math/science; (2) English/literature; (3) social sciences; (4) art; (5) none of the above.

4. Your favorite activities are: (1) Adventurous, dangerous; (2) Physical, such as sports; (3) Intellectual.

5. In general, how do you feel about your family? (1) I love them to death; (2) They're nice; (3) I can put up with them; (4) I hate them.

6. In your opinion, which is the biggest problem facing the world? (1) global warming; (2) hunger; (3) class barriers; (4) minority problems (5) none of these.

7. The first thing you look for in a girlfriend/boyfriend is: (1) Appearance; (2) Intelligence; (3) Status.

8. Your favorite pet would be: (1) a cat; (2) a dog; (3) a fish; (4) something else; (5) I hate pets.

9. You think that modern society, with all its high technology, is: (1) terrific—I love all the conveniences; (2) too impersonal and insensitive.

10. How large a problem is pollution today? (1) It is a major problem that needs to be addressed immediately; (2) It is a problem, but we'll be fine for a long time;; (3) It is not a big problem; (4) It is not a problem.

11. How fast is the environment deteriorating? (1) Extremely fast; (2) Slowly; (3) It's not deteriorating; (4) It's improving.

12. What do you consider the ideal age for marriage? (1) less than 20 years; (2) 20-25; (3) 26-35; (4) 36-45; (5) more than 45.

13. Should it be legal to give a prayer at school gatherings? (1) Absolutely; (2) Yes, but only for prayers that apply to all religions; (3) No.

14. Which do you think know best how to improve our country? (1) Republicans; (2) Democrats; (3) Independents.

15. You are happiest when you are in groups of size: (1) 2-4 people; (2) 5-10 people; (3) 11-15 people; (4) 15 or more people.

16. What kind of watch do you usually wear? (1) Digital; (2) Analog; (3) Both; (4) I don't wear a watch.

17. If you could live anywhere in the world, you would live: (1) on a beach; (2) in a city; (3) in the mountains; (4) in a rural area; (5) somewhere else.

18. The most oppressed group in America is: (1) Negroes; (2) women; (3) Native Americans; (4) the poor; (5) none of the above.

19. You think of big business as: (1) corrupt and impersonal; (2) a necessity that is put up with; (3) wonderful—free enterprise in action.

20. Which of the following is the most important in your life? (1) school; (2) your career; (3) your relationships with others; (4) the world's problems.

21. How are you with money? (1) I spend it right when I get it; (2) I keep it shortly, then spend it on something nice; (3) I save it for long periods of time.

22. What do you think about killing animals? (1) no big deal; (2) It's OK if you eat them; (3) I don't like it at all.

23. When is it OK to say something that is not true? (1) any time you can get away with it; (2) if it's a "white lie"; (3) It is never acceptable to lie.

24. What kind of music do you like best? (1) Rock; (2) Alternative; (3) Soul or Gospel; (4) Classical; (5) Something else.

25. On the average, how much TV do you watch in a week? (1) 0-5 hours; (2) 6-10 hours; (3) 11-20 hours; (4) 21-35 hours; (5) more than 35 hours.

26. How many children would you like to eventually have? (1) 1; (2) 2; (3) 3-4; (4) five or more; (5) none.

27. Do you think that drugs should be legalized? (1) Yes; (2) No.

28. Should women be allowed into the military? (1) Yes; (2) Yes, but only in non-combative positions; (3) No.

29. When you leave high school, you plan to: (1) go straight to college; (2) get a job; (3) take a year off.

30. Which do you prefer? (1) Coca-Cola; (2) Pepsi; (3) RC; (4) They are all the same; (5) I despise all three.

(NOTE: Given to high school students at Southside High, Greenville, SC, on December 8, 1993.)

KENNEWICK, WA,
January 17, 1994.

Hon. CHARLES GRASSLEY,
U.S. Senate,
Washington, DC.

DEAR SENATOR GRASSLEY: From November 1991 to February 1992, my school district participated in a program designed to identify "at-risk" children in our district. The program, sponsored by a local psychiatric center and our district, required behavioral risk assessments to be completed on kindergarten through 4th grade children. After elementary school teachers completed the assessments, the originals were given to the psychiatric center without parental knowledge or consent. Please note that all children, regardless of their risk score were identified by name on the assessments.

I and over 200 parents (from a wide variety of backgrounds) viewed this action as a violation of our privacy and civil rights. It was only after public outrage erupted that our district took steps to modify the program. To my knowledge, however, no party was held accountable for these infractions nor were any legal or written guarantees created (outside of this particular program) that would protect parents from future violations of their privacy rights. I was personally devastated when I became aware that my school, which I trust with my children up to 6 hours per day, had violated my right to privacy. Because of my intimate involvement in this controversy, I am convinced we do not have adequate protection of our Constitutional rights within our public school system.

I have enclosed copies of supporting documents for your review. If you have any further questions, please do not hesitate to contact me.

Thank you for your commitment to protecting parental rights in Iowa and nationwide.

Sincerely,

BETH J. SMITH.

Enclosures.

KENNEWICK, WA,
February 4, 1993.

Re Desert Quest Program.

GREG FANCHER,
Principal,
Canyon View Elementary.

DEAR GREG: Recently I became aware of Canyon View's participation in the Desert Quest program sponsored by Kennewick and Richland School Districts, Benton-Franklin County Head Start and Carondelet Psychiatric Center.

I am concerned that a child's behavior can be assessed, without parental knowledge or permission, and subsequent assessments are being released to a third party outside the district. I feel this is a serious breach of privacy and confidentiality. I am in the process of researching this and would like to request the following information:

When was the testing done?

Was a release ever sent to the parents which gave permission to assess the child's behavior? If not, why not?

Why are you reassuring parents the original assessments were destroyed when I have personally seen them?

Was there a policy regarding the handling of the documents? When was the policy adopted? If there is a policy, I would like to see it.

How many people or agencies have had access to these assessments and in what capacity and for what reasons?

I would like to have a full and complete listing of the Desert Quest donors, both corporate and individual.

Was the Kennewick school district or Paul Pigulski advised that this program could result in such a severe privacy breach?

What is going to be done to correct this situation and ensure the privacy of past assessments and future sensitive student information?

This is just a short list of several questions and concerns I have regarding this severe privacy breach. Please answer any questions and supply me with the requested information as soon as possible. I would appreciate the information prior to the February 10th school board meeting.

My intend is not to cause a deluge of lawsuits or create a disabling distraction for the Kennewick School District from it's primary focus of education. However, there is a serious problem I plan to pursue until my concerns are addressed to my satisfaction.

Sincerely,

BETH J. SMITH.

CANYON VIEW ELEMENTARY SCHOOL,
Kennewick, WA, February 8, 1993.

BETH SMITH,
Kennewick, WA

DEAR BETH: In this letter you will find your questions from your letter of February 4. It is my sincere hope that this letter provides the information you have requested.

1. When was the testing done?

The students were not given a test. The teachers were asked to complete a screening instrument to determine if students from their classroom might qualify for the Special Friends Program. This was done in October.

2. Was a release ever sent to parents which gave permission to assess the child's behavior? If not, why not?

No, a release was not sent home. The screening instrument is simply a tool to determine eligibility. If a student is eligible for the Special Friends program, then parents are contacted.

3. Why are you reassuring parents that the original assessments have been destroyed when I have seen them?

I was under the impression that the screening instruments were destroyed after the data had been entered into the computer. I was wrong. Each school now has the original screening tools at the school site.

4. Was there a policy regarding the handling of documents? When was the policy adopted? If there is a policy, I would like to see it.

The school district has a letter of agreement with Carondelet. A copy of the letter is attached.

5. How many people or agencies have had access to these assessments and in what capacity and for what reasons?

The information in the screening tools can be accessed by Paul Pigulski, the Desert Quest supervisor. Desert Quest specialists may only access information from the school(s) they serve. These are the only people who have access to the information.

6. I would like to have full and complete listing of the Desert Quest donors, both corporate and individual. Please contact Paul Pigulski at Carondelet for this information.

7. Was the Kennewick School District or Paul Pigulski advised that this program could result in severe privacy breach?

I would again refer you to the attached letter of agreement.

8. What is going to be done to correct this situation and to insure the privacy of past assessments and future sensitive student information?

At this time all documents are being returned to their home schools. In the future when the screening tools are used, parents will be notified and the information will be given to Cardondelet in coded form. Only the home schools will have information with student names.

I hope this information addresses at least some of your concerns. I am willing to sit down with you at any time to discuss this program, its benefits, pitfalls, and its future development at Canyon View. Please feel free to contact me.

Sincerely,

GREG FANCHER,
Principal.

Enclosure.

DESERT QUEST CARONDELET PSYCHIATRIC CARE CENTER LETTER OF AGREEMENT

Carondelet Psychiatric Care Center and the Kennewick School District agree to cooperate in the installation and administration of the early intervention program known as Desert Quest. Specifically, they agree as follows:

Carondelet agrees to provide intervention services to identified children to the fullest practical extent. Carondelet agrees not to bill any child, parent, school, or the Kennewick School District for any of these services, while reserving the right to bill any insurance companies, Title XIX, etc. (while waiving any/all deductibles, coinsurance, etc.). Carondelet agrees to serve children based on need and without any financial considerations whatever. Carondelet agrees to furnish all supplies—clinical and administrative—necessary to execute the Program. Carondelet agrees to respect the privacy/confidentiality of all students, families, and Kennewick School District employees. Carondelet agrees to provide unlimited professional consultation regarding identified children and/or Program dissemination.

Kennewick School District agrees to provide a site coordinator at each school to function as a liaison between that school and Carondelet. Kennewick School District agrees to provide dedicated space at each school for Desert Quest sessions to be held. Kennewick School District agrees to assist each participating school in meeting the $80 (one-time) match contribution for the furnishing of this room. Kennewick School District further agrees to cooperate in the screening, staffing, and statistical representation of data collected, and to being recognized as a participating school district.

MARLIN M. LENDBLOOM,
For Kennewick School District.

PAUL PIGULSKI,
For Carondelet Psychiatric Care Center.

Mrs. KASSEBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mrs. KASSEBAUM. I wanted to ask the Senator from Iowa a couple of questions if I might. I will be very brief, because Senator MACK is waiting and has a commitment in Florida, and I know he wants to offer his amendment.

I just say to the Senator from Iowa that I am very sensitive to what he is trying to address regarding parental rights, and we have talked back and forth. I would not want to answer the questionnaire the Senator read myself.

Was that a Federal questionnaire?

Mr. GRASSLEY. No, it was not. That is one of the problems for us, to guarantee the U.S. constitutional established right of a parent to be involved in their education. If they want to exercise the statutory fulfillment of that through Senator HATCH's amendment, they are not able to do it because they cannot show a direct correlation. But money, being fungible as it is, you surely know that it is very difficult to prove that and, so consequently, the parent cannot exercise their right.

Then what that means is where we have $1 of Federal money, where we have $1 of Federal money in a school system, we are going to apply all civil rights laws to that institution and let people get relief under the civil rights laws. Then a parent has the same constitutional right under the Constitution for parental rights, and unless they can show a direct relationship they are not going to be able to exercise that right, and so that direct relationship in the regulations is the problem that I am trying to overcome with my amendment.

Mrs. KASSEBAUM. I realize that. Let me just ask, or restate it again. I think it has been stated. But as the Senator knows, under the protection of pupil rights in the law, it says all Federal material is available for inspection and no student is required to participate in the survey or activity.

So I guess what I am asking the Senator is whether he really wants to apply to the States this same prohibition. There are many drug-free school programs, for instance, with both Federal money and State money. Many of these things, such as the drug-free school initiative have a mix of Federal

and State moneys. Unless the Senator is wishing to tell the States as well that they adopt these same practices as apply to Federal programs, it is going to be very difficult.

As I mentioned to the Senator, in the example where the student was told not to discuss the questionnaire with their parents, those parents should have gone right to the school and said, yes, indeed, we want to see that questionnaire.

That is where I personally believe this should be addressed. I have some difficulty—and I know we are discussing it and maybe we can find some way to get at this, but we have to be careful we are not going to dictate to the States what they do. We have always had a very fine line to walk between Federal and State jurisdiction.

Mr. GRASSLEY. If the Senator from Kansas will yield, the Senator would not use the argument on this floor on a civil rights debate that we are not going to dictate to the States the protection of a constitutional civil right. If there is $1 involved, the institution is covered. So why would she make that argument that we are not going to tell the States when a parent wants their constitutional rights protected, parental rights to be involved in education?

Mrs. KASSEBAUM. That was a constitutional decision of the courts in the civil rights case.

Mr. GRASSLEY. I also say that I hope I have established with the Yoder case, the other cases that I have cited—the Yoder case as recently as 1972—that the parents have a constitutional right to be involved in the education of their kids. It is a liberty right, the same as what people would have under their civil rights.

Mrs. KASSEBAUM. I say to the Senator from Iowa, because I know the Senator from Florida wants to offer his amendment, it is a concern to both of us. The Senator cares about education. I care about education. We all care about education. But how do we best get at this in such a way that we are not trying to say to the Iowa schools as well as perhaps the Kansas schools what they can or cannot do?

I think we have to think it through very carefully. I am certainly willing to work on this. I do not think students should be forced to be involved and every parent should be able to see material that they consider important to their understanding of what is taking place in their school. And I believe that most school boards honor that. But how we put it into legislative language is I think what we are struggling with. I hope perhaps between now and Tuesday when we vote we can find some way to work this out. But I just wanted to raise the question before yielding.

Mr. GRASSLEY. I want the Senator to know that along the lines of what the Senator just stated, I wish to acknowledge that the Senator has talked to me about that and has worked to do that. Earlier today I had some conversations with my colleague from the State of Iowa, Senator HARKIN, who is also on the parent committee involved here in which he suggested certain changes. If he is a leader in the direction of bringing about some of this change, I think it is a very reasonable starting point.

But I wish to make sure that that is the direction we are headed because I think it has to deal with a very definite problem we have under the regulations of showing a direct relationship because you can imagine, only 17 cases in the 10 years since the regulations have been out just is not very many with all the concerns we have had expressed. I have already listed 11, 12, or 13 States where, just since this amendment is up, I have had parents tell me they have had problems with the regulations.

Mrs. KASSEBAUM. I say to the Senator from Iowa, I very much appreciate what he is trying to say. It is a great concern to parents, and I hope we might find some language we can work out. I thank the Senator.

Mr. GRASSLEY. I emphasize for the Senator from Kansas, and then I will yield the floor, we are only talking about the rights of parents to have access to the information to know what information is being used and to know that it is being done. There is nothing in my amendment that is going to tell a school that they cannot do this.

Mrs. KASSEBAUM. I thank the Senator from Iowa.

I believe I had the floor, Madam President. I yield the floor.

Mr. BURNS. Mr. President, I rise today to express my support of the Grassley amendment.

I am an original cosponsor of this important amendment because I feel strongly that the rights of parents should not be overlooked or taken for granted by schools.

Many, many concerned parents have called me to express their concern about educational philosophies that focus more on attitudes, feelings, and values than academics.

I have heard of examples of extreme forms of this philosophy where students are rated on their sense of self, appreciation of change, and the like instead of receiving letter grades on the 3R's.

And I am concerned, like these parents are, to hear that some school systems have been introducing values clarification surveys into the classroom. With some of these surveys, children are being asked questions about their home life and personal values.

These parents believe, as I do, that the teaching of values belongs in the home, and that the teaching of academics belongs to schools.

This amendment will prohibit the use of Goals 2000 funds for values-related activities without parental notification, consent, and access to the relevant information.

Parents have the right to know that their children will be taking part in surveys or activities that may run counter to their beliefs or values.

I also believe that parents have the right to remove their children from participating if they choose to.

I urge my colleagues' support for this amendment.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Madam President, I ask unanimous consent that all remaining first-degree amendments to S. 1150 must be offered by 5 p.m. today; that they be subject to second-degree amendments, if relevant to the first-degree amendment; that there be a time limitation of 60 minutes equally divided on Senator Helms' amendment regarding school health clinics; that upon the completion of the debate on that amendment, Senator KENNEDY be recognized to offer an amendment dealing with the same subject matter; that it also be under a 60-minute time limitation; that no second-degree amendments be in order to either the Helms or Kennedy amendments; that when the Senate votes on the amendments next Tuesday, the first vote be on the Helms amendment, to be followed without intervening action or debate by vote on the Kennedy amendment; that upon disposition of all amendments to S. 1150, the bill be read a third time; that the Senate then proceed to the consideration of the House companion, H.R. 1804; that all after the enacting clause be stricken and the text of S. 1150, as amended, be substitute in lieu thereof, the bill be read a third time and a vote occur on final passage of H.R. 1804, as amended; that the Senate insist on its amendments, request a conference with the House on the disagreeing votes of the two Houses, the Chair be authorized to appoint conferees, and the Senate bill then be indefinitely postponed, with the preceding all occurring without any intervening action or debate.

Madam President, I would modify my request. I stated the Helms amendment as school health clinics. I am now advised that the proper title is school health services.

Mr. GRASSLEY. Madam President, will the floor leader yield for a question?

Mr. MITCHELL. Certainly.

Mr. GRASSLEY. Can the leader tell me in his own words how it applies to my amendment; how it is meant to apply to my amendment?

Mr. MITCHELL. All remaining amendments to this bill must be offered by 5 p.m. And the votes on those amendments will occur on Tuesday morning.

Mr. GRASSLEY. Mine has been offered. Is there any restriction on debate or consideration of my amendment?

Mr. MITCHELL. No; the debate can continue so long as it has been offered. It is the intention—of course we rely on good faith that the debate will be completed today. Senators will remain, and that we will—that all action other than the votes themselves will be completed today. We then proceed to the school to work bill on Monday.

Mr. GRASSLEY. I thank the leader. I have no objection.

Mr. JEFFORDS. Madam President, reserving the right to object—I do not intend to object—I intend to be here as long as people want to talk. But all amendments must be offered by 5 p.m. today. That is the way I understand it—and that there be no votes until next Tuesday.

Mr. MITCHELL. That is correct.

Mr. JEFFORDS. I also have the authority to speak for the minority leader. We have no objection to the unanimous-consent request. I remove my reservation.

Mr. KENNEDY. Madam President, I want to indicate there were Senators who want to address the School to Work Program. We have indicated to leaders that at the conclusion of the discussion of the debates this afternoon on Goals 2000, we can begin that discussion and we will also consider amendments for those individuals who cannot be here on Monday. Senator JEFFORDS and I will be here until there is no further discussion of amendments, and to accommodate those that will be unable to be here on Monday.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Madam President, reserving the right to object—I have no intention of objecting—I am not sure the agreement the majority leader propounded has to do with the pending measure or with the school to work bill.

Mr. MITCHELL. This agreement deals with the pending bill. The School to Work measure was covered by an agreement entered earlier.

Mr. BYRD. I thank the majority leader. I have two amendments. I understood the majority leader said there would be no amendment to any amendment. Or did I?

Mr. MITCHELL. The first-degree amendments may be offered until 5 p.m. today, and they are subject to second-degree amendments providing the second-degree amendment is relevant to the first-degree amendment with the exception being the amendment to be offered by Senator HELMS on school health services, and Senator KENNEDY on the same subject.

Mr. BYRD. Did I understand that the leader's agreement would include a final vote on the measure on a specified date?

Mr. MITCHELL. It does not. The votes will be next Tuesday.

Mr. BYRD. That does not include the final vote on the measure next Tuesday?

Mr. MITCHELL. There will be a final vote on the measure next week.

Mr. BYRD. Next Tuesday.

Mr. MITCHELL. Next Tuesday.

Mr. BYRD. Is paragraph 2, rule XII being waived?

Mr. MITCHELL. This agreement does not set the final vote. It is my intention to have the final vote, and when we get the agreement to set a final vote, we will accommodate that rule.

Mr. BYRD. I thank the distinguished majority leader. I have no objection. I do have two amendments which I believe the managers will accept.

So I do not have any concern about the provisions in the leader's agreement affecting my amendments.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. Is there objection to the previous request?

Mr. EXON. Madam President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. I possibly shall not object, although I would like to ask a question. My heart goes out to the majority leader once again. I have made remarks of this nature frequently especially in the last few years with regard to the schedule, or lack of scheduling, because of the test of wills that continues to play such an unnecessary role in my view with regard to the actions of the U.S. Senate.

We seem to be reaching a point where we seldom, if ever, vote before the sun is down. That is becoming commonplace in our institution. That is not too good.

We are continuing to reach a point where we have to have a series of pressure points before we can force a vote on anything in this body. We had a pressure point Thursday night when one of the great political persons of our country had a very important event, and we thought that might be a pressure point to force a vote on this important amendment before 6:30 p.m. on Thursday.

Then we had another pressure point that we all want to of course adjourn as quickly as possible for this potential weekend, and therefore we scheduled a Friday session as another pressure point, fully recognizing and realizing that some of our colleagues had left for a very important meeting. I believe they left last night to attend a conference in Germany.

I do not know. It seems to me we cannot ever adjourn anymore unless we get a unanimous consent that we are going to do something for sure by a certain date. It is a pretty sad commentary I suggest to the Members of this body. We seem to be less and less operating in an orderly fashion.

I make those comments not to object, but to take this opportunity for this one Senator to express once again despite the enormous contribution that the majority leader, who has the major responsibility, has made to various Members of this body, various groups in this body, time and time again.

We have a very, very busy schedule it seems to me, and what I suspect will be in an election year an earlier than normal adjournment of this body. I scold all of us, including myself, for not being more cooperative with the majority leader, who has enormous responsibilities for running this body. And all of us will be complaining come October 1st if the majority leader has not been successful in bringing us together to the extent where we can all go home and campaign.

I only ask this question, as maybe a combination from my friend. I have been trying to get morning business time at an appropriate hour, sometime before midnight, or after 2 a.m. to make some remarks on the budget controversy.

I simply did not insist on being given time this morning because I know that the pressure point was that if we can come in at 9 o'clock and have a vote at 9:30, because we can unravel things and get this finished before noon so everybody could leave.

I would simply say that I can, I would rather not, wait until 6 or 7 o'clock this evening for 10 minutes for morning business time. I am wondering if the managers of this bill and those who have amendments would agree sometime between 1 and 3 o'clock this afternoon, if I do not object, to allot the Senator from Nebraska 10 minutes in morning business not related to this bill.

Mr. KENNEDY. Will the Senator yield? We will await with anticipation the Senator's comments on the budget item prior to 3 o'clock. After the consent agreement is hopefully acceded to, I will sort of explain where we are. But we will definitely make that time agreement.

Mr. EXON. I do not object.

Mr. JEFFORDS. We are trying to accommodate Members that are trying to leave for planes in the next hour. So I understand the Senator's commitment to be here, and we will certainly accommodate.

Mr. EXON. I will not be leaving in the next hour.

Mr. JEFFORDS. We want to allow those who want to leave to leave.

Mr. BYRD. If the majority leader will yield, I was listening to the colloquy with great interest. The distinguished Senator from Vermont [Mr. JEFFORDS] has put his finger on what makes it difficult for the majority leader to have a schedule that one can depend upon and gets the work done in the Senate. Too

many Senators want to leave by 1 o'clock or 12 o'clock or 11 o'clock a.m., on Fridays. That is what gives the majority leader headaches. I sympathize with the majority leader. Here is one Senator that will not object to being here on Monday or to votes late on Fridays or early on Mondays or if we go beyond October 1, if we have to. I always take the position that the work here comes first.

We have to get the people's work done. I have a campaign, too. What better campaigning can I do than having the people of West Virginia know I am here on the job?

I thank the Senator from Vermont for putting his finger right on the problem. It makes it so difficult for any majority leader to keep his equanimity and sense of purpose and be able to come back to a commonsense point of gravity as he tries to deal with this problem of trying to accommodate every Tom, Dick, and Harry of the Senate.

I hope the majority leader will stop apologizing to Members because we have to stay here and work. That is not his fault. That is our business. That is why I am elected. He need never apologize to me because we have to stay late or we have to have votes on Mondays and Fridays. I just hope—and I am not trying to suggest to the majority leader how he should run the Senate—I just hope I do not hear him ever again apologize to his colleagues for the work we have to do here or for the hours that we have to be here. We are all here for that purpose. Why apologize to me because I might be discomfited or inconvenienced or discommoded a little bit because the Senate has to keep on for another hour or two to get the work done.

There is nobody at home with my dear wife except my little dog Billy. If anybody has a right to complain, it would be someone like myself. I am not as young as I was 36 years ago when I came to the Senate, but I am just as eager to get the work done. I thank the majority leader, and I hope I have not imposed upon the Senate. I apologize if I have imposed on the majority leader's time.

Mr. MITCHELL. Madam President, I renew the request.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. MITCHELL. I thank my colleagues for their cooperation and for their comments and sympathies.

Under this agreement, the Senate will complete action today on all matters relating to the Goals 2000 education bill. All votes that may be required will be scheduled for Tuesday morning.

On Monday, the Senate will complete action on the school-to-work education bill, and all votes required on that measure will be scheduled for Tuesday. Votes will begin at 10 o'clock in the morning on Tuesday. It is not now possible to state with precision exactly how many votes there will be, but there could be several, depending upon the number of amendments that are actually offered and which of those will require votes. So, although there will now be no further rollcall votes today and none on Monday, Senators should be aware that a substantial number of votes will occur on Tuesday, commencing at 10 o'clock in the morning.

Therefore, Senators are all on notice of the importance of their presence here on Tuesday.

Madam President, if I might comment on some of the subjects raised by my colleagues in this colloquy. Each of them has been accurate in his statements. It is exceedingly difficult, and getting more so, to conduct the business of the Senate because of the substantial demands upon Senators and the conflicts in their schedules. It should be stated, of course, that the distinguished Senator from West Virginia is correct in describing our work here as our primary obligation. All else must be subordinated to that. But it should also be clear that Senators have public obligations that require their presence outside of this Chamber.

First, of course, with respect to committee work. That is a very important part of the Senate's work, to act in committee on legislation which is then presented to the full Senate for consideration.

Second, with respect to meeting with constituents and other individuals here in our Nation's Capitol in their offices. I and every other Senator, on each day, meet with a substantial number of persons from our constituency.

And third, of course, is meeting with our constituents in our individual home States. Most of the citizens of my State are unable to, or do not have sufficient interest in legislation to cause them to travel here to Washington and, therefore, look forward to my returning to my State, as I do almost every weekend, to meet with constituents at a place convenient for them, to hear their concerns on legislation.

All of that having been said, I want to say to my colleagues that this will be a busy year with a great deal of important legislation to come before the Senate. I have set forth orally here on the Senate floor, and in writing to all Senators, what the schedule will be, and there are going to be times when it is necessary to simply remain in session to complete action on measures. I believe that the agreements we have reached facilitate action on these important measures, as opposed to delaying or retarding action. That is the reason why I have entered into them. And, at the same time, in addition to facilitating final action on these important measures, they do accommodate the interests of the largest possible number of Senators.

I want to say to my colleagues that we are going to have to be prepared, when necessary, for unavoidably lengthy sessions, including into the evenings and full days on Fridays and, later in the year, full days on Mondays with votes as well.

I thank my colleagues for their cooperation on this. I thank my friend and colleague and, of course, the former majority leader, who knows better than anyone about managing the affairs of the Senate. I thank Senators KENNEDY and JEFFORDS for their outstanding leadership in moving forward on this bill, and I believe it will be Senator KENNEDY and Senator KASSEBAUM on Monday on the school-to-work education bill.

I yield the floor.

Mr. KENNEDY. Madam President, I want to join in expressing our appreciation to the majority leader, the minority leader, and other Senators who have been involved in these debates and discussions. I think the leadership has provided us with an opportunity to reach final resolution, but I think there still remain some matters of importance on the Goals 2000.

For the most part, I think we have had good debates on several items which are of very great significance, both constitutional issues and other issues, in the period of these past few days.

On the school-to-work program, we want to give the assurance that we will have the opportunity to debate those issues. We have been able to bring a remarkable combination of bipartisan support on the school-to-work legislation, and also support from a great range of outside groups, including the Chamber of Commerce, the Association of Manufacturers, and other various groups that have indicated support. So many of those issues have been resolved prior to coming to the floor.

So we want to try to give the assurance to the Members that we look forward to dealing with the substance that remains, but we also want to indicate to them that many of the issues have been reviewed very carefully during the committee process and during earlier discussions on these matters. We feel that the final outcome on both of these measures are extremely important, very, very worthwhile, and extremely timely for reasons we have outlined earlier in the course of the debate.

So, just for now and for the remainder of the afternoon, as Senator JEFFORDS and I have said, we will be here to consider any of these amendments and to discuss them at whatever length Members would so desire.

The Senator from Florida has been here for a great period of time and also has been very willing to enter into a time agreement. The Senator from West Virginia has two amendments which are very important, construc-

tive, and helpful to the legislation which we intend both to accept and to comment on as well.

I know that the Senator from New Hampshire, Senator GREGG, had an area of significance and importance to him, which I understand has been adjusted.

I know that there are others who wish to speak on different provisions of it. But I would hope now we could move along.

Senator HELMS, I know, has an amendment.

We look forward to the debate. I am grateful for the cooperation overall, and we will look forward to continuing the debate and the discussion on a number of these measures.

Mr. GRASSLEY. Madam President, does the Senator want to set my amendment aside?

Mr. KENNEDY. If it will be agreeable to the Senator, we could set that temporarily aside. As we have talked informally, we are very interested in trying to accommodate the areas of concern to the Senator.

Senator KASSEBAUM addressed some of those, and it has not resolved those completely. But we can continue to work with the Senator.

We will preserve his position. No action will be taken without consultation with the Senator this afternoon, and we will preserve his options of getting recorded votes on his amendment or amendments related thereto, or preserve his position so that we are able to work out satisfactory language that will also be included as relevant to this legislation.

Mr. GRASSLEY. Mr. President, will the Senator from Massachusetts yield?

Mr. KENNEDY. I yield.

Mr. GRASSLEY. Before the Senator sets my amendment aside, the only thing I would ask is if there is anyone else who wants to discuss my amendment. I would ask the courtesy of being notified so that I can be on the floor.

Mr. KENNEDY. The Senator's request is very reasonable and sensible. We certainly would.

Mr. GRASSLEY. I ask this of the two managers. Sometime this afternoon they will be stating opposition to my amendment, at least in its present form, or they will not be.

If they are going to speak, then I will not do anything else this afternoon. But I do have some things on my schedule, if they are not going to speak I will wait for notification for other people to come.

Mr. JEFFORDS. I tell the Senator from Iowa I will notify him when I intend to speak on the amendment, and I will give sufficient time for him to get over here if he desires. At this particular time I do not have anything to say other than perhaps a few brief comments. I will certainly alert the Senator if I decide to do so.

Mr. EXON. Will the Senator yield for a question?

The PRESIDING OFFICER (Mr. DORGAN). The Senator from Massachusetts has the floor.

Mr. KENNEDY. I am glad to yield the floor.

I give the Senator the same assurances.

Mr. GRASSLEY. The Senator can set it aside.

Mr. KENNEDY. Fine.

Mr. EXON. Mr. President, I would ask the managers of the bill, because I think they heard my request to go to morning business, I would think under the circumstances the rules would require me to get a unanimous consent request. I do not want to interrupt the flow of business here, but I would simply ask the managers of the bill, the Senator from Florida, and others, as to what time would it be convenient and appropriate for them to grant me permission in a unanimous consent request to proceed for 10 minutes as if in morning business.

Mr. KENNEDY. Mr. President, the Senator from Florida has been enormously patient, and I would hope that we could accommodate him. The Senator from West Virginia had indicated to me some time ago that he wanted to speak, not at any length on his, and then we will go to the Senator from Nebraska as well.

I see the Senator from North Dakota wanted to address the issues on his amendment with regard to guns in schools. Senator FEINSTEIN wanted to address the Senate. They have been enormously accommodating in permitting us to proceed forward.

The Senator from Maryland has spoken to me to address the action that will be taken by Alan Greenspan on the interest rates. He, as the chairman of the Joint Economic Committee, wanted to address the Senate.

We want to move all the processes quickly. I certainly hope we would at the first opportunity notify the Senator. I would expect that would be about 1 hour or 1 hour and 15 minutes or so.

Mr. EXON. I thank the Senator.

The PRESIDING OFFICER. The Chair recognizes the Senator from Florida [Mr. MACK].

Mr. MACK. The first question I have is, has the pending amendment been set aside?

The PRESIDING OFFICER. The Chair advises the Senator it has.

AMENDMENT NO. 1389

(Purpose: To achieve significant school reform and innovation through empowering parents, students, teachers, principals, and local school boards)

Mr. MACK. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Florida [Mr. MACK] proposes an amendment numbered 1389.

Mr. MACK. 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:

On page 5, strike all beginning with line 24 through page 8, line 11, and insert the following:

(1) the term "Governor" means the chief executive of the State;

(2) the term "local educational agency" has the meaning given such term in section 1471 of the Elementary and Secondary Education Act of 1965;

(3) the term "Secretary" means the Secretary of Education; and

(4) the term "State" means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

On page 64, strike lines 13 through 22, and insert the following:

(3) the most effective way to achieve meaningful school reform and innovation is to empower parents, students, teachers, principals and local educational agencies;

On page 64, line 23, strike "(5)" and insert "(4)".

On page 64, line 24, strike "and States".

On page 65, lines 1 and 2, strike "through comprehensive, coherent, and coordinated improvement".

On page 65, line 3, strike "(6)" and insert "(5)".

On page 65, strike lines 8 through 11.

On page 65, line 12, strike "(8)" and insert "(6)".

On page 65, line 14, strike "other" and insert "their".

On page 65, beginning with line 16, strike all through page 66, line 3.

On page 66, line 4, strike "(11)" and insert "(7)".

On page 66, line 8, strike "(12)" and insert "(8)".

On page 66, line 20, strike "(13)" and insert "(9)".

On page 66, line 24, strike "(14)" and insert "(10)".

On page 66, line 25, strike "State and local initiatives, and to leverage State" and insert "local initiatives, and to leverage".

On page 66, line 7, strike "and local" and insert "local".

On page 67, strike lines 7 through 9, and insert the following:

to improve the system of education at the local level throughout our Nation;

On page 68, strike all beginning with line 1 through page 115, line 6, and insert the following:

SEC. 304. DISTRIBUTION OF FUNDS.

(a) GRANTS TO LOCAL EDUCATIONAL AGENCIES.—From amounts appropriated pursuant to the authority of section 303 in each fiscal year, the Secretary shall award grants to each local educational agency designated, in accordance with subsection (b), to receive a grant under this section for such year.

(b) GOVERNOR'S DESIGNATION.—

(1) IN GENERAL.—The Governor of each State desiring local educational agencies within the State to receive a grant under this section for a fiscal year shall submit to the Secretary a list of such agencies that the Governor designates to receive a grant under this section for such year. The Governor shall submit such list at such time, in such manner and containing such information as the Secretary may reasonably require.

(2) NUMBER.—The Governor of each State shall designate nor more than 20 percent of the local educational agencies within the

State to receive a grant under this section for any fiscal year, except that for fiscal year 1998 the Governor may designate more than 20 percent of such agencies in order to ensure that each such agency receives a grant under this section by the end of fiscal year 1998.

(c) AWARD RULE.—No local educational agency shall receive a grant under this section for more than 1 fiscal year.

(d) GRANT AMOUNT.—The Secretary shall award a grant to each local educational agency designated for receipt of a grant under this section in a fiscal year in an amount that bears the same relationship to the amount appropriated pursuant to the authority of section 303 for such a year as the number of local educational agencies designated to receive a grant under this section for such year bears to the total number of all such agencies so designated for such year.

The PRESIDING OFFICER. The Chair recognizes the Senator from Florida.

Mr. MACK. I thank the Chair for recognizing me. Recently Bill Bennett wrote a book about virtues. I am not sure whether he included the virtue of patience in his book, but I would say one of the things that one quickly learns on the floor of the U.S. Senate is the virtue of patience. So, I appreciate the recognition from the Chair.

The comments that I am going to make today with respect to Goals 2000 are based on some personal readings and personal experiences.

Mr. President, not too long ago I read a book called "Millennium." It was a book that was written by an aide to French President François Mitterrand, who was the former President of the Eastern Europe Development Bank.

"Millennium" raised the question, What nation would become the center of influence in the 21st century? The author went on to respond to that question, saying that he believes that nation will come either from the Pacific rim, perhaps from Japan, or from Europe, perhaps Germany or France. In either case, he gives the clear impression that America will not even compete to remain the center of influence.

At some other time, I might get into a discussion about whether it is important for the United States to attempt to compete. Some may have a different point of view about whether we should even attempt to remain the center of influence. I believe we should.

But in responding to the question, can we compete, we, as a nation, must address several vital questions.

One of those, obviously—and I would put it at the top—is the question of education. For us truly to compete, and to pass on as a legacy to our children and our grandchildren the same opportunities and quality of life that we have enjoyed, we must ensure that our children are well educated.

Second, on some of my trips around the State of Florida I have had the opportunity to talk with the presidents of our State universities. One of those individuals has traveled extensively in Latin America. He told me that as he has talked with the leaders and leading educators in those countries he has found that they look forward to the 21st century with a great sense of optimism. They believe that power and influence will no longer be based on the natural resources and military power of a country. Instead, the ability to compete in the 21st century will come from knowledge and from the ability of people to control and use that knowledge.

They are saying: "We know how we are going to compete in the 21st century. We will have the best educated children in the world. We believe, regardless of the size of our country, we can do that."

I think they make an excellent point. Competition in the 21st century will be based on knowledge and education.

Not long ago, I visited a remarkable school out in Los Angeles, called the Marcus Garvey School. I do not know whether any of you have heard of it, or had the opportunity to visit it.

The school, they tell me, is located in one of the riot-torn areas of Los Angeles. Frankly speaking, as I first drove up to the school, my initial reaction was that this was not a place where many of us would say, "That's where I want my children to go to school," because nothing about it was elaborate. There was nothing about it from the outside that attracted the eye. It was just a basic building, not very appealing.

But once you went inside, as I did, it would not take long to immediately recognize that that is exactly where you would want your children to be educated. And so, if you will permit me to walk through some of those experiences.

We first met with an individual that I mentioned earlier, a man by the name of Anyim Palmer, who once had been a public school teacher in California, but had became so angry with the system because, he said, the system is not designed to improve the education of our children; it is designed to protect the system.

He became so frustrated that he left. He became so committed to what he believed was the proper way to educate and to teach our children that he started his own school. Today, roughly 400 students go to that school. And, I might add, the 400 students that go to that school are not selected by anybody because they are either the best students or the worst students. The students that go to that school are selected by their moms and dads, who say that is the place where our kids can learn; that is where they will be taught, and given an opportunity to compete, so they will be able to make a living. Those parents understand the significance and the importance of education.

We met with Anyim Palmer in a room that was probably 10 by 12, stacked with all kinds of papers, reports, and books; no secretary; one telephone, which he answered himself; a couple of chairs that have probably been there since the school started.

My point is, it was not very elaborate and there certainly were no amenities. Anyim Palmer answered our questions for a while and then said, "I want you to go with one of our teachers now and look around the school."

We started out with their day-care area, where we observed 2-year-old children. Not second grades, but 2-year-olds.

The teacher said to them, "Children, would you show Senator and Mrs. Mack how you can recite your ABC's and your numbers?" And these cute little children, sitting behind a little table, in unison said their ABC's and then said their numbers.

And then the teacher said to them, "Now show Senator and Mrs. Mack how you can do that in Spanish." And the little children went on to say their ABC's and their numbers in Spanish.

Fairly impressive, I thought.

And then, the teacher said to them, "Now say your ABC's and your numbers in Swahili." They did.

We left there and walked across the room to where the 3-year-olds were doing their work. They were doing basic mathematics. That is, if you call adding 1,315 plus 285 basic for a 3-year-old.

We then saw a 5-year-old—this one is somewhat embarrassing for me—but we saw a teacher say to a 5-year-old, "Stand up and recite for the Senator every President of the United States in chronological order." The little boy stood up, looked me square in the eye, and recited every President of the United States; he did not miss one.

Now, the reason it is somewhat embarrassing and the reason that I know he was right was because I was handed a sheet of paper that I could take a look at.

We then went into a second-grade classroom. On the board was an algebraic problem that took up somewhere between a quarter and a third of the blackboard. We saw it solved by a second grader.

There was a seventh grader from the school who was out at UCLA in an advanced calculus course and who was extremely upset with herself because she only got B's while competing with college students.

The Marcus Garvey School challenged one of the top private schools in Los Angeles to a contest in math and reading, the private school's sixth grade—and the Marcus Garvey private school's third grade. I think you can guess how it turned out. Marcus Garvey's third grade won.

Every time we would go to a different area of the school and something would strike us, we asked: How can this be? Why are you so successful in doing this?

Had they gone out and hand picked the brightest kids in the neighborhood, or even the best students in the whole Los Angeles area?

The answer is: Absolutely not. They told us, over and over and over again, "The answer is the teacher. The teacher makes the difference."

Then, lo and behold, we found out that the teachers were not certified. In fact, most of the teachers did not even have a degree. Anyim Palmer taught the teachers how to teach, what was important about teaching, how to convey knowledge to children, how to excite them and give them a sense of opportunity for the future.

And I must say to you that when I came out of that school, I was angry—not angry at all they were accomplishing, but angry that we have denied that kind of opportunity to all our children even while we claim we are working to improve our system.

Let me be clear. I am convinced that those people who have offered reform proposals, from the Federal level and the State level on down, have done so with the best of intentions. But as I left that school, I could not help but conclude that what we have actually created is a huge bureaucracy that has built a barrier between the teacher and the student.

I have here a chart listing several of those barriers. I am not going to take the time to read these aloud and, frankly, there are an awful lot more. I think you get my point. No matter how well intentioned, we have created a huge bureaucracy that is not allowing our teachers who want to teach and our principals who want to lead to do what they know is necessary to teach our children what they will need to know to compete in the 21st century.

I fully support the concept of ensuring moms and dads the freedom to choose the schools their children go to. I would have proposed just that, but it has already been offered in Senator COATS' amendment, of which I am a proud cosponsor. So I tried to think what would be a constructive way to make the proposals contained in Goals 2000 more effective.

My amendment says we will not create any more bureaucracies. In fact, we will keep the bureaucracy out of Goals 2000 with respect to the $400 million in grants for reform and innovation. I propose that the $400 million each year for 5 years already contained in the bill go directly to the school districts; to give the local school board the opportunity to decide how to reform, how to create innovative programs. I do not want all of these different agencies, departments, and boards to be able to say, "You have to do it our way." Because, you know what? I am convinced—and I am as convinced of this as anything I believe—that if we allow the bureaucracy to make those kinds of decisions, then a Marcus Garvey School would never have come into existence. We would be robbing our children of the education that is so important to them and to America as we move into the 21st century. So I say we ought to rip that wall down, we ought to rip all the barriers down that stand between students and teachers.

Again, I offer this amendment with the understanding and recognition that others who propose reform from the Federal level down are well intentioned. But we should have learned a simple lesson after all these years. Rather than accept the status quo, which is clearly not working, we have to allow folks at the grassroots level up to make those kinds of decisions, and fundamentally change the system.

As I said, I think we can all agree on a couple of basics: That quality education for our children is absolutely essential; that the current system has broken down; that the end product is increasingly unable to meet the demands of today's world and workplace; and that fundamental changes to the system are required.

However, we disagree about what kind of changes should be made.

At its heart, Goals 2000 is an affirmation of top-down management, an approach rooted in the biases of half a century ago, which has been roundly rejected by industry worldwide. We have learned that meaningful change doesn't come from the rulings of Federal boards, it comes through the day-to-day experiences and creativity of individuals on the front lines.

Unfortunately, the bill before us insists on building up layers and layers of bureaucracy and control between self-appointed experts at the top and the only essential elements of any educational system: Parents, students, and teachers. These layers are made up of bureaucrats—the gatekeepers of both the money and the power in the system.

Above all else, these gatekeepers want to maintain the status quo, and insure that everything continues to flow through them, thus guaranteeing their control and, not coincidentally, their continued existence.

Still, we hear the desperation of families who know that education is the only way to get a foothold on the economic ladder of success, but know their local school is not providing an adequate education for their children.

We hear the frustration of parents whose children are eager to learn but find their schools immobilized by programs and requirements that have little or nothing to do with learning. And we hear the anger of teachers and principals who would spend their school day teaching, inspiring, and improving their students if only they had the freedom to innovate and design the programs they know can work.

Together, let us rip down the layers and barriers, and empower American principals, teachers, and moms and dads.

I once saw a great description of a typical bureaucracy. Picture a series of cogs, with one large slow-moving cog at the top, its teeth enmeshed into increasingly smaller ones as you move down. It only takes a small movement from the largest cog at the top, multiplied through all the intermediate cogs, to send the smallest cog at the bottom spinning madly out of control.

So it is with a Government bureaucracy: The President or the Congress have some great idea about how to make something better—in this case education. We turn that idea into legislation, pass it, and have it signed into law. In turn, boards and regulations are established, which, over time, spin off even more rules and guidelines.

The end result is to send parents, teachers, principals and local school boards madly scrambling to comply with each obscure element, rather than concentrate on the job of educating children.

Some argue that the problem is just too great to be attacked school district by school district, that we desperately need Federal guidance and support to even know where or how to begin. Maybe that is the way it looks from Washington, but I can tell you that the most exciting innovations are happening quietly in local school districts across America.

The answers we seek are out there, if we only have the wisdom to listen and learn. Our job should be not to dictate, but to support. It is a question of whether to nationalize or localize—I think we should localize.

A remarkable example is South Pointe Elementary in Dade County, FL. In September 1991, South Pointe opened its doors as the Nation's first public-private partnership school. Through a groundbreaking agreement, the school board has allowed a private firm to operate the school without being burdened by bureaucratic regulations and competing political interests.

The result has been the placement of the child in its rightful place as the school's focus, parents assisting teachers in writing goals for each child's education plan, cutting edge technology made available to both students and teachers, and the surrounding community becoming involved in supporting the school.

Liberating families and individual schools through school choice initiatives can provide another vital opportunity. Freeing all families to choose the school that's right for them, and giving educators the freedom to revolutionize the way they do their jobs will break the current education monopoly, and take a giant step forward toward solving the problems we're talking about.

The freedom to choose among schools that are themselves free to recreate

and succeed will ensure our children and grandchildren the tools they will need to compete and to live rich and fulfilling lives.

I'm not saying that the Marcus Garvey or the privatization approach are the ultimate answers. In fact, that's my very point: There is not any one right answer. We have to decentralize control over education. District by district. School by school. We need innovation and creativity. The problem is so big, and the consequences of failure so severe, that we need as many minds working on solutions as possible. This is the aim of my amendment.

As the bill now stands, title III authorizes $400 million each year for the next 5 years in grants for the purpose of encouraging State and local education systemic improvement. On its face, this is a worthy goal. However, instead of simply and directly providing the funds to help local school boards identify and undertake innovative solutions to the problems which face them, a complex formula of passdowns through layers of bureaucracy is established.

Why do we need the middlemen? Why do we need more rules? Why create more bureaucracy? All they do is drain precious resources from the schools they were intended to help, and block meaningful innovation.

My amendment specifies that the grant moneys be divided evenly and sent directly to every school district in the country over the next 5 years, for each to use in school reform and innovation as it sees fit. It gives us the chance to break down the brick wall between intention and action, and to concentrate reform efforts where they can really do some good.

Here is how the process will work. All the grant money provided under Goals 2000 will be made available to 20 percent of the school boards in each State each year. The districts will rotate through, so that by the end of 5 years, every district in every State will have received a grant. Which specific districts will participate in any given year will be identified by a State Governor. No restrictions will be placed on the funds, other than they shall be used by local school boards for school reform and innovation.

I trust local school boards. I trust principals and teachers. I trust moms and dads across the country to know what our children need. We must recognize them as the real experts, and stop dictating from Washington, to have any hope of realizing meaningful reform.

Mr. President, at this point I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is not a sufficient second.

Mr. MACK. Mr. President, if you think it more appropriate I will raise that question at a different time. I hope there will be a sufficient number of people on the floor to warrant the recorded vote.

The PRESIDING OFFICER. The Senator will have that opportunity at an appropriate time.

This would be a good time.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. MACK. At this point, Mr. President, I yield the floor.

The PRESIDING OFFICER. Who seeks recognition? The Chair recognizes the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, first of all, I want to express appreciation to the Senator for his patience and accommodation. This is an important amendment, the thrust of which I think will be grasped by the membership because it is really a fundamental departure from what this whole legislative approach entails. But it is an important amendment. I will just speak briefly to it.

The problem with this amendment is that it is based on the idea that money alone is the answer, and we do not think that this is the case. The education reforms simply cannot succeed in this country without significant leadership from the States. We must remember that the States have constitutional responsibility for providing the education. They provide about 50 percent of the money.

I have letters here from the Council of Chief State School Officers and the National Governors Association who strongly oppose the amendment.

What we are talking about, basically, is successful bottom-up reform at the grassroots level, and that depends on the States setting policies and moving in the right direction.

I can remember very well the excellent work, for example, in South Carolina under Governor Riley, who is now the Secretary of Education, where he really brought about some major alterations and changes in terms of the State's education programs. That is entirely appropriate in terms of the States and what they want to do in terms of the allocation of resources, their priorities. Of course it was very significant. There was very significant and important progress made under Governor Riley at that period of time.

Our function, really, is primarily targeted to the disadvantaged children, where they live in urban areas and also some of the rural communities, and some of the special needs children, in terms of providing help and assistance to those who have some disability. We provide some nutrition for those who are poor children in our society. In fact, we have a range of programs that are really targeted to disadvantaged children.

Basically, we are trying to take advantage of the creative and innovative research that has been done by the Carnegie Commission under Ernie Boyer, Ted Sizer, Jim Comer, Hal Levin, James Slavin, and others who have really been involved in the enhancement of academic achievement of children, and who have also demonstrated their ability to awaken in children a keen interest in learning.

This is as a result of a combination of different factors. The Senator has put his finger on one very important factor that I referenced earlier in the debate, and that is the importance of the teacher and the inspiration that a teacher provides. I think most of us remember from our own years of education that it is not a textbook, it is not curricula; it is the teacher, that is the inspirational figure. That is why in this proposal we place such an important role on the teachers. And that is why, in the course of our hearings and the course of the support of the legislation, we have emphasized that role.

So, we believe that with limited resources, based upon the nationwide experience of what has had some success, utilizing the resources within the State as designated in this legislation, we can provide the best opportunity for the enhancement of educational achievement.

As the National Governors Association themselves point out:

> I write to express the Governors' opposition to the amendment that Senator Mack will offer to S. 1150, the Goals 2000: Educate America Act. This amendment would eliminate federal support for State-lead education reform initiatives and would seriously undermine the leadership role that Governors have played in restructuring education in the states.

The Governors themselves in many instances have demonstrated important leadership. They look at this particular support as enhancing their ability to impact education in their States.

From the Council of Chief State School Officers, Bordon Ambach says:

> The Council of Chief State School Officers strongly supports S. 1150, the Goals 2000: Educate America Act, as reported from the Committee. The carefully developed provisions for assuring statewide support for improvement of all schools in the state has been developed so the resources of the states can be linked with those from the federal government to improve education.
>
> The bill provides that the existent state eduation agency authority for elementary and secondary education is used for administration of the funds. Furthermore, the bill provides for important roles of the governor, state legislature, state board of education, and chief state education officer to assure all schools in each state will benefit from this federal legislation.
>
> We urge strongly that members of the Senate reject the amendment by Senator Mack which would undermine the bill's potential of genuinely linking federal, state, and local resources for school improvement.

I believe that over the period of time, we have tried to work with the Gov-

ernors and chief State officers. We have spent a great deal of time trying to maximize to the extent possible school education reform.

It is for those reasons we would oppose the amendment.

The PRESIDING OFFICER. The Chair recognizes the Senator from Vermont.

Mr. JEFFORDS. Mr. President, I, unfortunately, have to oppose the amendment also, and join in the comments of my colleague from Massachusetts. We tried very hard to develop a proper process for developing State plans and for the awarding of funds. We felt it was very important that in order to get satisfactory planning and satisfactory results we would rely on a bottom-up approach to get the people who are involved in education at the local level-local education agencies, and administrators, and communities to work together to develop their applications for funds.

Then they would be in a position to apply for the programs. We provide that the Governors may comment on applications and, thus, have a say in it.

I have to say the reason I oppose this is that my State of Vermont has developed a program along the lines which we are dealing with in the legislation today. Their model, which has worked so well, was a part of the structure in the design of the bill that we have before us.

The States vary on what their functions are. In our case, the roles of the State board of education and the Governor are split. Adopting the amendment of the Senator from Florida would basically do away with our whole system of designing what education ought to be in the States. We have tried to assure that the Governor has a role in the process, but we do not contend that the role, as established by the Senator from Florida, is an appropriate one.

Mr. President, I yield the floor.

Mr. MACK addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Florida.

Mr. MACK. Mr. President, I will take just a couple moments and will conclude this debate.

One of the names that was mentioned by the distinguished Senator from Massachusetts was Theodore Sizer. Theodore Sizer's book, Horrors of School, which walks one through the reform process, at least from a perspective of an individual school really with no strings attached, started at the grassroots level within the school, teachers, parents, school board members, and on their own walked through the process of developing a reform system.

It is hard for me to respond to why Theodore Sizer might be in opposition to this amendment, but I am telling you from my own experience of reading through his book, I will conclude that my amendment would allow what he outlined in his book and would have the greatest opportunity to take place.

A second point that I will make is that it is not surprising to me that this long list of groups that are in opposition to my amendment are exactly those groups that, in fact, have built this wall between the student and the teacher. They are exactly the kind of people that I am saying I want to get out of the way to let mom and dad and the principal and the teachers work together to create reform.

I can understand why those people would be in opposition. But, again, I close with this: People ought to take a look at what is happening at Marcus Garvey. It will change your ideas, it will give you a different direction, it will tell you we have to change the public school system if we are really going to have an opportunity for our children to learn and to compete.

Thank you, Mr. President.

Mr. KENNEDY. Mr. President, if I can take one more minute, I want to indicate to the Senator that many of the ideas that we have taken from some of the very creative work that has been done in Dade County, FL. In one particular program, they are teaching K–4 in 22 different sites in private businesses. American Bankers Insurance, for example, which had experienced a turnover rate of about 11 or 12 percent was able to reduce that figure to 5 or 6 percent. Where they had to spend $20,000 or $25,000 to train the new person, they were not getting that turnover. So it made sound business sense to have children in K–4 grades actually in the company, and the only things the taxpayers were providing were the teacher and the books.

There are a number of enormously creative programs, some of which I referred to earlier, in that community. We are not differing in terms of the outcomes. I think we are trying to recognize that it is not just resources alone, but other factors which make a difference. We have tried to focus the legislation on some of the programs which we have seen in Dade County and other communities that have really been successful.

I hear what the Senator is saying. I think we have common objectives.

Mr. MACK addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

Mr. MACK. Mr. President, just to respond, the Senator did mention Dade County, and that really says to me I should have mentioned Dade County as well. No question there is innovation taking place in Dade County. One in particular is called South Point Elementary in Dade County which was the first private/public partnership. The opportunities are tremendous. There was a ground-breaking agreement where the school board allowed a private firm to operate the school without being burdened by bureaucratic regulations and competing political interests.

The last point that I will make is, none of my comments today were to say that there is only one way to do it. Clearly you have mentioned Dade County and they have found ways to do it and I think we can find others throughout the country. My point is I do not want a system that is going into place that restricts the number of opportunities. From my perspective, that is what I think we are doing. I yield the floor.

Mr. KENNEDY. I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from West Virginia [Mr. BYRD].

Mr. BYRD. Did the distinguished Senator from North Carolina wish me to yield?

Mr. HELMS. I did not understand what the Senator said.

Mr. BYRD. I know that the Senator was about to seek recognition. Does he wish me to delay my seeking recognition?

Mr. HELMS. If the Senator will yield, I would like to consume 2 minutes of the Senate's time: One is to inquire of the Chair if it is now assumed that the amendments of the Senator from Iowa [Mr. GRASSLEY], and the Senator from Florida [Mr. MACK], are laid aside?

The PRESIDING OFFICER. The Chair advises the Senator that unanimous consent would be requested to accomplish that.

Mr. HELMS. My hearing aid must not be working.

The PRESIDING OFFICER. The Chair advises the Senator that the Senator should request unanimous consent to set both amendments aside.

Mr. HELMS. That will be necessary before either Senator BYRD or the Senator from North Carolina offers an amendment; would that not be the case?

The PRESIDING OFFICER. That is correct.

Mr. HELMS. Mr. President, I ask unanimous consent that these amendments be set aside.

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

Mr. HELMS. I ask it to be in order for me to offer an amendment so as to be in compliance with the unanimous consent request earlier approved and then that the amendment of mine be laid aside so that the Senator from West Virginia can proceed.

The PRESIDING OFFICER. The Chair advises the Senator he could request unanimous consent to that effect.

Mr. HELMS. And that means that immediately upon the action on the amendment or amendments of the Senator from West Virginia, then the

pending business would be the amendment of the Senator from North Carolina; is that correct?

The PRESIDING OFFICER. The Senator is correct.

AMENDMENT NO. 1390

(Purpose: To provide that no Federal funds shall be used by the Department of Education or the Department of Health and Human Services to support the distribution or provision of condoms or other contraceptive devices or drugs to an unemancipated minor without the prior written consent of such minor's parent or guardian)

Mr. HELMS. Mr. President, I send an amendment to the desk, and I ask that it be stated in full.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 1390.

The amendment follows:

At the appropriate place, add the following:

"SEC. . PROHIBITION.

"(a) IN GENERAL.—None of the funds made available under this Act, or any other Federal law, shall be used by the Department of Education or the Department of Health and Human Services to support or promote, directly or indirectly, the distribution or provision of condoms or other contraceptive devices or drugs, or to provide prescriptions for such contraceptive devices or drugs, to an unemancipated minor without the prior written consent of such minor's parent or guardian.

"(b) DEFINITION.—For the purpose of this section the term 'unemancipated minor' means an unmarried individual who is 17 years of age or younger and is a dependent as defined in section 152 of the Internal Revenue Code of 1986."

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, as I indicated earlier, I now ask unanimous consent that this amendment be laid aside and become the pending business when the Senator from West Virginia has completed his amendment.

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

Mr. HELMS. I do thank my friend from West Virginia.

Mr. BYRD. Mr. President, I thank the Senator from North Carolina. I congratulate Senator KENNEDY and the distinguished Senator from Vermont [Mr. JEFFORDS] on their work in producing this legislation, marking it up in committee, having hearings, and managing it on the floor.

I congratulate Senator KENNEDY especially for the many, many services that he has performed over the years on behalf of education.

I know of no individual in this Senate who has been the author of more legislation that has become law than Senator KENNEDY. I have not researched this, but having been majority leader in the late 1970's and minority leader into the late 1980's, then majority leader again, it has been my observation that he has piloted more legislation through the Senate than anyone else in the Senate today.

I congratulate him, and as I have said on several occasions, he could have had a place in any Senate since and beginning with the very first Senate of the United States in 1789. He contributes. He lives up to his convictions. Naturally Senators disagree. I disagree with Senator KENNEDY sometimes. Other times he disagrees with me. But nevertheless, I pay this tribute to him as I have paid it to him many times behind his back.

Now, Mr. President—and I hope I will not impose too long on the managers of the bill—I wish to say that I have become increasingly concerned about the state of public education in America today. I am terribly frustrated, and I know that I am not alone in my frustration. My wife and my two daughters graduated from high school a long time ago. I have grandsons and granddaughters that have completed high school, and some are today studying for their doctorates in physics. So it is not that my children are affected by the state of education in the public school systems today. I am thinking about my country and I am thinking about my children's children's children.

I am frustrated. Across our country many people, parents, teachers, business and civic leaders, are growing increasingly dissatisfied with our public schools, and rightly so. Many of our schools are failing to educate our children. I am not saying all schools are failing. Generally speaking, I would say our schools are failing. Mediocrity has replaced excellence. Students learn more about drugs and violence than they do about science or math. That is not the case with all students, of course. There are lots of good students, and there are lots of good schools.

My three grandsons attended Langley High School, in northern Virginia. They are going on to become doctors in the field of physics—not a very easy subject, I say. One grandson was the physics student of the year when he graduated from the University of Virginia last year. So there are still some good high schools in this country.

Public education, in general, however, in America is in trouble, and its decline is both the cause and reflection of many of the serious problems we are struggling to deal with in our society at large. My fear is that if we do not do something to turn our public schools around, the level of frustration will grow to where parents will eventually give up on our public schools, and that will be a serious mistake and a tragedy. But it can happen, and it will happen unless we stop experimenting with our children, get back to the basics, have teachers who can teach—this is not an indictment of all teachers; there are some good teachers—and insist on an atmosphere in the schoolroom in which the teachers can teach and in which the students can learn.

We do not have that today. If I were a parent today, I would want to send my children to a private school, and I do not care who would like it or who would not. That child to me is my most precious worldly possession. I would send my children to a private school, make no excuses to anybody, because those children come first. I would not send them to some of the schools in this area where children are afraid to go to school, afraid to walk in the halls between classes, and afraid to go home after school. That does not make sense.

We did not have that when I went to school as a boy. I was not "as ragged as Lazarus in the painted cloth, where the glutton's dogs licked his sores," but I was pretty poor. My parents—my foster parents—were not educated, did not have a formal education. They had learned to read a little and write their names.

When I went to school, I did not have the luxuries that students have today, even in the poorest neighborhoods today. I studied Muzzey's American history by an old kerosene lamp. I had no running water in the house, no radio. We had never heard of television. I walked over three miles to school. I lived in the next-to-the-last house up a hollow in Mercer County called Wolf Creek Hollow. I studied about Nathanael Greene and Francis Marion, the Swamp Fox, and Nathan Hale by kerosene lamp. I have had the occasion to ask young people today, "Do you know about Nathan Hale?" "No. Who is he?"

Well, he was the young schoolteacher who volunteered to go behind the British lines during the Revolutionary War at the behest of George Washington and bring back plans and drawings of the enemy's breastworks and artillery positions. On the evening before Hale was preparing to return from the British lines, he was arrested as a spy and condemned to die the next morning. And there, in the presence of the wooden coffin in which his body was to be placed and there within sight of the scaffold, the British officer asked if Nathan Hale had anything he wished to say. Hale said, "I regret that I have but one life to lose for my country."

Why are they not teaching our young people in the schools today about Nathan Hale or John Paul Jones? These were the heroes that we had when I was a boy. I went to a little, two-room schoolhouse. Teachers were not paid very much in those days. I graduated 60 years ago during the Great Depression. I could not go on to college when I graduated. It was 16 years after I graduated from high school before I was able to enroll in a college.

Why? Because I did not have the money. I had to work. I worked in a

gas station to begin with. I was the "scrap boy" when I was a boy growing up in a coal mining community. I went from house to house and gathered the scraps from the coal miners' tables to feed my dad's—my uncle's, the man who raised me—hogs, his pigs. I made hogs out of them. But I studied by the light of an old kerosene lamp. I memorized my history lessons; memorized them.

I did not have to start to college 16 years after I graduated from high school. I could have kept on being a meat cutter. I did not have to go to law school for 10 years after I came to Congress. Nobody made me do it. Nobody said you have to do it. Nobody said we will pay you to do it. But I attended law school for 10 years at night after being elected to the House of Representatives and to the Senate.

I never intended to be a practicing lawyer. I only sought to improve myself. And somewhere along the line, we have to instill in our young people the desire to learn and to keep on learning.

I keep on learning. I realize how little I am, how little I know, and how incompetent I am, and how much I need to know, how much I need to learn. So, like Solon, one of the seven wise men of Greece, "I grow old in the pursuit of learning."

Not long ago I went back and read Dante's Divine Comedy. I went back and read Milton's Paradise Lost. I went back and read Emerson's Essays. During the last break, I read again the Iliad and the Aeneid. Why? Not because I had to do so. Not because anybody made me do it. I want to feel that I am constantly improving ROBERT C. BYRD. I am working on him to make him a better man; a better servant of the people; a better scholar; a better Senator.

Our public schools are not inculcating into the young people today, I am afraid, that desire to learn and to keep on learning; that desire for excellence. When I see young people who come into my office, I say, "Study to be the best. Try to excel in your classes." We ought to take as much pride in excellent spellers as we take in excellent football players. No ball game ever changed the course of history. That is not to derogate those who like to play ball or to watch ball games. When I was a boy, I liked to play ball, and I enjoyed it. Senator MACK's father was one of my heroes. Connie Mack's name was written on a baseball bat.

Something has happened to our public schools. They are not what they used to be. Eventually, the public will no longer be willing to support public education. We are, in fact, already seeing signs of this. I believe, for example, that the growing interest in private school vouchers and private school choices basically reflects the loss of faith by many parents in the ability of public schools to educate our children, to keep them safe while also preparing them for the world of tomorrow.

Another thing that is driving away the support for the public schools is the fact that, for some silly reason that I have been unable to comprehend, students are not supposed to pray. They are not supposed to have any prayer even at commencement. That is ridiculous!

Our constitutional framers sought to protect religion against Government, not Government against religion. Today we are seeing Government protected against religion. I do not care to emphasize any particular religious denomination. I happen to be a Baptist. I am not one of what we refer to as the "religious right." I am not one of the religious right. I am not one of the religious left. I do not consider myself to be a fanatic about religion or anything else. Call me a part of the religious center, if you will, that recognizes that I am still filled with flaws, that every day I sin, and that no man is "good" in the eyes of his Creator—God.

The courts are taking prayer out of the public schools—even voluntary prayer. It is all right to pass out condoms, but not to have prayer in the public schools. How utterly insane! No wonder people are getting tired of sending their children to public schools. If my children were small today, and if I could afford it, I would send my children somewhere to a school where they could study in safety. And I would send them to a school where prayer is recognized as a vital part of the development of character. It would not have to be a Baptist prayer or a Methodist prayer. It could be a Catholic prayer or a Rabbi's prayer. This is what is gnawing at the conscience of upstanding parents who want to send their children to schools to learn and to develop sound and strong character.

In the years ahead, as our children grow into young adults and into the work force, they are going to face increasingly intense competition from bright, hardworking, well-educated men and women from other countries. If America is to compete and succeed in the global economy, and if we are to keep and create good jobs here at home, we are going to have to outwork, outperform, outproduce, and outtrain our foreign rivals.

The quality of the education to be provided to our young people will help to shape the rest of their lives and the future of this Nation—today's high school graduates, tomorrow's leaders, tomorrow's workers, builders, and innovators. The better we prepare them academically, the better they will be able to compete, to win, and to move this country forward.

How can we ensure that today's students will be well prepared and equipped in tomorrow's workplace? How should we be reforming public education to make it work again? I believe the answer is pretty simple. Of course most answers to difficult problems are simple; some, overly simplistic. But a great deal of the answer lies in getting back to basics. We have heard that time and time again. But there is truth in that statement.

Schools are educational institutions. And as redundant as it may sound, they should focus on education. We need to renew the emphasis on academics. Schools must focus on their academic mission and get back to the basics of teaching English, science, math, history, geography, civics, and the other core studies. And discipline must be enforced.

But to simply focus on academics will not be enough. We need also to strive for a standard of excellence that has too long been absent from our public schools.

We need to get around to demanding more from our children, and we need to get around to demanding more from our parents, and our teachers as well. We must not lose sight of the fact that most children will generally do what is asked of them. They will generally achieve that which is expected of them. The problem with our public schools is that, for too long, we have been lowering expectations and we have been lowering our standards and "dumbing down" the textbooks. We make it easy for everybody to be promoted.

The time has come to stop seeking the lowest common denominator. The time has come to stop coddling our children—and they can rise to whatever challenge that is set for them. We have to deal with "the common curse of mankind, folly and ignorance." We have to get serious about it. Getting an education is a serious matter, it is not a fun matter. It can be fun. Studying can be fun. It can be recreational, very enriching.

So, I am just hoping that I can find myself voting for this legislation that is on the floor, and I think I will vote for it. But I have about reached the end of the string. I am about ready to throw up my hands and say forget it. Let us provide for children to go to schools where they can learn; where they can feel safe; where, if they want to say a prayer at commencement time, fine, that is the way it ought to be. I think our constitutional Framers would turn over in their graves if they could see what has taken place in this country in the name of the first amendment.

Here is an article in the Washington Post of Thursday, January 20, 1994. Headline: Loudoun School Board Ends Its Battle for Prayer at Graduation.

Is that not ridiculous? Here in America, under a Constitution that was written and signed by men like George Washington, James Madison, John Dickinson, Benjamin Franklin, I would not have dreamed a few years ago that we would come to this sorry state of affairs.

The article says:

The Loudoun School Board has dropped its 9-month-old fight to have a prayer at the graduation ceremonies, saying it does not want to spend more public funds to prolong an ideological battle between liberals and fundamentalist Christians.

Why should they be fighting over something like that? I know there are a few people in this country who would like to see prayer taken away from the Senate. Each day, the Senate and the House and the Supreme Court open their sessions with a prayer. A small minority in this country would like to wipe it all out.

But the Loudoun County school board gave up its fight because it just did not have the funds to continue to wage the battles. Mr. President, I think we have to demand more. I do want to vote for this legislation, but I want to offer a couple of amendments.

This legislation places a strong emphasis on teacher training. Our society has laid on our teachers an enormous burden. I sometimes think our teachers are being taught how to teach, but not enough of the substance that they are supposed to teach. I have never studied methodology in teaching. I have never been trained as a school teacher. But if you give me a group of boys and girls, I will teach them—in an environment where I am not afraid to walk in and out of a schoolroom, and in an environment where the students are not afraid, where they can concentrate on learning. I will teach them. They are eager to be taught. Methodology is all right, but let us insist that teachers know the substance of the subjects which they are supposed to teach, and give them a chance in a safe environment to teach it.

Teachers cannot be expected to carry the burdens of educating our children alone. I believe that young people take seriously those endeavors in which their parents and those whom they admire show interest. Parents and other adult role models need to encourage, through both their words and deeds, an interest in learning.

I had good teachers. I remember very well Anna Brochik, my teacher of grammar; David Reemsnyder, who taught algebra, mathematics, geometry; D. Pitt O'Brien who taught history; Carol Quenzel, who taught economics; William Jennings Bryan Cormany, who taught physics, and we paid attention in his class. He took on the big ones as well as the little ones if they did not pay attention. First of all, if you did not pay attention, you would suddenly hear an eraser whizzing by your head.

I remember a Miss McCone, who was one of my high school teachers. One day, she asked me a question, and I said, "Huh?" and turned back to my books and kept on studying. I did not hear a thing until she walked around the room and came up from behind and gave me a resounding slap on my left cheek. She said, "Don't you ever say "huh" to me again." And I never said "huh" to her or any other school teacher again. That old coal miner foster father said, "ROBERT, if you get a whipping in school, I am not going to whip Mr. Cormany, I am going to whip you," and I knew he meant it.

Well, boys will be a little naughty now and then. One day, I made a paper airplane, and I sailed it across the room. The teacher turned just in time to see my hand draw back and the airplane landing on the other side of the room. He said, "ROBERT, come up front." I went to the front of the class. He said, "Stand up in the chair." I stood up in the chair. He drew a circle on the blackboard and said, "Stick your nose in the center of the circle." I stuck my nose in the circle. Wham! I got a good paddling. I did not throw any more paper airplanes in school. I was terribly embarrassed.

Those were minor things in my day. We had a bully or two now and then in school, but he did not carry a gun, or a knife. Teachers usually knew how to handle the bullies in those days.

Mr. President, I have two amendments that I will offer, and I will cease my reminiscing, which I think we all need to do once in a while.

AMENDMENT NO. 1391

(Purpose: To improve students' academic achievement)

Mr. BYRD. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER (Mr. AKAKA). The clerk will read the amendment.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD] proposes an amendment numbered 1391.

On page 76, strike line 24, and insert the following: "described in title I by improving teaching and learning and students' mastery of basic and advanced skills to achieve a higher level of learning and academic accomplishment in English, math, science, history, geography, foreign languages and the arts, civics, government, economics, physics, and other core curricula,".

The PRESIDING OFFICER. The Chair recognizes the Senator from West Virginia [Mr. BYRD].

Mr. BYRD. Mr. President, I will send to the desk another amendment. I ask unanimous consent that the first amendment be set aside. I send my second amendment to the desk.

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

AMENDMENT NO. 1392

(Purpose: A clarifying amendment to add the word alcohol to the stated goals)

Mr. BYRD. Mr. President, I send my second amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD] proposes an amendment numbered 1392.

On page 14, line 11, strike all through line 16, and insert the following:

(6) SAFE, DISCIPLINED, AND ALCOHOL- AND DRUG-FREE SCHOOLS.—

(A) GOAL.—By the year 2000, every school in the United States will be free of drugs, alcohol, and violence and will offer a disciplined environment conducive to learning.

The PRESIDING OFFICER. The Chair recognizes the Senator from West Virginia.

Mr. BYRD. Mr. President, I have a few comments on the second amendment.

Alcohol remains the No. 1 drug problem among America's youth. Call it what it is. It is a drug, and its title is alcohol. It makes you drunk. It gives you a hangover the next morning. It causes people to drive recklessly and dangerously. It takes drivers' lives, and it takes other innocent people's lives. More and more we read about kids in school drinking alcohol.

Statistics tell part of the sad story. About 4.6 million 14- to 17-year-olds in 1985 experienced negative consequences, such as arrests for involvement in an accident as a result of alcohol use.

In 1988, more than 800 children up to the age of 14 and more than 8,000 15- to 24-year-olds died in alcohol-related highway accidents. Drivers 16 to 24 years of age represent approximately 17 percent of our licensed drivers but are involved in about 36 percent of all fatal, alcohol-related crashes. Nearly a third of high school seniors believe there is no great risk in having four or five drinks almost everyday.

Their parents are bound to know that. Does anyone have the gall to stand up and say to me that as a parent they do not know that their children are drinking alcohol in school? In many instances, the parents are drinking, too.

According to a nationwide survey 88 percent of the 790 high school coaches polled said that alcohol poses the greatest drug threat to high school athletes—alcohol.

According to 1988 data, alcoholism and related problems cost the Nation $85.8 billion, $27.5 billion more than illicit use of other drugs.

If a woman or man drinks alcohol, children look to their parents as role models. How can one be critical of the young people when the parents set that kind of example before them?

If a woman abuses alcohol and becomes pregnant, the child could be born with fetal alcohol syndrome, one of the top three known causes of birth defects, with accompanying mental retardation.

There is another statistic that bears telling. In one survey of inmates, 54 offenders convicted of violent crimes used alcohol just before the offense. While statistics tell part of the story, statistics do not tell the whole story. When an individual imbibes alcohol, the damage does not stop with that individual. The impact is felt by the family, by the neighbors, and by the com-

munity. If an individual drinks alcohol and drives and causes a fatal accident, the costs in terms of life lost cannot be tallied.

No amount of money will bring back the life of a victim, and the anguish will be carried by family members for the rest of their lives.

Unfortunately, too often the problems associated with alcohol have been lost in the race to address other more exotic drug abuses.

In many rural areas, alcohol abuse remains a greater problem than other types of drugs.

Therefore, the amendment that I have offered adds the word "alcohol" to the goal that reads 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. I feel that the Senate should highlight the fact that alcohol is a serious problem.

We do not hesitate to highlight the fact that smoking is a serious problem. There has been a great crusade in this country against smoking, but nobody dares say anything about alcohol or they say very little or they refer to it only by talking about drugs.

We ought to highlight the fact that alcohol is a serious problem and we intend that alcohol abuse receive the same kind of attention as is given to other types of drugs.

Mr. President, I thank the two managers for their patience, and it is my understanding that they have indicated a desire to accept both of the amendments.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, we are prepared to dispose of the Senator's amendments, if we could.

Mr. President, I, first of all, want to express my appreciation for the kind comments of my friend and colleague from West Virginia.

We enjoy a long-standing friendship, and I think all of us in this body, no matter what side of the aisle, have a very keen awareness and understanding that there is no one in this body and few who have ever served in the body that has been more devoted and dedicated to the institution.

The Senator from West Virginia has achieved many different milestones over the course of his career, but I think, as all of us would understand, his devotion to this institution is something that is very special, especially recognized and respected by all of the Members both here, and history will reflect that as well, and I am grateful to him for his comments.

I will just take a moment to address his general comments. I do not think, as I was listening to the Senator list his school teachers, that there is another person probably in this body who could do that.

I can remember back to teachers in my own life: Reginald Nash, who taught history. I can remember others. Liz Perry who taught English in the high school I went to whose father taught my father English at Harvard College. And Alpha Newcombe who taught my brothers and myself, four brothers at Harvard College, about the Constitutional Convention.

And while the Senator was talking and listing teacher after teacher in each course, it was an extraordinary tribute to those individuals. I do not think we should miss that great significance. I think that they are probably now in their eternal reward at this time, but I think the fact that they have been mentioned as sources of inspiration to the Senator is something very, very important and significant.

The Senator has in his comments indicated the two amendments.

I would just like to inquire of the Senator if the Senator remembers in the great classic education, actually in the times of the Renaissance, the total number of courses for that time for 100 or 200 years were actually rather limited to three or four. There are Latin terms that refer to those three courses or four courses and were much more limited. They were really the benchmark in terms of the educational experience, basically, and the philosophy they had of course in the basic sciences and, of course, in literature. They were developed in each of the various city states of Italy and other governmental institutions in a rather freewheeling way, but they were much more limited certainly.

We will have an opportunity to talk about that, as our resident scholar could, I am sure, talk about that aspect of the educational progress over many, many years ago. We always enjoy his great lessons in history about Greece and the great civilizations. So I will not engage in that now, as the time moves on, on a Friday afternoon, but I will look forward to that exchange.

I want to just thank the Senator for his amendments. They strengthen the legislation for the reasons outlined by the Senator.

But, as always, the Senator, unlike too many of our colleagues, has spoken eloquently and cogently about certainly the purposes of our legislation. I do not think we are going to be able to achieve all of the goals and the aims that the Senator has identified, but the speech which the Senator has made certainly establishes the bar which we ought to be trying to cross.

I am grateful to him for his comments about education and the challenge which that poses for our society and for our country. I hope, at the appropriate time, that the amendments would be accepted.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. JEFFORDS. Mr. President, I also would like to join in commending the Senator from West Virginia for his tremendous recitation of history and the problems of this country.

He is so right, that we so often forget the teaching of history and the importance it is to this Nation, and that as we enter another crisis time, as we are now with education, it is so important to reflect back upon what made this Nation so great, Nathan Hale and others.

I just hope that the Senator and others will continue to alert this country to the importance of the bill that we have before us and to make sure that it becomes an important bill. Because it is so easy to establish goals and then to drift back into our malaise and then to watch things get worse again and then come forward again with another group of platitudes and goals and then back off again. That is the case that we face here on this bill, because things have gotten worse, much worse.

This Nation is on the brink of a point where it either moves forward into new generations recognizing the crisis we have in education and improving it so that we can reach the goals that we seek or again to place them on file and to look at them again when we are in the depths of depression.

I thank the Senator.

I yield the floor.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. PELL. Mr. President, I had the good fortune to listen to a good portion of the comments of the Senator from West Virginia. I was particularly struck at his thought of the inclusion of core courses. This is an idea that is long overdue. Some of us have talked about it and it finally is being put into law. I look forward to supporting those amendments.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Massachusetts [Mr. KENNEDY], the distinguished Senator from Vermont, and the distinguished Senator from Rhode Island for their kind felicitations. I thank them most of all for their leadership.

I would say, particularly in response to the Senator from Massachusetts, that Senators would be pleasantly surprised to go back and read the debates of the Senate in the Register of Debates, in the Congressional Globe, in the Annals of Debates, in the National Intelligencer, and in the CONGRESSIONAL RECORD. Senators would be amazed at the knowledge that our forebears in this institution had, knowledge of the classics. The Framers and the early Senators in this Republic knew a great deal about Plutarch, Polybius, Cicero, ancient Greece and classical Rome, and the great literature of the world.

Read it. It is refreshing. It should inspire all of us today to attempt to pick up where they had to leave off and to

raise our sights a little when it comes to debate in this institution.

Go back and read the classics. They were indelibly etched upon the fertile minds of our predecessors in this body—Webster, Clay, Calhoun, and Benton; and other great names. Even Senators whose names we would not recognize today, read their eulogies to departed Senators and reached out to the great classical writers, the great poets and the annals of history, and worked all these into their speeches. I am afraid we have about lost that art.

I thank my friend. I often refer to Senator KENNEDY as my favorite Senator, and for various reasons. As I have said before, we always do not vote together. That does not keep me from admiring him for the work he has done in his committee, work that he has done in bringing bills to the floor, for the conviction and belief that he has in what he is doing, and his skill as a legislator.

He has much to be thankful for. He has a mother who is a great, great woman in her own right, who raised a great family. And thank God she is still enjoying birthdays after she has passed the century mark.

I thank all Senators.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. EXON. Mr. President, I have been listening with interest, appreciation, and admiration to the excellent remarks and two amendments offered by my distinguished colleague from West Virginia.

If he would approve, I would like to be added as a cosponsor to both of the amendments. I would like to ask that at the present time.

I would also like to add, Mr. President, that upon the completion of the votes on the two amendments offered by the Senator from West Virginia, which I anticipate will be forthcoming very shortly, that I might be recognized by the Chair for no longer than 10 minutes, as was previously discussed on the floor of the Senate.

Mr. BYRD. Mr. President, I ask unanimous consent that the distinguished Senator from Nebraska [Mr. EXON], have his name added as a cosponsor of the two amendments.

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

Mr. BYRD. I thank the managers for accepting, on their part, the two amendments.

The PRESIDING OFFICER. Without objection, the Senator from Nebraska is recognized for 10 minutes.

Mr. BYRD. Mr. President, it is my understanding that the Senator from Nebraska sought to be recognized after the votes.

VOTE ON AMENDMENT NO. 1392

The PRESIDING OFFICER. Is there further debate on amendment No. 1392?

If not, the question is on agreeing to the amendment.

The amendment (No. 1392) was agreed to.

VOTE ON AMENDMENT NO. 1391

The PRESIDING OFFICER. The question now is on agreeing to amendment No. 1391.

The amendment (No. 1391) was agreed to.

Mr. BYRD. Mr. President, I ask unanimous consent that it be in order to move to reconsider en bloc the two amendments.

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

Mr. BYRD. I make that motion en bloc and I move to lay both amendments on the table.

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

Mr. HELMS. Mr. President, is there not unanimous consent about the procedure?

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

The amendment of the Senator from North Carolina will be considered after an hour. At the present time the Senator from Nebraska has the floor, by unanimous consent, for 10 minutes.

Mr. HELMS. I did not understand that. In any case I was not going to object to the Senator from Nebraska having the 10 minutes. But please state again where I stand in the pecking order?

The PRESIDING OFFICER. Following the Senator from Nebraska, the question will occur on the amendment of the Senator from North Carolina.

Mr. HELMS. That is very good. I thank the Chair.

The PRESIDING OFFICER. The Senator from Nebraska is recognized, Mr. EXON.

GOOD NEWS ON THE DEFICIT FRONT

Mr. EXON. Mr. President, a few remarks are in order to clear the politically polluted air regarding the state of our present mushrooming economy and the impact of the deficit reduction bill that passed Congress last year by the narrowest of margins.

In both Houses of Congress, lest we forget, it was a strictly partisan vote with the minority in lock step opposition without equivocation or reservation.

Not a single Republican voted in favor in the House or Senate. It was a remarkable if not unprecedented show of party discipline. Reasoning together was clearly discarded in favor of a vote that the minority clearly calculated would so wound the President and majority that they could win congressional control in the 1994 elections and the Presidency in 1996.

A week ago, Dr. Reischauer, the Director of the Congressional Budget Office, a nonpartisan organization by choice and design, presented that Agency's economic and budget outlook for the next 5 years. There was a considerable amount of good economic news in that report. Those of us who not only talked about, but bit the bullet and did something about deficit reduction should be pleased. It was not easy politically. Nothing that requires courage usually is.

To quote from Dr. Reischauer,

> The deficit picture is significantly brighter than it appeared one year ago when the Congressional Budget Office predicted that the deficit would soar above $350 billion by fiscal year 1998. CBO now predicts that the Federal budget deficit will fall from $223 billion in the current fiscal year to below $170 billion in 1996, then creep up to around $200 billion in 1999.

The outyear return to rising deficits would occur unless we can get soaring health care costs under control. Maybe, just maybe, we can muster at least a one vote majority to address that problem also.

The CBO findings are good news indeed. In 1 year, the CBO has reduced its projected deficits by over $670 billion for the period of 1993 to 1998. That represents a downward reduction in the total deficit over that period of time by nearly a third, the largest downward re-estimate in CBO's deficit projections in budget history.

The outlook over the next 10 years has improved considerably as well. Last year at this time we were being told that our deficit in 2003 would be an astronomical $650 billion. Now, that number has been reduced to $324 billion, a 50-percent reduction in size. That is, of course, still too high but a 50-percent drop is not bad for 1 year's work.

And, what does Dr. Reischauer say is the single most important event that caused those projections to come down so dramatically—the Omnibus Reconciliation Act of 1993. Over two-thirds of the projected reduction can be attributed to that single bill and much of the remainder, which is in part due to our improving economy, is indirectly related to that bill and the signal it sent that Congress was finally getting serious about our budgetary problems.

Many Republicans in Congress and other bombastic opponents of the deficit reduction bill now claim President Clinton should be given no credit whatsoever for the turn around. They say it should be credited to President Bush and his policies. What would they be saying if we were now in a recession? Blame George?

Several months ago, we were hearing a loud drumbeat from the other side of the aisle that our deficit reduction bill simply was not going to work and would be ruinous to the economy and jobs. Speech after speech was delivered and time and time again we heard the same dire prediction. A minority member of the Senate Budget Committee said, "The American people should know unequivocally this plan does not reduce our long-term deficit." Another

Republican colleague charged, "There is no deficit reduction in this bill."

Another of my Republican colleagues even went so far as to say that if the bill did indeed slash the deficit that he would be, and I am quoting; I emphasize that, the "First Senator to stand up and put President Clinton's bust on Mount Rushmore." Well, we are waiting. In the meantime, it looks like it might be prudent to appoint a commission to decide where the bust would be placed. I would object to them taking down Thomas Jefferson, the only Democrat of the foursome.

Well, the early returns are in, and I acknowledge that they are indeed early returns, but the naysayers have been proven suspect if not dead wrong. Our deficits are going down and they are going down dramatically. We are not out of the woods yet, but we are surely on the right path. Progress definitely is being made.

Anyone who has been watching the news lately must also be very pleased with the reports regarding the state of our economy. It is clear that we are steadily recovering from our recent recession, because of Bill Clinton, or, as some would have it, in spite of him.

Existing housing sales last year were at their highest level ever. Interest rates are low and have remained low throughout his administration. Mortgage interest rates hit a 25-year low. Our economy has been surging, yet our core inflation rate is the best it has been in two decades. Our stock markets are at record high levels and have steadily increased throughout the year. Many of our wealthiest citizens have made far more on their stock portfolios than they will ever have to pay due to our higher income tax rates. But of course they want it both ways.

At this time, it has been nearly a year since President Clinton announced his ambitious recovery plan. It is now nearly 6 months since Congress passed and President Clinton signed into law the deficit reduction bill, after we in the Congress made several appropriate and significant changes. We did the right thing for the good of our country, our children, and grandchildren and history will so record.

During that entire process, we heard prediction after prediction that we were leading this Nation to economic ruin. The deficit reduction bill was going to be a disaster that according to one Republican Senator would "Put this Nation into a recession." The bill was a jobs killer that would put hundreds of thousands of Americans out of work.

According to another Republican Senator, who should have known better, our budget plans were about to "Put hundreds of thousands and ultimately millions of our fellow citizens out of work" and would "Devastate the economy." The deficit reduction bill would "Crush small businesses and family farms denying us the jobs our people need. * * *" And, finally, this Senator called the deficit reduction bill "A one way ticket to a recession."

A leading Republican claimed that the "Democratic plan that is about to pass will end up sacrificing jobs, economic growth, adequate deficit reduction, and most importantly sacrificing the trust of the American people."

They were all wrong on all counts if results to date mean anything. During this last year, our economy created more jobs than it did during the entire 4 years that preceded it. Our gross domestic product in the fourth quarter of 1993 rose at its highest level since 1987. Our deficit went down and future deficits are going down. The outyear deficits will also continue this downward trend if we can stop escalating health care costs.

When I decided to support that bill last summer, I knew it was not perfect. But, it was an important first step toward fiscal responsibility. To those who claimed otherwise and who brought out excuse after excuse as to why they could not join in taking that step, I ask that they take a look at the CBO's economic and budget outlook.

Having taken that important step, however, it is important that we remember that we have far to go. Even under CBO's encouraging new projections, absent changes in our health care delivery system, our deficits level off after a few years and begin to increase at the turn of the century. I have long maintained that we need to adopt a plan, a glide path if you will, that gradually reduces our deficits until our budget is balanced. We are not yet at that point.

I have not bought into the series of 5 year balanced budget plans that imagined such an unreasonable miracle in such a comparatively short timeframe, given the magnitude of the problem. I said that then and I say it again, "Given the magnitude of the problem, we still have a long ways to go."

To solve our long-term deficit problems, we must look toward entitlement reform, especially toward means testing and a look at more appropriate COLA's for higher income recipients. Here again, though, this must be a careful, measured, and gradual approach. We should begin by stressing a glide path to a balanced budget. Those who envision slashing entitlement spending by amounts necessary to accomplish the goal in 5 years are doomed to failure. Patience and resoluteness should be the watchwords.

In closing, Mr. President, let me say that we have made much progress in a relatively short period of time. The recent good news, however, should not be used as an excuse to neglect those budgetary problems which remain. We cannot forget that our national debt continues to grow and interest payments on the same will continue to consume far too much of our overall budget. We are finally on the right track but we cannot afford to stop. We can and must make further spending cuts, work together in focusing on spending discipline. The hawks and the doves, the liberals and the conservatives, the Democrats and the Republicans will continue their philosophical differences. That is the way it should be. That is democracy. But the coming together and all sharing credit for the accomplishment is the only way it will happen.

I thank the Chair and yield the floor.

GOALS 2000: EDUCATE AMERICA ACT

The Senate continued with the consideration of the bill.

AMENDMENT NO. 1390

The PRESIDING OFFICER (Mr. ROBB). Under the previous order, the Senate returns to consideration of amendment No. 1390 offered by the Senator from North Carolina. The time under the order is 60 minutes to be equally divided. Who yields time?

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I think I understand the unanimous consent request that was made earlier. I spoke to Senator HELMS about it. Now that th floor manager is here, I would like to ask if Senator HELMS will accommodate my request. I had previously offered an amendment yesterday that was set aside. In fact, I believe it has a second degree on it which will be withdrawn. We could dispose of it in just a matter of minutes. Senator FEINSTEIN also wishes to speak for a couple of minutes. She is on her way to the floor. We can do that in just a matter of minutes with the accommodation of Senator HELMS. I would be most appreciative.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, if the Senator needs more time, then I will wait around for my amendment. He can take as much time as he needs.

Mr. DORGAN. Senator FEINSTEIN is on her way and will be here momentarily. I will speak for about 4 minutes and she will speak for the same amount of time and then we will vote.

The PRESIDING OFFICER. Without objection, the previous order will be set aside temporarily. The Senator from North Dakota is recognized until such time as the Senator from California arrives and will complete action on that amendment.

AMENDMENT NO. 1369 AND AMENDMENT NO. 1375 TO AMENDMENT 1369

Mr. DORGAN. Mr. President, I thank Senator HELMS for his consideration. I might say at this point there is now a

second-degree amendment that I understand the floor manager will withdraw so we can consider my amendment, which I will then subsequently modify.

Mr. KENNEDY. Mr. President, I withdraw the second-degree amendment.

The PRESIDING OFFICER. If there is no objection, amendment No. 1375 is withdrawn. The question occurs on the underlying amendment No. 1369.

So the amendment (No. 1375) was withdrawn.

AMENDMENT NO. 1369, AS MODIFIED

Mr. DORGAN. Mr. President, I send a modification to the desk.

The PRESIDING OFFICER. The Senator has that privilege. The amendment is modified accordingly.

The amendment, with its modification, 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, except such policy may allow the chief administering officer of the agency to modify such expulsion requirement for a student on a case-by-case basis.

"(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. Mr. President, let me briefly, again, describe what I intend to do with this amendment. We have just completed a crime bill in the Senate. There is no debate that there is an epidemic of violent crime in America. Neither is there a debate that the epidemic of violent crime has spread from the streets to our schools.

The other day I held this up as an example. This is not unusual, but it was on the front page of the Washington Post a week ago yesterday.

School Shootings Break Out in D.C. Gunfire erupted among a group of teenagers in a hallway at a high school in Northwest Washington yesterday as hundreds of students attended morning classes, authorities said.

And it goes on.

There was gunfire outside another public school the same morning. In apparent unrelated incidents several hours later, gunmen fired numerous shots outside a junior high school in Washington, just as students were leaving classes.

In the same story a 17-year-old girl says of the shooting that broke out inside the school that she was scared for herself and her baby. A 17-year-old with a baby who was in day care at the time, which describes the problem, of course, not only of the violence in schools but teenage pregnancy.

I offered an amendment that says it shall be public policy across this country that all school boards have in place a policy that says if you bring a gun to school, you are going to be expelled for a year. You cannot learn in an institution when that institution is not safe. And there is no safety when there are guns in our schools.

Simply, we ought to say, as a matter of policy, we want to separate guns from schools. It is just that simple.

Some will say, "Well, there is this problem and that problem and the other problem with it." You can talk about problems until you run out of breath, but there are no problems significant enough to persuade me that we should not, as a matter of policy, say in this country that you shall not bring guns to school.

The modification I just sent to the desk does provide an opportunity for the head of the school board to make a just-cause exception if there are unusual circumstances. But by and large this says if you bring a gun to school, we want there to be a policy across this country that you are going to be expelled.

I would like to add, with unanimous consent, Senator FEINSTEIN as a cosponsor of this amendment, and I will complete my remarks.

I appreciate very much the cooperation of the majority and minority managers. We would like then to hear from Senator FEINSTEIN. With that, I yield the floor.

The PRESIDING OFFICER. Without objection, the Senator from California is added as an original cosponsor.

The Chair recognizes the Senator from California [Mrs. FEINSTEIN].

Mrs. FEINSTEIN. I thank the Chair.

I thank Senator DORGAN for introducing this amendment. I was presiding when he introduced it, and as he was speaking, a number of visual pictures ran by me. I was thinking of one of the goals of Goals 2000 which, in essence, states that we must make our schools safe. I believe that we will not have a chance of doing this without the passage of this amendment.

Yesterday, Senator DORGAN quoted from a Washington Post article describing recent incidents of guns in schools. Today's article in the Washington Post was a followup. Let me just read the lead sentence. The lead sentence is:

Several hundred children told D.C. Mayor Sharon Pratt Kelley and her cabinet yesterday that they want schools where they won't get shot.

There is only one way we are going to have schools where a youngster is not going to get shot, and that is if this amendment is passed.

To those who are concerned about local options, I would say that killing children is not a matter of local options. It is a national tragedy. Today, 1 out of every 5 children in this Nation regularly carries a firearm, a knife, or a club to school.

I have heard some say you cannot pass this amendment because it is the good children who carry guns, and that they have to be protected.

I think the American people are strongly in support of this amendment.

Today, homicide is the third leading cause of death for elementary school children in this Nation. And I must tell you that in California, homicide is the No. 1 killer of youngsters between the ages of 15 and 19.

What kind of a country do we live in where students have to live in fear of being shot, robbed, attacked, and murdered in their own school, and where two-thirds of our students today know where they can go to get a gun if they need one.

When I went to school and two fellows had an argument, they went into the schoolyard and punched each other. Now what happens is one goes home, gets a gun, comes back and shoots the other, and we must put an end to it.

I believe very firmly if we cannot have safe schools, we might as well forget schools because you cannot learn in an environment where you are afraid that if you walk down the hallway, you are going to get shot.

Interestingly enough, Los Angeles has just put in this amendment. And let me give you some of the figures. Six hundred and twenty-five Californians between the ages of 15 and 19 were homicide victims in 1992. In all, 818 youngsters under the age of 20 were murdered. Marian Wright Edelman, President of the Children's Defense Fund, who happens to be one of my role models, said recently:

The crisis of children having children has been eclipsed by the greater crisis of children killing children.

I think that is well said. By this amendment, any district which accepts

these funds has an obligation to put in place the Dorgan amendment. That obligation must take place, and that means across this land we are saying to public schools, "the Congress of the United States will not provide funding if you allow youngsters to bring guns into school."

I think it is a major first step. I really believe that Goals 2000 will never be accomplished if you have schools riddled with fear. How can we expect students to learn when they fear walking from class to class, requiring school officials and police in Los Angeles to create safe passage corridors? Guards set up from class to class. You cannot go out of the way for fear, so you have to go down a straight trail to the next class. This is the direction we are headed for unless we take some broad action.

I commend the Senator for his action. I am very proud to join with him. Regrettably, this is an amendment whose time has come.

I yield the floor.

Mr. DORGAN. Mr. President, I ask unanimous consent to add Senator ROBB from Virginia, as a cosponsor.

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

Mr. DORGAN. Mr. President, the statement by the Senator from California, [Mrs. FEINSTEIN] is a wonderful statement. She, of course, in the crime bill was an instrumental force on a number of very important amendments. I appreciate very much her support.

I must say that during this past break I visited some inner city schools just blocks from this building where we now stand. When you go through the front door of the schools, you find, not a bookcase, not a row of trophies, you find a metal detector—a metal detector. It is a disgrace to believe we must have a metal detector to run students through as they enter a place of learning but I guess it is necessary in today's environment.

I want this amendment to serve notice all across this country that guns have no place in our schools. Schools are places of learning, and children cannot learn in schools unless they feel safe. That is why I offer this amendment.

I once again say I appreciate the courtesy of the Senator from North Carolina, and I certainly appreciate the willingness of the majority and the minority floor leaders in accepting this amendment. I hope we will vote on it.

The PRESIDING OFFICER. Is there further debate on amendment No. 1369, as modified?

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Vermont.

Mr. JEFFORDS. First of all, I appreciate the Senator from North Dakota and also the Senator from California offering this amendment. I certainly agree with them on the intent of it.

We did have problems with the original draft of the amendment, and have amended it to leave some flexibility. There are circumstances that do occur in the schools—which should not necessarily result in a dismissal, which either required or resulted in the bringing of a weapon to school.

I just think of my own State, where, during deer hunting season, many of the young people who go hunting after school are allowed to bring their weapons in and have them put aside so that after school they can go hunting. There is no intent to have anything done with them if there are other problems. So I think the amendment in its current form now gives acceptable flexibility.

Mr. KENNEDY. Mr. President, I appreciate, as does the Senator from Vermont, the change which has been included in the amendment and will certainly support the amendment.

I happen to be someone who would ban the manufacture, production, and distribution of the small, concealable weapon in our society. I think we can probably get 12, 15 votes for that. I do not know how the Senator from North Dakota or the Senator from California would vote on that particular proposal. So I am very interested in supporting those efforts to see the resolution of disputes—not even disputes, but of some potential conflicts resolved other than with firearms.

As the Senator from Vermont has made clear, I do think this small degree of discretion in those special circumstances can very well make a difference between an individual who will be able to continue in a constructive and productive life and someone who, as a result of expulsion, may end up in a different course. So I thank the Senator for making those adjustments and hope the Senate will respond favorably to it.

The PRESIDING OFFICER (Mr. REID). Is there further debate on amendment 1369? If not, the question is on agreeing to the amendment.

The amendment (No. 1369), as modified, was agreed to.

AMENDMENT NO. 1390

The PRESIDING OFFICER. The question is now on agreeing to amendment No. 1390.

Who yields time on this amendment?

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I yield myself such time as I may require.

Mr. President, I ask that the clerk read the amendment so it will be clear what is before the Senate.

The PRESIDING OFFICER. The clerk will state the amendment.

The legislative clerk read as follows:

At the appropriate place add the following:

SECTION . PROHIBITION.

(a) IN GENERAL.—None of the funds made available under this Act, or any other Federal law, shall be used by the Department of Education or the Department of Health and Human Services to support or promote, directly or indirectly, the distribution or provision of condoms or other contraceptive devices or drugs or to provide prescriptions for such contraceptive devices or drugs, to an unemancipated minor without the prior written consent of such minor's parent or guardian.

(b) DEFINITION.—For the purpose of this section the term "unemancipated minor" means an unmarried individual who is 17 years of age or younger and is a dependent as defined in section 152 of the Internal Revenue Code of 1986.

Mr. HELMS. Mr. President, the pending amendment is obviously intended to put an end to the distribution of condoms to children in the public schools without the consent of the children's parents.

The amendment has the support of almost 75 percent of the American people as polled by USA Weekend, a publication of the USA Today newspaper, in its January 7 edition.

However, before I begin to discuss the amendment itself, let me explain why it is my intention as of now to never again furnish Senator KENNEDY with an advance copy of any amendment that I offer in the Senate.

In good faith yesterday I gave him a copy of yesterday's amendment which had to do with a very important subject to me. And in good faith today at his insistence, I again furnished a copy of the pending amendment. Now I find that Senator KENNEDY's staff went immediately to the Department of Health and Human Services, headed by Secretary Shalala who is known around this town as "Madam Condom," and HHS began to solicit letters opposing my amendment from every possible advocacy group in town. That is not fair play.

And yesterday, in connection with the previous amendment, unbeknownst to me, the Senator's staff duplicated copies of the amendment before it was called up and distributed them to the people from the liberal special interest groups out in the waiting room so they could lobby Senators against the amendment.

So I serve notice that I have furnished Senator KENNEDY an advance copy of my amendment for the last time. I do not think this is fair play, and I regret to have to resort to such action, but it apparently is necessary. If we are not going to shoot straight with each other, then there is no way that we can do business.

Mr. President, yesterday during the debate on the school prayer amendment, I referred to President Clinton's State of the Union speech and I quoted a very eloquent portion of that speech in which he said:

And so I say to you tonight let's give our children a future. Let us take away their guns and give them books. Let us overcome their despair and replace it with hope. Let us, by our example, teach them to obey the

law, respect our neighbors, and cherish our values.

That statement by the President was splendid rhetoric. It reminded me of the splendid rhetoric of Ronald Reagan. President Reagan himself indicated last night at a dinner in his honor that he saw a great similarity between the style that was his during his 8 years in the White House and the style of those who write speeches for President Clinton. As a matter of fact, he said imitation is the sincerest form of flattery, but this is not flattery. It is grand larceny.

In any case, I praise the President's rhetoric and I applaud what he said. But I find it difficult to find any place where he and his administration are following his own declarations. The American people are being told one thing in word while the administration does the exact opposite in deed. So Americans are being sent the wrong message by the actions of the administration.

America's children are also being sent the wrong message as well. How can we expect schoolchildren to obey the law, respect our neighbors, and cherish our values if the Government says that Bibles and prayer do not belong in their classrooms but that condoms do? Hopefully we corrected the school prayer aspect of the problem with yesterday's amendment if and when it becomes law. Now, with this amendment, I am trying to correct the other part of the problem; that is, the handing out of condoms to children at the taxpayers' expense without the consent and knowledge of the children's parents.

What is going on here, Mr. President? What is all this business about values? Pure rhetoric. "Madam Condom," Donna Shalala, who heads the Department of Health and Human Services, and the "Condom Queen," Surgeon General Joycelyn Elders—who I am told had a Christmas tree made of condoms on her desk—want to use Federal funds to dispense condoms in the schools all over the country.

Mr. President, where and why did this city, the Nations' Capital, start to carry its values in the crotch? I am sick and tired of all of this business of saying hand out condoms to children and maybe they will be better children because they are incapable of being sexually responsible.

Well, come on, Mr. President. The Government will not let them pray in school, but you can hand out condoms to them at school. What kind of message does such a state of affairs send them?

I repeat, how can we expect schoolchildren, as President Clinton eloquently suggested in his State of the Union Address, "to obey the law, respect our neighbors, and cherish our values" if the U.S. Government says that Bibles and prayers are not politically correct, bans them from the schools, but unloads truck loads of condoms through the school's back door and hands them out to the children—without telling their parents?

I doubt if I need to say very much more, Mr. President. If the American people could vote on this proposition, I believe that more than 75 percent of them would approve it—regardless of how many letters the Department of Health and Human Services is able to generate around town from the so-called health experts to oppose it. I am sure the fax machines have already ground out those letters and Senator KENNEDY will probably insert them in the RECORD by the hundreds before next Tuesday's vote.

But the American people will not be fooled and will not agree.

As I said, the Senate took care of the Bible and school prayer end of the values problem yesterday. With this amendment, Senators have an opportunity to take care of another part of it if they will step up and vote in favor of this amendment.

In fact, some of us are going to make sure the American people get to see how Senators voted on last night's amendment and how they vote on this amendment when it is voted on—presumably on Tuesday.

We always say around this place, Mr. President, when Members are at the desk with an amendment, that the amendment is simple. I have never heard a Member get up and say "My amendment is complicated and confusing." It is always that it is "simple." But I had the clerk read this amendment again, because it is short and because I wanted it to be a matter of public record precisely what the amendment says in case those opposed to it get up and try to misconstrue it as saying something it does not.

What the amendment says is: Stop it. Do not use another Federal dollar to hand out another condom to a child in school without the consent of his or her parent. Of course, the amendment states it in the wordy legalese we are required to use. But I am saying stop it.

Specifically, the pending amendment forbids the use of any Federal money, taxpayers' money, provided under this act or any other act, to distribute condoms or drugs in the schools, or in health clinics without the prior written consent of the child's parent. I hope it may be agreed that the amendment is fairly forthright even if Senators disagree with it.

To me, it is about the only way that the Senate can stop the social engineers—who are so busy around town these days and always cluster outside the doors here when something like this comes up in the Senate. You can see the same gaggle of people, liberals all, saying: Do not vote for the Helms amendment. They said it yesterday, and 75 Senators did not pay any attention to it but voted with the American people.

Mr. President, this is the only way that we can put an end to this practice. We have to say officially, legislatively, statutorily: Stop it, do not hand out any more condoms to children in the schools, unless and until you have the written consent of the parents.

I have already mentioned the USA Today Weekend edition's nationwide poll in which 75 percent of the people said "I do not want this to happen." As I mentioned last night, at least 75 percent of the people also say they are in favor of the restoration of constitutionally protected student-initiated prayer, voluntary prayer, in the public schools. Oddly enough, 75 out of 100 Senators also voted for the amendment last night that would restore school prayer.

Mr. President, the question asked in the USA Weekend poll was actually a bit broader than my amendment because it asked about handing out condoms with or without parental consent. The amendment, I reiterate, only prohibits condom distribution without parental consent. So, it is possible that more than 75 percent of the people would be opposed to handing out condoms without parental consent.

I ask unanimous consent that the USA Today Weekend poll dated January 7, 1994, be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. HELMS. Mr. President, what the American people instinctively understand—and what the social engineers masquerading as health officials conveniently ignore—is that by handing out these condoms, the Government and the public schools are saying: It is OK, go ahead and use these. Your mama and daddy do not know about it.

They are saying: It does not matter what your parents say or what your parents may think, or how your parents are trying to raise you, or what moral values they are trying to teach you. We, the Government and the school authorities are giving the condoms to you and saying their OK, go ahead and use them. Just be as safe as possible.

That is the message the kids get. Nothing about moral values, or right and wrong. That is the reason I quoted the President of the United States at the outset. He talked about values. I will tell you, he better call in his Cabinet and say, look here, the policies you are pushing are not implementing values, change them.

And that was precisely what Mother Teresa was saying yesterday at the National Prayer Breakfast. I was so pleased that Mother Teresa, yesterday, spoke so eloquently with the President and Mrs. Clinton sitting there within 6 feet of her.

This courageous lady also talked about another value: The deliberate destruction of the most innocent human life imaginable through abortion. I put her speech in the RECORD yesterday, and I commend it to the attention of all the people who get up and say, "I am pro-choice on abortion." But, I ask: Choice to do what? To kill a baby. That is what Mother Teresa said yesterday, it is what I say today about abortion. I mention it because that is another value—the sanctity of each and every innocent human life—that is being trampled underfoot in this city and around this country.

Mr. President, the problem with handing condoms out to school kids and telling them that it is safe sex is that teenage sexual activity—with or without condoms—is not safe morally, physically, or any other way. It contradicts everything for which our Nation's founders intended this country to stand.

The American people instinctively know this. That is the reason they swamped the telephone system in the Senate yesterday when I put the telephone number of the United States Senate up on the easel. I told people who were watching on C-Span, "If you agree or disagree with this amendment, which seeks to restore voluntary prayer to the schools, call your Senator, and here is his or her number." The calls flooded in—and I thank you Mr. and Mrs. America for calling. I hope you will do it on this amendment, too, whether you agree with me or disagree with me.

I do not want this issue to be determined by a bunch of FAX machines between the Department of Health and Human Services and the people they call up and say: Get in a protest, an objection to the Helms amendment.

The American people know instinctively Mr. President, that their Government is overstepping its bounds when it uses issues, such as the AIDS issue, as a smokescreen for indiscriminately handing out condoms in the schools, thereby undermining the morals of our children. The Government authorities ought to be talking about proper values, moral values. But that is politically incorrect in Washington, you see.

Mr. President, I very much enjoy William Raspberry's columns, and I remember it was some time back he wrote a column about this very issue, published in the Washington Post, and I could not believe my eyes when the Post printed it. As I recall it had the title "Commotion Over Condoms" and in the subheading William Raspberry said, "You cannot set teenagers on the right path by undercutting the authority of their parents."

Amen, William Raspberry. You are exactly right. And that is what this amendment says.

I am going to find that column by William Raspberry, and I ask unanimous consent that it be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 2.)

Mr. HELMS. Mr. President, I rarely find myself in agreement with the rulings of the New York State Court of Appeals. They are on one side of the political spectrum, and I am on the other. But a panel of this court, the New York State Court of Appeals, sitting in Brooklyn, hit the nail on its head when it agreed with a group of concerned parents who argued that the distribution of condoms in the New York City schools, without parental consent, violated the parents' Federal constitutional rights and it violated their rights under New York's State Constitution.

Specifically, the court said that since parents by law must send their children to school, the condom program trampled all over their protections of due process by stripping the parents of their rights to regulate the behavior of their minor children to the best of their ability.

But you know, this court ruling did not even slow down the social engineers who know so much better than the rest of us. They believe that our children are better off with condoms in their pockets than with morals in their behavior. This "safe sex" condom lie is creating controversy in schools all across the country, including North Carolina, I might add.

In Chapel Hill, the school board voted to make Chapel Hill High School the first school in our State to distribute condoms to students.

Every student, under this decision by the Chapel Hill school board, will have a right to obtain condoms, and parents will not even be informed, much less asked. Only a parent who takes the initiative and files a written objection with the school officials will be able to stop the school from giving his or her child condoms.

But even this level of parental control was just too much for the know-it-all social engineers in Chapel Hill. A woman named Susan Spalt, the so-called health coordinator for the Chapel Hill schools, quickly dreamed up a way to get around any such objections by parents.

I saw in the Durham, NC, Morning Herald, just 2 days after the parental objection exception was announced by the school board, that Ms. Spalt had declared that the high school nurse would then open a new health clinic one day a week at the county health department building so that the children of parents who object to their children receiving condoms at the school will be able to drop by and pick up the condoms that they need without their parents knowing about it.

Ms. Spalt told the Durham paper that this subterfuge perpetrated against the parents was possible because, and let me quote her: "Federal law does not require county health clinics to get parental permission before they give out condoms."

Well, Mr. President, the pending amendment would prohibit the Federal Government from subsidizing such immoral assaults on parental rights either in American classrooms or in local health clinics inasmuch as the amendment prohibits any Federal funds provided under this act or any other act from being used to provide condoms or any other contraceptive device or drug to children in the schools or in health clinics without the prior written consent of a child's parent.

I do not know how Senators are going to vote on this issue. That is up to the Senators to decide, and like I said yesterday I am not going home and cry if the amendment is defeated. I have won some, and I have lost some in this Senate. All I can do is do the best I can to do what is right, and I believe it is right to say that parents have rights and that those rights ought not to be violated.

Mr. President, I ask unanimous consent that articles from the January 25, 1994, edition of the Raleigh News and Observer and the January 27 edition of the Durham Morning Herald be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 3.)

Mr. HELMS. Very well. I thank the Chair.

The PRESIDING OFFICER. The Senator has 4 minutes time remaining.

Mr. HELMS. I shall finish in that length of time.

Mr. President, I imagine that we are going to hear on the Senate floor how those who are most vocal about prohibiting the schools from even mentioning religious principles or allowing voluntary prayer are often those who are most vocal in insisting that condoms be made available in these same schools.

I look forward to hearing these Senators try to explain how we send the right signal to our Nation's youth when we prohibit prayer or the distribution of Bibles in the schools but encourage the distribution of condoms in the schools.

I also hope these Senators will explain why the information school children are given with the condoms, and by the way, on the recently aired and HHS-sponsored condom commercials paid for by the taxpayers, never mentions the high failure rates for condoms in preventing both AIDS and pregnancies—never, not a syllable of explanation about that. Condoms are a long way from foolproof.

And when our Nation's moral foundation is crumbling, is it not right to say, look, we are on the wrong track? Let

us talk to the young people about moral principles, respect for themselves and respect for others. Can we not treat them as people instead of uncontrollable animals? But the politically correct crowd says, oh, that is not going to work. Well, it is not working because it has not been tried, it has not even been permitted.

I want to quote Bill Clinton, the President of the United States, one more time from his State of the Union address. He said:

We cannot renew our country until we realize that Governments do not raise children, parents do, parents who know their children's teachers, and turn off the television and help with the homework, and teach their kids right from wrong.

"Those kinds of parents," said President Clinton, "can make all of the difference. I know," he said, "I had one."

And that, Mr. President, is what this amendment is all about, the right of parents to raise their children in a manner they approve of. Do they or do they not still have that right in America? That is what this amendment is all about. That is the question that will be answered on Tuesday when Senators vote on this amendment.

EXHIBIT 1

CONDOMS AT SCHOOL? 75% SAY NO

Public schools should not make condoms available to students, say most of the USA WEEKEND readers who responded to a Nov. 26–28 call-in. The call-in vote accompanied a story in our Nov. 26–28 issue about a Connecticut school system that makes condoms available to kids as young as 10 through a sex education program. We asked readers to call a 900 telephone line or vote by mail, and we received 9,336 unduplicated calls and 405 postcards. What some readers said:

Under the health administration of Joycelyn Elders in Arkansas [she is now U.S. surgeon general], the teenage pregnancy rate went up! Why are we considering any of her ideas?

FRED BECKER,
Algonquin, IL.

How about also handing over the right to vote, the keys to the family car and a gun permit? The answer is family counseling, not condoms!

PATRICIA DIPERNO,
Dutchess County, NY.

Opponents of condom programs are trying to make this a moral issue. It isn't. It's a life-or-death issue. I've never seen anyone, no matter how good, teach a dead kid anything.

BETTINA BOWERS,
Madison, TN.

Every major religion and culture that ever existed has taught children not to engage in premarital sex. There are good reasons for being chaste, and nature is now providing a deterrent to flouting moral values.

ROBERT HERRON,
Cleveland, TN.

EXHIBIT 2

[From the Washington Post, Sept. 12, 1992]

COMMOTION OVER CONDOMS—YOU CAN'T SET TEENAGERS ON THE RIGHT PATH BY UNDERCUTTING THE AUTHORITY OF THEIR PARENTS

(By William Raspberry)

It is the thesis of Paul King, a family psychiatrist in Jackson, Tenn., that weak parents make for troubled teenagers. His conclusion comes out of years of specializing in adolescent addictions.

But what prompted my call to him the other day had nothing to do with substance abuse. It was the flap over condom distribution in D.C. schools.

The superintendent, Franklin L. Smith, had endorsed the distribution program as a necessary measure against the spread of AIDS and other sexually transmitted diseases. But he had told parents that if they wrote to him saying they didn't want their children to be given the condoms, the parents' wishes would be honored.

They won't be. The city's public health commissioner, Mohammed Akhter, who supervises the school nurses, says he has instructed the nurses to disregard parental notes and distribute the condoms to any child who asks for them.

It was not Akhter's logic that led me to place the call to Tennessee. It was his insufferable arrogance. Actually, his conclusion, given certain assumptions (among them that public schools are the proper place to protect children from the consequences of their premature sexual activity), is not unreasonable.

"Dr. Smith has the responsibility for the administration of the school system, and the principals and teachers are responsible for the education of the children," he said. "But we are the ones responsible for the health care needs of the children. These are my clinics. When a child crosses the door and enters into the nurse's suite, any communication that takes place between the child and the nurse is confidential. There is no way we are going to inform anyone about that communication."

And what does any of this have to do with King? It reminded me of something he had said regarding teenage delinquency: "The healthy development of a young person from adolescence to maturity can depend on how powerful the mother is in the eyes of the teenager. What appears to be lacking in troubled teens is the sense that mother is someone important. In fact, chemically dependent youngsters often describe their mothers as 'doormats.'"

Now I don't suppose for a moment that Akhter's edict is going to spawn a generation of chemically dependent young people. But it does seem to me that it almost deliberately weakens parents in their children's eyes.

For some parents, it won't matter. They have long since established their strength and their authority with their children. But for many parents of D.C. youngsters, it could turn out to be the insult that broke their backs.

"The power of parenting," says King, "has been stripped away by four forces acting against motherhood: the presence of a domineering male in a woman's life—not necessarily her husband; her own unwillingness to use authority even when she has it (perhaps for fear of seeming too strict or old-fashioned) and the erroneous notion that self-esteem for a woman rests in her paying job outside the home.

"The fourth? The sense that outside forces are taking over her role, making the decisions that she ought to be making because she is too uninformed to make them herself."

And that's my major problem with Akhter. He might have taken advantage of any number of opportunities (including the media's interest in the condom controversy) to teach parents about the spread of AIDS and the nature of the risk to sexually active teenagers. He might have talked to them about the denial and fear that make some children prefer to trust to luck rather than inform their parents that they are sexually active, or considering it. He might have talked seriously and respectfully about the legality (and medical importance) of privacy. He might have found ways to help parents improve communication with their adolescents. He might, in short, have found a way to turn parents into public health allies.

Instead, he succumbed to his doctor-knows-best arrogance and almost certainly made enemies of some parents who hadn't known his name.

And, critically important for King's thesis, he may have weakened them in the eyes of their children.

"Every child looks for a higher power," he told me. "It's what gives them a sense of how they fit in, of belonging. But here's the thing. That higher power may be positive and lead them in the right direction (a coach, teacher, youth minister or scout leader) or it may be negative and lead them in the wrong direction (drug dealers, older boys, daring criminals).

"Children who are supported by the key pro-social institutions—home, school and church—can resist the negative higher power. Children who have only two of these legs working for them, and those who have one or none, are headed for disaster."

The point for the city's health commissioner is that his well-intentioned arrogance could in fact save some children from AIDS, other venereal diseases or pregnancy. But it could also leave some of our young people without a leg to stand on.

EXHIBIT 3

PLAN TO DISTRIBUTE CONDOMS AT SCHOOL GETS BOARD'S OK—THE UNANIMOUS DECISION WILL ALLOW FREE DISTRIBUTION OF CONDOMS AT CHAPEL HILL HIGH SCHOOL, PERHAPS AS EARLY AS NEXT MONTH

(By Susan Kauffman)

CHAPEL HILL.—After more than a year of discussion and protest, the school board voted unanimously Monday to make Chapel Hill High the first school in the state where students will get free condoms.

Nurses and guidance counselors could start handing them out as soon as the end of February.

Though Chapel Hill-Carrboro board members were clearly on the defensive, the vote came quietly before an audience of only about 50 people.

Before the school board meeting at Lincoln Center, five critics of the plan acknowledged that the vote was a foregone conclusion. They vowed to continue their opposition and likened the program to giving asbestos gloves to a child who plays with fire.

"It can send a message that young people are expected to be sexually active," said Eugene Cole, vice president of Putting Children First, a group of parents who also oppose sexual orientation in the school district's multi-cultural curriculum.

Members of the group asked the board for more parental participation in decisions about moral issues.

Victoria Peterson said she contacted the Rev. Donald Wildmon's American Family Association Law Center in Tupelo, Miss., and got a promise of legal aid in case a student who is given a condom contracts a sexually transmitted disease or gets pregnant.

But John McCormick, the school board attorney, had already told board members that the plan is sound legally.

After listening to six parents who said they oppose the plan on moral grounds,

board members defended their votes. "I'm hoping some life will be saved," said Mark Royster.

Two board members reiterated that the idea for condom distribution came from a committee of health experts, including professors at the University of North Carolina at Chapel Hill.

"Certainly we owe it to our students to do what the experts recommend," said Judith Ortiz. "I think we should follow it and see what happens. It can always be changed."

The plan, as it stands, gives parents a month to respond to a letter asking if they do not want their child to receive condoms.

Susan Spalt, the system's health coordinator, said that if parents don't return the "opt out" form, a student who wants a condom must sign up for a counseling session with a counselor or a nurse. Condoms then would be given only after the adult discusses the benefits of abstinence and talks at length with the student about sex, birth control and relationships.

"My hope is that we never have to give out a condom," said board member Ruth Royster, director of the Orange Literacy Council who helped write the letter to make it as easy as possible to read. "I hope parents and school staff are going to be able to persuade students that abstinence is the best and safest way to go."

Even if they don't choose abstinence, some students may find it easier and less embarrassing to get a condom from a drug store, said board Chairman Ken Touw.

"They are not going to be out for the taking," Touw said.

[From the Durham Herald Sun, Jan. 27, 1994]

CLINIC WILL GIVE CONDOMS TO TEEN-AGERS

(By Karen Lange)

CARRBORO.—A new teen health clinic opening in Carrboro means students whose parents opt out of a condom distribution program at Chapel Hill High can still get a condom from a school nurse.

The free clinic, to start within the next month at the Orange County Health Department's office in Carr Mill Mall, will be open 12:30 p.m. to 5 p.m. one day per week, and staffed by the high school nurse.

A condom distribution policy approved this week by the Chapel Hill-Carrboro school board bars students whose parents return an opt-out form from receiving condoms from the nurse or guidance counselors.

But federal law does not require county health clinics to get parental permission before they give out condoms, said Susan Spalt, health coordinator for the city schools.

In fact, it requires the opposite. While teens must get parental consent before they receive treatment for nonemergency physical problems, the law bars public clinics from withholding services related to family planning, substance abuse, sexually transmitted diseases, AIDS and emotional problems, Spalt said.

Because of this, Edwina Zagami, the high school nurse, could find herself in the strange position of refusing condoms to a student at the school, then handing out condoms to that same student at the clinic.

Mr. HELMS. Mr. President, 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. HELMS. I reserve the remainder of my time and yield the floor.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, in the earlier remarks of my colleague from North Carolina, there was some question about the propriety of informing a Member, in this case the floor managers, Republican and Democrat, about the text of a particular amendment.

Generally speaking, as I have seen over the time that I have been in the U.S. Senate, amendments are basically filed on legislation, and the floor managers are notified about the matters to be discussed in those amendments so that the membership will know the subject being discussed and will be able to make what judgment they want to make.

In these circumstances, the Senator from North Carolina insisted on a precise time limit, and he designated a requirement that there be no second-degree amendments, which the Senate rules for some 200 years have permitted. But not with regard to the amendment of the Senator from North Carolina. "No, you cannot have a second-degree amendment. I will not permit you, if we are ever going to see a conclusion of this legislation, to have a second-degree amendment. And, beyond that, we are not going to permit you to be able to table my amendment." That is permitted under the rules that this institution has been governed by for some 200 years. But that is not acceptable to the Senator from North Carolina.

So he can make it available at any time. And he has indicated what procedure he was going to follow in the future, and that is certainly understandable if he wants to do that. Obviously, these other kinds of possibilities, in terms of a second-degree amendment or a tabling motion, have been available to Senators in this body for 200 years.

If the Senator wants to go by those rules, I am glad to go by those rules. If he wants to go by another rule which virtually sets a time, requires that his amendment will be the first one that is considered, that there will be no tabling motion, as well, that is a rather unique and special kind of undertaking.

The history of the Senate will reflect whether the Senator from Vermont and I were somehow imposing upon the Senator in some unfair way. I do not believe so, and I do not believe that the record would reflect that.

Mr. President, I think it is important to understand really what the Senator's amendment does and also put that against what the current law is.

The Helms amendment is exceedingly broad. Although it concerns services provided to minors and although it is offered on an education bill, it applies to every setting in which reproductive health services are offered, every setting possible. This is not about school-based clinics. It is not about the procedure to be followed should we have school-based clinics. This covers every single kind of setting where reproductive information is made available. And it also applies in every instance in which the use of contraceptives is even indirectly promoted. So it not only affects direct distribution, it also includes the words "indirectly promotes."

So this amendment does not just pose the question of whether students should receive condoms in school. Instead, it poses a question of whether we want teenagers to learn about contraception.

The Helms amendment would prohibit the use of any Federal funds to indirectly promote the distribution of contraceptives to minors without parental consent. Among the activities it would prohibit are the following: Health classes in school which teach children about the biology of reproduction; giving young people brochures or books which teach them about the dangers of unprotected sex; providing reproductive health services to young people in community health clinics for title X clinics, migrant health clinics, or community clinics receiving any Federal funding. Each of these activities would be prohibited unless there is prior written consent obtained from a parent or guardian.

In the past, we have debated whether a young woman should be able to obtain abortions without parental consent. We have all recognized the complexities of that issue, especially in the case of abusive or neglectful parents.

But the Helms amendment goes far beyond the previous debates. Now the question is whether young men and women should be able to get information about contraception without parental assent.

The Helms amendment would take this country back to the dark ages when young people learned about the biology of reproduction on street corners or by reading dirty books. The public health problems of AIDS and teenage pregnancies and sexually transmitted diseases are too serious for us to take that step backward. The cost to society of sexually transmitted diseases and illegitimacy are too great for us to bury our heads in the sand.

Mr. President, the current law, as reflected in title X and which will be effectively the substance of the amendment which I and Senator JEFFORDS will submit will be: To the extent practical, entities which receive Federal grants or contracts for the distribution of contraceptives to minor shall develop procedures to encourage family participation in such projects.

There is no question, Mr. President, that in loving, stable homes parental notification and consent will generally happen without interference from the

Government. There is not a person in this room that is not for that. No one in this Chamber is opposed to that concept.

The problem, however, is for many minors who grow up in dysfunctional families, there are problems with communication and trust that will prevent teenagers from voluntarily confiding in a parent about sensitive matters involving sex. In some situations, the minor is threatened with abuse from a parent who may have an alcohol or drug-related problem.

What are we expecting with that individual, that teenage girl, who has an abusive parent and whose parent is an alcoholic or substance abuser and who is terrified of that individual? That person may be abused physically. What about the problem of incest? Are we saying that young child must go out and get a written consent? That is the real world in many of the urban areas of this country, and rural communities as well. Are we going to say that, under those circumstances, that individual is going to be denied any opportunity for information for intelligent decisions for protection because of this amendment? That is what the acceptance of this amendment would do.

The skyrocketing teenage pregnancy rate is a very serious problem. Every effort must be made to ensure that minors receive the services they need to enable them to plan for a family in a mature way. Teenage pregnancies have reached epidemic proportions. It is one of the most serious social problems we face today. According to the Centers for Disease Control, more than 54 percent of high school students are sexually active. Each year, more than 1 million teenage girls become pregnant; nearly 3 million adolescents contract a sexually transmitted disease.

Mr. President, let us go back in history, and maybe we can try to look at what has happened at other times when we have actually implemented this kind of a prohibition. In the early 1980's, the Department of HHS did seek to implement this kind of provision. They called it the squeal rule, which mandated certified letters from parents permitting minors to obtain prescriptions for contraceptives.

Now, when that happened in the time of the squeal rule, let us see what its implications were, according to various surveys. There was a 50-percent reduction, at clinics in San Francisco, of teenagers attending those clinics; 24 percent in Dayton, OH; 30 percent in Roanoke, VA; 85 percent in Peoria, IL; 50 percent in Douglas County, GA; 40 percent in Wichita Falls, TX. It is like that all across the country—squeal rule in, teenagers out. And the corresponding result is the increase in teenage pregnancy and the increase in sexually transmitted diseases. That was the result. That was the result.

Many times around here, when we take public policy positions, we do not have the kind of factual information that we have available to this body now, because we have tried this at a different time in our history, and we know what the outcome and the result has been.

On the other hand, what has happened in the instances where we did not have what we call, effectively, the squeal rule—the certification by parents—we found there was an increase of individuals taking advantage of services—example, in West Virginia, by its Commissioner of Public Health—and the following year the teenage birth rate fell, and fell dramatically. The Pennsylvania Department of Public Welfare found that the adolescent planning caseload increased 75 percent after the squeal rule was put in.

We could go on and on. We have the background. We have the history. We have the evidence.

People can support this amendment. This is what I consider to be a feel good amendment. You pass this and you feel good. You have really done something about the problem in terms of teenage pregnancy issues in this country. You have really done something about that issue.

I always wished that those individuals who were out here fighting, time in and time out, for this approach to teenage pregnancies, were going to be out here fighting so those teenagers would get the best in terms of health care. I wish we could find those people that are demonstrating such concern on the floor of the U.S. Senate this afternoon who would say they have an amendment providing that, if those young teenagers do make a mistake and do become expectant mothers, they are going to get the best in terms of prenatal health care and well baby care—give those young teenage girls that kind of support.

There are a variety of different programs that have been demonstrated across this country that work with those teenage girls, that give them the medical help and attention, that give them the counseling that keeps them in schools, that keeps them in programs, and that supports them with day care programs while they continue their education. I wish that were part of this amendment as well, to demonstrate the real concern about what is happening in our society. But that is not a part of this. That is not a part of this.

It is difficult to think of the prospect of moving back to a time such as when the Department of HHS in 1982 put the squeal rule into effect, with the corresponding results that I have illustrated here, that can be documented from past experience.

It is interesting that if we put this into effect and accept this amendment, we will be in complete conflict with 23 States and the District of Columbia that encourage, under the appropriate circumstances, parental involvement, but do not prohibit, under other circumstances, information regarding reproduction. It will impose a standard on 26 States that have made a judgment, either explicit or implicit, of not addressing this particular issue. It imposes it from the Federal Government.

It is always interesting to hear from some of our colleagues about how we do not want to have the Federal Government interfering on these matters. They say, OK, here on this one we do not mind wiping out 23 States' existing laws and imposing certain conditions on 26 others. Those are 49 States, and we have the State of Utah that has enacted the parental notification requirement for minors. That, I believe, has been ruled unconstitutional.

Mr. President, when HHS sought to implement the squeal rule in 1982, some 40 States submitted comments in strong opposition, noting the disastrous effects such a rule would produce. And that rule was less intrusive than the pending amendment—since the HHS rule only required notification to parents after the distribution of contraceptives, while this amendment would require prior written consent.

I ask that a sampling of those letters from State officials all across the country be inserted in the RECORD at this point.

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

COLORADO DEPARTMENT OF HEALTH,
Denver, CO, April 19, 1982.

MARJORY MECKLENBURG,
Acting Deputy Assistant Secretary for Population Affairs, Washington, DC.

DEAR MS. MECKLENBURG: The Family Planning Program of the Colorado Department of Health currently funds 48 clinic sites throughout the State of Colorado. Those clinics are presently serving approximately 5,000 teenagers 17 and under that would be affected by your proposed rule. The new data compiled by the Alan Guttmacher Institute and submitted to you makes it clear that the outcome of your proposed rule would result in "many thousands of additional unwanted pregnancies, more than half of which will terminate in abortion and virtually all the remainder in out-of-wedlock births or forced and unstable marriages."

It is the intention of the State of Colorado to protect the health of its population, which certainly includes its teenagers. It is to this end that our state law allows that all people needing family planning services may be provided them with no restrictions, including age. Your rule would supersede state intention when the focus is to give states their voice. The Colorado Department of Health Family Planning Programs have a strong belief in the sanctity of the family and have made attempts in all of its clinics to involve parents in the decision-making process. It is our concern that this process cannot be legislated or mandated. In accordance with the latest study from the Alan Guttmacher Institute, the effect of the proposed regulation would deter teenagers currently enrolled in the clinics from coming; and eliminate the hope of reaching those sexually active teenagers not currently involved with clinics or private physicians, primarily because they

are concerned about parental involvement. It is our hope that your office, with all of the resources available to it, might find some more effective ways of involving parents without deterring teenagers from seeking and utilizing responsible birth control methods.

The Family Planning Programs are also aware that staff time and money would be diverted from priority activities in order to notify parents (often only a single parent is available), verify the notification, verify if it is a case for an exception to notification, report all such exceptions to Social Service Departments, and verify parental income for charges (few teens know parental income). The expenditures of time and energy required for these processes will increase patient costs. Since there are fewer family planning dollars and anticipated increased costs, all programs will see fewer patients. Thus the teen proposed rule impacts on all women seeking services in Title X programs.

The Colorado Health Department Family Planning Program urges you to reconsider your proposed rule and to withhold it from the Title X guidelines until more acceptable methods of family involvement can be found. If we serve fewer teenagers, we will have fewer of their parents to involve and more new teenage parents needing all kinds of community support.

Sincerely,

ANNIS GROSS,
Director, Family Planning Program.

COLORADO DEPARTMENT OF HEALTH,
Denver, CO, April 21, 1982.

Re parental notification proposal.

MS. MARJORY MECKLENBURG,
Acting Deputy and Assistant Secretary Population Affairs, Washington, DC.

DEAR MS. MECKLENBURG: As Director of Family Health Services Division, a large division that concerns itself with family health services in the state of Colorado, the Family Planning Program is one of the programs under my jurisdiction. It is on behalf of Family Health Services Division that I urge you to withhold your proposed regulation.

We believe that adolescents will be deterred from seeking services if those services are not confidential. Parental notification is not likely to significantly deter sexual activity, which we know to be ongoing before assistance with birth control is sought. This regulation violates patient confidentiality for teens who cannot afford, or will not go to, private physicians. In many areas of Colorado, the only clinic available is that sponsored with Title X monies. The regulations are biased in that they apply only to women as the prescription birth control methods are designed for use by women. Therefore, the family would not be involved in responsible sexuality as it applies to their male children, allowing for an even greater disparity in sexual standards.

Our concern is with the health of Colorado. The proposed rule will bring about increased pregnancies, more abortions, or an increase in the number of children being born to young people who are least likely in a position to care for these children. In the interests of good health for our state and all citizens, please reconsider your proposed rule.

Yours very truly,

DANIEL J. GOSSERT,
Director, Family Health Services Division.

STATE OF FLORIDA, DEPARTMENT OF HEALTH AND REHABILITATIVE SERVICES,
Tallahassee, FL, April 22, 1982.

MARJORY MECKLENBURG,
Acting Deputy Assistant Secretary for Population Affairs, Washington, DC.

DEAR MRS. MECKLENBURG: On behalf of the Florida Department of Health and Rehabilitative Services, I am submitting, for your consideration, comments on the proposed rule amending 42 CFR Part 59. My comments below are prefaced by a brief summary of the legal and philosophical basis upon which our Department provides family planning services throughout the State.

The Florida Department of Health and Rehabilitative Services is an umbrella agency dedicated to meeting the health and social service needs of Florida's populace. Housed within the Department are the Title XX Social Services Programs, the Medicaid Program, and the Title X Family Planning Program. One of the functions of the Department is to consolidate the family planning regulations which govern the use of the various funding sources into a uniform program which can be applied statewide. In addition to Federal regulations, we must comply with a State Statute which sets the parameters for the provision of family planning services in Florida. Our Legislature included in the family planning statute specific language authorizing the provision of services to minors "provided the minor: (1) Is married; (2) Is a parent; (3) Is pregnant; (4) Has the consent of a parent or legal guardian; or (5) May, in the opinion of the physician, suffer probable health hazards if such services are not provided."

The Florida Department of Health and Rehabilitative Services fully supports Congress' revision to the Title X Law. We agree that unemancipated minors should be counseled to include their families in the decisions related to their use of family planning services. Indeed, our September 1981 memorandum to the family planning service providers reiterates the Department's policy to encourage unemancipated minors to involve their families when making decisions about family planning. A copy of this memorandum is enclosed for your perusal.

Having reviewed the proposed Federal rule amending 42 CFR Part 59 in light of our current law and policy, I find that the proposed rule is inappropriate as written. The proposed rule (1) will reduce our ability to reach and counsel sexually active minors, (2) will impose undue additional administrative requirements, (3) conflicts with Florida Statutes which authorize physicians, under certain circumstances, to provide family planning services to minors without parental consent, and (4) questions the integrity of our practicing physicians.

The proposed Federal rule, by requiring parental notification, will seriously inhibit our ability to counsel minors on the need for parental involvement. Under our current system, family planning services are treated with confidentiality. However, once youth learn that parental notification must occur, they will not seek services from organized family planning programs. As a result, sexually active teenagers will no longer be exposed to the in-depth counseling, especially the counseling that encourages parental participation.

We estimate that 10,000 girls will be negatively affected by the proposed rules. Of these we expect that 1,000 will become pregnant during the year and 500 will become new clients dependent upon governmental support. The cost to government for support of these new 500 clients will be over $1,220,000 for the first year of pregnancy and over $2,600,000 for the second year. This cost can be averted through making family planning medical and counseling services available to teens.

With the recent reductions in Federal funds which support family planning programs, it is imperative that family planning services be streamlined and excessive administrative activities be eliminated. The proposed rule requiring parental notification and verification of parental notification would require significantly more administrative time than is necessary. Further, the proposed rule could be interpreted to mean that parental notification and verification is required even when parental consent has been given. Therefore, we recommend that the Federal rule simply require documentation, in the patient record, that minors were counseled on the need for parental involvement. The notification and verification requirement would be much too costly to implement.

We must also recognize that not all minors are raised in a family atmosphere which is conducive to promoting constructive communications. We believe that there may be many more reasons than child abuse and incest which would justify providing family planning services without the consent (or notification) of the parents. Physicians are informed adult professionals who have the capability and responsibility of acting in the best interest of their patients. Florida's Laws recognizes the professional competencies of physicians and grants them the authority to provide family planning services to minors without parental consent in those cases where the physician determines that the minor will suffer probable health hazards if the services were withheld. The proposed Federal rule amending 42 CFR Part 59, which imposes constraints on the physician's right to waive parental notification, seriously conflicts with the authority granted by Florida's Family Planning Law.

Finally, the proposed Federal rule implies that physicians are not capable of exercising "mature judgment" on behalf of their patients "on matters that may affect their physical well being." The supplemental narrative which precedes the proposed rule states that granting waivers to the parental notification requirement is subject to abuse. This language questions the ethical and moral practice of our medical professionals.

In summary, we in Florida believe that encouraging minors to involve their parents is an important component of our family planning services. The Conference Report on Public Law 97-35 notes that the Conferees wish Title X grantees to encourage participants "to include their families in counseling and involve them in decisions about their services." It is our opinion that the proposed rule does not meet the intent of the law. Mandating parental notification and verification is not a means of encouraging participants to involve their families. Rather, the proposed rule will tend to discourage minors from using our services—thereby inhibiting our ability to counsel minors on parental involvement—and will significantly increase the already overwhelming administrative demand on our family planning program. The limited funding we receive from the Federal Government should be used for the provision of client services and not for imposed administrative processes.

The Florida Statewide Family Planning Advisory Council, which has a consumer ma-

jority membership, has debated this proposed rule extensively. During their March 19 meeting, the Council went on record as being "not in support of the proposal on the grounds that it will be costly to implement, it breaches confidentiality, and it is an invasion of privacy."

I appreciate the opportunity to comment on the proposed rule. I trust my input will be of value to you as you begin to finalize the revision of 42 CFR Part 59.

Sincerely,

JAMES T. HOWELL,
Deputy Secretary.

OFFICE OF THE GOVERNOR,
Atlanta, GA, March 9, 1982.

President RONALD REAGAN,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: This letter is to express my concern over the proposed regulation of the Department of Health and Human Services relating to the required informing of parents when their teenage children seek family planning services.

For many years, Georgia has had a law which has allowed health departments to provide contraceptive information and devices to teenagers on a confidential basis. Since 1978, we have had a strong program of educating teenagers to the fact that they can make a responsible, informed choice concerning their use of birth control device. In our clinics, teens receive counseling and strong support for the decision they make, including reassurance that they have the personal right to say "no" to sexual activity. Our position is a realistic one—withholding such information and devices does not diminish the sexual activity of teenagers. It only makes them more vulnerable because of such activity.

As you know, I have basically supported the new federalism concepts of your Administration, and I believe that the states would welcome returning to them much of the responsibility for human service programs which has gradually eroded away over the years. However, if the proposed DHHS regulations pass, this would directly diminish the state's responsibility and authority to make its own decisions and policies regarding a very critical program of the state, and would seem to be in direct opposition to the new federalism concept of state autonomy.

I ask that you give careful consideration to the proposed DHHS regulations, and do not permit them to pass. In Georgia, the effect of such a regulation would set our program back many years.

Thank you very much for your positive consideration of this issue.

With kindest regards, I am

Sincerely,

GEORGE BUSBEE,
Governor.

STATE OF IDAHO,
DEPARTMENT OF HEALTH AND WELFARE,
Boise, ID, March 5, 1982.

Richard S. Schweiker
Secretary, U.S. Department of Health and Human Services, Washington, DC.

DEAR SECRETARY SCHWEIKER: I wish to strongly protest the proposed new rules under 42 CFR Part 59 that require the notification of parents of minors receiving prescription contraceptive services under Title X programs.

My reasons are as follows:

1. You have patently overstepped your authority by requiring the parental notification, while Congress clearly stated that it did not mandate such a notification. As it was well publicized in the media, your own General Counsel's opinion was that these rules transcended congressional intent.

2. With the vast increase in sexual activity among teenagers and given the difficulty in convincing them to use reliable contraceptive methods, the proposed rule, requiring parental notification would undo most of the efforts of the past 10 years. At the time, when the Administration is proposing drastic cutbacks in AFDC eligibility and benefits, this proposed rule could drastically increase the number of teenage pregnancies, with all the dire sociological, educational, medical and financial consequences.

While our Family Planning Programs always stressed family involvement on a community wide basis and individually, when so desired by the patient, I feel that requiring notification and involvement is an undue invasion of that young woman's privacy.

A survey taken at one of our local high schools showed that while 45% of the seniors had received sex-related information from their peers, only 6% received it from their parents and 0.3% from church! On the other hand, 28% stated that they would never dare to discuss sexual matters with their parents.

3. Your pious contention that the rule, permitting the first visit before the obligatory parental notification, will obviate the "access problem" of teenagers is frankly hypocritical! Do you for one moment believe that teenagers will avail themselves of the service if they know that their parents will be notified? (Unless, of course, the parents knew beforehand and agreed?) Your proposed rule therefore blatantly countermands the legislative mandate to provide the service to adolescents.

4. Your proposed rule is also frankly sexist in the sense that it affects only female teenagers since males do not use prescription contraceptives.

5. The exceptions to the notification rule are also judicially most vague, like "substantial grounds" (who determines what is "substantial"?) and that it "does not apply to cases where the notification would result in no more than disciplinary actions of an unsubstantial nature"? What does this mean? The parent can slap around the girl, but unless she lands in the hospital or breaks a bone, it's okay?

6. From a medical standpoint the proposed rules are also quite unsound. For example: (a) clinician sees the girl at first visit, inserts an IUD. The girl gives a fictitious address so notification verification cannot be done. Does this mean that this girl cannot be rechecked for that IUD in place for years? This is patently a medically dangerous situation which on the surface you want to avoid, Mr. Secretary, by involving the parent in the health care decisions of their daughter; (b) clinician sees girl at first visit and provides birth control pills for six months or one year, girl gives fictitious address. Clinician cannot see the girl again under the rules, therefore she may have any of the many possible complications without medical intervention; (c) clinician inserts IUD on first visit. Parent is notified. Parent storms into clinic with patient and demands that the IUD be removed. What then? These are just a few scenarios that could occur because of your hypocritical contention of trying to balance true congressional mandate and your personal need to require parental notification.

All of the above reasons will most certainly assure that the proposed rules will be challenged in court. At a time when service dollars are drastically slashed, I vigorously protest and resent the fact that my tax dollars be used to litigate your unreasonable proposed rules through interminable court proceedings.

7. Let us turn now to the administrative hardships that the proposed rules will cause. On one hand we have President Reagan's proclaimed promise to reduce federal regulations, simplify procedures and remove federal intrusion into states' rights. On the other hand the proposed rules increase administrative procedures by the multiple steps required in the notification. (1) Discuss with teenage girl the fact that her parents will be notified; (2) Set up notification system; (3) Send out notification and (4) mark record. (5) Receive notification verification (6) Pull record and file the verification.

If the "exception" route is followed, the director has to maintain a record of all the exceptions and reasons for them. Most likely, following past practices of the Department, the projects will be required to report a detailed breakdown of the above steps. And all this at a time when the Secretary proposes a 36% slash of the Title X budget.

Our state, together with another 29 states, has developed in 1974, after much thoughtful deliberation, appropriate laws to regulate informed consent by "mature minors". Since it is not as stringent as the proposed rules, you willfully countermand President Reagan's promise of federal non-interference into state laws and impose the more stringent requirement of notifying the parents of all girls under 17 years of age.

Costs of the notification, although not staggering, are still significant in view of the proposed 36% cuts in the Family Planning grant. It is particularly onerous to have to divert manpower from the service area to fulfill another new bureaucratic requirement imposed by DHHS at a time when we will have to lay off one third of our staff due to the federal budget cut. I gravely doubt that this corresponds to the President's or Congress' intent!

Mr. Secretary, please yield to reason instead of sharply focused political pressure and withdraw the proposed rules.

Sincerely,

ZSOLT KOPPANYI,
Chief, Bureau of Child Health.

STATE OF INDIANA,
STATE BOARD OF HEALTH,
Indianapolis, IN, February 5, 1982.

Re proposed regulations implementing amendment to title X of the public health service act.

Ms. MARJORY MECKLENBURG,
Acting Deputy Assistant Secretary for Population Affairs, Washington, DC.

DEAR MS. MECKLENBURG: The Secretary proposes to implement this amendment by the following requirements:

1. Grantees notify parents or guardian of unemancipated minors when prescription drugs or devices are provided to such minors within 10 working days except when the project determines that notification would have adverse physical health consequences for the minor.

2. Grantees comply with any state law requiring notification be provided to or consent obtained from parents or guardian.

3. Eliminate the requirement that projects consider adolescents on the basis of their own resources for purposes of determining eligibility and the obligation to pay for services.

The Indiana State Board of Health submits the following response to the above requirements in sequence:

1. The effect of this requirement will not accomplish the intent of the amendment; i.e. "to encourage family participation." The conference report on the amendment (PL 97-35) states "It is the intent of the Conferees that grantees will encourage participants in Title X programs to include their families in counseling and involve them in decisions about services." There is no doubt that unemancipated minors seeking family planning services would benefit from the exercise of a mature parent's judgment on their behalf. However, requiring parental notifications of minors who receive certain family planning services is more likely to act as a deterrent to receiving services than as a positive facilitator of parental participation in decision making.

Confidentiality is essential for acceptability for many teenagers in choosing family planning services. Fobin and Clark, in Family Planning Perspectives, Volume 13, No. 5, report that the second most common reason cited as cause for delay in seeking family planning services was "afraid my family would find out." Additionally, over 30 percent indicated this as a contributing reason for delay. They also reported that 33 percent of respondents stated that learning that family planning services were available without family notifications was the most important factor in their decision to seek those services. Requiring parental notification for many of these minors would delay their decision to seek family planning services and result in increased numbers of unwanted pregnancies to many teenagers.

The unemancipated minor who makes the mature decision to seek family planning services in order to prevent an unwanted pregnancy should not be discouraged from doing so.

Delaying the notification requirement until after the services are rendered will not be effective in eliminating the deterrent to service of this regulation. Information about the availability of family planning services is most frequently conveyed by word of mouth among friends and acquaintances. It is unlikely that those minors who delay seeking family planning services for fear of parental discovery will more readily accept these services if they know that notification may only be delayed two weeks after receipt of the services.

Permitting exceptions for the vague reason "adverse physical health consequences" not only "contains the potential for abuse" but encourages dishonesty for those minors who fear parental notifications. Requiring a report of the number and reason of exceptions will not deter dishonesty unless very clear criteria for acceptable exceptions and acceptable numbers are given, with the threat of significant penalties. Encouraging dishonesty on the part of unemancipated minors further contributes to the poor communication between parents and children. This also is contrary to the intent of the amendment.

2. It is appropriate that grantees comply with their state laws. Further, it is appropriate and consistent with the recent increased delegation of program responsibilities to states that state legislatures establish the requirements for parental notification or consent for family planning services for unemancipated minors.

3. It is also appropriate to permit states to use their discretion in applying the definition of "low income family" in determining eligibility and the obligation to pay for services.

In summary, it is questionable if promulgating the parental notification requirement would accomplish the intent of the amendment. There is good reason to believe that such a regulation would result in an increase in unwanted pregnancies. The other proposed changes would provide appropriate increased flexibility to states administering the Title X program.

Alternative Proposal: Programs that would prepare parents of preteenage children to communicate comfortably with their children about sexuality and decision-making issues would be a positive approach to meet the intent of the amended Title X law. This could be done through agencies who serve families with preteenage children; e.g., schools, churches, civic groups, etc. One approach may be for schools to annually invite all parents of fourth grade students to participate in a series of workshops on teaching their children about "decision making and growing up."

Such programs would provide an opportunity for parents to improve their skills and confidence to assume the responsibility that is rightfully theirs of teaching their children about sexuality. It would avoid regulating that responsibility or punishing the children for the parents failure to take on that responsibility. Each agency applying for Title X grant funds could be required to develop and support parent education programs with local family service agencies. This positive approach would have greater potential to accomplish the intent of the Title X amendment.

Sincerely,

RONALD G. BLANKENBAKER,
State Health Commissioner,
Indiana State Board of Health.

IOWA STATE DEPARTMENT OF HEALTH,
Des Moines, IA, March 23, 1982.

MARJORY MECKLENBURG,
Associate Bureau Director for Family Planning, Health Services Administration, Rockville, MD.

DEAR MS. MECKLENBURG: Thank you for the opportunity to comment on the proposed revision of Title X regulations concerning the amendment to the Omnibus Budget Reconciliation Act which stipulated that "to the extent practical" grantees would encourage family participation.

The Iowa State Department of Health administers a Family Planning Program through contractual arrangements with individual local service providers. These local independent organizations do not require parental consent for the provision of contraceptive care to adolescents. They do, however, encourage adolescents to talk with their parents concerning their sexuality.

This approach has been carried out under our guidance for the following reasons.

1. Title X regulations specify that family planning services be made available without regard to age or marital status.

2. State Code of Iowa is silent concerning parental consent for contraceptive use nor does it recognize an "unemancipated minor" status.

3. The conference report on Pub. Law 97-35 explains section 931(b) (1) as follows:

"The conferees believe that, while family involvement is not mandated, it is important that families participate in the activities authorized by this title as much as possible. It is the intent of the Conferees that grantees will encourage participants in Title X programs to include their families in counseling and involve them in decisions about services." House Rep. No. 97-208, at 799.

The experience of adolescence studies has shown that adolescents would refrain from using services when parental notification is required. These studies further suggest that adolescents may give fictitious names and addresses which may interfere with good quality medical care and follow-up.

The proposed revisions to Title X regulations will require verification of parental notification when prescribed contraceptive services are provided to teens aged 17 and under. Such a requirement would increase the administrative costs of agencies in fulfilling a federal mandate. The Iowa State Department of Health service 2,652 patients (age 17 and under) from July 1, 1981 through February, 1982. This represents 14% of its total number of users. This sort of regulatory federal mandate seems rather inconsistent with the reduction in federal funds for the program and the concept of federalism.

We would suggest that a more effective mechanism could be established within the Title X program requirements to address the Secretary's concern and ensure that grantees encourage adolescents to discuss their situation with their parent(s) or guardian. The BCHS Program Guidelines for Project Grants for Family Planning Services has two areas where this could be addressed.

Section 8.2 of Part II is concerned with the counseling component of a project. It is nonspecific as to how this is to be handled for an adolescent.

Section 8.7 of Part II is concerned with the adolescent services of a project. It simply states that "counselors should encourage young clients to discuss their needs with parents or other family members".

Our suggestion is that Section 8.7 could be changed to "counselors must encourage young clients to discuss their needs with parents or other family members" and that this could as easily be included within the counseling section 8.2.

We've appreciated the opportunity to comment concerning HHS consideration of the revision of Title X regulations. We hope that there will be serious reconsideration of our recommendation concerning the effective delivery of family planning services to adolescents.

Sincerely,

CAROLYN S. ADAMS,
Director, Iowa Family Planning Program.

THE COMMONWEALTH OF MASSACHUSETTS, DEPARTMENT OF SOCIAL SERVICES,
Boston, MA, May 19, 1982.

Ms. MARJORY MECKLENBURG,
Acting Deputy Assistant Secretary for Population Affairs, Department of Health and Human Services, Washington, DC.

DEAR MS. MECKLENBURG: I am writing in response to the Department of Health and Human Services' proposed regulations requiring Title X-funded family planning clinics to notify the parents or guardians of unemancipated minors that they are receiving prescription contraceptives. The Department of Social Services wishes to express its opposition to the proposed Regulation and urges the Department of Health and Human Services to withdraw it.

The Department of Social Services respects the paramount importance of parental involvement in the planning and delivery of services to adolescents and families in the Commonwealth and elsewhere around the country. D.S.S. Regulations, Standards of Practice and policies all require our social workers to involve parents in decisions affecting their adolescent's lives. At the same

time, we believe that mandating parental involvement might result in youth failing to access needed social services.

The Department of Social Services is committed to providing a permanent plan for children and young adults in its care and custody. The goal, whenever possible, is to help children remain with their biological families. However, many of these high risk adolescents have very poor communication with their parents. The objective of the Department is to bring families together. We feel the proposed notification regulations could serve to put parents against one another, adolescent against parents, as well as families against the services they seek in the community.

In addition, we fear that these proposed Regulations may serve as a deterrent to the utilization of family planning services by adolescents, resulting in increased rates of unwanted and premature pregnancies.

The effect of discouraging the adolescent from receiving family planning services has further implications. Without contraception, the health of the sexually active teenager would be at greater risk. Current research indicates that the risk associated with pregnancy and childbirth is five times greater than the risks of complications from contraceptives such as the pill.

The Department of Social Services views family planning services as preventive in nature. By using family planning, the adolescent is more likely to avoid the health, social and economic consequences of teenage pregnancy including welfare dependency, medical complications, family instability and child abuse. These costs are high to society as well as to both of the adolescent parents, their infants and families.

We believe that the costs incurred are too high to risk the unwillingness of the adolescent to access family planning services due to parental notification requirements. We strongly urge the Department of Health and Human Services to develop guidelines that would encourage parental involvement. We urge you to reconsider the proposed Regulations to require parental notification for family planning services.

Sincerely,

PATRICIA W. MOORE,
Assistant Commissioner for Programs.

MISSISSIPPI STATE BOARD OF HEALTH,
Jackson, MS, March 11, 1982.

Secretary RICHARD SCHWEIKER,
Department of Health and Human Services, Hubert H. Humphrey Building, Washington, DC.

DEAR SECRETARY SCHWEIKER: I have read with a great deal of concern the proposed changes in the Title X regulations for family planning services to unemancipated minors. As you may or may not know, Mississippi has a strong family planning program which is statewide in nature and is basically the major health care resource for contraceptive services to both teenagers and disadvantaged patients.

To further complicate this issue we are faced with health problems of staggering proportions. The infant mortality rate is second only to Washington, DC and our teenage pregnancy rate is the highest in the nation. Even though these statistics are astounding, without the active family planning program presently in place, they probably would be worse. I feel that to require grantees to provide notification to the parents of unemancipated minors and to document that such notification was received would severely effect services within this state. Without question a significant number of teens would no longer seek contraceptive services through our clinics. We do not provide either abortions or abortion counseling and feel, therefore, that the effect of these changes would be, indeed, more unwanted pregnancies among this very vulnerable group. The regulations as proposed would have the effect of tossing the baby out with the bath water in many state family planning programs. We have worked for the last ten years to try and put together a reasonable program of family planning services which not only has been acceptable to the federal authorities but also has been quite acceptable with our own state officials. Unless we get our teenage pregnancy rate under control we will never solve many of the economic and health problems (such as the infant mortality rate) which plague us.

We, therefore, very much oppose the new proposed regulations and feel that this would severely damage services currently available. In addition, our state does have a statute providing for services to unemancipated minors without parental consent. Therefore, the proposed regulations would also appear to be in conflict with current state intent regarding the availability of family planning services. We hope that you will take our comments into serious consideration before making any changes.

Sincerely,

CLAUDE EARL FOX,
Chief, Bureau of Personal Health Services.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES,
Helena, MT, April 20, 1982.

MARJORY MECKLENBURG,
Acting Deputy Assistant Secretary for Population Affairs, Room 725H, 200 Independence Avenue, S.W., Washington, DC.

DEAR MRS. MECKLENBURG: The following are comments on the proposed regulations governing the program for family planning services funded under Title X of the Public Health Service Act. The proposed regulations are designed to override state laws, particularly if state laws are more permissive than the federal standard. It should be the option of a local program to decide what standards should be followed relating to service adolescents. The recommendations should only be recommendations, leaving enforcement a prerogative at the local level.

1. The proposed regulations are more restrictive than the amendment included under the Omnibus Budget Reconciliation Act. The language contained in the amendment was intended to "encourage" programs to give careful consideration to appropriate ways of involving family members in each individual situation, not to require any specific policy in this regard.

If finalized, the proposed regulations could result in a lawsuit by family planning organizations on statutory grounds—the intent of the law is not being followed. Court rulings have affirmed the right of mature minors to consent to their own contraceptive services, despite attempts by lawmakers to impose parental consent and notification laws in the name of preserving the family and maintaining parental control.

2. Results of a study conducted by the Alan Guttmacher Institute strongly suggests that laws requiring notification have little benefit to teenagers or society, but serve instead to exacerbate the very serious problem associated with teenage pregnancy and childbirth that we already face. (The study was done regarding the issue of what a patient would do if parental notification were required by family planning programs.) It is possible that these adolescents would resort to less effective non-prescription contraceptives or no contraceptives, significantly increasing their chances of experiencing an unintended pregnancy.

If the proposed regulations are finalized, it is estimated that in Montana 609 young patients would stop using effective contraceptive methods if their parents were notified. This could result in more adolescent pregnancies, high risk births and abortions.

3. The proposed regulations infringe on the right of the individual to have access to medical care and privacy.

4. The proposed regulations would discriminate both against women and poor teenagers because (1) prescription contraceptives are used only by women and; (2) sexually active female teenagers with incomes above the poverty level could obtain confidential help from private physicians.

5. Why is DHHS increasing regulations for family planning in a time where the government is attempting to decrease regulations in programs? Implementation of these regulations would be costly and would require more staff administrative time and unnecessary paperwork.

Thank you for the opportunity to comment on this issue and please contact me if you need any further information.

Sincerely,

JOHN J. DRYNAN, M.D.,
Director.

STATE OF NEW HAMPSHIRE, DEPARTMENT OF HEALTH AND WELFARE, DIVISION OF PUBLIC HEALTH SERVICES,
Concord, NH, February 4, 1982.

MARJORY MECKLENBURG,
Acting Deputy Assistant Secretary for Population Affairs, Room 725H, 200 Independence Avenue, SW., Washington, DC.

DEAR MS. MECKLENBURG: It has come to our attention that the Secretary of Health and Human Services will be proposing new Title X Regulations mandating family participation.

The New Hampshire Family Planning Program, a program of the Division of Public Health Services, currently serves over 16,000 women annually for comprehensive medical, social and educational services. Of the women served, 74% fall within 150% of the CSA poverty guidelines; 19% are 17 years of age or younger. Based on program data for the last six months, 100% of all adolescents received counseling prior to any medical services being provided. At this session, teens were helped to explore the realities of the decisions they were making, and were urged to discuss them with their parents.

A recent national study indicated that 25% of teens seeking family planning services would not have enrolled in clinics if parental notification was necessary. The New Hampshire experience indicates that this percentage may be low. However, using the more conservative figure, at least 770 teens would not have obtained family planning services last year, and increased their risks of an unplanned pregnancy.

The proposed regulations will discourage adolescents from using this program. But, it would be false to assume that less accessible birth control methods will discourage and reduce teen sexual activity. On the national average, teenagers are sexually active 12 months prior to their first visit to a family planning program. Approximately one-third schedule their first appointment for a preg-

nancy test. Of the pregnancies that are carried to term, a high percentage of infants are kept by the teen mother, which increases the cycle of dependency on other social welfare programs.

The proposed requirement for parental notification within 10 days appears to conflict with Section 59.11 of the Federal Register (Volume 45, No. 108) which protects the confidentiality of all family planning patients. Services must not be disclosed without the patient's consent to ensure privacy for this sensitive service. The assurances of confidentiality are of particular concern to adolescent clients, and if not in place, would discourage one-quarter from obtaining the education and counseling available through this program.

Family planning services must also be provided without regard to age and sex (Section 59.5(4)). Since prescriptive services are only used by women, female adolescents would be the only clients affected by these regulations. Male teens, who share equal responsibility, would be exempt. While there is an age limitation proposed in these regulations, would familial consent for any woman desiring birth control be a natural extension in the future?

The outlines definition change for low-income families would further hamper adolescents from obtaining these necessary services. Most children are not privy to their family's exact financial status, nor do they have access to the W2 forms filed by their parents. This is viewed as an excessive restriction of clients in need of help.

At this time, there are no state regulations requiring parental notification. This new federal requirement would create additional administrative monitoring and paperwork on both the state and local level. Letters to 3,000 parents would cost over $600 in postage alone. At a time when limited dollars must be maximized for direct services, this seems an unnecessary expense.

Last year, 260 cases of sexually transmitted disease in patients 19 years or younger were reported to the N.H. Bureau of Communicable Disease Control. Half of these cases were from public clinics; the youngest was 9 years of age. Patient records in N.H. must be maintained for seven years past the age of majority. The effort in maintaining confidential files and information on 130 individuals per year for reporting purposes is unreasonable. The problems inherent with record storage and maintaining confidentiality for a long period of time are immense. The process of exceptions would be time, personnel and dollar intensive in this state.

Family Planning services provide the initial experience with primary health providers for many teenagers in N.H.; the role this program plays in teaching individual responsibility and improving health habits should not be overlooked. Health screening components for immunization, VD, cancer and nutrition, combined with thorough medical screening for problems prior to prescription help ensure that these young women will be healthy citizens and mothers in the future. While the parental concerns for children using medications is legitimate, the long-term medical and social consequences of an unplanned pregnancy outweigh the benefits of familial participation in at least 25% of the cases.

These proposed regulations, over time, would increase the teenage pregnancy rate in N.H., which has been decreasing since the institution of the Title X program. This, in turn, would increase the incidence of low birth weight births, infant deaths, child abuse, birth defects and increase the state burden for medical assistance, housing, food stamps, and other welfare costs. For these reasons, the State of N.H., Department of Health and Welfare, is diametrically opposed to the proposed regulations of the Department of Health and Human Services.

The counseling currently provided through Title X Family Planning agencies, combined with intensive efforts to increase parental effectiveness as sex educators, are the logical and practical method of meeting the Congressional intent of this amendment. Additional funds should be earmarked to continue and expand proven programs that allow teens and families to open communication around the issues of adolescent sexuality.

Very truly yours,

EDGAR J. HELMS, Jr.,
Commissioner, Department of Health and Welfare.

STATE OF NORTH CAROLINA,
DEPARTMENT OF HUMAN RESOURCES,
Raleigh, NC, March 11, 1982

MARJORY MECKLENBURG,
Acting Deputy Assistant Secretary for Population Affairs, Department of Health and Human Services, Washington, DC.

DEAR MS. MECKLENBURG: I have already communicated to Secretary Schweiker my opposition to proposed Title X regulations requiring parental notification in connection with the provision of family planning services to unemancipated minors. With the formal period for public comment now underway, I am writing to you with even stronger concerns. The earlier draft of the regulations carried the very serious likelihood of discouraging sexually active adolescents from seeking needed health services and increasing the incidence of pregnancy in an age group vulnerable to significant health and social risks associated with early childbearing. The regulations in their published form are frankly beyond belief in terms of the lengths to which you would propose to go in creating barriers for adolescents seeking to take responsible action in matters of fertility control. For the service provider, they present an administrative nightmare with respect both to extremely burdensome record keeping requirements and the added investigatory role of discovering "substantial grounds" for waiver of the notification requirement that might be warranted in individual situations.

I maintain the view that there is nothing positive to be achieved by the proposed regulations. Restriction of confidential access to reproductive health care services will not have the effect of discouraging sexual activity among adolescents. There is broad agreement among my colleagues in the medical profession on this point. You and I are both aware of the opposition which has been voiced by representative organizations including the AMA, ACOG, and the American Academy of Pediatrics.

The proposed regulations represent an affront to qualified health care providers who do take seriously the obligation to work with adolescents in encouraging family involvement and who are quite able to make reasoned judgments concerning when and under what circumstances parental notification may be appropriate. Fortunately for us in North Carolina, our State legislators have recognized this kind of professional competency and have legislated accordingly.

I repeat to you what I have already communicated to Secretary Schweiker. The proposed regulations are regressive and ill-conceived. Our state does not need or desire this kind of direction.

Sincerely,

SARAH T. MORROW,
Secretary.

NORTH CAROLINA
DEPARTMENT OF ADMINISTRATION,
Raleigh, NC, April 20, 1982.

Ms. MARJORY MECKLENBURG,
Acting Deputy Assistant Secretary for Population Affairs, Room 725H, U.S. Department of Health and Human Services, 200 Independence Avenue, SW., Washington, DC.

DEAR MS. MECKLENBURG: I am writing to you on behalf of the North Carolina Task Force on Women and the Law. Our task force is composed of twenty-six professional people from across the State, including four members of the N.C. General Assembly, nine Attorneys and two District Court Judges. On April 17, 1982 we met and discussed the "regulations for federal funded family planning clinics that will require clinics to notify parents when teens under 18 receive prescription methods of birth control." We are adamantly opposed to this regulation and feel that if it does go into effect that it will have a devastating effect on the family.

The regulation will not encourage "family participation" as is the intent. It will, however, increase the now alarming rate of teenage pregnancy, the rate of abortions and will increase the number of unwanted children, many of whom will be categorized as the "truly needy" on our welfare rolls.

Again we oppose this regulation and encourage its removal from the federal regulations. Thank you for your attention.

Sincerely,

MIRIAM J. DORSEY,
Executive Director.

SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL,
Columbia, SC, March 2, 1982.

MARJORY MECKLENBURG,
Acting Deputy Assistant Secretary for Population Affairs, Room 725H, 200 Independence Avenue, SW., Washington, DC.

DEAR MS. MECKLENBURG: This letter is in response to the proposed regulations requiring that parents be notified when teens utilize Title X family planning services.

The regulations were discussed at the February 25, 1982, meeting of the Board of the South Carolina Department of Health and Environmental Health. The Board passed the following resolution:

"Whereas we find the proposed regulations for notification of parents of unemancipated minors receiving family planning services to be violation of the intent of Congress, destructive to families, and punitive to our youth, and

Whereas, the proposed regulations are likely to result in a substantial increase in the already alarmingly high teenage pregnancy rate, and

Whereas, it will be impossible for our program to implement these regulations in any reasonable way.

Now therefore, be it resolved that:

The Department of Health and Environmental Control express the opposition of the Board of these regulations to Secretary Schweiker immediately."

South Carolina has a serious teenage pregnancy problem. In 1980 there were 4,290 births to girls seventeen years and younger and 1,820 abortions to girls in the same age group.

I am very much opposed to the proposed regulations for the following reasons:

1. The regulations do not address the very real and complex problem we face in our communities regarding teenage sexuality and pregnancy. In a national study it was estimated that if such requirements were in place, 36% of the teenagers now coming for family planning services would drop out. In South Carolina that would put approximately 4,000 girls at greater risk of pregnancy. Even if only a fraction of that number actually experience a pregnancy, it is far too high a risk. Thirty percent of pregnancies to girls seventeen and younger in South Carolina result in induced abortion. It is clear that these regulations will result in increased births and abortions to teens.

2. Only one in seven teenagers come for contraception before they initiate sexual activity. Four in ten come because they think they are already pregnant. It seems obvious that notification of parents after the fact is doing far too little, too late. If we want to be effective, we need to work with parents to help them understand the problem and learn how to talk with their children.

3. The regulations would impose an absolutely impossible administrative burden on a program already facing funding decreases. The cost would be thousands of dollars in this state alone. Even if a teenager stated that her parents were aware of her visit to the clinic, we would still have to go through an elaborate process of notification and verification. That is redundant and unnecessary. We estimate the cost of postage alone would be over $15,000 if we only send one notification per client a year. We assume that each visit during the year would require notification so the cost would multiply. We can not even estimate the personnel time and cost involved.

4. These regulations would divert scarce resources from serving all our clients and most likely result in refusing many older women service. We can not afford that in a state faced with so many serious perinatal health problems.

5. Family Planning Projects have always attempted to deal with families in a positive way. These regulations will reduce our credibility with teens and the community. They will act as a barrier to teens coming for other services, such as, pregnancy testing and V.D. services.

6. The regulations allow us to make exceptions in cases where physical harm would result from the notification. How can staff possibly make that decision? If the attempt is to involve the family in the care of teens and decrease the role of project staff, then this is a very inconsistent provision. It will force us to make value judgments about which families are appropriate to involve and put us right in the middle of a family decision. Those high risk families are exactly the ones we need to work with most closely.

7. Finally, I believe that these regulations do not follow the intent of Congress. We all want to address the problem and we feel that families need to be involved in the care of their children; however, these regulations will not do that. They will exacerbate an already very serious problem.

On behalf of the Department of Health and Environmental Control Board and my staff, I urge you to reconsider and withdraw these regulations. We will be happy to work with you and look forward to finding more realistic, innovative, and productive solutions to the problems facing our youth.

Sincerely,

ROBERT S. JACKSON, M.D.,
Commissioner.

OFFICE OF THE GOVERNOR,
STATE OF VERMONT,
Montpelier, VT, March 30, 1982.

Hon. RICHARD S. SCHWEIKER,
Secretary of Health and Human Services, Hubert H. Humphrey Building, 200 Independence Avenue SW, Washington, DC.

DEAR SECRETARY SCHWEIKER: I am concerned about the proposed regulations issued by the Department of Health and Human Services on February 22 that would require parental notifications for minors receiving prescription contraceptive services under Title X Federal Family Planning Programs.

These regulations are likely to create a situation in which teenagers discontinue family planning services. These teenagers, already sexually active, would turn to less effective birth control methods, or no birth control methods, and this would result in increased teenage pregnancies.

I strenuously support the involvement of families in decisions affecting the health and reproduction. Family planning clinics in Vermont do encourage family discussion and participation through a number of sexuality and family life education courses for both teenagers and their parents. However, the imposition of a mandatory requirement is likely to discourage those who need these services most.

I suggest that the regulations be modified so that they contain provisions that would encourage parental notification and provide methods of assurance be developed locally. This is consonant with our shared interest in making the states responsible for public health programs and allowing the necessary administrative flexibility to administer family planning services. Such a policy will assist us in Vermont in meeting our public health objectives, which include reduction of teenage pregnancy and education of both teenagers and their families in reproductive health.

Sincerely,

RICHARD A. SNELLING,
Governor.

COMMONWEALTH OF VIRGINIA,
OFFICE OF THE GOVERNOR,
Richmond, VA, January 13, 1982.

Hon. RICHARD S. SCHWEIKER,
Secretary of Health and Human Services, Hubert H. Humphrey Building, Washington, DC.

DEAR SECRETARY SCHWEIKER: It has come to my attention that you have under consideration the issuance of regulations which would require parental notification of family planning services provided to minors in clinics supported by federal funds.

Virginia has long recognized the need for confidentiality between the physician and the minor patient for treatment of venereal or contagious diseases, birth control, pregnancy and family planning; substance abuse; and mental or emotional disturbances. Sexual sterilization is a specific exemption.

In the last ten years the Virginia law has been amended four times but the question of a requirement of parental notification has never been presented. This, I believe, reflects support of the concept of the minor consent law by the elected representatives of the citizens of the Commonwealth as well as understanding of the serious health consequence which might be suffered should minors fail to seek treatment because of parental notification.

It is my personal belief that the retention of confidentiality between the physician and the minor patient is critical to the health and well-being of many of our young citizens. For many, the proposed new federal regulations would jeopardize their future health.

JEAN L. HARRIS, M.D.

STATE OF WYOMING, DEPARTMENT
OF HEALTH AND SOCIAL SERVICES,
Cheyenne, WY, June 9, 1982.

Hon. RICHARD S. SCHWEIKER,
Secretary of Health and Human Services, Hubert H. Humphrey Building, Washington, DC.

DEAR SECRETARY SCHWEIKER: The purpose of this letter is to convey to you that the State of Wyoming is opposed to the proposed DHHS regulations mandating parental notification for minors receiving services under the Title X federal family planning program. We believe that such a regulation will discourage teenagers from obtaining needed family planning information, increase unwanted and unplanned pregnancies, and exceeds the intent of the Congress.

We do not believe that this rule will increase the communication between adolescents and their parents but will, in fact, have just the opposite effect. We believe it will create an underground market for birth control pills, for example, and that 19 and 20 year old females will be obtaining pills for their younger sisters.

In summary, we hope you will accept this letter as Wyoming's formal objection to this rule.

Thank you for your consideration.

Sincerely,

STANLEY H. TORVIK,
Director.

Mr. KENNEDY. So, Mr. President, I hope this amendment will not be accepted. We have debated this issue. We know from the debates we have had on title X, over a very considerable period of time, about how we can best try to come to grips with the results of the deterioration in family values, that this is a very complex issue that defies any simple, easy solution. As H.L. Mencken said, "There is always an easy solution to every human problem—neat, plausible, and wrong."

We have just heard that now.

I must say, for those who understand what is happening to many of the young people, and make the strong and powerful case about the fact that so many of these young, teenage girls are lost—in terms of their own emotional feelings—ignored, abused, and denied the real sense of a nurturing life and community. All of this remains a certain challenge to us as a humane and decent society. It is a challenge to families, to communities, to the churches, to all of us in our society.

I think that was the essence which the President was talking about the other evening. That was what I think is the challenge for us as a country, a people who are concerned about this enormously tragic, difficult, and explosive problem we are facing in so many communities around the country. That is out there. We have to address it. In many respects we are hopeful the underlying legislation may have some impact on it by giving young people who are challenged intellectually and challenged through their learning experi-

ence and inspired by teachers, inspired by the change of curriculum, a chance to become interested in learning and to get the sense of self-esteem and self-value, to make a judgment and decision about the course that their lives are going to take. That is what we hope to do. We hope to reduce the kinds of tragic lifestyles that in so many instances have children begetting children, begetting children, begetting children. I think there is a good opportunity to have at least some impact, even a measurable impact, through the underlying legislation that is before us. But this amendment is not the way to go.

Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator has 12½ minutes left.

Mr. KENNEDY. I will withhold the remainder of the time. If I understand the Senator from North Carolina, if he is not going to make any further comments, then I will present to the Senate the alternative in behalf of Senator JEFFORDS and myself, and make a very brief comment.

I will make that comment at the present time. Effectively, it will be the language that says that: To the extent practical, entities which receive Federal funds for the distribution of contraceptives to minors shall develop procedures to encourage family participation in such programs.

It will emphasize "to the extent practical." It will probably have one standard out in my own State in Concord and Lexington, MA; you will have another one in Roxbury, MA.

I think we have seen that over a period of time. It seems to me the best way to go. We will continue to monitor that provision. We are always glad to get information from any of our colleagues about how this measure is being implemented—its strengths, its weaknesses. We hope the Senate will support that alternative.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from North Carolina has no time.

Mr. HELMS. Does the Senator yield back the remainder of his time so we will get to his amendment?

Mr. KENNEDY. I yield back the remainder of my time on that, yes, sir.

The PRESIDING OFFICER. All time is yielded back. All time has expired on the amendment.

The yeas and nays have already been ordered.

AMENDMENT NO. 1393

Mr. KENNEDY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY], for himself and Mr. JEFFORDS, proposes an amendment numbered 1393.

The amendment is as follows:

At an appropriate place in the bill, insert the following:

The Department of Health and Human Services and the Department of Education shall ensure that all federally funded programs which provide for the distribution of contraceptive devices to unemancipated minors develop procedures to encourage, to the extent practical, family participation in such programs.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, I will not take a great deal of time. I offer that amendment on behalf of myself and the Senator from Vermont, Senator JEFFORDS.

This language here is, I think, the result of prior debates, discussions, votes, and also represents the existing law which, to the best of our knowledge, to the best of our knowledge on our committee, has been functioning and working effectively.

We did not have it brought to our attention—and I am sure it would have been by any number of our colleagues—that the practical results of this kind of language is not effective in meeting a complex, difficult, and challenging issue.

I hope we will have the support of the membership on that particular language.

I reserve the remainder of my time.

Mr. PELL. I rise in opposition to the amendment offered by the Senator from North Carolina which would prohibit the use of Department of Education or Department of Health and Human Services funds for the distribution or provision of contraceptive devices to adolescents without the prior written consent of their parent.

First, this amendment is overbroad. It seeks to limit the use of funds by the Department of Health and Human Services as well as the Department of Education. I do not think this is the forum in which to debate or limit the use of DHHS funds. This is a bill that is devoted to the President's education Goals 2000 Program, and I think we should try to stick to that.

As it relates to this bill and education programs in general, then, this amendment is a clear attempt to undermine the role and effectiveness of the school health clinic in a critically important area: reproductive counseling and services.

In my view, school-based clinics deal effectively not only with such issues as nutrition and physical fitness, but also with the prevention of sexually transmitted diseases and unintended pregnancies. Many clinics provide needed health services as well as counseling and referral. These clinics, which are often on-site, give kids a safe place to go for health care and counseling, and allow qualified professionals to intervene much earlier in a crisis than they might ordinarily be able to do.

It is not my intention to speak either in support of or in opposition to the distribution of condoms or other contraceptive devices in a school setting. Rather, it is my view that such sensitive decisions, including the particular health services that a school-based clinic may offer, should be a local decision, and be based on community needs and values. This amendment would effectively prohibit local communities, through their school health clinics, from addressing the health needs of a particularly vulnerable and hard-to-reach population—adolescents. I think we should do all we can to foster clinics which have the support of the local community and which promise important health benefits.

I urge my colleagues to oppose this amendment, and to support instead the amendment which will be offered by the chairman of the full committee, Senator KENNEDY, which will ensure the involvement of local communities and parents in deciding which services such clinics will offer.

The PRESIDING OFFICER. Who yields time? The Senator from North Carolina is recognized.

Mr. HELMS. Mr. President, I want to go back to the New York court opinion from the New York appellate division which reversed the condom program in New York City.

This program was instituted, as I understand it—and I was just speaking with the distinguished Senator from New York [Mr. D'AMATO] about it—in the New York City schools by the former chancellor of the schools who was known as Condom Joe Fernandez. It was this particular condom policy that helped lead to Mr. Fernandez's dismissal.

But anyhow, three out of the five judges on the New York court joined in the decree—and I think I need to read it, or at least a part of it, and then I am going to ask the Senator from New York if he wants to elaborate a bit because the decision is from his State and his court.

The holding from the court overturning the New York City Schools' condom policy decreed:

The petitioner parents are being compelled by State authority to send their children into an environment where they will be permitted, even encouraged, to obtain a contraceptive device, which the parents disfavor as a matter of private belief. Because the Constitution gives the parents the right to regulate their children's sexual behavior as best they can, not only must a compelling State interest be found supporting the need for the policy at issue, but that policy must be essential to serving that interest as well. We do not find that the policy is essential. No matter how laudable its purpose, by excluding parental involvement, the condom availability component of the program impermissibly trespasses on the petitioners' parental rights by substituting the [school authorities] in loco parentis, without a compelling necessity therefore * * *.

Through its public schools the City of New York has made a judgment that minors should have unrestricted access to contra-

ceptives, a decision which is clearly within the purview of the petitioners' constitutionally protected right to rear their children, and then has forced that judgment on them. * * *

We conclude that the condom availability component of the [schools'] program violates the petitioner [parents'] rights to direct the upbringing of their children.

I am going to leave it to Senator D'AMATO to expound on that.

I also happen to have here a very interesting and pertinent article published in the Washington Times on January 28. The headline is: "How safe are they? Critics are now asking." The subject, of course, is condoms.

Now the young people who are being given these condoms without their parents knowing anything about it assume that since the Government is giving them the condoms, everything must be hunky-dory and they are safe. And because it is politically improper—politically incorrect—to talk about values and morality, and so forth, they assume, of course, that it is the thing to do because they see it on television all the time and they read about it and they say, "Am I missing out? Why not me? Why shouldn't I do it?"

But nobody in the school says, "Look, let us talk about values, the risks to your future, the possible emotional hurt" or any of that. That is politically incorrect. The officials will not talk about such values in the schools. But they will say, "You cannot read the Bible. You cannot pray. But here, have a condom."

That is the point of this amendment. I do not care what the Senator from Massachusetts says. He said something about 26 States approving the distribution of condoms to minors without the consent of their parents. Well, fine, but let those States do it without Federal funds. If those schools want to go to their own legislatures to get money for such activities, I bet 25 of the State legislatures will say, "No way, Jose."

You see, the social engineers slide these things through and hope no one notices. Well, the 26 States have no right to do things with Federal money that the Congress says is improper, and I believe that any State court, certainly in North Carolina, would say exactly what the New York court said—that such programs violate parents' rights. I believe that because I know exactly—I think I do—how the majority of people in North Carolina feel.

Mr. President, I think I am going to stop shortly because I want to hear Senator D'AMATO, but I do ask unanimous consent that the previously referred to article of January 28, 1994, in the Washington Times, "How safe are they? Critics are now asking," be printed in the RECORD.

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

[From the Washington Times, Jan. 28, 1994]

HOW SAFE ARE THEY? CRITICS ARE NOW ASKING

(By Joyce Price)

If current government policy is any indication, condoms must have become a lot safer in the past five years.

In February 1989 a U.S. Public Health Service task force issued a warning about the risk of condom failure.

The task force, which included representatives of the federal Centers for Disease Control and Prevention, the Food and Drug Administration, and the National Institutes of Health, warned that even with a condom any type of intercourse with a person known to be infected with the AIDS virus is so hazardous that "alternative methods of expressing physical intimacy" should be considered, according to a Los Angeles Times article the day after the task force issued its report.

Today, federal health officials say condoms are "highly effective" in preventing the transmission of the human immunodeficiency virus, which causes AIDS, when used "consistently and correctly."

The government has launched an $800,000 condom advertising campaign on television and radio. Health officials describe the campaign as an HIV "prevention marketing initiative" aimed at young people.

The public service announcements tell audiences latex condoms will protect them from HIV infection. Some of them make this statement without adding the caveat about the need for consistent and correct usage.

Critics of the ad campaign, unveiled this month by Health and Human Services Secretary Donna Shalala, AIDS czar Kristine M. Gebbie, and CDC officials, say it not only flies in the face of family values, but ignores a lot of solid scientific research on condom failure rates.

"Condoms don't prevent HIV transmission. * * * They just reduce risk," said W. Shepherd Smith Jr., president of Americans for a Sound AIDS/HIV Policy, a group that has kept track of much of the research on condoms.

"It's wrong for the government to overpromote something that's not nearly as safe as they claim when we're talking about a fatal disease," he said.

His protests are in line with the observations of Ronald F. Carey and other researchers at the Food and Drug Administration in a report published in the journal Sexually Transmitted Diseases in July 1992.

The FDA researchers found that "leakage of HIV-sized particles through latex condoms was detectable for as many as 29 of the 89 condoms tested." They concluded that condom use "substantially reduces but does not eliminate the risk of HIV transmission."

In launching the ad campaign, Dr. David Satcher, director of the CDC, cited a European study presented last year at the International AIDS Conference in Berlin that found latex condoms had a "99 percent plus" effectiveness rate in preventing HIV transmission "when used consistently and correctly."

People who call the CDC's AIDS hot line (800/342-AIDS) are told about two recent European studies—a French-based study that recruited couples from nine countries and an Italian study—that found a 0 percent and 1.1 percent failure rate, respectively, for latex condoms when used consistently.

But Tom Smith, executive director of the Medical Institute for Sexual Health in Austin, Texas, said he wonders why federal health officials haven't mentioned a late-1980s study by University of Miami researchers "which found a 17 percent condom failure rate over an 18-month period."

And he's concerned that no one at the Department of Health and Human Services is discussing a "meta-analysis" of condom effectiveness in preventing heterosexual transmission of HIV that was published last year by Susan Weller of the University of Texas Medical Branch. After reviewing 11 published studies of condom effectiveness, "she suggested there was a 31 percent condom failure rate," Mr. Smith said in a telephone interview.

"Condoms will not eliminate risk of sexual transmission, and, in fact, may only lower risk somewhat," Miss Weller concluded in her report in the British journal Social Science Medicine.

C.M. Roland, the editor of Rubber Chemistry and Technology, has strong doubts about the ability of latex to prevent HIV transmission. He has written that "the rubber comprising latex condoms has intrinsic voids about 5 microns [0.0002 inch] in size. Since this is roughly 10 times smaller than sperm, the latter are effectively blocked in ideal circumstances. * * * Contrarily, the AIDS virus is only 0.1 microns [0.000004 inch] in size. Since this is a factor of 50 smaller than the voids inherent in rubber, the virus can readily pass through the condom should it find such a passage.

As for the European study that found that no HIV transmission by infected partners who used condoms, Tom Smith noted that the researchers could only get half of the 245 couples who participated to use condoms faithfully.

"These people should have been highly motivated [to reduce sexual risks] because they knew their partners were infected with HIV," he said. "So why couldn't they get them to use condoms if they are so wonderful. And if you can't get highly motivated people to use them, how are you supposed to get other people to use them?"

W. Shepherd Smith Jr. pointed out that in the Italian study, which found a 1.1 percent failure rate among those who always used condoms, 22 women were on the pill.

"They didn't use condoms, and they didn't get infected" by their infected partners, he said. "Does this mean the pill is as effective as a condom" in preventing HIV transmission?

Even groups that believe the condom ad campaign is long overdue say it's missing crucial information needed to protect people against HIV infection.

"What's the deal with dancing condom without water-based lubricant—essential information—a million-dollar campaign that doesn't have essential information?" Wayne Turner of ACT-UP D.C. asked Miss Shalala recently after interrupting a speech she was delivering to members of the National Abortion Rights Action League.

In one ad, a packaged condom leaps from a dresser drawer, scurries across a bedroom floor and wriggles under the covers with an amorous couple.

ACT-UP says the ads should make it clear that condoms must be used only with water-based lubricants because oil-based lubricants cause latex condoms to deteriorate.

The protest by Mr. Turner was one of two unwelcome surprises for Miss Shalala after she introduced the condom ads. The other was a disclosure that Anthony Kiedis, lead singer of the funk-rock group Red Hot Chili Peppers, who was used in one of the radio ads, is a convicted sex offender.

The Kiedis ad, titled "Naked," was immediately pulled from the campaign. Federal

health officials said the ad was withdrawn before it aired. But officials of Americans for a Sound AIDS/HIV Policy said they've spoken to people who heard the ad on the radio.

Sources say Miss Shalala was the driving force behind the government's first condom advertising campaign.

"Clearly, she was the one behind the current initiative," said a source with ties to the CDC.

Shalala spokesman Victor Zonana said: "She was the force responsible for the message that the best way to prevent the sexual spread of HIV is to refrain from sex * * * but if you have sex, use a latex condom consistently and correctly."

But critics say abstinence messages decidedly take a back seat to condom promotion in the ad campaign.

And two of the three television public service announcements on abstinence in the campaign are not new. The male and female versions of the ad, titled "We'll Wait," are recycled from the CDC's "America Responds to AIDS" campaign during the Reagan and Bush administrations.

And some critics say offering condom and abstinence messages sends mixed signals. "It's like handing a drug addict a needle and asking him not to use drugs," said Tom Wykes, executive director of the Catholic Campaign.

ARE CONDOMS SAFE?

Some studies the Health and Human Services Department didn't mention as it unveiled its new condom ad campaign:

Study led by Dr. Margaret Fishl, an AIDS researcher at the University of Miami, found a 17 percent condom failure rate in preventing transmission of the human immunodeficency virus over an 18-month period.

Researchers at the University of Amsterdam found condoms had a 27 percent combined slippage and breakage rate for homosexual males practicing anal sex. Study published in British Medical Journal on July 11, 1987.

In a study of 50 prostitutes, researchers at St. Mary's Hospital in London found that those engaged in anal sex said condoms split more than 50 percent of the time. Released Dec. 21, 1985.

Consumer Reports, in its March 1989 issue examining 40 different latex condom models, found 32 had maximum failure rates of 1.5 percent; six had maximum failure rates of 4 percent; and two had failure rates of up to 10 percent.

A study using two brands of condoms, published in Family Planning Perspectives in February 1992, found that nearly 15 percent either broke or slipped off the penis during intercourse.

In a 1993 review of 11 published studies on condom effectiveness in reducing heterosexually transmitted HIV, Susan C. Weller of the University of Texas Medical Branch in Galveston found that condoms reduce HIV infection risk by approximately 69 percent.

In a study published in the July/August 1992 issue of the journal Sexually Transmitted Diseases, Ronald F. Carey of the FDA found that "leakage of HIV-sized particles through latex condoms was detectable for as many as 29 of the 89 condoms used" in his research.

Mr. HELMS. Mr. President, before I finish, I feel the record should reflect at least a few of the statistics concerning the rate of failure of condoms as mentioned in the Washington Times article, because it is almost criminal that our children are being given condoms without being told about these statistics.

The article notes that a study led by an AIDS researcher at the University of Miami, Dr. Margaret Fishl, found a 17-percent condom failure rate in preventing HIV transmission over the 18-month period of her study.

Researchers at the University of Amsterdam in 1987 found an even higher condom failure rate of 27 percent for homosexual males.

Another study, in 1992, in "Family Planning Perspectives"—a publication put out by Planned Parenthood, by the way—found that the overall failure rate of condoms in the United States is 15 percent.

And finally, a 1993 review by the University of Texas of 11 different studies published on the effectiveness of condoms in reducing HIV infection among heterosexuals found that condoms reduced the risks of HIV infection by just 69 percent—hardly the 100-percent iron-clad guarantee our kids are led to believe when the schools hand the condoms out.

Dr. Theresa Crenshaw, a past president of the American Association of Sex Education Counselors and Therapists summed the situation up way back in 1987 when she testified before a congressional subcommittee in the House and said: "Saying that use of condoms is safe sex is in fact playing Russian Roulette. A lot of people will die in this dangerous game."

Mr. President, it is our school children who are going to die in this dangerous game unless the Senate votes to put a stop to this nonsense of handing out condoms to children in the schools without parental consent.

Mr. President, I am now going to yield to my friend from New York, who will discuss the appellant court opinion on this issue from his State. I appreciate his bringing that information to the attention of the Senate.

I yield the remainder of my time to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York has 21 minutes.

Mr. D'AMATO. Mr. President, let me commend the Senator for bringing forth this amendment because what we are talking about is a basic, constitutional right as it relates to parents and parental responsibility, and whether or not a government, even with a well-intended purpose, has the right to usurp that.

I do not believe that anyone can say that the Second Department Appellate Division, which made the decision affecting that program of condom distribution in the public schools in New York, is not a court of learned, distinguished jurists. Some might say liberal, or even ultraliberal, but let me say regardless of political philosophy, as it relates to interpreting the law and the Constitution, they are second to none.

I think it is interesting to note that the amicus brief filed by the parents really made the point that no matter how laudable the intent or the purpose, the parents should not be taken out of the process, because otherwise we could do that with any number of things.

What we are really saying here is, we should not be imposing programs with Federal dollars whereby the rights and obligations and duties of parents will be abridged, the duties and responsibilities will be cut off, will be terminated, they will have no say; they will be left out. I do not think that is the business of Government, to become intrusive in family life and family matters, other than seeing to it youngsters have education, public education, sound public education.

Let me quote from the New York court's opinion, appellate division 1993. It says:

> The petitioner parents are being compelled by State authority to send their children into an environment where they will be permitted, even encouraged, to obtain a contraceptive device which the parents disfavor as a right of private belief. Because the Constitution gives the parents the right to regulate their children's sexual behavior as best they can, not only must a compelling State interest be found supporting the need for the policy at issue but that policy——

And this is important. This is the court speaking.

> must be essential to serving that interest as well.

The court went on to say:

> We do not find that the policy is essential.

Of course, you cannot say it is essential. So if it is a matter of preserving the child's life, we have had the decisions where the court said you cannot withhold a lifesaving technique to this child simply because you may not believe in a blood transfusion. And we have had that because, again, it has to be essential.

And so here we are. This is very clear. It is not a matter of whether or not we are for or against this particular program. That is not my point. But I do argue and say the parents have a right to make that decision. And the Government should not be intruding, into that right and responsibility unless, again, the court says not only is there a compelling interest, but it is essential to the life of that child.

So where there may be a laudable goal, that goal has to be more than laudable. It has to be more than compelling. It has to be essential and has to go absolutely to that life.

I do not know how many of us are going to have an opportunity to really understand and study the nuances of the Senator's amendment, but what he is really saying is basically there are those decisions that should be rendered by Caesar, by Government, and those that should never be taken away that lie properly within the responsibility

and realm of the family. Let us see that the two do not cross.

May I inquire as to how much time we have remaining?

The PRESIDING OFFICER (Mrs. FEINSTEIN). The Senator has 16 minutes and 45 seconds.

Mr. D'AMATO. I thank the Chair.

WHITEWATER/MADISON COUNTDOWN

Mr. D'AMATO. Madam President, today is February 4. We can mark off yet another day in the Whitewater/Madison countdown.

February 4. Only 24 days remain until February 28. That is the supposed legal deadline for the RTC to recover the taxpayers' money from those who may be responsible for its failure or for contributing to the loss of millions of dollars to the taxpayers.

The Whitewater affair is a ticking time bomb that will explode at the end of this month, injuring millions of American taxpayers whose rights to get back federally insured deposits from the Madison Savings & Loan will come to an end.

After the 28th it will not matter. It will not matter if Madison was treated like a personal piggy bank to dispense money to powerful people in the State of Arkansas.

After an unrelenting call for a full and fair investigation of the facts surrounding the failure of Madison Savings & Loan and its involvement with Whitewater Development Co., the Justice Department finally appointed a special counsel. It took, I might say, a number of people on the other side of the aisle who said, "My Gosh, let us do this. Let us not create this aura that possibly there is something that is being hidden."

I might say that it was my friend, the distinguished Senator from New York, who I think finally made the call for a special counsel that struck home, because I do not believe there is going to be any criminal wrongdoing that they are going to find as it relates to the President, to Mrs. Clinton. I just do not believe that to be the case, and my distinguished friend said that.

But it is important to clear up the cloud of doubt, and so that process has begun. And while we have special counsel looking into possible criminal activity—and I am rather certain and hope that he will find none—no one is looking out for the taxpayer. We mix the two up.

I come down in the Chamber and I say, listen, what is taking place on RTC? What are they doing to recover any potential liabilities?

We have 24 days to go. It took nearly 3 weeks to get a letter from Mr. Altman responding to some basic questions. And the letter says nothing. The letter does not say we have so many people who are looking at potential suits that might be brought. The letter does not say we are extending the statute and looking to toll it.

By the way, let me again explain this. In thousands of cases that the RTC has brought, they have used or threatened to use tolling agreements. And the failure of getting a tolling agreement is that the statute may run out. The alternative, unless you enter into this agreement voluntarily we will commence a suit, a broad-based suit making many, many allegations against you will be filed in order to protect the taxpayers' interests, and therefore you should enter into this agreement.

I have asked Mr. Altman to let us know whether or not such a tolling agreement has been sought, and by whom it is sought against. No answer. No answer.

Now, the RTC is not the special prosecutor, and the special prosecutor, indeed, may come in with his report 1 year from now, 9 months from now, well after the statute of limitations. It is not going to help anybody.

Mr. MURKOWSKI. I wonder if the Senator from New York would yield for a question?

Mr. D'AMATO. Certainly.

Mr. MURKOWSKI. The Senator from New York has brought up the issue of the special prosecutor, and that brings to mind the question of congressional oversight. As the Senator from New York recalls, Sam Ervin, the late Senator Sam Ervin conducted hearings on Watergate at the same time Archibald Cox was conducting one on Watergate. The question is, Should not Congress be given the opportunity to have oversight of the process just as we saw in the Watergate issue?

Mr. D'AMATO. There is absolutely no doubt. The two do not conflict. Some would have you think that this would impede somehow the special prosecutor's investigation. We certainly would not be calling witnesses and people who might possibly be defendants. We would be examining the process and what, if anything, has been done, what files, if any, have been made available, what problems have they encountered.

Mr. MURKOWSKI. Madam President, I wonder why it would not be good for the administration and the President to support this, because it would lead to a quick result, and the worst possible outcome would be for this to drag out slowly. We have seen 3 or 4 months go by already. We have seen rumors. We have seen the innuendoes distracting us from the real business of Government.

So I wonder if the Senator from New York would not agree that the best way to get this issue behind us is to get the issues out in the open, and while the special prosecutor proceeds, the appropriateness of having congressional oversight would, I would certainly think, be appropriate.

Mr. D'AMATO. There is no doubt in my mind that my good friend from Alaska has really struck the essence of this. If we were to have the kind of oversight hearing that would make a thorough public accounting, an accounting to the Congress as to what, if anything, has been done to bring suit against whoever might be liable in this matter, what has been done to preserve the taxpayers' rights as it relates to this matter, what problems do they face in connection with this situation, then I think we could put this matter behind us.

It would not be necessary for this Senator to come to the floor in an attempt to find out what every Member of the Congress has a right to find out. When we send a letter, two letters, to Mr. Altman and it is only after the chairman of the Banking Committee finally calls that we get a letter. The letter of February 1, sent to me which does not address any of the issues or questions raised with respect to Whitewater but acknowledges that, yes, we have entered into tolling agreements.

That is not answering the basic questions that we have a right to now know.

Mr. MURKOWSKI. Madam President, we heard so much relative to the role of the independent counsel to look at criminal issues only and that there is really no necessity of oversight from Congress. But I would ask my friend from New York in the public record we know that there is $45 million to $47 million of taxpayers' money in the Madison S&L case in bailout funds that were involved. Would that not make it Congress business and clearly in the public's business?

Mr. D'AMATO. Clearly. This is a statutory requirement that talks about the RTC reporting to the banking Committees in both the Senate and the House twice a year. We have not had a report since March of last year. But some ask, why the interest in this case. They say "You have not asked in any other case." I said where do you have a situation where you have the No. 3 person in the Justice Department whose father-in-law is reported to have received a $500,000 or $600,000 loan and has not paid it back?

I have been told that the present Governor of Arkansas received loans amounting to about $1 million from the same institution and did not pay them back or a substantial amount of it back. What efforts have been made to collect it, if any? Why? Is that true or is it not true? Do we have a right to know?

Are we going to say, by the way, as some have had said, Senator, you want to extend the statute of limitations in this case and you voted against extensions in previous areas. I do not want to extend the statute of limitations. I think this case should be handled like

any and all other cases; no different. It should not be swept under the rug. We should not place Mr. Altman in a very precarious position. Here is Mr. Altman, a Presidential appointment, Under Secretary of the Treasury, respected individual, appointed by the President, and he now is in charge of the very agency that has to be conducting an investigation as it relates to conduct that touches on the President and Mrs. Clinton and other key administration figures.

There may be absolutely no wrongdoing. I do not think there is any criminal wrongdoing. I will say that right now for the RECORD.

Mr. MURKOWSKI. Will the Senator yield?

Mr. D'AMATO. Certainly.

Mr. MURKOWSKI. Would the Senator not agree that there are more issues here than the issue of whether crimes were committed? I doubt very much if that is the case. But there are conflict of interest issues and questions here. There are ethical issues. There is pressure on State regulators as far as that being an issue. They may not have violated the letter of the law. But certainly the spirit has been left in question.

I wonder as well if my friend from New York would feel comfortable leaving this matter simply to a special prosecutor. We have recently seen the results of Mr. Walsh's Iran-Contra investigation. I think it was the $34 million, I guess, and how many months was it since 1987?

Mr. D'AMATO. Years.

Mr. MURKOWSKI. It was years.

Here we are prepared to go into another special prosecutor with no balance from congressional oversight. While I have the highest admiration for Mr. Fiske, by the same token, the question of an appropriate congressional oversight I think is lacking here, and the justification for it, as the Senator from New York and I have discussed, is the fact that Madison S&L is a taxpayer bailout of some $47 million.

So it would seem that we should have the initiative to take this responsibility so that we can encourage the orderly process of the investigation to move on two tracks, and so we can get the issues behind us and the executive branch can move on.

Mr. D'AMATO. The Senator is absolutely correct. We should not allow the fact that the special prosecutor who has been appointed for the primary purposes of looking into criminal conduct and not civil liabilities, and will not have a report to us for months, well after the 28th, that we should not allow that to stop us from carrying out our duties and our obligations. Some people say we should wait. It comes in with a report on something entirely different, and has nothing to do as it relates to any civil liabilities or potential claims that may be waived as a result of our looking the other way.

Madam President, how much time do we have remaining?

The PRESIDING OFFICER. Four minutes and fifty seconds.

Mr. MURKOWSKI. I wonder, Madam President, if I can ask for a clarification relative to the statute of limitations.

It is my understanding—I may stand corrected by the Senator from New York—that the RTC took over Madison February 28, 1989. There was a period of 3 years for civil claims from that time. There was a 5-year time from the takeover occurring for willful misconduct and a 10-year timeframe for criminal acts in criminal causes. I am told ordinarily that there is an automatic tolling or an extension in cases where there was reason to believe that the RTC had not completed its entire investigation.

As the Senator has pointed out, I commend him for it, with the February 28 date rapidly approaching, is he aware of any efforts of the RTC to actually obtain a tolling agreement from the Rose law firm and other potential responsible parties?

Mr. D'AMATO. No. That is exactly the point we are making here.

Madam President, I do not understand why it is that we cannot be told whether or not the RTC is actively pursuing the tolling arrangements which they have done hundreds and hundreds of times, and they do it as a matter of standard procedure.

What is so different? Why should these people be treated differently with Whitewater as opposed to anyone else, or Madison? That is what we are really saying. It is frustrating having people come in to obfuscate the issue. That is what has been done to date.

Second, let me say this in conclusion, I think it absolutely unfair and not right for Mr. Altman, a high ranking political appointee, to be placed in the position where he has to consider what course of action the RTC should pursue. If there ever is a case where he should disqualify himself and see to it that we have someone who can pursue this who is not a member of the administration, to pursue this in a fair manner, it certainly is in this case.

Mr. MURKOWSKI. If I could ask one very quick question. If the tolling agreements cannot be promptly reached within the timeframe that we have, will the potential responsible parties say in the Madison case, will the RTC file claims against these parties to protect interests of the taxpayers being cut short on February 28?

Mr. D'AMATO. That is generally the procedure where this is a refusal by the potential defendant or respondent in a civil suit, to extend the toll. Why, then what takes place is a broad-based suit is brought against those people who have potential liability. That is the other question.

Mr. MURKOWSKI. There is no explanation as to why that has not been done in this case?

Mr. D'AMATO. We have no information as to whether or not they are seeking a tolling agreement, whether there has been an arrangement; whether people are reaching out; whether or not in lieu of the failure of getting that that they will bring that kind of suit they brought before to preserve the taxpayers' interests and rights.

Mr. MURKOSWKI. I thank my friend from New York for responding. I think my colleagues will agree that there is a great deal of information that should be forthcoming to this body, as well as a special prosecutor, and hopefully there will be consideration of an oversight.

Mr. D'AMATO. Madam President, how much time do I have?

The PRESIDING OFFICER. The time remaining is 1 minute 10 seconds.

Mr. D'AMATO. I will conclude by paraphrasing Sgt. Joe Friday: All I want is the facts. That is pretty simple. The clock is ticking. It continues to tick. We are not going to come back here until Monday. We can mark off, effectively, Saturday and Sunday. I will not do it now. I will wait until Monday. That will leave us, effectively, 21 days to go. If those people who are concerned about this, my bringing this forth on the Senate floor, think I am not going to come back, they are mistaken. I will come back every day that the Senate is in session to continue the countdown and to ask the questions: Why not the facts? We want the facts. The people are entitled to the facts.

I ask unanimous consent that a letter from the RTC be printed in the RECORD.

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

RESOLUTION TRUST CORPORATION,
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 en-

richment, 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.

GOALS 2000: EDUCATE AMERICA ACT

The Senate continued with the consideration of the bill.

Mr. LEVIN. Madam President, I ask unanimous consent that the pending amendments be laid aside.

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

AMENDMENT NO. 1394

(Purpose: To provide that no funds shall be denied to any State or local agency because it has adopted a Constitutional policy relative to prayer in public schools)

Mr. LEVIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN] proposes an amendment numbered 1394.

The amendment is as follows:

Insert in the appropriate place in the bill the following:

"Notwithstanding any other provision of this Act, no funds made available through the Department of Education under this Act, or any other Act, shall be denied to any State or local educational agency because it has adopted a constitutional policy relative to prayer in public school."

Mr. LEVIN. Madam President, it is a short amendment. I ask that it be received at this point and then laid aside for other business.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 1393

Mr. JEFFORDS. Madam President, I call up the Kennedy amendment to speak on and would like to speak on the Kennedy amendment.

First, I point out that I understand the feelings of the Senator from North Carolina, and I am sure that in his State and in many other areas of the country his amendment would make a lot of sense and people would be for it. I am sure that seems true for my State. I have also traveled around the country far and wide and understand that in some areas of the country the thought of a young person getting parental consent to obtain contraceptives is not a realistic option. When the option for the kids who themselves are probably operating without much parental guidance at all is to use condoms or have AIDS, we want to make sure that the option to use condoms is there. For that reason, I oppose that amendment.

I do, though, agree with Senator KENNEDY's proposal that we should do everything we can in our society to strengthen the family and the relationship and the understanding among parents and their children, to be able to speak frankly and to talk about sex and the use of condoms and the dangers of not using them.

For that reason, I will support the amendment which Senator KENNEDY and I have offered as an alternative, which will be voted on immediately after the Helms amendment. I would hope that my colleagues would look at that and understand that this is certainly a more reasonable approach in the sense of our modern society. I hope that they will support this alternative and oppose what I believe would be an encroachment upon the local governments and the States in their ability to utilize the funds available for the purpose of primarily preventing the spread of AIDS and teen pregnancies.

I yield the floor.

AMENDMENTS NOS. 1395 THROUGH 1419, EN BLOC

Mr. KENNEDY. Madam President, I send to the desk a package of amendments and ask that they be considered, en bloc.

The PRESIDING OFFICER. The pending amendments are set aside and the amendments will be considered, en bloc.

The clerk will report.

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY] proposes amendments Nos. 1395 through 1419, en bloc.

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 amendments are as follows:

AMENDMENT NO. 1395

On page 24, strike lines 18 through 23, and insert the following:

(d) GIFTS; USE OF FACILITIES.—The Goals Panel may—

(1) accept, administer, and utilize gifts or donations of services, money, or property, whether real of personal, tangible or intangible; and

(2) 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.

On page 27, line 18, strike all beginning with "that" through page 27, line 20, and insert a period.

On page 27, line 24, insert ", including the needs of children with disabilities" after "needs".

On page 28, line 2, insert "including norm-referenced assessments and assessment formats that are appropriate for use in culturally and linguistically diverse communities," after "assessments,".

On page 29, line 5, strike "and" and insert "standards and challenging State".

On page 36, line 17, strike "and" and insert "standards and challenging State".

On page 46, strike lines 14 through 19, and insert the following:

(d) GIFTS; USE OF FACILITIES.—The Council may—

(1) accept, administer, and utilize gifts or donations of services, money, or property, whether real of personal, tangible or intangible; and

(2) 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.

On page 54, line 9, insert "representatives of a distance learning consortia," after "technology,".

On page 54, line 23, strike "and" and insert "standards and challenging State".

On page 56, line 21, strike "and".

On page 56, between lines 21 and 22, insert the following:

(F) how the Secretary will utilize the outcome of the evaluation undertaken pursuant to section 908 of the Star Schools Program Assistance Act to promote the purposes of this part; and

On page 56, line 22, strike "(F)" and insert "(G)".

On page 58, line 11, strike "and" and insert "standards and challenging State".

On page 60, line 13, strike "and challenging State content and" and insert ", challenging State content standards and challenging State".

On page 63, line 20, strike "218" and insert "219".

On page 66, line 21, insert ", including distance learning," before "can".

On page 72, lines 23–24, strike the words "fundamental restructuring and".

On page 77, line 4, strike "and" and insert "standards and challenging State".

On page 77, line 11, strike "and" and insert "standards and challenging State".

On page 77, line 16, strike "and" and insert "standards and challenging State".

On page 80, line 9, strike "and" and insert "standards and challenging State".

On page 83, line 14, strike "and" and insert "standards and challenging State".

On page 88, line 7, strike "and" and insert "standards and challenging State".

On page 90, line 2, strike "and" and insert "standards and challenging State".

On page 100, line 11, strike "State content or" and insert "challenging State content standards or challenging State."

On page 101, lines 9 and 10, strike "upon application of a State educational agency requesting such a waiver".

On page 102, strike lines 8 through 11, and insert the following:

(2) APPLICATION.—(A)(i) To request a waiver, a local educational agency or school that receives funds under this Act, or a local educational agency or school that does not receive funds under this Act but is undertaking school reform efforts and has an education reform plan approved by the State, shall transmit an application for a waiver under this section to the State educational agency. The State educational agency then shall submit approved applications for a waiver under this section to the Secretary.

(ii) A State educational agency requesting a waiver under this section shall submit an application for such waiver to the Secretary.

(B) Each application submitted to the Secretary under subparagraph (A) shall—

(i) describe the purposes and overall expected outcomes of the request for a waiver and how progress for achieving such outcomes will be measured;

(ii) identify each Federal program to be involved in the request for a waiver and each Federal statutory or regulatory requirement to be waived;

(iii) describe each State and local requirement that will be waived; and

(iv) demonstrate that the Senate has made a commitment to waive related requirements pertaining to the State educational agency, local educational agency or school.

(3) TIMELINESS.—The Secretary shall act promptly on a waiver request and shall provide a written statement of the reasons for granting or denying such request.

(4) DURATION.—

On page 104, between lines 12 and 13, insert the following:

(e) RESULTS-ORIENTED ACCOUNTABILITY.—In deciding whether to extend a request for a waiver under this section the Secretary shall review the progress of the State educational agency, local educational agency or school receiving a waiver to determine if such agency or school has made progress toward achieving the outcomes described in the application submitted pursuant to subsection (a)(2)(B)(i).

On page 105, line 3, strike "describing" and insert "describing—".

On page 105, strike line 4.

On page 105, line 5, insert "the activities assisted under, and outcomes of," before "grants".

On page 105, strike lines 14 through 17, and insert the following:

disabilities;

(2) the activities assisted under, and outcomes of, allotments under this title; and

(3) the effect of waivers granted under section 311, including—

(A) a listing of all State educational agencies, local educational agencies and schools seeking and receiving waivers;

(B) a summary of the State and Federal statutory or regulatory requirements that have been waived, including the number of waivers sought and granted under each such statutory or regulatory requirement;

(C) a summary of waivers that have been terminated, including a rationale for the terminations; and

(D) recommendations to the Congress regarding changes in statutory or regulatory requirements, particularly those actions that should be taken to overcome Federal statutory or regulatory impediments to education reform.

On page 115, between lines 20 and 21, insert the following:

SEC. . NATIONAL BOARD FOR PROFESSIONAL TEACHING STANDARDS.

Section 551 of the Higher Education Act of 1965 (20 U.S.C. 1107) is amended—

(1) in paragraph (1) of subsection (b), by striking "the Federal share of";

(2) in subparagraph (B) of subsection (e)(1), by striking "share of the cost of the activities of the Board is" and inserting "contributions described in subsection (f) are"; and

(3) by amending subsection (f) to read as follows:

"(f) MATCHING FUNDS REQUIREMENT.—

"(1) IN GENERAL.—The Secretary shall not provide financial assistance under this subpart to the Board unless the Board agrees to expend non-Federal contributions equal to $1 for every $1 of the Federal funds provided pursuant to such financial assistance.

"(2) NON-FEDERAL CONTRIBUTIONS.—The non-Federal contributions described in paragraph (1)—

"(A) may include all non-Federal funds raised by the Board on or after January 1, 1987; and

"(B) may be used for outreach, implementation, administration, operation, and other costs associated with the development and implementation of national teacher assessment and certification procedures under this subpart.".

SEC. . FORGIVENESS OF CERTAIN OVERPAYMENTS.

(a) IN GENERAL.—Notwithstanding section 1401 of the Elementary and Secondary Education Act of 1965 or any other provision of law—

(1) the allocation of funds appropriated for fiscal year 1993 under the Department of Education Appropriations Act, 1993, to Colfax County, New Mexico under section 1005 of the Elementary and Secondary Education Act of 1965, and any other allocations or grants for such fiscal year resulting from such allocation to such country under any program administered by the Secretary of Education, shall be deemed to be authorized by law; and

(2) in any program for which allocations are based on fiscal year 1993 allocations under section 1005 of such Act, the fiscal year 1993 allocations under such section deemed to be authorized by law in accordance with paragraph (1) shall be used.

(b) Notwithstanding subsection (a)(1) of this section, in carrying out section 1403(a) of the Elementary and Secondary Education Act of 1965 for fiscal year 1994, the amount allocated to Colfax County, New Mexico under section 1005 of such Act for fiscal year 1993 shall be deemed to be the amount that the Secretary determines would have been allocated under such section 1005 had the correct data been used for fiscal year 1993.

AMENDMENT NO. 1396

(Purpose: To provide for a study of the impact of GOALS 2000 school reforms on achievement and outcomes of students with disabilities)

At the appropriate place, insert the following new section:

SEC. . STUDY OF GOALS 2000 AND STUDENTS WITH DISABILITIES.

(a) STUDY REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Education shall make appropriate arrangements with the National Academy of Sciences to conduct a comprehensive study of the inclusion of children with disabilities in GOALS 2000 school reform activities.

"(2) DEFINITION.—For purposes of this section, the term 'children with disabilities' has the same meaning given such in the Individuals with Disabilities Education Act.

(b) STUDY COMPONENTS.—The study conducted under subsection (a) shall include—

(1) an evaluation of the National Education Goals and objectives, curriculum reforms, standards, and other programs and activities intended to achieve those goals;

(2) a review of the adequacy of assessments and measures used to gauge progress toward meeting National Education Goals and any national and State standards, and an examination of other methods or accommodations necessary or desirable to collect data on the educational progress of children with disabilities, and the costs of such methods and accommodations;

(3) an examination of what incentives or assistance might be provided to States to develop improvement plans that adequately address the needs of children with disabilities;

(4) the relation of GOALS 2000 to other Federal laws governing or affecting the education of children with disabilities; and

(5) such other issues as the National Academy of Sciences considers appropriate.

(c) STUDY PANEL MEMBERSHIP.—Any panel constituted in furtherance of the study to be conducted under subsection (a) shall include consumer representatives.

(d) FINDINGS AND RECOMMENDATIONS.—The Secretary of Education shall request the National Academy of Sciences to submit an interim report of its findings and recommendations to the President and Congress not later than 12 months, and a final report not later than 24 months, from the date of the completion or procurement relating to the study.

(e) FUNDING.—From such accounts as the Secretary deems appropriate, the Secretary shall make available $600,000 for fiscal year 1994, and such sums as may be necessary for fiscal year 1995, to carry out this section. Amounts made available under this subsection shall remain available until expended.

AMENDMENT NO. 1397

(Purpose: To provide that a representative of a private, nonprofit elementary and secondary school be represented on the State panel and jointly selected by the chairman of such panel)

On page 73, line 21, insert "private, nonprofit elementary and secondary schools," before "local".

On page 74, line 2, insert "and the representative of a private, nonprofit elementary and secondary school described in paragraph (1)(D)" after "panel".

AMENDMENT NO. 1398

On page 14, line 14, insert ", firearms," after "drugs" and before "and".

AMENDMENT NO. 1399

(Purpose: To permit State educational agencies to use certain title III funds to support innovative and proven methods of enhancing a teacher's ability to identify student learning needs, and to motivate students to develop higher order thinking skills, discipline, and creative resolution methods, including significantly reducing class size and promoting instruction in chess)

On page 89, between lines 10 and 11, insert the following:

(E) supporting innovative and proven methods of enhancing a teacher's ability to identify student learning needs, and motivating students to develop higher order thinking skills, discipline, and creative resolution methods, including significantly reducing class size and promoting instruction in chess;

On page 89, line 11, strike "(E)" and insert "(F)".

On page 89, line 14, strike "(F)" and insert "(G)".

On page 89, line 19, strike "(G)" and insert "(H)".

On page 90, line 4, strike "(H)" and insert "(I)".

On page 90, line 11, strike "(I)" and insert "(J)".

AMENDMENT NO. 1400

(Purpose: To provide authority for the National Education Standards and Improvement Council and its working group on voluntary national opportunity-to-learn standards to consider unsolicited proposals for such standards, and to require the Secretary of Education to award more than 1 opportunity-to-learn development grant)

On page 37, line 8, insert "In carrying out the preceding sentence the Council and the working group are authorized to consider proposals for voluntary national opportunity-to-learn standards from groups other than those that receive grants under Section 218." 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. 1401

(Purpose: To establish procedures by which members of the Goals Panel vote and reach final decisions)

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 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 members of the Goals Panel who are present and voting.

AMENDMENT NO. 1402

(Purpose: To provide that the national opportunity-to-learn standards 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)

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)".

AMENDMENT NO. 1403

On page 16, between lines 15 and 16, insert the following:

(8) TEACHER EDUCATION AND PROFESSIONAL DEVELOPMENT.—

(A) GOAL.—By the year 2000, the Nation's teaching force will have access to programs for the continued improvement of their professional skills and the opportunity to acquire the knowledge and skills needed to instruct and prepare all American students for the next century.

(B) OBJECTIVES.—The objectives for the goal established under subparagraph (A) are that—

(i) all teachers will have access to preservice teacher education and continuing professional development activities that will provide such teachers with the knowledge and skills needed to teach to an increasingly diverse student population with a variety of educational, social, and health needs;

(ii) all teachers will have continuing opportunities to acquire additional knowledge and skills needed to teach challenging subject matter and to use emerging new methods, forms of assessment, and technologies;

(iii) States and school districts will create integrated strategies to attract, recruit, prepare, retrain, and support the continued professional development of teachers, administrators, and other educators, so that there is a highly talented work force of professional educators to teach challenging subject matter; and

(iv) partnerships will be established, whenever possible, among local educational agencies, institutions of higher education, parents, and local labor, business, and professional associations to provide and support programs for the professional development of educators.

AMENDMENT NO. 1404

(Purpose: To provide that nothing in this Act shall be construed to authorize an officer or employee of the Federal Government to mandate, direct, or control the use by a public, private, religious, or home school of any curricular framework, instructional material, examination, assessment or system of assessment)

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 any curriculum framework, instructional material, examination, assessment or system of assessments for home schools.

AMENDMENT NO. 1405

(Purpose: To protect children from exposure to environmental tobacco smoke in the provision of children's services)

At the end of the bill, add the following new title:

TITLE VI—ENVIRONMENTAL TOBACCO SMOKE

SEC. 601. SHORT TITLE.

This title may be cited as the "Preventing Our Kids From Inhaling Deadly Smoke (PRO-KIDS) Act of 1993".

SEC. 602. FINDINGS.

Congress finds that—

(1) environmental tobacco smoke comes from secondhand smoke exhaled by smokers and sidestream smoke emitted from the burning of cigarettes, cigars, and pipes;

(2) since citizens of the United States spend up to 90 percent of each day indoors, there is a significant potential for exposure to environmental tobacco smoke from indoor air;

(3) exposure to environmental tobacco smoke occurs in schools, public buildings, and other indoor facilities;

(4) recent scientific studies have concluded that exposure to environmental tobacco smoke is a cause of lung cancer in healthy nonsmokers and is responsible for acute and chronic respiratory problems and other health impacts in sensitive populations (including children);

(5) the health risks posed by environmental tobacco smoke exceed the risks posed by many environmental pollutants regulated by the Environmental Protection Agency; and

(6) according to information released by the Environmental Protection Agency, environmental tobacco smoke results in a loss to the economy of over $3,000,000,000 per year.

SEC. 603. DEFINITIONS.

As used in this title:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) CHILDREN.—The term "children" means individuals who have not attained the age of 18.

(3) CHILDREN'S SERVICES.—The term "children's services" means services that are—

(A)(i) direct health services routinely provided to children; or

(ii) any other direct services routinely provided primarily to children, including educational services; and

(B) funded, directly or indirectly, in whole or in part, by Federal funds (including in-kind assistance).

(4) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

SEC. 604. NONSMOKING POLICY FOR CHILDREN'S SERVICES.

(a) ISSUANCE OF GUIDELINES.—Not later than 180 days after the date of enactment of this Act, the Administrator shall issue guidelines for instituting and enforcing a nonsmoking policy at each indoor facility where children's services are provided.

(b) CONTENTS OF GUIDELINES.—A nonsmoking policy that meets the requirements of the guidelines shall, at a minimum, prohibit smoking in each portion of an indoor facility where children's services are provided that is not ventilated separately (as defined by the Administrator) from other portions of the facility.

SEC. 605. TECHNICAL ASSISTANCE.

(a) IN GENERAL.—The Administrator and the Secretary shall provide technical assistance to persons who provide children's services and other persons who request technical assistance.

(b) ASSISTANCE BY THE ADMINISTRATOR.—The technical assistance provided by the Administrator under this section shall include information to assist persons in compliance with the requirements of this title.

(c) ASSISTANCE BY THE SECRETARY.—The technical assistance provided by the Secretary under this section shall include information for employees on smoking cessation programs and on smoking and health issues.

SEC. 606. FEDERALLY FUNDED PROGRAMS.

(a) IN GENERAL.—Notwithstanding any other provision of law, each person who provides children's services shall establish and make a good-faith effort to enforce a nonsmoking policy that meets or exceeds the requirements of subsection (b).

(b) NONSMOKING POLICY.—

(1) GENERAL REQUIREMENTS.—A nonsmoking policy meets the requirements of this subsection if the policy—

(A) is consistent with the guidelines issued under section 604(a);

(B) prohibits smoking in each portion of an indoor facility used in connection with the provision of services directly to children; and

(C) where appropriate, requires that signs stating that smoking is not permitted be posted in each indoor facility to communicate the policy.

(2) PERMISSIBLE FEATURES.—A nonsmoking policy that meets the requirements of this subsection may allow smoking in those portions of the facility—

(A) in which services are not normally provided directly to children; and

(B) that are ventilated separately from those portions of the facility in which services are normally provided directly to children.

(c) WAIVER.—

(1) IN GENERAL.—A person described in subsection (a) may publicly petition the head of the Federal agency from which the person receives Federal funds (including financial assistance) for a waiver from any or all of the requirements of subsection (b).

(2) CONDITIONS FOR GRANTING A WAIVER.—Except as provided in paragraph (3), the head

of the Federal agency may grant a waiver only—

(A) after consulting with the Administrator, and receiving the concurrence of the Administrator;

(B) after giving an opportunity for public hearing (at the main office of the Federal agency or at any regional office of the agency) and comment; and

(C) if the person requesting the waiver provides assurances that are satisfactory to the head of the Federal agency (with the concurrence of the Administrator) that—

(i) unusual extenuating circumstances prevent the person from establishing or enforcing the nonsmoking policy (or a requirement under the policy) referred to in subsection (b) (including a case in which the person shares space in an indoor facility with another entity and cannot obtain an agreement with the other entity to abide by the nonsmoking policy requirement) and the person will establish and make a good-faith effort to enforce an alternative nonsmoking policy (or alternative requirement under the policy) that will protect children from exposure to environmental tobacco smoke to the maximum extent possible; or

(ii) the person requesting the waiver will establish and make a good-faith effort to enforce an alternative nonsmoking policy (or alternative requirement under the policy) that will protect children from exposure to environmental tobacco smoke to the same degree as the policy (or requirement) under subsection (b).

(3) SPECIAL WAIVER.—

(A) IN GENERAL.—On receipt of an application, the head of the Federal agency may grant a special waiver to a person described in subsection (a) who employs individuals who are members of a labor organization and provide children's services pursuant to a collective bargaining agreement that—

(i) took effect before the date of enactment of this Act; and

(ii) includes provisions relating to smoking privileges that are in violation of the requirements of this section.

(B) TERMINATION OF WAIVER.—A special waiver granted under this paragraph shall terminate on the earlier of—

(i) the first expiration date (after the date of enactment of this Act) of the collective bargaining agreement containing the provisions relating to smoking privileges; or

(ii) the date that is 1 year after the date specified in subsection (f).

(d) CIVIL PENALTIES.—

(1) IN GENERAL.—Any person subject to the requirements of this section who fails to comply with the requirements shall be liable to the United States for a civil penalty in an amount not to exceed $1,000 for each violation, but in no case shall the amount be in excess of the amount of Federal funds received by the person for the fiscal year in which the violation occurred for the provision of children's services. Each day a violation continues shall constitute a separate violation.

(2) ASSESSMENT.—A civil penalty for a violation of this section shall be assessed by the head of the Federal agency that provided Federal funds (including financial assistance) to the person (or if the head of the Federal agency does not have the authority to issue an order, the appropriate official) by an order made on the record after opportunity for a hearing in accordance with section 554 of title 5, United States Code. Before issuing the order, the head of the Federal agency (or the appropriate official) shall—

(A) give written notice to the person to be assessed a civil penalty under the order of the proposal to issue the order; and

(B) provide the person an opportunity to request, not later than 15 days after the date of receipt of the notice, a hearing on the order.

(3) AMOUNT OF CIVIL PENALTY.—In determining the amount of a civil penalty under this subsection, the head of the Federal agency (or the appropriate official) shall take into account—

(A) the nature, circumstances, extent, and gravity of the violation;

(B) with respect to the violator, the ability to pay, the effect of the penalty on the ability to continue operation, any prior history of the same kind of violation, the degree of culpability, and a demonstration of willingness to comply with the requirements of this title; and

(C) such other matters as justice may require.

(4) MODIFICATION.—The head of the Federal agency (or the appropriate official) may compromise, modify, or remit, with or without conditions, any civil penalty that may be imposed under this subsection. The amount of the penalty as finally determined or agreed upon in compromise may be deducted from any sums that the United States owes to the person against whom the penalty is assessed.

(5) PETITION FOR REVIEW.—A person who has requested a hearing concerning the assessment of a penalty pursuant to paragraph (2) and is aggrieved by an order assessing a civil penalty may file a petition for judicial review of the order with the United States Court of Appeals for the District of Columbia Circuit or for any other circuit in which the person resides or transacts business. The petition may only be filed during the 30-day period beginning on the date of issuance of the order making the assessment.

(6) FAILURE TO PAY.—If a person fails to pay an assessment of a civil penalty—

(A) after the order making the assessment has become a final order and without filing a petition for judicial review in accordance with paragraph (5); or

(B) after a court has entered a final judgment in favor of the head of the Federal agency (or appropriate official),

the Attorney General shall recover the amount assessed (plus interest at then currently prevailing rates from the last day of the 30-day period referred to in paragraph (5) or the date of the final judgment, as the case may be) in an action brought in an appropriate district court of the United States. In the action, the validity, amount, and appropriateness of the penalty shall not be subject to review.

(e) EXEMPTION.—This section shall not apply to a person who provides children's services who—

(1) has attained the age of 18;

(2) provides children's services—

(A) in a private residence; and

(B) only to children who are, by affinity or consanguinity, or by court decree, a grandchild, niece, or nephew of the provider; and

(3) is registered and complies with any State requirements that govern the children's services provided.

(f) EFFECTIVE DATE.—This section shall take effect on the first day of the first fiscal year beginning after the date of enactment of this Act.

SEC. 607. REPORT BY THE ADMINISTRATOR.

Not later than 2 years after the date of enactment of this Act, the Administrator shall submit a report to Congress that includes—

(1) information concerning the degree of compliance with this title; and

(2) an assessment of the legal status of smoking in public places.

SEC. 608. PREEMPTION.

Nothing in this title is intended to preempt any provision of law of a State or political subdivision of a State that is more restrictive than a provision of this title.

AMENDMENT NO. 1406

(Purpose: To make technical changes reading educational technology)

On page 5, line 17, strike "and".

On page 5, line 21, strike the period and insert "; and".

On page 5, between lines 21 and 22, insert the following:

(F) promoting the use of technology to enable all students to achieve the National Education Goals.

On page 6. between lines 23 and 24, insert the following:

(6) the terms "interoperable" and "interoperability" refers to the ability to easily exchange data with, and connect to, other hardware and software in order to provide the greatest accessibility for all students.

On page 6, line 24, strike "(6)" and insert "(7)".

On page 7, line 4, strike "(7)" and insert "(8)".

On page 7, line 9, strike "(8)" and insert "(9)".

On page 7, line 15, strike "(9)" and insert "(10)".

On page 7, between lines 19 and 20, insert the following:

(11) the term "public telecommunication entity" has the same meaning given to such term in section 397(12) of the Communications Act of 1934;

On page 7, line 20, strike "(10)" and insert "(12)".

On page 7, line 23, strike "(11)" and insert "(13)".

On page 8, line 3, strike "(12)" and insert "(14)".

On page 8, line 5, strike "(13)" and insert "(15)".

On page 8, line 7, strike "and".

On page 8, line 8, strike "(14)" and insert "(16)".

On page 8, line 11, strike the period and insert "; and".

On page 8, between lines 11 and 12, insert the following:

(17) the term "technology" means the latest state-of-the-art technology products and services, such as closed circuit television systems, educational television or radio programs, cable television, satellite, copper and fiber optic transmission, commuter, video and audio laser and CD-ROM disks, and video and audio tapes, or other technologies.

On page 53, line 2, strike "and".

On page 53, between lines 2 and 3, insert the following:

(7) to promote the effective uses of technology in existing Federal education programs, such as chapter 1 of title I of the Elementary and Secondary Education Act of 1965 and vocational education programs; and

On page 53, line 3, strike "(7) to monitor" and insert "(8) to monitor, and disseminate information regarding,".

On page 53, line 12, insert "the Office of Science and technology Policy," after "with".

On page 53, line 13, insert "the Department of Energy, the National Aeronautics and Space Administration," after "Commerce,".

On page 54, line 1, strike "to".

On page 54, line 2, strike "carry" and insert "that supports the overall national technology policy and carries".

On page 55, line 1, insert "in support of the overall national technology policy" after "activities".

On page 55, line 2, insert "the Office of Science and technology Policy," after "as".

On page 57, line 14, insert "The Director of Educational Technology shall report directly to the Secretary and shall perform such additional functions as the Secretary may prescribe." after "Technology.".

On page 58, strike lines 3 through 17, and insert the following:

"(1) in support of the overall national technology policy and 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 challenging State student performance standards;

"(2) review all programs and training functions administered by the Department and recommend policies in order to promote increased use of technology and technology planning throughout all such programs and functions;

"(3) review all relevant programs supported by the Department to ensure that such programs are coordinated with and support the national long-range technology plan developed pursuant to this Act; and

"(4) perform such additional functions as the Secretary may require.

On page 58, line 25, strike the end quotation marks and the second period.

On page 58, after line 25, insert the following:

"(d) EXPERTS AND CONSULTANTS.—The Secretary may obtain the services of experts and consultants in accordance with section 3109 of title 5, United States Code.".

On page 59, line 1 renumber (2) to (c).

On page 60, line 24, insert "giving priority to research on, and evaluation of, such effectiveness and benefits in elementary and secondary schools" after "education".

On page 60, after line 24, insert the following:

(10) a biannual assessment of, and report to the public regarding, the uses of technology in elementary and secondary education throughout the United States upon which private businesses and Federal, State and local governments may rely for decision-making about the need for, and provision of, appropriate technologies in schools, which assessment and report shall use, to the extent possible, existing information and resources;

On page 61, line 1, strike "(10)" and insert "(11)".

On page 61, line 4, strike "(11)" and insert "(12)".

On page 61, line 5, strike "and".

On page 61, between lines 5 and 6, insert the following:

(13) encouraging collaboration between the Department of Education and other Federal agencies in the development, implementation, evaluation and funding of applications of technology for education, as appropriate; and

On page 61, line 6, strike "(12)" and insert "(14)".

On page 110, strike lines 4 through 7, and insert the following:

(a) PURPOSE.—It is the purpose of this section to assist each State to plan effectively for improved student learning in all schools through the use of technology as an integral part of the State improvement plan described in section 306.

On page 110, line 13, insert "(or continue the development of)" after "develop".

On page 111, strike lines 20 through 23, and insert the following:

cost-effective, high-speed, statewide, interoperable, wide-area-communication educational technology support system for elementary and secondary schools within the State, particularly for such schools in rural areas; and

On page 112, line 19, insert "public and school libraries," after "parents".

On page 112, lines 23 and 24, strike "necessary".

On page 112, line 25, insert "and school library" after "classroom".

On page 13, between lines 11 and 12, insert the following:

(6) describe the resources necessary, and procedures, for providing ongoing technical assistance to carry out such plan;

On page 113, line 12, strike "(6)" and insert "(7)".

On page 113, line 15, strike "(7)" and insert "(8)".

On page 113, line 19, strike "(8)" and insert "(9)".

On page 113, line 23, strike "(9)" and insert "(10)".

On page 114, line 3, strike "(10)" and insert "(11)".

On page 114, line 8, strike "(11)" and insert "(12)".

On page 114, line 10, strike "and".

On page 114, between lines 10 and 11, insert the following:

(13) describe how the State educational agency will apply the uses of technology to meet the needs of children from low-income families; and

On page 114, line 11, strike "(12)" and insert "(13)".

AMENDMENT NO. 1407

(Purpose: To express the sense of the Senate that States should develop and adopt challenging State content standards and challenging State student performance standards in academic areas)

It is the sense of the Senate that:

Because high academic standards are the key to excellence for all students and a focus on results is an important direction for education reform, it is the sense of the Senate that States should develop their own content and performance standards in academic subject areas as an essential part of their State reform plan.

AMENDMENT NO. 1408

On page 68, line 12, amend Section 304(a)(1) by adding a new subparagraph "(C)" as follows:

"(C) to the Alaska Federation of Natives in cooperation with the Alaska Native Education Council to benefit Alaska Native students; and"

Page 68, line 8, strike "and".

AMENDMENT NO. 1409

(Purpose: To provide for education improvement programs)

The text of the amendment is printed in today's RECORD under "Amendments Submitted."

AMENDMENT NO. 1410

(Purpose: To provide assistance for Home Instruction Programs for Preschool Youngsters)

At the end of the amendment, insert the following:

SEC. . HOME INSTRUCTION PROGRAM FOR PRESCHOOL YOUNGSTERS.

Subsection (b) of section 1052 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2742(b)) is amended by adding at the end the following new paragraph:

"(4)(A)(i) In any fiscal year in which this subsection applies, each State that receives a grant under this part may use not more than 20 percent of such grant funds in accordance with this part (other than sections 1054(a), 1054(b), and 1055) to pay the Federal share of the cost of establishing, operating, or expanding a Home Instruction Program for Preschool Youngsters that is not eligible to receive assistance under this part due to the application of such sections.

"(ii) Each State establishing, operating or expanding a Home Instruction Program for Preschool Youngsters pursuant to clause (i) shall give priority to establishing, operating or expanding, respectively, such a program that targets—

"(I) working poor families or near poor families that do not qualify for assistance under the early childhood programs under the Head Start Act or this chapter; and

"(II) parents who have limited or unsuccessful formal schooling.

"(B) For the purpose of carrying out subparagraph (A), a Home Instruction Program for Preschool Youngsters that is not eligible to receive assistance under this part due to the application of sections 1054(a), 1054(b), and 1055 shall be deemed to be an eligible entity.

"(C) For the purpose of this paragraph—

"(i) the term 'Home Instruction Program for Preschool Youngsters' means a voluntary early-learning program, for parents with one or more children between age 3 through 5, inclusive, that—

"(I) provides support, training, and appropriate educational materials, necessary for parents to implement a school-readiness, home instruction program for the child; and

"(II) includes—

"(aa) group meetings with other parents participating in the program;

"(bb) individual and group leaning experiences with the parent and child;

"(cc) provision of resource materials on child development and parent-child learning activities; and

"(dd) other activities that enable the parent to improve learning in the home;

"(ii) the term 'limited or unsuccessful formal schooling' means the—

"(I) completion of secondary school with low achievement during enrollment;

"(II) noncompletion of secondary school with low achievement during enrollment; or

"(iii) lack of a certificate of graduation from a school providing secondary education or the recognized equivalent of such certificate;

"(iii) the term 'near poor families' means families that have an income that is approximately 130 percent of the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act; and

"(iv) the term 'working poor families' means families that—

"(I) have family members—

"(aa) who are working; or

"(bb) who were looking for work during the 6 months prior to the date on which the determination is made; and

"(II) earn an income not in excess of 150 percent of the poverty line as described in clause (iii).".

AMENDMENT NO. 1411

(Purpose: To establish parents as teachers programs)

At the end of the amendment, insert the following:

TITLE —PARENTS AS TEACHERS

SEC. 01. FINDINGS.

The Congress finds that—

(1) increased parental involvement in the education of their children appears to be the key to long-term gains for youngsters;

(2) providing seed money is an appropriate role for the Federal Government to play in education;

(3) children participating in the parents as teachers program in Missouri are found to have increased cognitive or intellectual skills, language ability, social skills and other predictors of school success;

(4) most early childhood programs begin at age 3 or 4 when remediation may already be necessary; and

(5) many children receive no health screening between birth and the time they enter school, thus such children miss the opportunity of having developmental delays detected early.

SEC. 02. STATEMENT OF PURPOSE.

It is the purpose of this title to encourage States and eligible entities to develop and expand parent and early childhood education programs in an effort to—

(1) increase parents' knowledge of and confidence in child-rearing activities, such as teaching and nurturing their young children;

(2) strengthen partnerships between parents and schools; and

(3) enhance the developmental progress of participating children.

SEC. 03. DEFINITIONS.

For the purposes of this title—

(1) the term "developmental screening" means the process of measuring the progress of children to determine if there are problems or potential problems or advanced abilities in the areas of understanding and use of language, perception through sight, perception through hearing, motor development and hand-eye coordination, health, and physical development;

(2) the term "eligible entity" means an entity in a State operating a parents as teachers program;

(3) the term "eligible family" means any parent with one or more children between birth and 3 years of age;

(4) the term "lead agency" means—

(A) except as provided in subparagraph (B), the office, agency, or other entity in a State designated by the Governor to administer the parents as teachers program authorized by this title; or

(B) in the case of a grant awarded under this title to an eligible entity, such eligible entity;

(5) the term "parent education" includes parent support activities, the provision of resource materials on child development and parent-child learning activities, private and group educational guidance, individual and group learning experiences for the parent and child, and other activities that enable the parent to improve learning in the home; and

(6) the term "parent educator" means a person hired by the lead agency of a State or designated by local entities who administers group meetings, home visits and developmental screening for eligible families.

SEC. 04. PROGRAM ESTABLISHED.

(a) AUTHORITY.—

(1) IN GENERAL.—The Secretary is authorized to make grants in order to pay the Federal share of the cost of establishing, expanding, or operating parents as teachers programs in a State.

(2) ELIGIBLE RECIPIENTS.—The Secretary may make a grant under paragraph (1) to a State, except that, in the case of a State having an eligible entity, the Secretary shall make the grant directly to the eligible entity.

(b) FUNDING RULE.—Grant funds awarded under this section shall be used so as to supplement, and to the extent practicable, increase the level of funds that would, in the absence of such funds, be made available from non-Federal sources, and in no case may such funds be used so as to supplant funds from non-Federal sources.

SEC. 05. PROGRAM REQUIREMENTS.

(a) REQUIREMENTS.—Each State or eligible entity receiving a grant pursuant to section 04 shall conduct a parents as teachers program which—

(1) establishes and operates parent education programs, including programs of developmental screening of children; and

(2) designates a lead State agency which—

(A) shall hire parent educators who have had supervised experience in the care and education of children;

(B) shall establish the number of group meetings and home visits required to be provided each year for each participating family, with a minimum of 2 group meetings and 10 home visits for each participating family;

(C) shall be responsible for administering the periodic screening of participating children's educational, hearing and visual development, using the Denver Development Test, Zimmerman Preschool Language Scale, or other approved screening instruments; and

(D) shall develop recruitment and retention programs for hard-to-reach populations.

(b) LIMITATION.—Grant funds awarded under this title shall only be used for parents as teachers programs which serve families during the period beginning with the birth of a child and ending when the child attains the age of 3.

SEC. 06. SPECIAL RULES.

Notwithstanding any other provision of this section—

(1) no person, including home school parents, public school parents, or private school parents, shall be required to participate in any program of parent education or developmental screening pursuant to the provisions of this title;

(2) no parents as teachers program assisted under this title shall take any action that infringes in any manner on the right of parents to direct the education of their children; and

(3) the provisions of section 438(c) of the General Education Provisions Act shall apply to States and eligible entities awarded grants under this title.

SEC. 07. PARENTS AS TEACHERS NATIONAL CENTER.

The Secretary shall establish one or more Parents As Teachers Centers to disseminate information to, and provide technical and training assistance to, State and eligible entities establishing and operating parents as teachers programs.

SEC. 08. EVALUATIONS.

The Secretary shall complete an evaluation of the parents as teachers programs assisted under this title within 4 years from the date of enactment of this Act, including an assessment of such programs' impact on at-risk children.

SEC. 09. APPLICATION.

Each State or eligible entity desiring a grant under this title shall submit an application to the Secretary at such time, in such manner and accompanied by such information as the Secretary may reasonably require. Each such application shall describe the activities and services for which assistance is sought.

SEC. 10. PAYMENTS AND FEDERAL SHARE.

(a) PAYMENTS.—The Secretary shall pay to each State or eligible entity having an application approved under section 09 the Federal share of the cost of the activities in the application.

(b) FEDERAL SHARE.—

(1) IN GENERAL.—The Federal share—

(A) for the first year for which a State or eligible entity receives assistance under this title shall be 100 percent;

(B) for the second such year shall be 100 percent;

(C) for the third such year shall be 75 percent;

(D) for the fourth such year shall be 50 percent; and

(E) for the fifth such year shall be 25 percent.

(2) NON-FEDERAL SHARE.—The non-Federal share of payments under this title may be in cash or in kind, fairly evaluated, including planned equipment or services.

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $20,000,000 for fiscal year 1993, and such sums as may be necessary for each of the fiscal years 1994 through 1997, to carry out this title.

AMENDMENT NO. 1412

At the end of the bill insert the following new section:

SEC. .

(a) CONGRESSIONAL FINDINGS.—

The Congress finds that—

(1) Mentoring, peer counseling and peer tutoring programs provide role models for children and build self-esteem;

(2) Mentoring, peer counseling and peer tutoring programs promote learning and help students attain the necessary skills they need to excel academically;

(3) Mentoring, peer counseling, and peer tutoring programs provide healthy and safe alternatives to involvement in drugs, gangs or other violent activities; and

(4) Mentoring, peer counseling, and peer tutoring programs promote school, community and parental involvement in the livelihood and well-being of our children.

(b) SENSE OF THE CONGRESS.—

Therefore, it is the Sense of the Congress that federal education programs that provide assistance to elementary and secondary education students should include authorizations for establishing mentoring, peer counseling and peer tutoring programs.

AMENDMENT NO. 1413

On page 79, line 18, strike "Governance" and insert in lieu thereof "Accountability."

On page 79, line 19, strike governance and insert in lieu thereof accountability.

AMENDMENT NO. 1414

On page 83, line 16 strike the word "may" and insert in lieu thereof "shall."

On page 84, line 16 strike the word "may" and insert in lieu thereof "shall."

On page 84, line 7 strike the word "may" and insert in lieu thereof "shall."

AMENDMENT NO. 1415

(Purpose: To reaffirm the role of State and local governments in educational governance)

At the appropriate place in the committee substitute add the following findings:

Congress is interested in promoting State and local government reform efforts in education.

In P.L. 96-88 the Congress found that education is fundamental to the development of individual citizens and the progress of the Nation;

In P.L. 96-88 Congress found that in our federal system the responsibility for education is reserved respectively to the States and the local school systems and other instrumentalities of the States;

In P.L. 96-88 the Congress declared the purpose of the Department of Education was to supplement and complement the efforts of States, the local school systems, and other instrumentalities of the States, the private sector, public and private educational institutions, public and private nonprofit educational research institutions, community based organizations, parents and schools to improve the quality of education;

The establishment of the Department of Education, Congress intended to protect the right of State and local governments and public and private educational institutions in the areas of educational policies and administration of programs and to strengthen and improve the control of such governments and institutions over their own educational programs and policies;

P.L. 96-88 specified that the establishment of the Department of Education shall not increase the authority of the Federal government over education or diminish the responsibility for education which is reserved to the States and local school systems and other instrumentalities of the States;

P.L. 96-88 specified that no provision of a program administered by the Secretary or by any other officer of the Department shall be construed to authorize the Secretary or any such officer to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any educational institution, school, or school system, over any accrediting agency or association or over the selection or content of library resources, textbooks, or other instructional materials by any educational institution or school system. Now therefore

The Congress agrees and reaffirms that the responsibility for control of education is reserved to the States and local school systems and other instrumentalities of the States and that no action shall be taken under the provisions of this Act by the Federal government which would, directly or indirectly, impose standards or requirements of any kind through the promulgation of rules, regulations, provision of financial assistance and otherwise, which would reduce, modify, or undercut State and local responsibility for control of education.

AMENDMENT NO. 1416

On page 138, after line 22, insert the following.

SEC. . AMENDMENTS TO SUMMER YOUTH EMPLOYMENT AND TRAINING PROGRAM

(a) PROGRAM DESIGN—

(1) ACADEMIC ENRICHMENT AUTHORIZED.—Paragraph (1) of section 253(a) of the Job Training Partnership Act is amended by inserting "academic enrichment" after "remedial education."

(2) REQUIRED SERVICES AND DESIGN.—

(A) Subsection (c) of such section 253 is amended by adding at the end the following new paragraphs:

"(3) BASIC EDUCATION AND PREEMPLOYMENT TRAINING.—The program under this part shall provide, either directly or through arrangements with other programs, each of the following services to a participant where the assessment and the service strategy indicate such services are appropriate:

"(A) Basic and Remedial Education.

"(B) Preemployment and Work Maturity Skills Training.

"(4) INTEGRATION OF WORK AND LEARNING.—

"(A) WORK EXPERIENCE.—Work experience provided under this part, to the extent feasible, shall include contextual learning opportunities which integrate the development of general competencies with the development of academic skills.

"(B) CLASSROOM TRAINING.—Classroom training provided under this part shall, to the extent feasible, include opportunities to apply knowledge and skills relating to academic subjects to the world of work."

(B) Section 253 of the Job Training Partnership Act is further amended by adding at the end the following new subsection:

"(e) EDUCATIONAL LINKAGES.—In conducting the program assisted under this part, service delivery areas shall establish linkages with the appropriate educational agencies responsible for service to participants. Such linkages shall include arrangements to ensure that there is a regular exchange of information relating to the progress, problems and needs of participants, including the results of assessments of the skill levels of participants.".

(C) Section 254 of the Job Training Partnership Act is amended by adding at the end the following new subsection:

"(c) PROHIBITION ON PRIVATE ACTIONS.—Nothing in this part shall be construed to establish a right for a participant to bring an action to obtain services described in the assessment or service strategy developed under section 253(c).".

(b) TRANSFER OF FUNDS TO YEAR ROUND PROGRAM.—Section 256 of the Job Training Partnership Act is amended by striking "10 percent" and inserting "20 percent".

AMENDMENT NO. 1417

(Purpose: Expressing the sense of the Senate that Federal tax laws should not preclude States from promoting higher education savings plans)

At the end of title IV, insert the following new section:

SEC. . STATE-SPONSORED HIGHER EDUCATION TRUST FUND SAVINGS PLAN.

It is the sense of the Senate that—

(1) individuals should be encouraged to save to meet the higher education costs of their children;

(2) an effective way to encourage those savings is through State-sponsored higher education trust fund savings plans; and

(3) an effective way for the Federal Government to assist such plans is to amend the Federal tax laws to provide that—

(A) no tax is imposed on the earnings on contributions to the plans if the earnings are used for higher education costs,

(B) State organizations sponsoring the plans are exempt from Federal taxation, and

(C) any charitable gift to the plans are tax-deductible and are distributed to recipients on a pro rata basis.

AMENDMENT NO. 1418

(Purpose: To ensure that representatives of distance learning consortia, and representatives of telecommunications partnerships receiving assistance under the Star Schools Program Assistance Act, are involved in developing a national long-range plan that promotes higher student achievement through the use of technology in education, and to require such plan to describe how the Secretary of Education will utilize the outcomes of the evaluation undertaken pursuant to section 908 of the Star Schools Program Assistance Act)

On page 54, line 9, insert "representatives of distance learning consortia, representatives of telecommunications partnerships receiving assistance under the Star Schools Program Assistance Act," after "technology,".

On page 56, line 21, strike "and".

On page 56, between lines 21 and 22, insert the following:

(F) how the Secretary will utilize the outcomes of the evaluation undertaken pursuant to section 908 of the Star Schools Program Assistance Act to promote the purposes of this part; and

On page 56, line 22, strike "(F)" and insert "(G)".

AMENDMENT NO. 1419

(Purpose: To ensure that State panels conduct outreach to involve secondary school students in certain activities)

On page 74, line 20, insert "secondary school students," after "advocates,".

Mr. KENNEDY. Mr. President, the package of amendments that have been agreed to by the managers of this bill are as follows:

1. A series of technical amendments, including:

An amendment by Senator Bingaman correcting a Department of Education error in Chapter One allocations to Colfax County, New Mexico.

An amendment by Senators Hatfield and Durenberger relating to flexibility to federal education regulations.

An amendment by Senator Domenici regarding reporting on regulatory flexibility.

An amendment regarding the National Board for Professional Teaching Standards.

A technical amendment restoring gift authority to the National Education Goals Panel.

2. An amendment by Senator Dole requiring the Department of Education to arrange with the National Academy of Sciences to conduct a study on the inclusion of children with disabilities in Goals 2000.

3. An amendment by Senator Danforth requiring that the state panel include representatives of private schools.

4. An amendment by Senator Chafee including firearms in the elements addressed by the sixth National Education Goal regarding safe and drug-free schools.

5. An amendment by Senator Levin including among the bill's authorized activities the following: promoting significantly reduced class size and instruction in chess.

6. An amendment by Senator Domenici regarding the process for making opportunity-to-learn development grants and the voting procedures of the National Education Goals Panel.

7. An amendment by Senator Moseley-Braun including school facilities among the elements addressed in the voluntary national opportunity-to-learn standards.

8. My amendment, cosponsored by Senators Pell and Hatfield, adding a new National Educational Goal on teacher education and professional development.

9. An amendment by Senator Burns clarifying that Goals 2000 does not allow the federal government to control home schooling.

10. An amendment by Senator Lautenberg protecting children in federal programs from second-hand smoke.

11. An amendment by Senator Bingaman as follows:

Technical amendments to the technology in education provisions of Goals 2000.

A Sense of the Senate amendment stressing the importance of high academic standards.

12. An amendment by Senator Stevens making technical changes regarding the allocation of Goals 2000 funds to Alaska Natives.

13. An amendment by Senators Pell, Kassebaum, Jeffords, and me reauthorizing the Office of Research at the Department of Education, which also includes the following:

An amendment by Senator Glenn regarding early childhood parent education programs such as the Home Instruction Program for Preschool Youngsters.

An amendment by Senator Bond, as well as Senators Dodd, Rockefeller, Heflin, Shelby, Chafee, Glenn, Pryor, Danforth, Hatfield, Stevens, Kohl, Inouye, Domenici, Bingaman Hollings, DeConcini, and Cochran, authorizing the Parents as Teachers program.

14. An amendment by Senator Boxer indicating that mentoring programs are beneficial to students.

15. Two amendments by Senator Hatch making technical changes to the state plan.

16. An amendment by Senator Roth expressing the sense of the Senate with regard to local control of education.

17. My amendment regarding the Summer Youth Employment and Training Program.

18. An amendment by Senator McConnell expressing the sense of the Senate that states should establish state-sponsored higher education trust fund savings plans.

19. Amendments by Senator Gorton encouraging the Secretary of Education to promote distance learning and ensuring that Goals 2000 state panels conduct outreach to secondary school students.

Mr. LAUTENBERG. Mr. President, I rise today to make good on a promise I made on the Senate floor on October 18, 1993. On that day, the Senate passed the fiscal year 1994 appropriations conference report without my pro-kids amendment that would make all federally funded children's programs smokefree. The Labor-HHS conferees dropped my amendment, despite the fact that the Senate passed it by an overwhelming vote of 95 to 3.

One of the reasons I heard for this development was that my amendment was legislation on an appropriations bill. Well, today I rise to offer my pro-kids amendment to a piece of authorizing legislation, the Goals 2000 bill. I am determined that the Congress enact this common sense amendment.

The amendment I am offering today will help prevent sickness and death and hold down health care costs. It will protect our children. It will modify some behaviors. And it will put the Federal Government on record as saying that our children, our future, should not be harmed by exposure to second hand smoke when they participate in Federal programs designed to help them.

My amendment is called pro-kids. This stands for protecting our kids from inhaling deadly smoke and is based on a bill I introduced earlier this year, S. 261. This bill currently has 22 cosponsors including Senators BINGAMAN, BOXER, BRADLEY, CHAFEE, COHEN, D'AMATO, DURENBERGER, HARKIN, HATCH, HATFIELD, INOUYE, KERRY of Massachusetts, LEAHY, LIEBERMAN, LUGAR, METZENBAUM, MOYNIHAN, MURRAY, PELL, SIMON, STEVENS, and WELLSTONE.

Pro-kids will protect children from secondhand smoke while they are participating in federally funded children's programs such as Head Start, WIC, chapter 1, health care and day care programs. It will require Federal grantees to establish a nonsmoking policy if they provide health services to children under the age of 18 or provide other social services primarily to children under the age of 18, including elementary and secondary education.

This amendment will help us move towards the sixth education goals contained in the underlying bill that states that "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."

These nonsmoking policies would limit indoor smoking in facilities associated with these federally funded programs to those areas which are not normally used to serve children and which are ventilated separately from these areas.

Evidence accumulated by the EPA and other organizations shows that separate ventilation is necessary to prevent secondhand smoke from recirculating through the ventilation system right into the rooms used by the children.

In cases where unusual extenuating circumstances prevent total compliance, programs could apply for a partial waiver from this provision if they protect children from exposure to secondhand smoke to the extent possible. This amendment also allows the adoption of the nonsmoking policy to be done through collective bargaining if such an agreement exists. And this amendment does not cover home-based child care services provided by relatives who receive Federal child care funds.

This amendment also provides an additional role for the Environmental Protection Agency [EPA] with regard to environmental tobacco smoke. Under this legislation, the EPA will establish guidelines for compliance under this act.

Mr. President, I offer this amendment for one simple irrefutable reason; secondhand smoke kills.

An EPA report released on January 7, 1993 undeniably confirmed what public health officials have reported for several years: Smoking kills those who smoke and those who breath secondhand smoke. This report was released in the Bush administration by then Administrator Reilly with the full support of the Secretary of HHS, Dr. Louis Sullivan. Since then, it has been endorsed by Administrator Browner and Secretary Shalala.

Mr. President, do you know how the tobacco industry responded to this 6 year, peer reviewed, unanimously approved study? Nine tobacco companies are suing the Federal Government. They can't refute the scientific findings, they can't influence public opinion, so they are using their large profits to file a lawsuit.

Now I have been having my disagreements with the tobacco industry ever since I became a Senator. I have come to admire their ingenuity and creativity. But this response, this suit against the Government for releasing a scientific study documenting the impact their product has on human health—well, Mr. President, I have to confess that I didn't expect that.

But I did expect the EPA report to reach the conclusion it did: Secondhand smoke is a group A carcinogen, a group that includes toxins such as asbestos, benzene and arsenic.

The evidence is clear that secondhand smoke is taking an enormous toll on the health of Americans, particularly our children. According to the EPA report, 3,000 lung cancer deaths per year among nonsmokers result from exposure to secondhand smoke.

But secondhand smoke takes the toughest toll on our Nation's children. Children exposed to secondhand smoke can suffer acute illness and ultimately may contract lung cancer. The EPA, unequivocally has stated that this is the case.

Let me read some of the effects that secondhand smoke has on our Nation's children that are contained in the EPA report.

Secondhand smoke causes more than 200,000 lower respiratory tract infections in young children annually, including bronchitis and pneumonia, resulting in 7,500 to 15,000 hospitalizations.

Secondhand smoke exacerbates asthmatic symptoms in children and is associated with 8,000 to 26,000 new asthma cases in children.

I want to point out that this is not the first word we have heard on this matter. In a separate study, the American Heart Association concluded that exposure to secondhand smoke increases the risk of lung cancer, heart disease, and emphysema. They reported that approximately 50 percent of all children are exposed to secondhand smoke and it caused approximately 35,000 to 40,000 cardiovascular disease related deaths each year.

Furthermore, in 1986, a Surgeon General's report called secondhand smoke a hazard to nonsmokers health.

Given that kind of evidence, Government has to respond. We have in the past. In 1990, the Congress passed the Clean Air Act to regulate 189 hazardous air pollutants which were estimated to cause 1,500 deaths per year. Other Government agencies like EPA, HHS, and VA and GSA have acted to protect their employees from secondhand smoke.

Cities have adopted new regulations restricting indoor smoking. We have banned smoking on all domestic airline flights. And the White House, at the behest of the First Lady, the architect of the President's health care plan, is now smoke free.

We have made a start.

But we have started in the wrong place.

We have protected ourselves. But we have not yet protected our children and they, more than any other group in our society, are threatened by secondhand smoke.

Children are the most vulnerable members of our society. They depend upon us to protect them and safeguard their health. They are the future of this country. Isn't it time to give our children, especially those who depend on the Federal Government for valuable services like health care and preschool training, the same protection we already afford to airplane travelers and some Federal workers?

We should prohibit smoking in federally funded institutions which serve children under the age of 18 immediately, so that our children can breath healthy air.

Now, I would just like to mention some of the many organizations which have endorsed pro-kids. The American Cancer Society, the American Heart Association, the American Lung Association, the American Academy of Pediatrics, the American Medical Association, the American Nurses Association, and the National Education Association, which represents many of our Nation's teachers.

Now I would like to read from an EPA brochure entitled "Secondhand Smoke." I sent a copy of this brochure to all of my colleagues and I urge them to read it before we vote on this issue. Let me just read an admonition contained in this brochure:

> EPA recommends that every organization dealing with children have a smoking policy that effectively protects children from exposure to environmental tobacco smoke.

Mr. President, it has been over a year since Congress received the EPA report that concluded that secondhand smoke kills and makes our children sick.

Since then, companies, States, and localities have adopted policies to protect nonsmokers from this deadly carcinogen. Recently the fast food restaurant Arby's has gone smoke free. Last year, the U.S. Postal Service went smoke free.

And what action has Congress taken to protect children from secondhand smoke? We have done nothing. Imagine that, the Post Office protects its workers from secondhand smoke but we haven't protected children in federally funded day care centers.

But the cruelest irony came last year when the U.S. Supreme Court ruled that a prisoner in Nevada—a prisoner—had the right to be protected from secondhand smoke. The Supreme Court has protected prisoners but the Congress has not protected children. This is disgraceful.

As the author of the airline smoking ban, I am embarrassed by this lack of action. We need to protect our children from secondhand smoke, right now, not some time in the future.

Mr. President, I am asking for a small change in national policy and a small change in individual behavior. My amendment is not revolutionary—it simply expands current restrictions and applies them to facilities serving children. It is not punitive—it does not prevent people from smoking or punish them if they do; it simply says they cannot expose our children to the harmful effects of their behavior. It is not based on prejudice—it is a logical and necessary response to an unbroken record of objective scientific evidence.

Mr. President, the time to act is now. We have the data, we know the risk to our children. The Senate must pass this amendment and we must enact this into law. We owe this to our children.

Mr. President, I would like to engage the distinguished chairman of the Labor and Human Resources Committee and bill manager in a colloquy with regard to my pro-kids amendment.

Mr. KENNEDY. Mr. President, I would be happy to discuss this matter with the junior Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I thank the distinguished chairman. As the bill manager knows, I have worked hard for several years to protect people from the dangers of secondhand smoke. One of the measures that I have pushed is called pro-kids, which the Senate is considering for the second time in 6 months. Pro-kids would make all federally funded programs serving children under the age of 18 smokefree. The Senate initially passed pro-kids on September 28, 1993 by a recorded vote of 95 to 3 on the fiscal year 1994 Labor-HHS appropriations bill. Despite this overwhelming vote, the conferees dropped this provision. Critics of my amendment argued that this amendment was legislation on an appropriations bill.

Now I am offering my amendment on an authorizing legislation, the Goals 2000 bill. I was determined to ask for another rollcall vote to emphasize how important it is for the conferees to hold this amendment. However, I will forgo this request if I receive assurance from the distinguished chairman of the Labor and Human Resources Committee that he will make every effort to hold this amendment in conference.

Mr. KENNEDY. I would say to the Senator from New Jersey that I support his amendment and I intend to urge the House and Senate conferees on the Goals 2000 legislation to include the pro-kids amendment in the final conference report.

Mr. LAUTENBERG. I appreciate the Senator's comments and his commitment to make every effort to keep this amendment in conference. However, I wanted to inform the Senator that if this amendment is not included in the final conference report I will continue to push to enact this legislation.

Mr. KENNEDY. I understand that the Senator is determined to see his amendment enacted into law and I commend him for it.

Mr. LAUTENBERG. I thank the distinguished floor manager for engaging in this colloquy. I have no objection to my pro-kids amendment being part of an accepted managers' package.

Mrs. BOXER. Mr. President, I wish to thank my colleagues on both sides of the aisle, Senator KENNEDY, Senator JEFFORDS, and Senator KASSEBAUM, for their assistance in including my amendment on the importance of mentoring programs in S. 1150, the Goals 2000: Educate America Act. I am very grateful for their support.

We have all seen or read the horrible statistics on the welfare of our children. One in five children lives in poverty; 380,000 students drop out of school each year, the teen pregnancy rate has soared and our children are growing up in a more violent society, the ramifications of which we are just beginning to understand.

Mentoring programs, where youths are matched with adults or peers who provide role models for them during the tough, at-risk years, can become the quality bridge between Head Start and high school.

I know from personal experience that mentoring is a way to make a difference in a child's life, to reach into the goodness of a child and yourself at the same time. Everyone who cares about the future of our children should give a child time, attention, caring, and tutoring on school subjects and on life.

There are examples of mentoring and peer tutoring programs in many of our schools and communities. They involve college students, youth service organizations, and senior citizens. Unfortunately, this proven strategy for helping our children succeed in school and in life receives little direct Federal assistance. That is why I introduced my amendment.

The Boxer amendment expresses the sense of the Congress that Federal edu-

cation programs that provide assistance to elementary and secondary education students should include incentives for establishing mentoring, peer counseling, and peer tutoring programs. After passage of the Goals 2000: Educate America Act, I hope we will move forward and act on this issue during consideration of the reauthorization of the Elementary and Secondary Education Act.

Mr. BOND. Mr. President, I send an amendment to the desk on behalf of Senators DODD, ROCKEFELLER, HEFLIN, SHELBY, CHAFEE, GLENN, DANFORTH, HATFIELD, STEVENS, PRYOR, KOHL, INOUYE, DOMENICI, BINGAMAN, HOLLINGS, DECONCINI, COCHRAN, and myself and ask for its immediate consideration.

Mr. President, the bill we are debating today deals extensively with ways to reform our Nation's struggling education system. Over the past 20 years, we have seen SAT scores decline by 35 points, even though the amount of money spent per pupil on primary and secondary school students has increased 47 percent. After 1983, when the Carnegie Foundation published "A Nation At Risk," States and the Congress were spurred to implement a number of major reforms, including reducing class sizes, increasing teacher pay and professional development opportunities, placing increased emphasis on math and science, and the like.

Despite 10 years of reform, our education system still struggles. Our kids rank next to last in the world among industrialized nations on proficiency in science. Only Spain, Slovenia, and Jordan score lower in math than United States students. Our kids take fewer foreign languages, and test scores have shown little or modest improvement. These trends are particularly disturbing as we enter a period of global competition.

Why is this happening? I believe we must look further than the schools and teachers when we talk about reasons for our decline as an "education superpower." It is no secret that family disintegration and decline has contributed greatly to many of the problems in the system. Schools are now expected, indeed required, to take on many of the functions which were traditionally the responsibilities of the family. Many of our public schools now offer health classes, mental health counseling, school breakfast and lunch, and after-school programs.

It is theoretically possible for a child to go through the entire day without seeing either parent. About two-thirds of mothers of children from 6 to 18 work outside the home, whether by choice or because of financial necessity. The divorce rate has skyrocketed since 1970, and 20 percent of all kids now live with only one parent. The result is that our kids are poorer in material terms, and worse, that parents are less involved in their children's lives than ever before.

Recent studies have shown that parents spend only a few minutes each day in direct interaction with their children. I do not believe our children are better off as a result of these social trends; in fact I believe they suffer greatly.

No one can argue that our teen suicide rate is up, and our teenage pregnancy rate is unacceptable. Nearly half of school-age kids—44 percent—are left unsupervised after school. Those kids are more likely to do drugs, to engage in premarital sex, and to do poorly in school. The generation of kids currently in our Nation's public schools have less time with their parents than ever before—less time to share meals, less time to do homework, less time to learn from their parents what is and is not appropriate behavior. The results of this neglect show up in truancy, poor test scores, teenage pregnancy, drug and alcohol abuse, and a host of other social problems.

Despite this accelerated pace of social change over the years, children's needs today are the same as they were in 1970. All children need at least one loving parent to provide for their material needs and to help develop their abilities, personalities, and characters. These needs do not begin at age 6, 10 or 16, but at birth. A child cannot put his needs on hold until his parent is ready and willing to meet them. In fact the first years are the most important.

As Reverend Halverson has pointed out, a child learns half of all he will ever know by the time he reaches age 3. Within the first 3 years of life, the foundations of personality, character, and learning are laid through the example and effort of a child's parents. Yet today's American parent faces pressures that were unheard of a generation ago. Young mothers have entered the work force, both by choice and economic necessity, in record numbers over the last two decades. Parents often have jobs that force the family to relocate to cities away from extended family members. The result is that children spend less time with their parents than ever before; in addition, they are often away from grandmothers, aunts, and other members of their family who can provide the support that is necessary through good times and bad.

Mr. President, I believe that parent education and early childhood development programs can help parents counteract the disturbing trend of not having enough time to spend with their children and the problem of extended family separation. Missouri, Illinois, Kansas, and many other States have begun to offer parent education programs in order to help parents be their children's first and very best teachers.

The Parents as Teachers Program, development in my home State of Missouri, provides new parents with information about all stages of a child's development and advice about how to deal with the challenges that come with having children: Teething, nightmares, temper tantrums, illnesses, and more. Health screening is also provided on a periodic basis for each child so that health problems do not go undetected and untreated.

Parents as teachers and similar programs emphasize the importance of parents in developing the emotional, physical, and social elements of their children's personalities in addition to providing for their material needs. Parents as teachers helps parents make the most of the time they spend with their children and provides constructive advice about how to beat the time crunch.

Missouri has found great success through parents as teachers; children enter school ready to learn and their parents are involved in the schools and in their children's education.

Mr. President, I do not believe we will ever be able to reform education until we really involve those with the primary responsibility: parents. Research shows that parental involvement in the education of their children is the key to long-term gains for youngsters. Parents are their children's first and most influential teachers. What parents do to help their children learn is more important to academic success than other factors. We need to help ensure strong links between the home and school from the earliest possible time.

At the request of Senator HATFIELD, the committee has added a seventh national goal: that of parental involvement. I commend the Senator from Oregon for his strong voice on behalf of parents. Frankly, the idea of parental involvement is so simple, so basic, so fundamental to true progress that I am surprised it took this long to be included in the national goals.

Now, for that goal to be truly meaningful, we should put some teeth behind it.

The parents-as-teachers curriculum starts early in strengthening the foundations of later learning—language and intellectual development, curiosity and social skills. In addition, health screening is provided for participating preschool children to detect potential impairments early.

Parents as teachers is a proven, effective program. Two independent research studies have shown that children participating in parents as teachers consistently score significantly higher on all measures of intellectual achievement, auditory comprehension, verbal ability, and language ability than their peers who did not participate. And these gains held true regardless of the socioeconomic status of the family, or marital status of the parents.

Parents-as-teachers staff have been successful in identifying and interven-

ing to help children overcome developmental delays, and in encouraging families to seek medical assistance or other specialized services. Many children receive no health screening between birth and the time they enter school. The Parents-as-Teachers Program provides periodic health screening so that minor vision and hearing problems can be arrested early, before they result in developmental delays. Early intervention through parents as teachers results in improved or corrected conditions before a child reaches school.

Parents participating in parents as teachers were shown in the same study to be more knowledgeable about child-rearing practices and child development than comparison parents.

And another study done in 1989 showed that children maintained these gains through the first grade. Teachers reported that parents who had participated in the program were more involved in school activities than nonparticipants. Thus the crucial link between home and school is established through this program.

Research has also shown that many two-parent, middle-income families have problems with parent-child communication and family stress, putting their children at risk for developmental delays. Some of you may recall a George Will editorial titled "Mothers Who Don't Know How," which referred to this phenomenon as the "Gilded Ghetto", where parents give their children everything but time, which is crucial to child development.

Implementation of parents as teachers on a broad scale could go a long way toward ensuring that our Nation meets the first educational goal: That all children enter school ready to learn.

Briefly, my amendment would set up a $20 million competitive grant for States who wish to begin or expand parent education programs for families with kids birth to 3. We believe providing seed money to expand proven-effective programs is an appropriate role for the Federal Government.

We envision that down the road the States will be able to muster the political support they need for this great program to sustain it by themselves, and provide for a diminishing Federal share over the 5-year authorization.

Mr. President, I have a personal interest in the ongoing success of this program. The program started with a bit of Federal seed money in four Missouri school districts while I was Governor. My wife Carolyn and I utilized the information from the program when our son Sam was born, and experienced first-hand its beneficial effects, both for parents and children. For four successive State of the State Addresses as Missouri Governor, I asked that the pat program be authorized for every school district statewide.

Since I signed it into law in 1984, the program has served 167,000 Missouri families. Currently, 65,000 Missouri families participate each year. The program serves 35 percent of all families with children 0–3 regardless of socioeconomic status. And the families love it.

I would certainly like to see the day that parents as teachers is offered in every school district in America. I believe that equipping parents to maximize the intellectual and social development of their children is the best investment we can make in the next generation.

Children spend far more time at home with their parents than they do in school. In fact, teachers tell me that it is virtually impossible for children to separate behavior and motivation to learn in school from what is going on at home. Yet, in terms of education policy we spend little time focusing on home life, and in most Federal programs children are taken out of their homes and put in centers and cared for by professionals. It makes infinitely more sense for us to focus on parents, and to equip them with the skills they need and want to help ensure the best possible start for their children. That is what this amendment does, and I urge its support.

Mr. DODD. Mr. President, I rise today in strong support of the amendment offered by Senator BOND to include the Parents as Teachers Program in the Goals 2000 legislation, and I commend the Senator from Missouri for his leadership in moving this important program forward.

Goals 2000 establishes in law our national education goals. The first of these goals calls for all children in America to start school ready to learn by the year 2000. It is astonishing that this is still a goal rather than a reality for a country as wealthy as ours. Even more astonishing is the fact that it is a goal we are far from achieving.

NOT READY TO LEARN

The national goals panel reported last year that just over half of all 3- to 5-year-olds attend preschool and that only 53 percent are read to each day. In addition, the panel reported that only 37 percent of 2-year-olds are immunized against major childhood disease.

These are serious obstacles we must overcome if we ever hope to make a difference in our schools. But the route to school readiness is no mystery—we have proven models that have been successful in preparing children for school.

PARENTS THE MOST IMPORTANT TEACHERS

The Parents as Teachers Program is one of the best of those. It succeeds by recognizing that parents are a child's first and most important teachers and by giving parents the tools they need to be successful in this role.

The Parents as Teachers Program began in Missouri in 1981 under the leadership of Governor KIT BOND. Over the last decade, the program spread and is now working in 41 States—including Connecticut—to enhance parents' role in education.

Local voluntary programs provide parents of infants and toddlers with child development information and assistance. Parent educators work with parents to support their efforts to create home environments conducive to learning.

MODEST COST, IMPRESSIVE RESULT

The approach is simple and the cost modest. But the results are impressive and far-reaching. Several thorough evaluations have shown that children who participated in the program score significantly higher on measures of school-related achievement. In addition, child development experts speak highly of this approach, among them Dr. Edward Zigler, director of the Bush Center in Child Development and Social Policy at Yale University.

While the Parents as Teachers Program most obviously addresses the challenge of our first national education goal—school readiness—it should also help us achieve all the others, from school completion and student achievement to making our schools safe and drug-free. There are few factors as critical to improving our schools as the involvement of parents. The Parents as Teachers Program engages parents in education from day one and brings us a vital ally in our efforts to achieve our goals.

I believe the Parents as Teachers Program can be a critical component of our efforts in the Goals 2000 legislation, and I urge my colleagues to join me in support of this amendment.

Mr. HEFLIN. Mr. President, I am pleased to join my colleague and friend Senator BOND as a cosponsor of the amendment to Goals 2000, pertaining to parents as teachers. I am an original cosponsor of this legislation, which, as you know, will encourage States to establish parents as teachers programs.

Senator BOND and I have been trying to get this legislation passed by the Senate for several years.

Parents as Teachers provides guidance and support to new parents, encouraging them to nurture a readiness to learn in their infants. Data collected in a 13-year study of the early development by the Harvard University preschool project, indicate that language, curiosity, social skills, and cognitive intelligence, lay the foundation for learning. The study further shows that, with few exceptions, the development of these skills in a 6-year-old can be predicted at age 3. An official who headed several departments in the Mobile, AL, County Public School System, told a group of State legislatures and business persons:

> We weep when we see the conditions some of the 4- and 5-year-old children are in when they come to us. They don't understand simple directions, are afraid of adults and other

children, and have low receptive and expressive language. They are simply not ready either for kindergarten or first grade.

The time and effort involved in helping children try to catchup are staggering.

Parents as Teachers is the obvious next step beyond Head Start. By beginning at the beginning, prevention can replace remediation.

The Parents as Teachers Program is spreading across the Nation. It is growing because it has a proven record of success. In my home State of Alabama, parents as teachers programs have been very successful.

These Alabama programs receive financial support and encouragement from the Children's Trust Fund. The Alabama Children's Trust Fund provided the original funds which allowed the Mobile, AL, Parents as First Teachers Program to open its doors.

However, there is a need for immediate Federal financial assistance. The original pilot program in Mobile, AL, and the Parents as Teachers Program in Montgomery almost had to close their doors several years ago because of lack of funds. The Montgomery program is partially supported by Montgomery County Board of Education funds but can serve only a small segment of its target population.

There is a growing recognition in this country of the importance of the first 3 years of a child's development. Subtle and overt influences during this period of development may adversely affect the academic and social development of children. I am convinced that the Parents as Teachers Program is the most effective system available to help parents best nurture their children.

Money spent on this program is clearly an investment. By reaching children before problems take root, failure and the need for remediation can be avoided. Further, the Parents as Teachers Program can help parents nurture the skills necessary for their children's later school success.

The Parents as Teachers Program may also help to address some social problems facing our Nation. The Children's Trust Fund of Alabama is convinced that this program can prevent or reduce child abuse, which is a problem affecting all socioeconomic and racial groups. Also, the Montgomery County, AL, Board of Education has demonstrated its confidence in this program to aid teen mothers by choosing this as its focus group.

Parents as Teachers will not create a huge Federal bureaucratic program. It is designed to encourage States to adopt parents as teachers projects by providing seed money.

Mr. President, I would like to see Parents as Teachers Programs available to parents and infants statewide and nationwide.

Not only has this program proven itself as an effective deterrent to child abuse and infant mortality but it has also been an effective preparatory program for learning, and a stimulus of the curiosity and problem solving skills so desperately needed in our Nation.

I am sure that my colleagues agree that an ounce of prevention is worth a pound of cure.

Mr. President, I strongly urge my colleagues to consider the potential of this program, then join us in support of this amendment which will encourage States to establish Parents as Teachers Programs.

Mr. SHELBY. Mr. President, I rise in support of the Bond amendment on Parents As Teachers. I cosponsored similar legislation in the 101st and 102d Congresses because I believed then, as I do now, that parents must be actively involved in the education of their children if children are to reach their fullest potential.

I am sure that if any of us could remember the very first thing we learned, there is a high probability that a parent taught it to us—whether it was shaking a rattler or reading a nursery rhyme. Since parents are children's first teachers, it is important that parents have the necessary knowledge and skills to ensure that their children's preschool years are spent in a positive and productive educational environment.

Numerous studies indicate that the first years of a child's life profoundly affect his later learning capabilities. For example, during the early years, children learn more at a faster rate than at other periods of their lives. In addition, the development of language, intelligence, and curiosity occur during the first 3 years of life. A child's personality also is most actively molded during this period. Thus, it is important that parents reflect a loving and enthusiastic attitude towards the child. Parents must know: How to show affection for the child; how to express pride in the child's accomplishments; how to choose educational toys; how to answer the child's questions, and how to allow the child to explore his environment freely as long as the exploration does not endanger the child's safety.

Parents who do these things well can reasonably expect that their children will grow up emotionally stable and intellectually prepared for school.

Because the first 3 years of a child's life are so important, we must put forth our best efforts to ensure that parents know how to teach and care for their children. While this statement seems clearly obvious to most of us, we must realize that childrearing to a great extent in America is trial and error often based on the experiences of our parents or other adults in our lives. However, we have an opportunity here to take advantage of years of research in early childhood development to compensate for some of the experiences which have been passed on that may not contribute to a positive learning environment.

It is especially important that parents be educated to be good parents because so many of today's parents are mere children themselves. However, the Parents as Teachers Program addresses the needs of all parents—young and old, poor and middle class.

Many believe that the parents as teachers legislation is unnecessary because we already have Head Start. I agree that Head Start is an extremely effective program which I wholeheartedly support; however, for many children, Head Start, which begins at age 3, is too late.

The parents as teachers legislation would go a long way in bridging the gap between birth and Head Start. This amendment would provide seed money to States to fund an early childhood education program for parents. Specifically, the legislation would authorize a $100 million competitive grant program over 5 years for States desiring to begin or expand parents as teachers programs. Under the legislation, Federal funding would decline to 75 percent in the third year, 50 percent in the fourth year, and 25 percent in the fifth year. After the fifth year, the legislation would require the States to pick up the cost of the program.

I am pleased to support the Bond amendment because I am familiar with the success of the Parents as Teachers Program in my home State of Alabama. The Alabama program enrolls parents when the mother is pregnant, and the family remains in the program until the child's third birthday. The program provides services such as: Home visits by parent educators trained in child development; group meetings to help parents share experiences; periodic health screening of children to check sensory and educational development; and referral to community and professional services if problems are detected during the screenings.

The Alabama Parents as Teachers Program is based on a Missouri model established in 1984. A recent study of the children who participated in the Missouri program in the early 80's indicated that the children were significantly ahead of other children in academic performance at the end of the first grade. In addition, the study also revealed that the parents in the Missouri program have continued to play a more active role in their children's education than other parents.

The results of the Missouri study and the success of the program in Alabama are enough for me to know that this legislation is worthy of my support. We cannot skimp when it comes to the education of our children—they are our country's future. Although the funding of the Parents as Teachers Program

would result in budget expenditures, the long-term benefit to society would far outweigh the short-term costs of the program. The results would translate into a sound financial investment that will save future costs for welfare, social services, and the criminal justice system. I strongly urge all of my colleagues to support this amendment which represents an investment in the human capital of our Nation. Thank you, Mr. President. I yield back the balance of my time.

Mr. BINGAMAN. Mr. President, I am proud to be a cosponsor of Senator BOND's bill S. 715, the Parents as Teachers Act, and of this amendment.

As a member of the National Education Goals Panel, I have paid special attention to Goal One—that every child will enter school ready to learn. In the course of that work, I have become convinced of the critical importance of good parenting in a child's early years—children who are read to become better readers, children who participate in activities with their parents, whether they be going to church or neighborhood events or libraries, are more successful in the early grades in school—and later on as they proceed through school. Parents are their children's first teachers—but sometimes they need help in being the best teachers they can be. Parents as Teachers offers parents the opportunity to learn more about child development, child safety, and child health.

In Las Cruces, NM, we have a Parents as Teachers Program which has been tremendously successful. Like all Parents as Teachers Programs, it is entirely voluntary—parents ask for these services. Last year the program served 276 families in the Las Cruces area—there are over 300 participants currently enrolled. Vision, hearing, and developmental screening are offered and 10 visits per year are made to participants' homes. In Las Cruces there are three bilingual parent educators and all of their birth-to-year-3 curriculums have been translated into Spanish. When I visited with the program last year I spoke with parents who described to me how valuable the program had been for them—not only with respect to the intellectual and social development of their children but in terms of their own self-respect and esteem as parents.

In Las Cruces the PAT Program provides the parenting component for Even Start and the Migrant Even Start Program but it does much more because it reaches out to families regardless of their income level. Seventy-five of the Las Cruces families are from the White Sands Missile Range. These parents have welcomed the Parents as Teachers Program—have sought out these services and are grateful for the support which PAT has given them in what is the most important and probably the hardest job in life—parenting.

I strongly urge you to support this amendment to establish and fund the Parents as Teachers Program as part of Goals 2000.

Mr. COCHRAN. Mr. President, I am pleased to be an original cosponsor of the Parents as Teachers Act and the amendment offered by the distinguished Senator from Missouri, Senator KIT BOND, to S. 1150.

Parents are a child's first teacher. Research shows that fundamental, lifelong learning skills are established from infancy. It is reported that self-esteem is established by the age of 4. The parent-child relationship is a critical factor in a child's success in early school years and throughout life.

But parents do not instinctively know how to help their children build a foundation for learning and health care. They need tools and guidance to be good at helping their children in this way.

That is why this amendment is so important. It authorizes the Secretary of Education to make grants, on a competitive basis, to establish community programs to help parents provide a life of learning and growing for their children and to make the transition between infancy and independence.

Specifically, it provides $20 million in funding for approximately 1,000 school districts to participate in this program. The average annual cost for each district is $20,000. Once established, States and local communities will eventually pick up the cost of the program. This legislation phases out Federal funds through a declining match from 100 to 25 percent over a 5-year authorization.

This amendment provides parents with the tools to strengthen language skills, intellectual development, social skills, and health care of children throughout their lives. The program has an adult literacy component, open to parents with children aged 3 and under, regardless of their socio economic status.

It also establishes a national center to provide information, training, and technical assistance to participants.

Key provisions include:

Home visits by parent educators upon request to give research-based information to parents about language skills, psychological, and physical development;

Periodic health screening to ensure that disabilities or development problems are detected before a child enters school; and

Group visits for parents to allow them to meet parents with children of the same age and establish a support group to discuss problems.

My home State of Mississippi has developed a program patterned after the successful Missouri Parents as Teachers model. Located in Jackson, MS, the Center for Family Education is supported by a cooperative partnership between the Junior League of Jackson, Central Presbyterian Church in Jackson, the Field Cooperative Association, the Child Care Food Program of the U.S. Department of Agriculture, the Mississippi Department of Human Services, and Frito Lay, Inc.

The Jackson program utilizes part-time paid staff and volunteers in a public-private effort. It has brought dramatic and positive change in the quality of life for the families it has served. It provides the missing link in the mosaic of Federal and State services to children and families, and it works because it recognizes that positive parental involvement is the key to a child's successful development.

The first of the six education goals established by the President and the Nation's Governors is: "By the year 2000, all children in America will start school ready to learn."

Nothing could be more important in achieving this goal than helping parents establish a home environment for their children that celebrates learning and good health care. This is a good prevention program because its long-term benefits should result in better educated and more employable youth, fewer drop-outs, reduced teen pregnancy, less need for remedial education programs, and less dependency on drugs and alcohol.

The Parents as Teachers Act calls for a modest investment in Federal funding. But this modest investment will generate a huge return for individuals and entire communities. I thank Senator BOND for asking me to join as a sponsor of this amendment and applaud him for bringing this exemplary model program to our attention.

Mr. DODD. Mr. President, I rise today to support the amendment to S. 1150 reauthorizing the office of educational research and improvement. It is particularly fitting that we take it up as a part of our broader efforts to assist local communities in improving their schools through the Goal 2000 legislation.

It is true that at first glance, the Office of Educational Research and Improvement may not seem integral to education reform. This is certainly not an attention-grabbing office of the Government. But it nonetheless plays an indispensable role because it is the Office that tells us what works and what doesn't when it comes to education.

TOP-QUALITY RESEARCH

The reauthorization of the Office of Education Research and Improvement ensures that schools across the country will have access to top-quality, timely education research. I am particularly pleased that this legislation includes changes I offered to ensure that the Office will study one of the most serious problems facing our schools today—violence.

THE NEED TO STUDY VIOLENCE

A few years ago, the idea that the Office of Educational Research and Improvement should study violence would have seemed preposterous. I am sorry to say, however, that violence is a reality in many of our schools, and they need the Office's help to develop and evaluate promising strategies to stop it.

While we are working through the Safe Schools Act to provide direct security assistance to schools, we must acknowledge that Federal dollars alone will never be sufficient to reach every community in need of help. Through Federal research, however, we can provide schools across the country with valuable information about what works and what doesn't in violence prevention. They can then use that information to make their own buildings safe for their students.

INCIDENTS DEMONSTRATE NEED FOR HELP

The need for this help is clear. Schools need to know how to stop shootings like the one that took the life of young Miguel DeJesus last year as he approached the front door of his school in New Britain, CT. Schools need to know how to stop the terror caused when gunfire breaks out in their hallways, as happened at Dunbar High School here in Washington last month. Schools need to know how they can safeguard their students and teachers and create an environment fit for learning.

Bringing the benefit of the Office of Educational Research and Improvement's works in this and other areas into the classroom is one of the most useful things we can do to help our schools help themselves. I urge my colleagues to join me in support of this amendment.

Mr. BINGAMAN. Mr. President, I am offering today on behalf of myself and on behalf of Senator DOMENICI an amendment in order to rectify an extremely unfortunate situation which has arisen in our State as a result of an inadvertent error by the chapter 1 office of the Department of Education. Because of that error, many children who would otherwise be entitled to chapter 1 services over the 3 years will not receive those services.

Colfax County is a small county in northern New Mexico. In 1993, Colfax received notice from the U.S. Department of Education that its chapter 1 allocation, which had been expected to be about $330,000 was instead over $680,000. Upon receipt of this unexpected funding, Colfax contacted the Department of Education to verify the amount. Colfax was told that the amount was correct. Colfax proceeded to distribute the money as required by chapter 1—including over $500,000 to the Raton District, Colfax's largest school district.

Ration then hired additional teachers and other professionals, including people who left long-standing jobs to join the chapter 1 Program and other who moved to Raton to join the chapter 1 staff.

Around Thanksgiving this year, Colfax was notified by the Department that the Department had made a mistake and that the chapter allocation had indeed been too high. After considerable negotiation and correspondence the Department notified Colfax that repayment was required under the law and could be made over 3 years. I will note that it is my understanding that throughout the negotiation the Department was very helpful and apologetic—but the Department simply has no discretionary funds which it could use to rectify such a situation.

The extra amount paid to Colfax came at the expense of the other counties across the Nation participating in the Chapter 1 Program—but only in the average amount of $195 per county. The effect on those counties of the underpayment was certainly de minimis. But, if Colfax is required to pay back the excess $350,000 over the next 3 years, its Chapter 1 Program, assuming funding at current levels, will be reduced by one-third to one-half for each of those years. Thus, many children otherwise in need of, and deserving, chapter 1 services will deprived of those services. Colfax County does not have other resources from which to make up this shortfall. This is a major and devastating blow to a school system and its deserving children.

The amendment which I am proposing today with Senator DOMENICI would forgive the obligation of Colfax to repay this money. At the same time it would provide that the counties receiving underpayments would not be repaid—but, as I have noted, that would have an imperceptible impact on other counties.

We have an opportunity here to rectify a major injustice to a small school district and I ask you to join me in voting to support this amendment.

Mr. DOMENICI. Mr. President, I am pleased to join my colleague from New Mexico, Senator BINGAMAN, in offering this amendment.

This matter was first brought to my attention by Paul Malano, director of Chapter 1 at Raton Public Schools. Raton is the largest school district in the small county of Colfax in New Mexico. Like many schools in rural areas, Raton has more than its fair share of disadvantaged children, and depends on Chapter 1 funding to provide these students with the assistance they need.

When Colfax County learned, late last year, that it was to receive an unexpected windfall in Chapter 1 funds, it brought this matter to the attention of the New Mexico State Department of Education. The State Department of Education notified the U.S. Department of Education that in all likelihood, the large amount of Chapter 1 funding that had been allocated to Colfax County was due to an oversight, and to please check the figures again. When the Department of Education verified that the amount of funding was, indeed, correct, Colfax County began distributing its funds.

Some time later, the county was notified that the amount that had been paid out to Colfax County had been the result of a mistake on the part of the U.S. Department of Education, and that Colfax would now be required to repay the amount of overpayment. This amount is in excess of $350,000. However, to help Colfax pay back the amount, the Department agreed to allow Colfax to repay the amount over 3 years.

Now, for a small district and county, $100,000 per year is a considerable sum. And as Colfax had already spent most the funding it had been given—since the Department of Education confirmed upon double-checking that the amount it received was correct—it has very little remaining funds with which to repay the excess. Therefore, the payments are to be taken out of the county's Chapter 1 funding each year for 3 years.

Senator BINGAMAN has explained more fully than I the details of the amendment we are offering. But the bottom line is that it allows Colfax County to waive the amount of this overpayment. It is plain that Colfax County acted in good faith by bringing this matter to the attention of the U.S. Department of Education. With the Department's confirmation that the funding was indeed correct, Colfax acted in the only way it knew how—it distributed the funds to its students. It is now being penalized because it asked that the Department double-check its figures, and because it distributed the funding to its poor students. We want to remedy this situation.

This amendment was drafted with the assistance of the Department of Education, and has been cleared by both sides. I appreciate the Senate's consideration of this amendment, and I want to thank my colleague, Senator BINGAMAN, for his leadership on this issue.

Mr. MCCONNELL. I have introduced a sense-of-the-Senate amendment expressing that Federal tax law should not preclude States from promoting higher education savings plans for Americans.

It is my hope that reforms to the tax code can be initiated to provide families with an incentive to save for their children's education. By encouraging long-term savings we can help Americans defray the rising costs of education.

Many of my colleagues are probably aware that higher education costs have skyrocketed over the last several decades. At the present rate of 8 percent per year, a $5,000 per year tuition bill will be $11,700 by the year 2000.

Soon, a typical middle-class family will not be able to afford the luxury of a college education if they do not have the opportunity or the encouragement to save. Since 1982, the personal savings rate has continually declined from 8 percent to a near record low of 3.8 percent in August 1992. This figure is quite discouraging, especially, considering that the cost of education continues to rise.

Mr. President, nobody disagrees that this Nation's future is dependent on the education of our youth. Not only do we need to train our future scientists and business leaders, but we need to provide service personnel and traditional blue-collar occupations with skills.

There are three parts to this amendment. The first expresses the sense of the Senate that individuals should be provided an initiative to save in order to meet the higher education costs of their children.

The second provision urges that State organizations sponsoring education savings plans be made exempt from Federal taxation. Presently, there are 34 States that have some form of education savings plan and thousands of individuals vested in those programs. It seems unnecessary to reinvent the wheel. Let's allow the existing plans to continue to operate—only more efficiently.

The third provision urges that corporate and individual gifts to the education trust fund be made exempt from Federal taxation. Such investments would be distributed among participants on a pro rata basis. This would boost the return to participants and would also provide corporations the opportunity to invest in the future leaders in this country.

I believe that these reforms will provide families a reasonable solution to providing for their child's education. In addition, it enhances State programs that already have provided savings opportunities for their residents. I am pleased the Senate has accepted this amendment. This is the first step to providing families the opportunity to invest in their educational future.

Mr. BURNS. Mr. President, I rise today to thank the managers of the bill for accepting a modified form of the amendment that I had proposed to Goals 2000.

This amendment would state that nothing in this bill would authorize the Federal Government to mandate the use of any curriculum, instructional material, or test by home schools or private schools.

I have heard from a lot of folks—and I am sure my colleagues have, too—who are concerned that this bill is the beginning of the Federal takeover of our country's school system.

I have also heard from those who support the bill, who say that this is not the intention of the bill.

Experience has taught me that nothing is more attractive to the bureaucrats than the opportunity to increase regulation and control.

Anyone who is involved in education can tell you how many regulations and how much paperwork they must deal with under Chapter One and the Individuals With Disabilities Education Act [IDEA].

So I do not think folks are too far off the mark when they express concern about more Federal control.

Let me remind my colleagues—the education of children between kindergarten and high school is a State and local responsibility.

That is only fair, considering that 94 percent of the money for schools comes from these sources.

Goals 2000 will supposedly increase efforts to reform our schools. Let me say that much reform is already taking place.

Goals 2000 focuses on public schools. I strongly support our public schools. My children attend them.

I am glad that my colleague, Senator GREGG, was successful in amending the bill to strengthen the protection for public schools.

Let us not forget, though, that public schools are not the only option for many Americans. There are private schools, and yes, there are home schools, too.

In fact, there are over 700 home schools in my State of Montana alone. And the statistics indicate that home schoolers do a fine job of educating their children.

Again, I do not think the Federal Government should have control over what is taught and what tests are used in any American school.

I thank the managers of the bill—Senator KENNEDY and Senator JEFFORDS—and I also thank Senator MACK and Senator CRAIG, who are cosponsors.

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

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. MOYNIHAN. Madam President, I rise toward the end of this debate for the purpose of reading a short essay on the subject of goals in education and standards in public life. My purpose, very simply, will be to say that on the two quantifiable goals which we are going to legislate today, there is no possibility of our achieving them by the year 2000. And it is a source of some concern to me that we are going forward as we now do, evidently not aware of this. Although, if I may, I, for one, have written in great detail an article in The Public Interest, in the winter of 1991. It is a simple article entitled "Educational Goals and Political Plans," saying what on Earth was the Bush administration doing associating itself with these matters? How could the Governors have signed on? And does this mean we have learned nothing from educational research over the past 30 years?

I ask unanimous consent that this article be printed in the RECORD at the end of my remarks.

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

(See exhibit 1.)

Mr. MOYNIHAN. Madam President, I have in mind the two quantifiable goals in the bill before us. These are, No. 2: School completion. Goal: By the year 2000, the high school graduation rate will increase to at least 90 percent.

Madam President, that will not happen.

No. 4: Mathematics and science. Goal: By the year 2000, U.S. students will be the first in the world in mathematics and science achievement.

Madam President, that will not happen.

There are seven goals in all:

First, that children should start school "ready to learn"; second, that the high school graduation rate should increase to at least 90 percent; third, that American students will leave grades four, eight, and twelve having demonstrated some competency in certain basic subjects—English, mathematics, and so on; fourth, that our students will be "first in the world in mathematics and science achievement"; fifth, that every American adult be literate and "possess the knowledge and skills necessary to compete in a global economy and exercise the rights and responsibilities of citizenship"; sixth, that "every school in the United States will be free of drugs and violence and will offer a disciplined environment conducive to learning"; and seventh, that "every school will promote partnerships that will increase parental involvement and participation in promoting the social, emotional and academic growth of children."

It might be helpful to the Senate to review the history of such efforts.

As has been noted, this is not the first time a President has proposed the setting of education goals. Nor is the notion of education reform, as this legislation has been called, a new one. The effort to provide good and equal educational opportunity has been with us for some time, as has widespread dissatisfaction with our school system.

President Eisenhower, in response to the launch of Sputnik by the Soviets in 1957, endorsed five education goals in a report entitled "Education for the Age of Science." In 1984, President Reagan proposed a set of education goals to be achieved by 1990. And in 1990, President Bush devoted a sizable portion of his State of the Union address to setting forth his education goals for the year 2000:

"Education is the one investment that means more for our future because it means the most for our children. Real improvement in our schools is not simply a matter of spending more. It's a matter of asking more, expecting more out of our schools, our teachers, of our kids, of our parents and ourselves. And that's why tonight I am announcing America's education goals, goals developed with enormous cooperation from the nation's governors * * *."

President Bush then listed his education goals, which were similar to President Reagan's goals—and virtually identical to those now proposed by President Clinton.

As it happens, President Bush was speaking to Congress in a vocabulary created in the 1960s by James S. Coleman, then of Johns Hopkins University, and his associates, notably Ernest Campbell, then of Vanderbilt University. As directed by Section 402 of the Civil Rights Act of 1964,[1] Coleman and his associates conducted a survey of public schools and students in 1965, which was published in the summer of 1966 by the Office of Education of the U.S. Department of Health, Education, and Welfare. Entitled Equality of Educational Opportunity, the work soon became known as the Coleman Report.

The Coleman Report introduced the language of educational outputs, which was a wholly new way for public officials to define educational policy. This language has antecedents in economic concepts such as Wassily Leontief's input-output models and Simsh Kuznets's gross national product; but the report was unmistakably a work of sociology. It's first finding was "that the schools are remarkably similar in the effect they have on the achievement of their pupils when the socioeconomic background of the students is taken into account."

Thirty months earlier, on January 1, 1964, another Government report—"One Third of a Nation"—had been issued.

The matter of setting goals has been with us for some years—recently but importantly—and it might be useful to review that practice.

President Eisenhower, in response to the launch of Sputnik I by the Soviets in 1957, endorsed five education goals in the report entitled "Education for the Age of Science," and these goals led to the National Defense Education Act of 1957, which was quite influential in shaping American science curricula in the years that followed.

But thereafter we began to be much more ambitious and much less successful.

In 1984, President Reagan proposed a set of educational goals to be achieved by 1990. They were not that far distant, Madam President, from the goals today we are saying are going to be achieved by the year 2000.

Then in 1990, President Bush devoted a sizable portion of his State of the Union Address to setting forth his educational goals. These goals, in turn, had been adopted by a national education summit conference held at Charlottesville, VA, in September 1989, where the Governors and the President got together and agreed on these goals. So this was more than just one Presidential address, one speech writer in the EOB. This was the Nation's Governors in concert with the President.

The President said, "Education is the one investment that means more for our future because it means the most for our children." He went on in that phrase concluding, "and that is why tonight I am announcing America's education goals, goals developed with enormous cooperation from the Nation's Governors."

Here they are, Madam President. Here is the official transcript, which includes applause lines.

"By the—[applause]—by the year 2000, every child must start school ready to learn."

That is a harmless goal. Call any child you want ready to learn. Most of them are.

"The United States must increase the high school graduation rate to no less than 90 percent. [Applause.]"

That is what we are saying in this legislation today. This was 4 years ago.

"By the—[applause]—year 2000, U.S. students must be the first in the world in math and science achievement. [Applause.]"

This is very serious and also very interesting because, as it happens, the President, President Bush, was speaking to Congress in a vocabulary that had been created in the 1960's by James S. Coleman, then professor of sociology at Johns Hopkins University, most recently president of the American Sociological Association, and his associates, notably Ernest Campbell, then of Vanderbilt University.

As directed by section 402 of the Civil Rights Act of 1964, Coleman and his associates conducted a survey of public schools and students in 1965, which was published in the summer of 1966 by the Office of Education of the United States Department of Health, Education, and Welfare. This was the second largest social science survey in history, and it measured both the inputs into schools around the Nation and the outputs. The report was entitled "Equality of Educational Opportunity," soon to be known popularly, if that is an appropriate term, as the "Coleman Report."

What Coleman and his associates did was to introduce the language of educational outputs, which was a wholly new way for public officials to define educational policy. Previously, educational policy goals had been to have a certain pupil-teacher ratio, to spend a certain amount of money per student, to have a certain number of books in the library, a certain number of hours in the day and hours in the week, days in the year. Inputs.

Now, Dr. Coleman, who I am sorry to have to say is not well at this time, introduced the idea of outputs. This language had antecedents in economic concepts, such as Wassily Leontief's input-output models of the economy and Simon Kuznets' concept of gross national product. These are familiar ideas to us, and they were familiar in economics then, but they had never been used in educational matters.

In this pathbreaking report, that changed. Thereafter, we never spoke education in the same language again. We had a new vocabulary. I wish I could say we had a new understanding of what that new analytical technique had developed, because the first finding of Coleman's massive study was, and I quote, that "the schools are remarkably similar in the effect they have on the achievement of their pupils when the socioeconomic background of the students is taken into account."

This was seismic, Madam President. Everything we had thought we knew turned out to be, in effect, not wrong but irrelevant. The Department of Health, Education, and Welfare was shaken.

I was much involved in these affairs at that time and can report there was a real question about releasing the report. It had a history. It was at the time when on the floor of the Senate the Civil Rights Act of 1964, what would become the Civil Rights Act of 1964, was being debated. It did not appear that the Senate was ready to outlaw a dual school system. So the section was put into the bill that said, all right, let us demonstrate the effects of the different levels, different inputs that go into these dual schools and we will see why this is not fair to students. And then when, indeed, the legislation went all the way, thanks to Hubert Humphrey and other such great men at that time, this section remained. And when asked, "Why are you doing this? Everybody knows all this anyway. We have a different number of books in the libraries. There is a difference in schools. Some schools are better, and others are not."

Coleman himself said, "Well, everyone knows it. We are going to proffer it once and for all." But then in the great tradition of social science research, he found that what everyone knew was not so, and this was not very welcome. I can assure you it was not welcomed, although it was certainly striking. I can recall an evening in Cambridge, MA, a gathering of academics, when Seymour Martin Lipset walked into a room and came up to me and said, "Have you heard what Coleman is finding?" I said, "No. What?" He said, "It's all family."

That was news. But it fitted in. It was not entirely within the constructs that we had begun to develop in the years just preceding.

Thirty months earlier than the time of the report, January 1, 1964, President Johnson released a document entitled "One Third of the Nation."

I was then Assistant Secretary of Labor for Policy, Planning and Research. I had conceived this study and proposed it be done, proposed it one could say to President Kennedy—but actually to Theodore Sorenson at the White House—which simply said at that time that almost half the American population was passing through a standard test called the Armed Forces Qualification Test and the failure rates were very high.

Gen. Louis B. Hershey would report, once again, 49 percent of the males failed. It seemed to us this might be a source of inquiry as to where are our problems, and who are those who are failing, and what might we do?

[1] Pub. L. No. 88-352; 78 Stat. 241 (1964).

We came up with some striking findings. We found that in the northern tier of States, running from the Great Lakes to the Pacific Ocean, educational failure was minimal: Only 2.7 percent failed in Minnesota; 3.6 percent in Washington State.

Might I say, Madam President, this is the incidence of very low I.Q. in any large population, normal. Any educational test that had a lower failure rate would not test educational achievement. It was a perfect score, you could say.

By contrast, the failure rates on the AFQT in the Old South were appalling: 52 percent in South Carolina; 51 percent in Mississippi. Obviously, some jurisdictions did better than others. But why?

This got close to home for an Assistant Secretary from New York, where the AFQT failure rate was 34 percent. We ranked 46th in the Nation, just ahead of Georgia, just behind North Carolina.

The failure rate, moreover, was more than twice that of our neighbor, Rhode Island, and three times of our neighbor, Vermont. We have a border on Long Island Sound with Rhode Island. Rhode Island had a failure rate of 14.3 percent.

Since our educational expenditures were very high, this ought to have suggested that there was something other than inputs that mattered. In those years, New York City had what was considered one of the best school systems in the world, but our achievement levels were at the level of South Carolina. Again, it had to be asked: What was going on?

President Johnson accepted the report which President Kennedy had commissioned, and issued a statement, which I drafted.

Rather than read it at this hour, I ask unanimous consent that it be printed in the RECORD.

Without objection, the material was ordered to be printed in the Record, as follows:

I am releasing today the report of the Task Force on Manpower Conservation, appointed by President Kennedy on September 30, 1963. I regard with utmost concern the principal findings of that report.

First, that one-third of the Nation's youth would, on examination, be found unqualified on the basis of standards set up for military service; and

Second, that poverty is the principal reason why these young men fail to meet those physical and mental standards.

The findings of the Task Force are dramatic evidence that poverty is still with us, still exacting its price in spoiled lives and failed expectations. For entirely too many Americans the promise of American life is not being kept. In a Nation as rich and productive as ours this is an intolerable situation.

I shall shortly present to the Congress a program designed to attack the root of poverty in our cities and rural areas. I wish to see an America in which no young person, whatever the circumstances, shall reach the age of twenty-one without the health, education, and skills that will give him an opportunity to be an effective citizen and a self-supporting individual. This opportunity is too often denied to those who grow up in a background of poverty.

Mr. MOYNIHAN. Then, with that data, the President called for his all-out war on poverty in the State of the Union Address, which he gave a few days later. His principal programs were educational, such as Head Start and the Job Corps. But soon, the age of Coleman was upon us. It was not at all clear what would change educational achievement.

The Department of HEW had some qualms about issuing the report, and indeed Coleman agreed, if they could write an introduction. The introduction took a very long time getting around to the central finding, although in fairness it did.

John Herbers, a wonderful reporter for the New York Times, spotted that central finding—you had to do your work to get to it; it was on page 21—and in a New York Times story, he wrote that the "differences in schools had very little effect on the achievement scores of children with a strong educational background in the home."

Again, to cite the Commissioner of Education, "Family background is more important than schools."

Twenty years passed and Prof. Eric A. Hanushek of the University of Rochester published a review article, as the phrase has it, that reported that Coleman's findings have now been fully validated.

I quote Professor Hanushek:

Two decades of research into educational production functions have produced startlingly consistent results; Variations in school expenditures are not systematically related to variations in student performance * * *.

In 1990, Hanushek, with John E. Chubb, wrote:

For more than two decades—since the massive government study, Equality of Educational Opportunity was conducted in mid-1960s—researchers have tried to identify inputs that are reliable associated with student achievement and school performance. The bottom line is, they have not found any.

What I am saying to you, and I say to my two friends, the managers of the bill, is that you are enacting two goals that cannot be achieved and will not be achieved. And it is to me incomprehensible that the Department of Education would not know that, would not have said it 5 years ago, would not be saying it today.

I would say to you that we are not just setting goals, we are establishing standards.

Take the high school graduation rate. The big change in high school graduation rates came between 1910 and 1960. Graduation was rare at the beginning of this period: 8.8 percent of 17-year-olds achieved it. By 1960, 69.5 percent of 17-year olds received high school diploma, by 1969, 77.1 percent. In 1980 this slumped to 71.4 percent; the Department of Education estimates that it was 73.8 percent last year. But the graduation rate has never risen above 77.1 percent, where it was in 1969. Is there any possibility that we will reach 90 percent 6 years from now—unless we fudge the numbers by including persons who received a GED or some equivalent later in life. But Goal number two in the bill uses the term "high school graduation rate." That means receipt of a diploma in the senior year.

The situation is the same where international rankings are concerned. In the First International Study of Achievement in Mathematics, conducted over a period of several years in the mid-1960's, American 13-year-olds tied for 10th place in mathematics out of 12 countries participating. In the same study, our 12th-graders were dead last.

In the follow-up study conducted between 1983 and 1986, our 13-year-olds seemed to fare slightly better. Their mathematics scores were about in the middle, with five nations scoring higher and seven lower—seven others scored the same as the United States. But American students in the last year of secondary school scored almost last; out of 15 countries studies, only Thailand and Hungary had lower scores.

In 1991, we were 13th out of 14 countries in mathematics achievement of 13-year-olds on the International Assessment of Educational Progress. Only Jordan scored worse. In science achievement, the United States was 12th out of 14 nations. Our rankings have not improved over the last three decades. On what grounds are we to assume a dramatic leap upwards in the next 6 years?

What does it say about us, Mr. President, that we feel compelled to set goals that quite obviously cannot be met? Are we in a permanent state of denial about this?

Paul E. Barton, director of the Educational Testing Service Policy Information Center, is a supporter of education goals, but nevertheless believes that "[t]he role of the family in the educational achievement of students is in danger of being ignored; if it is, we are not likely to reach the education goals set for the year 2000." In his excellent 1992 study, "America's Smallest School: The Family," Barton found that a number of family behaviors were strong predictors of educational achievement. "Five such factors," Barton said in a recent speech, "could pretty well predict average mathematics scores for the 37 States on the National Assessment of Educational Progress." The factors were: number of days absent from school; number of hours spent watching television; number of pages read for homework; quantity and type of reading material in the home; and presence of two parents in the home.

Barton concluded that these five factors were associated with 91 percent of the differences among the States in average proficiency. A telling example: the correlation between the percentage of eighth graders living in two-parent families and average mathematics proficiency is a solid .74.

Mr. President, the year 2000 will be here before we know it. It will arrive with these two education goals still conspicuously unmet. I will not oppose the legislation before us. I fear, however, that an unintended consequence of this effort will be the delay until the turn of the century of a serious debate on this subject.

In the meantime we would do well to ask whence came this official delusion. Is it evidence of a dysfunction in the political world far more portentous than that in our high schools? Are we in fact legislating an official lie? That is a goal governments achieve all too readily. Goals ascend as standards decline.

EXHIBIT 1

[From the Public Interest, Winter 1991]

EDUCATIONAL GOALS AND POLITICAL PLANS

(By Daniel Patrick Moynihan)*

American politics has been notable for its lack of ideological structure. We have had our share and more of ideological movements, but these have typically begun outside the system of political parties, thereafter seeking to influence and on occasion to penetrate the established institutions. The latter have in the main resisted this, usually preferring to soften distinctions and to compete for votes at the center. Accordingly, it is common for American politics to be described as pragmatic, in contrast to the complex social doctrines that guide European politics.

This American institutional peculiarity, however, conceals a long-established bias in favor of that obscure but enduring ideology known as social science, to which the Founders themselves explicitly acknowledged their debt; they asserted that the Constitution was drawn up in accordance with a "new science of politics," based on a realistic assessment of human motivation, which gave promise of stability through the interaction of clashing interests. Good revolutionaries, they placed an appropriately high value on stability, but they looked for more than stable government; their science was intended to produce good government as well.

Instances abound of Americans' attempts to use social science to improve government. It was the American theory of penal reform, for example, that summoned Alexis de Tocqueville to upstate New York; only upon arrival did he look about him at American democracy.

EDUCATIONAL REFORM TODAY

But of all such reformist enterprises none began earlier, has lasted longer, and remains as problematic as the effort to provide good and equal educational opportunity. Indeed, as a nation, once again we find that we are dissatisfied with our educational system. We do not seem to be turning out the students we had hoped for. A front-page story in the New York Times last March described the present as "a moment of widespread dismay with the schools" of New York City. And New York is scarcely alone. In 1983 a National Commission on Excellence in Education entitled its report "A Nation At Risk." On every hand there was a litany, as Chester E. Finn, Jr., put it, of "allegation, lamentation, and evidence." The evidence—test scores—was damning, and the effort toward reform was seemingly stymied.

Recognition of the need for reform reached an apogee of sorts in 1990, when President Bush devoted a sizable portion of his 1990 State of the Union message to setting forth specific educational goals for the year 2000. The White House thereafter provided a test, which helpfully noted the moments when the Congress broke into "applause)," "(light applause)," or "(continued applause, laughter)":

"Education is the one investment that means more for our future because it means the most for our children. Real improvement in our schools is not simply a matter of spending more. It's a matter of asking more, expecting more of our schools, our teachers, of our kids, of our parents and ourselves. And that's why tonight—(light applause)—and that's why tonight I am announcing America's education goals, goals developed with enormous cooperation from the nation's governors. . . .

"By the—(applause)—by the year 2000, every child must start school ready to learn.

"The United States must increase the high school graduation rate to no less than 90 percent. (Applause.)

"And we are going to make sure our schools' diplomas mean something. In critical subjects, at the fourth, eighth, and twelfth grades, we must assess our students' performance.

"By the—(applause)—year 2000, U.S. students must be the first in the world in math and science achievement. (Applause.)

"Every American adult must be a skilled, literate worker and citizen."

Now this is a large pronouncement, even granted the setting. We are told that the future is at stake. And not just the future of our youth, but that of our nation. Of a sudden, international politics has taken over what was once the modest domain of school boards whose members in most parts of the carefully avoid party identification.

We will return to the (drear) implications for the nation of the State of the Union address. The point here is that the President was speaking to Congress in a vocabulary created in the 1960s by the sociologist James S. Coleman, then of Johns Hopkins University, and his associates, notably Ernest Campbell of Vanderbilt University. Coleman and his associates conducted a survey of public schools and students in 1965, which was published in 1966 by the Office of Education of the U.S. Department of Health Education, and Welfare. Entitled Equality of Educational Opportunity, the work soon became known as the Coleman Report.

The Coleman Report introduced the language of educational outputs, which was a wholly new way for public officials to define educational policy. This language has antecedents in economic concepts such as Leontief's input-output models and Kuznets's gross national product; but the report was unmistakably a work of sociology. It was the peculiar political fate of this most powerful government-sponsored social-science research of the later twentieth century to appear just as the federal government had lost the capacity to act upon it. Whether and when this capacity might be restored is another matter.

EDUCATIONAL FAILURE AND THE WAR ON POVERTY

Let us go back to January 1, 1964, when another government report—One-Third of a Nation—was issued. This report had its origins the previous summer,[1] when the author of the present essay, who was then Assistant Secretary of labor for Policy Planning and Research, noted that half—49.8 percent—of the young men who were examined for Selective Service had been rejected, having failed the mental test (the Armed Forces Qualification Test or AFQT), the physical test, or both. This seemed a large proportion. If on closer examination it was true that a goodly portion of the entire cohort of young men would fail, then we had a better case than we perhaps realized for the assorted education and training programs that President Kennedy had proposed to a generally indifferent Congress.

Selective Service was not in the least controversial at this time, while military preparedness is (almost) always an acceptable theme and an occasion, at times, for social enquiry.[2] Wherewith, the President's Task Force on Manpower Conservation. The Task Force was chaired by W. Willard Wirtz, Secretary of Labor, with Robert S. McNamara, Secretary of Defense; Anthony J. Celebrezze, Secretary of Health, Education, and Welfare; and Lieutenant General Lewis B. Hershey, head of the Selective Service System. I served as secretary, using the great capacities of the career civil servants of the Bureau of Labor Statistics and a more-than-cooperative Department of Defense to establish the baseline data.

We established, as the title of the report indicates, that if all the eighteen-year-olds in the population were to be tested, a third would be rejected for failing at least one of the tests, One-third was surely a large enough proportion to cause concern. But most striking was the variation among states.[3] In that most admirable northern tier of states running from the Great Lakes to the Pacific Ocean, educational failure was minimal: only 2.7 percent failed in Minnesota, and 3.6 percent in Washington. By contrast, the AFQT test-failure rates in the Old South were appalling: 51.8 percent failed in South Carolina, and 51.2 percent in Mississippi. Obviously, some jurisdictions—if you like, civic cultures—did better by their children than did others. This got close to home for this Assistant Secretary from New York, whose AFQT failure rate of 34.2 percent ranked it forty-sixth in the nation, just ahead of Georgia, just behind North Carolina. The failure rate in New York, moreover, was more than twice that in Rhode Island (New York's neighbor across Long Island Sound), which had a rate of 14.3 percent.

This ought to have suggested that educational expenditures or other inputs did not automatically produce the output of educational achievement. There was no shortage of inputs in New York State as such matters were then understood. In terms of inputs, New York had one of the best school systems—if not the best—in the nation. New York was still the most populous state in the Union, and probably the wealthiest. Nonetheless, the only explanation that came to mind for the high failure rates was poverty.

On receiving the report on January 5, 1964, President Johnson issued a statement drafted largely by the present author:

"I am releasing today the report of the Task Force on Manpower Conservation, appointed by President Kennedy on September 30, 1963. I regard with utmost concern the two principal findings of that report.

Footnotes at end of article.

"First, that one-third of the Nation's youth would, on examination, be found unqualified on the basis of standards set up for military service; and

"Second, that poverty is the principal reason why these young men fail to meet those physical and mental standards.

"The findings of the Task Force are dramatic evidence that poverty is still with us, still exacting its price in spoiled lives and failed expectations. For entirely too many Americans the promise of American life is not being kept. In a Nation as rich and productive as ours this is an intolerable situation.

"I shall shortly present to the Congress a program designed to attack the roots of poverty in our cities and rural areas. I wish to see an America in which no young person, whatever the circumstances, shall reach the age of twenty-one without the health, education, and skills that will give him an opportunity to be an effective citizen and a self-supporting individual. This opportunity is too often denied to those who grow up in a background of poverty."

Thereafter, the President recurrently referred to these findings. Lyndon B. Johnson was capable of appearing more empathic than he was, but these findings seemed to reach him. He clearly thought that evidence of dismal educational achievement would mobilize the society to improve it.

The logic seemed inescapable. If Minnesota could have a raw failure rate in an education test that was close to the incidence of very low IQ rates, then clearly it was possible to do as well elsewhere. It might have been objected—this was 1964—that the dual school systems of the South made such progress problematic in South Carolina or Mississippi, and there would have been agreement on this. But on what grounds could it be argued that New York was incapable of the performance of Rhode Island?

These were newly vigorous times in Washington. The assassination of President Kennedy had released great energy. Or was it anxiety? Either way, the capital was suddenly alive to all manner of possibilities, not least that of abolishing poverty. There were competing theories as to how this might be done, but only one set of data as to what needed doing, drawn from One-Third of a Nation.

In his 1964 State of the Union address President Johnson urged Congress to declare "all-out war on poverty . . . in these United States," and in short order the Office of Economic Opportunity came into being. Its principal programs were educational, such as Head Start, an early childhood program pretty much modeled on the kindergarten created by Froebel in the first half of the nineteenth century in Europe, and the Job Corps, a form of residential vocational education. On its own, the Department of Defense began Project 100,000, an effort to bring into the Army young men who would otherwise have been rejected and to train them up to standards.

What we have here is a simple deficiency model. Poverty persisted because certain young people received too little education. The solution: give them more.

THE IMPORTANCE OF THE FAMILY

Twenty-four years later another president—Ronald Reagan—declared, "My friends, some years ago, the Federal Government declared war on poverty, and poverty won." There were few to contest the statement for the simple reason that the subject had proved complex. Where there were simple deficiencies, as with income or health care for the aged, poverty had in fact been greatly reduced, if not overwhelmed. However, it turned out that, by the 1960s, trends were in place that would make the poverty of portions of the nation's youth seemingly irreducible. This would be the lurking, half-understood message of the Coleman Report.

It all began, unobtrusively, in a little-noticed provision of the epic Civil Rights Act of 1964, which mandated the Commissioner of Education to "conduct a survey and make a report to the President and the Congress, within two years . . ., concerning the lack of availability of equal educational opportunities for individuals by reason of race, color, religion, or national origin in public educational institutions at all levels in the United States. . . ." [My emphasis.]

The report—Equality of Educational Opportunity—appeared thirty months after One-Third of a Nation. It was not, however, endorsed by a cabinet committee or hailed by a president. No new program was proposed based on its findings. To the contrary, it was released on the fourth of July weekend, 1966, with a minimum of endorsement. The U.S. Commissioner of Education assured any potential readers that "[m]y staff members and the consultants who have assisted them on this project do not regard the survey findings as the last word on the lack of equal education opportunities in the United States." The Assistant Commissioner for Educational Statistics noted that "[i]n addition to its own staff" his office had "used the services of outside consultants and contractors," such as "James Coleman." No middle initial for outside consultants.

It was not until p. 21 of the Summary report that readers might have sensed that here was something new under the sun: "The first finding is that . . . schools are remarkably similar in the effect they have on the achievement of their pupils when the socioeconomic background of the students is taken into account."

One-Third of a Nation had been reported on the front page of the New York Times. Coverage of the release of Equality of Educational Opportunity was buried on page 24 of the Times on July 2, 1966; but Times reporter John Herbers, a journalist of rare insight, spotted the news. What was surprising, he noted, was that "differences in schools had very little effect on the achievement scores of children with a strong educational background in the home."In the words of the Commissioner of Education, "[F]amily background is more important than schools."

Congress had called for a report concerning the "lack of availability of equal educational opportunities." The report that came recorded little by way of unequal opportunities, as then understood, but great differences in educational achievement. Coleman later revealed, if that is the term, that he and his associates had started out with a radically different notion of the world they were mapping:

"[T]he major virtue of the study as conceived and executed lay in the fact that it did not accept [the traditional] definition[;] . . . by refusing to do so, [it] has had its major impact in shifting policy attention from its traditional focus on comparison of inputs (the traditional measures of school quality used by school administrators: per-pupil expenditures, class size, teacher salaries, age of building and equipment, and so on) to a focus on output, and the effectiveness of inputs for bringing about changes in output."

In 1990 Chester E. Finn, Jr., described the impact of the report in terms of the "paradigm shifts" discussed in Thomas Kuhn's The Structure of Scientific Revolutions: whereas the old paradigm posited a "direct and automatic . . . causal relationship between inputs and outcomes[, so] that altering the former was believed ineluctably to change the latter," the new paradigm held that inputs "did not necessarily have any effect on [outcomes]. . . . Educational achievement and other desired outcomes, it seemed, were strongly influenced by many factors (some external to the formal education system), such as home environment, peer group, and exposure to television."

Finn records that the response to Coleman's new paradigm was "initially, a mixture of bafflement and hostility." More importantly, and largely because of the timing of the report's release, it was subdued. Just as One-Third of a Nation appeared at the outset of an extraordinary period of political initiative and innovation in American national politics, so Equality of Educational Opportunity appeared just when that period came to a close, thirty months later.

In a 1965 message to Congress, Johnson, drawing on One-Third of a Nation, had stated that "nearly half the youths rejected by Selective Service for educational deficiency have fathers who are unemployed or else working in unskilled and low-income jobs." This observation anticipated Coleman, but did not quite get at his point. The importance of family was evident, but since there was "nothing" to be done about family, "educational deficiency" had to be offset in the schools. The President therefore proposed a new program of financial assistance to public schools serving children in "low-income families[,] . . . with the assurance that the funds will be used for improving the quality of education in schools serving low-income areas." (This became Chapter 1 of Title I of the Elementary and Secondary Education Act of 1965, which is still in effect today.)

What if Coleman's work had been available at the outset of the thirty months in which Lyndon Johnson's attempt to reduce poverty held sway? Would the war on poverty have taken a different direction, a different cast? Not likely. This was a time when a great many interest groups were getting attention for their agendas, almost all of which were defined in traditional input terms. Civil rights apart, there was no more insistent claim than for "federal aid to education." It came now in the form of the Elementary and Secondary Education Act of 1965. Although this was not the straightforward federal cost sharing that had been sought from the time the post-war baby boom appeared, it was still federal aid. Social science was welcome to help make the case for it, but no more than that.

PUBLICIZING COLEMAN'S MESSAGE

In any event, as noted, Coleman's work appeared at the close of a period of innovation and experiment. The real challenge was to ensure that the work secured a place in the realm of policy analysis and debate. For practical purposes its sponsor, the Office of Education, with the full knowledge of the Office of the Secretary of Health, Education, and Welfare, had sought to suppress it. An effort now began to see that it survived. This was not difficult; Coleman was a well-established academic with a wide acquaintance in the circle of (then) liberal Democrats, assorted socialists, and unreconstructed Californians associated with the new journal The Public Interest. Coleman contributed an article, "Equal Schools or Equal Students," to issue No. 4, Summer 1966. He wrote:

"The sources of inequality of educational opportunity appear to lie first in the home itself and the cultural influences immediately surrounding the home; then they lie in the schools' ineffectiveness to free achievement from the impact of the home, and in the schools' cultural homogeneity[,] which perpetuates the social influences of the home and its environs."

That fall I took the report to Theodore R. Sizer, the ebullient dean of the Harvard Graduate School of Education, who immediately grasped that here was something new and important. A faculty seminar was organized, which attracted some eighty professors and graduate students from all manner of disciplines and from all over the country. (Most importantly, it attracted the attention of Frederick Mosteller, Chairman of the Harvard Department of Statistics.) Jason Epstein of Random House also recognized that something of large consequence had come along and cheerfully published On Equality of Educational Opportunity (Frederick Mosteller and Daniel P. Moynihan, eds.), a massive collection of papers prepared in connection with the seminar. The research was now securely in the public domain.

The seminar, in effect, "reran" the Coleman data; the numbers came out the same. Two decades later, Eric A. Hanushek, who had been a member of the seminar, reported that the conclusions remain valid:

"Two decades of research into educational functions have produced startlingly consistent results: Variations in school expenditures are not systematically related to variations in student performance. . . . These findings suggest that school decision making must move away from traditional "input directed" policies to ones providing performance incentives. The concentration on expenditure differences in, for example, school finance court cases or legislative deliberations, appears misguided given the evidence."

Or consider Hanushek and John E. Chubb, writing in 1990 on "Why 'More' Has Not Meant 'Better'":

"Education policy is usually seen as a problem of selecting the correct inputs. . . . There is a fundamental problem with this approach, however. . . . For more than two decades—since the massive government study, Equality of Educational Opportunity[,] was conducted in the mid-1960s—researchers have tried to identify inputs that are reliably associated with student achievement and school performance. The bottom line is, they have not found any."

Standing alone, this body of research might not present any political difficulties. But it does not stand alone. To the contrary. Research in other areas led University of Massachusetts sociologist Peter H. Rossi to announce his Iron Law; "If there is any empirical law that is emerging from the past decade of widespread evaluation research activities, it is that the expected value for any measured effect of a social program is zero."

Writers in The Public Interest, for example, had begun to suspect this; their doing so made them objects of suspicion in turn. A sometimes savage critique arose. Every finding of fact was scrutinized for intention. In the end a neoconservative school emerged, convinced that liberalism had become a closed doctrine. And yet the political system as a whole remained open enough to Coleman's insights. It was not impossible to argue that if we did not know enough about how to get inputs to yield a desired outcome, we simply needed to learn more. On the other hand, the attempt to learn more was scarcely rewarding.

In 1970, as Counselor to President Richard M. Nixon, I drafted, with the inspired help of Finn and others, a Special Message to the Congress on Education Reform, a statement drawn almost entirely from Coleman and the seminar that followed. There were two proposals worthy of notice. First was the creation of a National Institute of Education to continue the Coleman quest.

"There is only one important question to be asked about education: What do the children learn?

"Unfortunately, it is simply not possible to make any confident deduction from school characteristics as to what will be happening . . . in any particular school. Fine new buildings alone do not predict high achievement. Pupil-teacher ratios may not make as much difference as we used to think. Expensive equipment may not make as much difference as its salesman would have us believe.

"And yet we know that something does make a difference.

"The outcome of schooling—what children learn—is profoundly different for different groups of children and different parts of the country. Although we do not seem to understand just what it is in one school or school system that produces a different outcome from another, one conclusion is inescapable: We do not yet have equal educational opportunity in America.

"The purpose of the National Institute of Education would be to begin the serious, systematic search for new knowledge needed to make educational opportunity truly equal."

With the notable assistance of the late Edith Starrett Green, Representative from Oregon, and John Brademas, then Representative from Indiana, the National Institute of Education was in fact created, and located in the Department of Health, Education, and Welfare. Regrettably, it was a waste of money and, indeed, of presidential assets. No one wanted to hear from Richard M. Nixon that "the educational effectiveness of many special compensatory programs[,] . . . despite some dramatic and encouraging exceptions[,] . . . [is] not yet measurably improving the success of poor children in school." This was dismissed because it was somehow taken to mean that President Nixon opposed Head Start.

The education message, which was stuffed with proposals for increased funding of one established program or another, also called for a Presidential Commission on School Finance to address a familiar range of issues. In one respect, however, it was unique. It clearly was partial to some form of support for Catholic schools. These were described as "non-sectarian, Catholic, Protestant, Jewish and other" but to my thinking it was the Catholic schools that mattered most, for the two simple reasons that there were more of them and that so many were located in inner-city neighborhoods.

It did not require any great immersion in the Coleman data to sense that whatever-it-was-that-worked for "disadvantaged" children was most likely to be found in denominational schools and that whatever-that-was might prove transferable, so long as the models remained in place. In the 1980s, Coleman, in association with Thomas Hoffer and Andrew M. Greeley, would publish research on Catholic education of great interest. The now familiar themes of family and community emerged to account for the better performance, notably in inner cities, of parochial schools. The breakdown of "functional communities" had followed the breakdown of family.[4] Public schools somehow could not connect with children in the way that parochial schools somehow could.

But by this point the political parties had taken sides. In the 1970s a tuition tax credit for private schools passed the House of Representatives and might have passed the Senate save for fierce opposition from Democratic President Jimmy Carter. His successor, Republican Ronald Reagan, just as emphatically supported tuition tax credits; but they were not enacted, given the now settled opposition of Democrats. On the other hand, by the 1990s the case for a more pluralist educational system was being advanced with considerable vigor.[5]

UNREALISTIC GOALS

At the same time, a general pattern of avoidance in Washington led to such mindless exercises as the education goals set out in the State of the Union address of 1990. The mode of analysis could be traced to Coleman, but the rigor was absent altogether.

This thought should be pressed, not least by the research community. President Bush's goals were not merely proclaimed. They were in a legitimate sense negotiated with the governors of the states. He and the governors met to discuss the subject—one of three such gatherings in our history—in the Fall of 1989. The press office of the National Governors' Association was near to breathless on the outcome. A press release described the agreement to establish national education performance goals as "an historic first."

The following February, the National Governors' Association specifically endorsed the goals set forth in the State of the Union address. Through its emphasis on outputs, the Coleman Report had changed the terms in which political executives addressed the subject of education. What it did not do, and could not be expected to have done, was to invest these terms with an appropriate sense of accountability. For on no account could the President's goals—the quantified, specific goals—reasonably be deemed capable of achievement.

It will readily be seen that some of the presidential goals were essentially nonquantitative, such that we will never know for sure whether we have achieved them. By the year 2000 "every child must start school ready to learn". Most of us would grant that readiness to learn is an elusive concept, although we are often surprised by what we learn to measure. Similarly, it is hard to be sure just what the President meant when he said that "every adult must be a skilled, literate worker and citizen." We get the idea, of course. But measuring the outcome would seem to present difficulties. Just what do we mean by "skilled" or "literate"? But then again, we might very well find a measure of such qualities. When an employer advertises for a "skilled mechanic" those concerned seem to know what is involved. Why not, then, a "skilled citizen"?

Let us concentrate, however, on those two specific, numerical goals: that American students attain a 90-percent graduation rate and be first in the world by the year 2000 in math and science achievement. In preparing this essay, I wrote to half a dozen people who had taken part in the Harvard faculty seminar on the Coleman Report in the 1960s to ask what they thought were the prospects of achieving these goals by the year 2000. Two respondents replied that the goals were "completely unreachable" and "unrealistic"; another said that it was "barely conceiv-

able" that we would meet the graduation goal, and a fourth held out "little hope of even beginning on the path to the goals."

The final two respondents were somewhat more sanguine. One agreed that the two goals "are . . . very hard to attain," but he "would not go so far as to say [that achieving them is] impossible"; while "skeptical," the final respondent was "impressed by the vigor" with which the governors were "attack[ing] this education issue."

I would note that the last two responses came from people who have been practitioners as well as researchers, and thus are not disposed to let hopes die too easily. I would note also that two respondents were more sanguine about graduation rates, and one suggested that to be "first in the world in science and mathematics" might be an amorphous goal—would it be enough to have the most Nobel laureates?—as against the general understanding that the President was talking about test scores on various international comparisons. Accordingly, it should be made clear that I am the one holding that the President's goals are unattainable. I assume that most social scientists in the field would agree; but then agreement is never universal, nor ought it to be.

In any event, our subject is not the goals, but the relation of social science to politics in this field. As regards the goals themselves, my views derive from two sets of observations. Neither is conclusive, but then we won't have to wait long to see if the goals are met.

A first set of observations is that in recent years we seem to have been moving away from these goals rather than toward them. The big change in high school graduation rates came in the half-century from 1910 to 1960. Graduation was rare at the beginning of this period (8.8 percent of seventeen-year-olds achieved it), and common at the close (69.5 percent). By 1964 the graduation rate had reached 76.7 percent, and in 1970, 76.9 percent. Then it slumped considerably to a 1980 low of 71.4 percent, from which it has since risen to 74.0 percent in 1989. (Incidentally, don't trust any of these decimal points. They give the illusion of accuracy much too common in government statistics.) We seem to be doing a little better, but not as well as we did a quarter-century ago. The 1980s did show an improvement, but by no more than 2.6 percent. Double that for the 1990s and by the year 2000 we will have reached 79.2 percent, not far above the level of 1970.

So far as rank order is concerned, educational outcomes in the late 1980s look very much like those of the early 1960s that were recorded in One-Third of a Nation. In 1962 Minnesota ranked first in AFQT scores (which is to say it had the lowest failure rate). In 1988 Minnesota had the highest graduation rate. New York was forty-sixth in the 1962 AFQT rankings and forty-sixth in the 1988 graduation rankings, a quarter-century later.[6] In truth, the graduation rate in New York State has been declining steadily since the 1960s. (It was at 73.5 percent for the class that entered in the fall of 1965, but it declined to 66.3 percent for the class that graduated in June 1988.) As for funds, the National Center for Education Statistics reports that for 1989–1990, New York, at $7,153, had the third highest per-pupil expenditure in the nation, following only Alaska (whose $7,411 figure is inflated by the high cost of living there) and New Jersey ($7,312). New York was well above the national average of $4,448. By contrast, California—the largest state—was slightly below that average with a per-pupil expenditure of $4,392. As for those pesky 1988 graduation rates, while New York was forty-sixth in the nation, neighboring New Jersey ranked fifteenth.

Now to the President's goal of moving America up to first in the world in science and math scores by the year 2000. The Budget of the United States Government, Fiscal Year 1991 has a bar chart that shows us ninth-grade science scores as evaluated by the International Association for the Evaluation of Educational Achievement. The chart is entitled "Grade 9 Science Achievement in The U.S. Lags Behind Other Industrialized Countries." In this ranking, Hungary is first, followed by Japan, Canada, Finland, Sweden, England, and, finally, the United States. These rankings seem to bounce around a bit. High school seniors in Hong Kong and Singapore regularly come out first in physics, chemistry, and biology. England often ranks second. The United States rarely makes the first ten.

Most striking is the case of Hungary. Nineteenth-century Hungary developed a high scientific culture. Much of modern physics came out of the University of Budapest in the early years of this century. (Much of the Manhattan Project was the work of native Hungarians who had fled Europe.) But the twentieth century was not kind of Hungary. War, revolution, and tyranny followed in seemingly inexorable succession. Hungary is just now emerging from a half-century of fascism followed by communism. Just about anything you could do to a people has been done to Hungarians. But nothing has been able to prevent Hungarian schoolchildren from learning physics. By contrast, is there any reason to think that American schoolchildren will reverse their long-established performance patterns in these measures in the space of a decade?

The presidential goals set out in 1990 for the year 2000 would have been more defensible were it not for the fact that in 1984 the preceding president had set out substantially the same goals for 1990. In particular, the goal of a 90-percent graduation rate seems to have gotten stuck in the memory bank of the White House word processors: in 1984 President Reagan called for reducing the dropout rate "to 10 percent or less" before the end of the 1980s.

It is safe, I would think, to regard the dropout rate as the reciprocal of the graduation rate. Surely the two goals are approximately the same.[7] The Reagan goal was not met; it was not even approximately met.

There was another goal set forth by President Reagan in 1984: "Before this decade is out, we should regain at least half of what we lost in the sixties and seventies on scholastic aptitude tests." Let us examine this proposition. Between 1984 and 1989 the mean SAT verbal score for college-bound seniors did increase—by two points, from 426 to 428. That is after having dropped forty points from the peak reached in 1967. The closure was nowhere near the half-way point.

My second set of observations has to do with how little the education innovations of the past quarter-century seems to have changed some measures of educational achievement.

Yet to leave the matter there would miss the point, for Coleman did more than put in place a new way of thinking about education. He also put in place a potentially powerful mode of accountability. His outputs, measured by specialists, can still be grasped by the general public. If, as forecast here, the year 2000 arrives and the United States is nowhere near meeting the education goals set out in 1990, the potential will nonetheless exist for serious debate as to why what was basically a political plan went wrong. We might even consider how it might have turned out better.

FOOTNOTES

*I acknowledge with gratitude the able assistance of David Rich.

[1] See Daniel Patrick Moynihan, "Toward a Post-Industrial Social Policy," The Public Interest, no. 96 (Fall 1989), pp. 16–27.

[2] Tradition has it that the introduction of conscription during World War I first revealed to British authorities the ill health and educational deficiencies of the urban working class. The arrival of troops from Australia and New Zealand, who looked almost like members of a different species, is said to have made a striking contrast.

[3] One-Third of a Nation did not reestimate failure rates on a state-by-state basis. I use here the raw failure rates contained in General Hershey's annual Selective Service System report for 1963.

[4] Consider the evidence provided by Marian Wright Edelman of the Children's Defense Fund in her 1990 commencement address at Howard University: "Every 79 seconds, an unmarried Black woman has a baby. Over 62 percent of Black babies are being born to unmarried women, which almost guarantees the poverty of the majority of the next generation of Black children. Every 3 minutes and 38 seconds, a Black teenager has a baby. . . . Five out of six young Black female-headed families are poor." Note also that "[e]very 30 seconds of the school day, a Black child drops out."

[5] See James S. Coleman, Thomas Hoffer, Sally Kilgore, and Samuel S. Peng, Public and Private Schools, National Center for Education Statistics, 1982; Thomas Hoffer, Andrew M. Greeley, and James S. Coleman, "Achievement Growth in Public and Catholic Schools," Sociology of Education, American Sociological Association, Volume 58, Number 2, April 1985; and James S. Coleman and Thomas Hoffer, Public and Private Schools: The Impact of Communities (Basic Books, 1987). See also John E. Chubb and Terry M. Moe, Politics, Markets and America's Schools (Brookings Institution, 1990).

[6] Please note that I do not claim that the high school graduation rate is a surrogate for whatever it is that is tested by the AFQT. Yet there is some evidence that it is such a surrogate. In December 1989 a study sponsored by the Office of the Assistant Secretary of Defense noted that "[d]ecades of study results have demonstrated that those without a high school diploma are twice as likely as high school graduates to leave the military before completing a full term of service." See Janice H. Laurence, Peter F. Ramsberger, and Monica A. Gribben, Effects of Military Experience on the Post-Service Lives of Low-Aptitude Recruits: Project 100,000 and the ASVAB Misnorming, Human Resources Research Organization, p. 2.

[7] What neither rate takes into account is the number of people who eventually receive a General Education Development (GED) diploma. According to Marshall S. Smith, including these "graduates" in the graduation rate would increase the 1989 rate from 74 percent to 78 percent. There has, however, been a marked reduction in the number of people receiving GEDs. In 1989, 13.4 percent fewer GED diplomas were awarded than in 1988, despite a decline in the graduation rate. See American Council on Education, The 1989 Statistical Report (GED Testing Service, 1990).

Mr. JEFFORDS. Mr. President, I commend my colleague from New York, Senator MOYNIHAN, for his very erudite—as he usually is—discussion of the problems this country is having with education, and also some of the studies that have been done in the past, pointing out the serious problems that exist in regard to our young people successfully moving into the next century. I so disagree with a couple of his comments.

With respect to goal 1, he thought students were now coming, ready to learn. I do not think that is what he was referring to. For we do have serious problems with many, many young people in this country, on their ability

to learn. They need to be helped through Head Start, other preschool, health, and nutrition programs, including full implementation of the WIC Program. This will ensure that when they do come to school, they are fully immunized and fed, so they have an opportunity to be able to learn.

Goal 2 states we should reach a 90-percent graduation rate by the year 2000. If you look at the latest statistics, the graduation rate is 88 percent. That is very misleading. First of all, there are demographic groups in our society, Hispanics and blacks, who are way below that. So certainly, when we look at that goal, we need to talk about everyone.

More important is the evidence as to whether or not those who graduate are meeting those matters contained in goal 3. Goal 3—when we talk about graduation and being ready for the next century—refers primarily to the ability, to have met the standards necessary to be a meaningful participant in the work force. The rates of that kind of competency are far from being achieved.

Studies show only 60 percent of our students are competent in English; much less than that are competent in math and science. There is no question we have to look at those studies and understand you have to be also qualified under goal 3 to be considered as a graduate under goal 2.

Let me make a few more comments on being ready to learn, which I just discussed. The goals panel, which was created after the at-risk study of 1983, has been keeping tabs on some of these things. I would like to just go through the list of the things they said regarding the "Ready-to-Learn" situation.

In 1990, one-half of all infants born in the United States started life with one or more risk factors: tobacco or alcohol use by their parents. In 1991, only 37 percent of 2-year-olds had been fully immunized. Less than half of all 3- to 5-year-olds from families with incomes less than $30,000 are enrolled in preschool. And 70 percent of the children eligible for Head Start still go unserved. So we are far, far away from reaching that.

I think I have previously gone through some of the real deficiencies in reaching our goals. Let me just mention a few as we go on with respect to goal 3.

Fewer than 1 in 4 fourth and eighth grade students are able to meet high standards of performance in mathematics or reading on the National Assessment. In 1990, only 46 percent of all students completed 4 years of English in high school; fewer than 20 percent studied biology, chemistry, physics; and even fewer completed algebra, geometry, and calculus courses.

With regard to goal 4, which is that we should be first in the world in math and science, we are a long way from that. I again point out that in the leading study among 13-year-olds, we ranked 13th out of 15 industrialized nations. We have to provide decent education for those who are going to be workers in skilled fields. We are far from that.

I now would like to point out why I think it is so important for our society to reach these goals: The cost we will suffer if we do not.

When we examine what the costs may be to improve our educational programs and to provide the funds that may be necessary—I emphasize may be necessary—to reach the Goals 2000, I think it is incredibly important to also examine what we will lose if we do not do so. Too often under budget pressures and a budget crunch, we get so preoccupied with adding a billion dollars here, a billion dollars there, that we do not take a close look and reassess our priorities. Thus, it is costing the ability of this Nation to increase its economic activity, and its tax revenues in order to be able to pay for the programs and to take care of the deficit.

If we do nothing to try to cure the problems which are creating the failed education system, we are never going to get out of this spiral of being unable to pay for our programs and reduce the deficit. Let me go through some of the areas that are deficient in that respect.

I would point out to my colleagues who had the opportunity to watch a program on educational television a few weeks ago—the very wonderful series put on by Hedrick Smith, where he went and examined school systems around this country and measured the deficiencies, pointed out the incredible crisis we are having in reaching these goals by the year 2000.

Let us take a look first at some of the programs we fund which are related to deficiencies in education. Approximately $400 billion of Federal spending is for programs—welfare, unemployment, crime, health care, housing and training—that were created to assist low-income individuals. These programs would be highly sensitive to increased literacy and higher education attainment. If we could reach the goals set out in Goals 2000, we would expect major savings in these programs. If one assumes the savings amounted to 30 percent, that would translate to a reduction in annual Federal spending of $120 billion.

If we do nothing, spending will probably get worse.

There would be a savings at the State level. A comparable estimate would be $150 billion, of which we might be able to save $45 billion. So the cost to the States right now for their programs of this nature is $150 billion, with potential savings of one-third. That certainly would justify the expenditure of greater amounts of money in our educational programs.

Further, the largest impact clearly comes in the form of increased economic activity and resultant growth in the corporate and personal income.

With the full attainment of Goals 2000, I think we can expect to see increased activity of at least $250 billion, and these are from estimates given to us. I am hopeful it would be much larger than that. I am asking my staff to continue to refine these estimates as we work through this. I intend to take these issues up again when we start looking at the budget for the next year and how we should reorder priorities.

I ask unanimous consent to have printed in the RECORD at the end of my statement some of these estimates to justify my statement.

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

(See exhibit 1.)

Mr. JEFFORDS. Mr. President, in my mind, there will be few bills that we consider that will be more important than the Goals 2000 bill. Goals 2000 will only be meaningful if it wakes us up and make it very clear that unless we do something, the standard of living of this country will not increase as much as it could.

Those who have traveled around the world have seen and been impressed by the incredible opportunities of opening markets. But the other thing I think one is more impressed with is how the other nations that we are competing with are there already working just as hard as they can to garner every piece of business possible while we kind of slothfully plod along. Furthermore, their educational systems are producing workers much more qualified than ours.

The studies indicate that if we do not wake up, this Nation in the next century will slip from being the leader down to a second-rate country. We will be ashamed and not be able to look our grandchildren and great-grandchildren in the eye and say that we did for them what had to be done in order for them to have not only the standard of living that we have but an even higher one.

Mr. President, I yield the floor.

EXHIBIT 1

ESTIMATE OF THE COST OF EDUCATION POLICY COMPLACENCY

1. Lost productivity: $225 billion.

Economists estimate that lost productivity due to less than adequate training and education of workers cost U.S. business about one quarter of a trillion dollars each year.

2. Cost of on-the-job remedial training and education: $200 billion.

The National Center for Education and the Economy estimates that U.S. businesses spend $200 billion per year to bring worker skills up to minimum levels.

3. Welfare costs: $290 billion.

The federal government spends $208 billion and the states spend another $82 billion on means-tested entitlement programs—collectively referred to as welfare (FY 1992 constant dollars). The programs consist of medical benefits, cash aid, food benefits, housing benefits, education benefits, job training, and other benefits.

Improved education of these needy individuals would have a significant effect on reducing the need for these programs.

Over one-quarter of children under the age of six live in poverty.

A study of low income disadvantaged children in Michigan indicated that early intervention with the Head Start Program could have a major impact on improving the prospects of these children. Compared to a control group, children who were given comprehensive preschool support were twice as likely to hold a job, be in college, or in a vocational program after high school. Their high school graduation rate was one-third higher, their pregnancy rate was 50 percent lower, and their arrest rate was 40 percent lower.

We need to help these individuals all through the education process. Right now, approximately 20 percent of our students drop out of high school.

Of those that have dropped out of high school, less than half are employed. A total of fifty-two percent of high school dropouts are unemployed or receiving welfare assistance. A recent study put the cost of providing benefits to this group of recipients at $75 billion per year.

A recent study, "America's Children at Risk," indicated that fewer than half of the 17 year olds (whether in school or not) possess the academic skills needed to hold most entry level jobs or to attend college.

Data from the Census Bureau indicates that a high school graduate can expect to earn 50 percent more each year than a high school dropout. ($14,200 vs. $21,700)

4. Cost of drugs: $238 billion.

The Institute for Health Policy at Brandeis University in its 1993 report entitled *Substance Abuse: the Nation's Number One Health Problem*, estimated the cost of illegal drug activity at $238 billion per year. This represents the cost of lost productivity, premature death, inability to perform usual activities, cost of criminal justice system, destruction of property, and other causes.

5. Crime and incarceration: $43 billion.

Approximately 1.4 million Americans are incarcerated in jails and prisons. The cost of this system is $22 billion per year.

Over 82 percent of those in detention are high school dropouts.

Another sad example of the failure of our ability to nurture our young people is the fact that over 65,000 children are in correctional facilities around the country. It costs about $30,000 per year, one-third more than an adult, to pay for detention of a child.

Violent crime costs Americans $18 billion per year in medical expenses alone.

Being shot by a gun is now the second leading cause of death among young people. A staggering six children per day are killed by guns.

We currently have 682,000 teenagers in this country, 5 percent of the 16–19 age group, who are not in school, not in the labor force, not in the military, and not functioning as a homemaker. The fact that we have such a large number of youth who have no productive role in society has a significant implication for delinquency, neighborhood stability, and youth alienation We must bring them into the educational system.

6. Unemployment: $41 billion.

We currently spend $41 billion per year on unemployment benefits. We can assume that if we fully fund the programs to reach the goals of Goals 2000, that there would be a positive impact on employment. Many, who are now unemployed, would get jobs; and many who are underemployed, would become fully employed. This would increase productivity and tax revenues. Studies have shown the higher the education level of the worker, the faster he or she finds a new job and gets off of unemployment.

7. Health care: $141 billion.

An estimated 15 percent of the population is not covered by health insurance. These individuals are primarily "working poor" and would be helped by increased educational opportunities.

With improved educational attainment, one can assume that there will be two positive effects on the costs of health care. First, a better educated populace that is earning higher wages, can be expected to have a healthier existence. This would result from better wellness habits and from improved living conditions. The second effect would come from the fact that many of these individuals would move from minimum wage jobs with no benefits to jobs with health coverage. We could expect our improved education system to make a significant reduction in the pool of uninsured individuals.

AMENDMENTS NOS. 1395 THROUGH 1419

Mr. KENNEDY. Madam President, on behalf of myself, Senators JEFFORDS, PELL, and KASSEBAUM, I urge adoption of the manager's package of amendments.

The PRESIDING OFFICER. If there is no objection, the amendments offered by the Senator from Massachusetts, numbered 1395 through 1419, are agreed to en bloc.

The amendments (Nos. 1395 through 1419) were agreed to.

AMENDMENT NO. 1420

Mr. JEFFORDS. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside. The clerk will report.

The bill clerk read as follows:

The Senator from Vermont [Mr. JEFFORDS], for himself, Mr. GREGG, and Mr. DODD, proposes an amendment numbered 1420.

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:

The Senate finds that—

(1) The Individuals with Disabilities Education Act was established with the commitment of forty percent Federal funding but currently receives only eight percent Federal funding;

(2) This funding shortfall is particularly burdensome to school districts and schools in low-income areas which serve higher than average proportions of students with disabilities and have fewer local resources to contribute; and

(3) It would cost the Federal government approximately $10 billion each year to fully fund the Individuals with Disabilities Education Act.

It is the Sense of the Senate that the Federal government should provide states and communities with adequate resources under the Individuals with Disabilities Education Act as soon as reasonably possible, through the reallocation of funds within the current budget monetary constraints.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Madam President, I will just speak very briefly. This amendment is offered on behalf of myself, Senator GREGG, and Senator DODD. All of us share the deep concern about the demands the Federal Government has placed on the State and local communities. We believe very strongly it is critical we do everything we can to have the Government live up to its promise of funding special education at 40 percent.

I know in my State, for instance, we now spend $71.3 million, which is about 96 percent of the total. This certainly is far from what we thought the Federal Government would do. I do not intend to speak any longer at this time. I will speak after 5 o'clock. But right now, I would just ask the manager for the majority whether he would accept the amendment. Then I will ask for the yeas and nays.

Mr. KENNEDY. We urge the Senate to accept the amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. JEFFORDS. I am sorry, I ask for the yeas and nays.

The PRESIDING OFFICER. Does the Senator wish a rollcall? The adoption of the amendment is vitiated.

Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. KENNEDY. Madam President, I ask it now be in order to offer a second-degree amendment to the Grassley amendment, No. 1388.

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

Mr. KENNEDY. Madam President, we are very hopeful, as I have talked to the Senator from Iowa, we will be able to work out the difference. I offer this amendment in that spirit.

AMENDMENT NO. 1421 TO AMENDMENT NO. 1388

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 bill clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY] proposes an amendment numbered 1421.

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 (Grassley) amendment, strike all after "SEC." and insert the following:

PROTECTION OF PUPILS

Section 439 of the General Education Provisions Act is amended to read as follows:

SEC. 439. (a) All instructional material, including teacher's manuals, films, tapes, or other supplementary instructional material which will be used in connection with any survey, analysis, or evaluation described in subsection (b) shall be available for inspection by the parents or guardians of the children engaged in such program or project.

(b) No student shall be required, as part of any applicable program, to submit to a survey, analysis, or evaluation that is not directly related to academic instruction and in which the primary purpose is to reveal information concerning:

(1) political affiliations;

(2) mental and psychological problems potentially embarrassing to the student or his family;

(3) sex behavior and attitudes;

(4) illegal, anti-social, self-incriminating and demeaning behavior;

(5) critical appraisals of other individuals with whom respondents have close family relationships;

(6) legally recognized privileged and analogous relationships, such as those of lawyers, physicians, and ministers; or

(7) income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program), without the prior consent of the student (if the student is an adult or emancipated minor), or in the case of unemancipated minor, without the prior written consent of the parent.

(c) Educational agencies and institutions shall give parents and students notice of their rights under this section.

(d) ENFORCEMENT.—The Secretary shall take such action as the Secretary determines appropriate to enforce this section, except that action to terminate assistance provided under an applicable program shall be taken only if the Secretary determines that—

(1) there has been a failure to comply with such section; and

(2) compliance with such section cannot be accrued by voluntary means.

(e) OFFICE AND REVIEW BOARD.—The Secretary shall establish or designate an office and review board within the Department of Education to investigate, process, review, and adjudicate violations of the rights established under this section.

Mr. KENNEDY. I ask for the yeas and nays on the first-degree amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. KENNEDY. I ask for the yeas and nays on the second-degree to the Grassley 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 think that concludes at least the housekeeping details on it.

As I have indicated to the Senator from Iowa, we have every intention of working with him in terms of working out that amendment so we will not need a vote on this amendment. I understand later in the afternoon there will be a proposal so the Members will know the order in which these amendments will be considered on Tuesday morning.

I will do that with regard to the School-to-Work Program on Monday, for Tuesday afternoon. I thank my colleague and friend from Vermont for all the help and assistance today and look forward to a successful vote on Tuesday next.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Madam President, if I may, I just want to alert everyone so they have the final, last call, they have 5 minutes if they have any other amendments on this bill. If they are not offered by 5 o'clock, they will not be considered for the Goals 2000 bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Madam President, I have spent some time on the floor this afternoon. I was enjoying the comments of the Senator from New York as related to studies that were done during the 1960's and 1970's, as to education in America and the impact it was having or not having and why these problems existed then and obviously have grown since that time, studies changing from the amount of resource input to the sociological environment in which children were raised and from which they came to the educational system prepared or unprepared to learn.

Of course we understand that is of such a fundamental importance. While I compliment my colleagues for efforts to bring stronger standards in education to our Nation's school systems, if we do not as a society recognize the root cause of our problems, and those referencing young people and their unwillingness or their inability to learn and therefore dropout rates, and that root cause is the American family or the disintegration of an environment in which children are raised to have a learning understanding or a learning culture, or we will not solve our problems.

BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

Mr. CRAIG. This late afternoon I come to the floor to speak on another issue for a few moments that I find very important, and one that before the end of the month we expect to debate. That is the balanced budget amendment to the Constitution, or Joint Senate Resolution 41.

The opening round of the debate will start by the end of the month. But of course I think all of us recognize that really started some time ago. The Committee on the Judiciary voted last summer to report the measure favorably by a 15 to 3 margin; the highest level of support ever recorded for an amendment in that panel. Statements pro and con have been offered during morning business on the Senate floor in this body and around the Nation the debate, I hope, will heat up and increase steadily over the coming weeks.

It is exciting for me to realize that in coffee shops and town halls, in the Senate and in the House, and in 50 State capitals, after we send an amendment to the States for ratification Americans will engage in perhaps one of the most probing discussions of the appropriate size, scope, and responsibility of the Federal Government since the origin of the Bill of Rights, ratified more than 200 years ago.

With this in mind, I would like to begin to layout systematically, reasons why this Senate should pass such an amendment and send it to the American people for their consideration.

This simply-worded amendment that we will be debating by the end of the month, actually touches on many complex issues and has inspired volumes of speeches and writings. To the extent that so many arguments can be summarized in a single sentence, the case for a balanced budget can be summed up as follows.

The ability of the Federal Government to borrow from future generations involves decisions of such magnitude that they should not be left to the judgment of transient majorities.

Let me repeat that. The ability of the Federal Government to borrow money from future generations involves decisions of such magnitude that they should not be left to the judgment of transient majorities.

There are several broad areas of discussion that follow from, I think, that very fundamental statement; a statement of the premise why we should be and must be debating this amendment in the coming days. A balanced budget amendment deals with the fundamental rights of the American people. The nature and importance of the right make it the kind of right traditionally and appropriately protected by the Constitution. In other words, when someone will say on this floor in the coming month that we ought not be debating it, it is inappropriate and it should not be put in our Constitution—that is that this Congress should balance the budget of the Federal Government on an annual basis—it will be my contention that it is such an important, fundamental right, that we must debate it, that it deserves to be protected within the Constitution.

Third, this right has been seriously and repeatedly violated and the American people have been and are now being harmed by the violation of this right.

Fourth, further infringements of this right will not be prevented by any less than a constitutional restraint. After many studies and discussions, a proposed amendment which would be effective in protecting the fundamental right in question has been drafted in language that is appropriate for inclusion in the Constitution. For more than a decade I have been involved in an examination of fine tuning that has demonstrated that there is a satisfactory answer to every question or objection raised concerning the issue of a constitutional amendment on a balanced budget.

I plan to discuss each of these propositions in detail on the Senate floor in the coming days.

In a recent issue of the Washington Times was an article by the senior Senator from Illinois, PAUL SIMON, and myself that we wrote previously for a publication called Senior Class, a publication of the seniors coalition.

I ask unanimous consent that that article be printed in the RECORD at the conclusion of my statement.

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

(See exhibit 1.)

Mr. CRAIG. Mr. President, next to our article in the Washington Times, there appears a political cartoon in which John Adams stands before several of the original framers of the Constitution. I would like you to picture this with me. He has a parchment in hand on which we can see the words "balanced budget." Amid much laughter, one of the framers says, "Mr. Adams, that amendment is pure folly. What Continental Congress in its right mind would spend more than it has?"

This cartoonist knew what he was saying. In his Inaugural Address in 1797, President John Adams said:

> The consequences arising from the continual accumulation of public debts in other countries ought to admonish us——

Meaning the Continental Congress.

> to be careful to prevent their growth in our own. Of course, in our own Government.

Similarly, President James Madison, usually referred to as the founder of our Constitution, pledged that his administration would "liberate the public resources by an honorable discharge of public debt."

These were not abstract expressions of fiscal policy, and they were not based solely on the well-established rules of economics that indebtedness could become burdensome and even disastrous for our Nation's economy. Our Founding Fathers saw a balanced budget and prompt repayment of debt as a moral imperative. It was not just an economic principle in their mind; it was a part of their substance. They believed it to be their moral responsibility.

Failure to meet these goals was not simply considered economic folly or a violation of a basic right of the people: The right to be free from the harms caused by massive indebtedness or a profligate Government. In other words, it was without question a moral obligation.

Thomas Jefferson explicitly elevated balanced budgets to these levels of morals and fundamental rights when he said:

> The question whether one generation has the right to bind another by the deficit it imposes is a question of such consequence as to place it among the fundamental principles of Government. We should consider ourselves unauthorized to saddle posterity with our debts, and morally bound to pay them ourselves.

One might ask then how fundamental, how integral is the right to remain free of the shackles of Government debt? To what similar right or rights can it be compared?

Woodrow Wilson, who was not only the 28th President but also an eminent scholar of history, offers this equation:

> Money being spent without new taxation, and appropriation without accompanying taxation, is as bad as taxation without representation.

In other words, what he was saying is, if you cannot be honest fiscally, then you are not representing your people. Of course, we once had a revolution and the premise of that revolution amongst some was "taxation without representation." Of course, Woodrow Wilson knew that in both the fundamental sense and in the intellectual sense.

Madam President, no one would deny that taxation without representation is a violation of one of those inherent rights of our citizenry, and no lesser intellect than that of Woodrow Wilson compared the violation of that right to the harm caused by unbalanced budgets.

These two rights are more than analogous to each other. One is literally a variety of the other. Debts that are incurred have to be paid for. Either they are repaid, or interest payments are made for as long as the debtor is using the money.

When a debt load becomes too large relative to income, then for a nation, the same as a family or a business, two outcomes are possible.

So in other words, what I suggest tonight is that our Government is no different than any one individual or family or any company in this society and in this economy. If the debtor is unfortunate, or I should say if the debtor is fortunate to discover the plight in time to cut back their standard of living and to start paying on their debt, then they can solve their problems. But if the debtor is less fortunate, its standard of living is throttled back by the necessity to make large interest payments while income does not grow enough to allow the debtor to start repaying the principal.

National governments have a third option that families do not have. They can put the Treasury's printing press in high gear, devaluating the currency, monetizing the debt and, of course, the result of that is very clear. It is throughout history known as inflation. The worth of people's incomes and the assets of those values are depressed and the outcome is the same: A lower standard of living. An extreme example of this outcome occurred in the 1920's when Germany, heavily indebted and turning then to the printing press, found out that they succumbed to ruinous hyperinflation.

Either way, Madam President, it is unconscionable for the Government in one generation to run up a huge debt to pay for current consumption and then send the bills to the next generation. You and I know that is exactly what we are about doing in this Congress and have been for now nearly 20-plus years.

"Saddling posterity with our debt," to use Thomas Jefferson's words, is an obvious example of taxation without representation. The children and grandchildren who will pay the price through higher taxes from interest payments or a debased living standard have no representation in the Government making the decisions to borrow and spend their money.

As serious as the burden of the next generation is, it is not the only harm. The cost of debt begins immediately with the first interest payment. Every dollar borrowed for extra consumption today ultimately costs several dollars in higher taxes or several dollars of unavailable Government money down the road.

Deficit spending is really an insidious form of a tax increase. Borrowing, like taxing, removes resources from productive private uses and diverts them to Government consumption. Borrowing also creates an ongoing, permanent diversion of productive resources to serve that debt for as long as it exists. And today, interest payments on debt are now nearly higher than the deficit itself. If that example has none other than the current budget of the United States, I find that to be the perfect example.

Andrew Jackson's Secretary of the Treasury, Samuel Inghams, understood this dynamic. Considering the effects of balancing the budget and paying off the national debt, he observed:

> Interest is now paid to capitalists out of the profits of labor; not only will this labor be released from the burden, but the capital thus thrown out of an unproductive use, will seek a productive employment; giving thereby new impetus to enterprise, agriculture, the arts, commerce and navigation.

What is he saying? He says if you do not borrow and you do not build debt and you do not have to pay interest on debt, then your Government expenditures are less and that money remains in the private sector to be used in the enterprises of the economy, and in so doing creating jobs and benefiting the average citizen as—in this instance he refers to as—"the profits of labor."

Another fact well understood since the earliest days of our Republic, as implied by the Secretary of Treasury at that time, is that unbalanced budgets cause regressive transfers of wealth.

This is one of the reasons why Jefferson was so opposed to Government debt. He objected to his opponents in the Government, the Federalists, collecting taxes from farmers, laborers and small merchants for the purpose of paying interest to the bankers and the

wealthy lenders—Federalist constituencies—on the Federal debt securities they held.

Thomas Jefferson we recognize and we oftentimes tout as one of the great and wise Fathers of our Constitution. Obviously, the Nation's Founders understood that unbalanced budgets infringe on the fundamental rights and threaten the economic well-being of the citizenry, in this case the American people.

From Thomas Jefferson to Woodrow Wilson to millions of Americans today, those of us who believe that freedom from debt of a profligate Government is a fundamental right are in good company.

When I rise again to speak to this topic, Madam President, I will address the issue of why the right deserves constitutional protection, because every poll that has been taken for the last decade indicates that 75 to 80 percent of the American people know that without a constitutional amendment forcing the Federal Government and those who serve in the Congress of the United States and the budgeting process must bring about a balanced budget, failure to do that ultimately creates such a phenomenally destructive force in our Nation and in our economy that we could, like other nations, fall to the ruinous of hyperinflation.

Madam President, I yield back the remainder of my time.

EXHIBIT 1

[The Washington Times, Oct. 25, 1993]

ECONOMIC SECURITY IN THE BALANCE

(By Senators Larry Craig and Paul Simon)

"Once the budget is balanced and the debts paid off, our population will be relieved from a considerable portion of its present burdens and will find out new motives to patriotic affection, (and) additional means for the display of individual enterprise."

That statement, as relevant as today's news, was made more than 150 years ago by President Andrew Jackson. This perspective on the federal government and the economic well-being of the people, once at the very foundation of our political system, urgently needs to be reasserted.

It should be, early in November when Congress takes up our Balanced Budget Amendment to the Constitution, S.J. Res. 41.

Federal budget deficits are not an abstract problem; they are now the single biggest threat to our nation's economic security. When the economy is unstable, seniors on fixed incomes suffer the most.

The government has spent more than it has taken in for 55 of the last 63 years; the budget was last balanced in 1969. The result is a federal debt totaling $4.3 trillion, or about $17,000 for every man, woman and child in America, and growing.

Like every family and business, when the government borrows, it must make interest payments. Annual gross interest on the debt now runs about $300 billion, making it the second-largest item of federal spending, next to Social Security. This amount equals an incredible 57 percent of all personal income taxes.

Every dollar borrowed incurs interest costs that result in significantly fewer dollars for high-priority programs and in higher taxes. With a growing population depending on Social Security, the best way to ensure its continued soundness is to stabilize the economy and reverse the growth in interest costs—which compete with Social Security for dollars—by balancing the budget.

The fiscal costs and economic drag of the federal debt imperil both seniors today and their children. Last year, Congress' nonpartisan General Accounting Office said that, if nothing changes, our children's standard of living in the year 2020 will stagnate at today's levels—putting an end to the American dream of each generation leaving the next a legacy of opportunity. In contrast, balancing the budget by 2001 would produce a 36 percent improvement in the nation's standard of living by 2020.

Who collects interest payments on the federal debt? About 15 percent goes overseas. Almost all of the rest goes to large banks, corporations, state and local governments, and wealthy investors. Thomas Jefferson objected to any federal indebtedness, fearing that taxes on farmers, laborers, merchants and their families would escalate forever to pay the interest on a growing debt.

Why has it been so hard to balance the budget? The unlimited ability to borrow leads naturally to unlimited demands to spend. Every American belongs to at least one group that benefits from federal spending. And everyone would like to see his or her taxes held down. If you don't have to say "no," then many elected officials see only political peril in doing so.

Our system of government has changed fundamentally: While almost all Americans want a balanced budget, there's no way to put this general, public interest on a level playing field with the specific demands of mobilized, organized interest groups.

That is, there's no way to make it a fair fight until we add to the Constitution a rule the government can't break, that guarantees we get no more government that we are willing to pay for and calls on us to pay for all the government we demand.

Fifty years before Jackson, Jefferson said, "We should consider ourselves unauthorized to saddle posterity with our debts, and morally bound to pay them ourselves. . . . I wish it were possible to obtain a single amendment to our Constitution . . . an additional article, taking from the government the power of borrowing."

It's time to live up to Mr. Jefferson's vision.

Mr. PELL. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SARBANES. 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 Maryland is recognized.

ACTION BY THE FEDERAL RESERVE

Mr. SARBANES. Madam President, I wish to quote a short release today put out by the Federal Reserve. They have taken an action of which I am very strongly critical. This is the release:

Chairman Alan Greenspan announced today that the Federal Open Market Committee decided to increase slightly the degree of pressure on reserve positions. The action is expected to be associated with a small increase in short-term money market interest rates.

The decision was taken to move toward a less accommodative stance in monetary policy in order to sustain and enhance the economic expansion.

Chairman Greenspan decided to announce this action immediately so as to avoid any misunderstanding of the Committee's purposes, given the fact that this is the first firming of reserve market conditions by the Committee since early 1989.

Madam President, Senator SASSER joined me earlier today in criticizing the Federal Reserve for the announcement that they are moving to increase interest rates and to a less accommodating stance in monetary policy.

The Fed actually pursues a very highly skewed policy. They have a hair-trigger response when it comes to fighting inflation. In fact, in the current circumstance, they are tightening up monetary policy before there is any substantial evidence of inflation, even before there is any real threat of future inflation.

Now, in contrast, in recent years, when the Fed was faced with the likelihood that jobs would be lost because of an overly tight monetary stance, the Fed showed great reluctance to change policy.

Now, I submit to you the Federal Open Market Committee at its meeting yesterday and today should have shown great reluctance to change policy at this particular time. We have the economy moving. We have economic growth. We have job restoration. We have low inflation. The low interest rates are important to the economy's moving. I am very frank to say I am very disappointed that the Fed did not stay the course.

There, in fact, was a cartoon that appeared in USA Today earlier this week which pretty well sums it up. What it shows is a truck coming down the road that says, "Economy," and the driver of the truck has his hands up to his face in horror and he is applying the brake. "Brake" and "Screech" are written off to the side of the truck. He is trying to bring his truck to a stop, that is, the economy that is moving forward, because there has come out into the middle of the street this man here. It says "Greenspan" on the man and he is saying, "Let's see, we'll just pick these up." And he is leaning over to pick up these pieces of paper which say on them, "Interest rates."

That tells the whole story. We have the economy moving. We are hopeful we are going to have real economic growth. The economy is moving in large part because the interest-sensitive sectors of the economy have been responding to the interest rates: home building, auto sales, consumer durables, all of which are very closely relat-

ed to the interest rates in terms of whether people can afford to make those kinds of purchases. Those purchases have all been moving up in a very strong and solid performance, and because of that they are providing an impetus to the economy.

Well, people say, the Fed is trying to bring inflation under control.

That is a worthy objective. We are concerned about inflation. We are concerned about economic growth. We are concerned about job restoration. If there was some sort of problem on the inflation front, I might be more sympathetic to the action of the Fed.

But, Mr. President, let me just show you this chart. This is a chart of the changes in consumer prices beginning in 1963 and coming through to 1993. Now, what this chart shows is that the performance in 1993 on the inflation front, when prices moved up 2.7 percent for the year, the performance on the inflation front in 1993 was the best year in terms of inflation for this country since 1965, with the exception of one year, in the 1980's, and that is when the bottom fell out of oil prices.

Now, I wish to repeat that. With the exception of this one year, the inflation record in 1993 was the best it had been since 1965, 28 years ago.

Where is this inflation problem that Mr. Greenspan is conjuring up? As my colleague Senator SASSER said earlier today—and I quote him:

> The most recent data show that over the past year consumer prices have increased only 2.7 percent. The broader GDP price index advanced only 2.5 percent, and unit labor costs have risen only 1.8 percent. These figures provide no evidence of either current or future inflation. In my opinion, the Fed has conjured up an inflation problem.

That is exactly what they have done. Furthermore, not only did we have the best performance last year since 1965, but the inflation performance has been improving over the last 4 years. In other words, we did better. It is not as though we had a good performance last year, but Greenspan and his cohorts on the Open Market Committee could say, "Well, yes, but that performance was not as good as the year before, and not as good as the year before that."

It was better last year than the year before which was better than the year before that. So, in effect, you have this excellent performance on inflation. In fact, it has been on a downward trend, not on an upward trend. Conceivably, if it were on an upward trend, even if it was still a pretty good performance, they could say, "Well, it looks as though it is beginning to pick up. We want to take some action."

That is not happening here. This is on a downward trend.

Let me turn to the unit labor costs and show the restraint that exists with unit labor costs which are hourly labor costs adjusted for labor productivity. Sometimes people will argue, "Unit labor costs are picking up, and that is going to give an impetus to inflation and the economy." Here is a chart of unit labor costs. Again with one exception back in 1983, the last two years have brought the best performance in unit labor costs since back in the early 1960's.

The Fed is doing a preemptive strike on a problem that is not there. It is as though you would bomb a preemptive strike on some farmhouse or home because you thought the villain, inflation, was inside the home when, in fact, the people in the home were an American family feeling better about the economy, realizing that with a lower interest rate, they might be able to build themselves a new home, move out of where they are, purchase an automobile, purchase consumer durables. Instead, they are taking the rates up.

I am told that one of the major banks today took its prime interest rate up following on the action announced by the Federal Reserve earlier this morning.

This is obviously going to feed into the economy. The adjustable rates on mortages and bankloans will move up immediately. So it is going to have an impact on the economy. The Federal Reserve does not seem to recognize that there are still close to 9 million people unemployed in this country.

I am very deeply concerned about the strength of this recovery in 1994.

I want to point out the quarterly growth figures over the last 2 years, because, again, I think it demonstrates that it is clearly premature for the Fed to have acted at this point and to start slowing down our economy.

These are the growth figures for 1992 and 1993. In 1992 the last year of President Bush's term, we had growth that year of 3.5 percent in the first quarter; 2.8 in the second; 3.4 in the third quarter; a jump to 5.7 percent in the fourth quarter of 1992. People will think back, that is about a year ago, a little more than a year ago. People say we had very strong growth. Then what happened? The economy slowed markedly to 0.8 of a percent in the first quarter of this year. Then it started picking up—1.9 in the second; 2.9 in the third; and, of course, we had a very good fourth quarter in 1993 of 5.9 percent.

But we do not know at this point what that growth is going to be in the first quarter of this year or in the second quarter of this year.

The forecasts are that it will be about 3 percent. I hope those forecasts are right. In fact, I hope they are low. I hope we get better growth. But we do not know that. And the Fed has acted prematurely, in my judgment, by not awaiting further growth figures in 1994 to see how sustained and solid this recovery is, particularly when there is no evidence on the inflation front that will warrant the Fed taking action.

Mr. President, this is obviously a serious proposition because we are very anxious for our economy to be moving. We recognize that there might be a time when the Fed ought to act, but that time is not now.

Last summer we held a hearing with Henry Kaufman and Paul Samuelson, both of whom spoke out very strongly at the time against the prospect that the Fed might raise rates even then. The Fed has been playing around with raising these rates now for quite sometime even during periods of disappointing growth in the economy. They were talking seriously about raising rates back in the spring of last year. Of course, we had a 1.9 percent growth in the second quarter.

Kaufman said last summer—it is my understanding that he has not departed from this position, although he recognizes that economic conditions are beginning to pick up. So it is not quite as clear as it was last summer. But he said the following:

> A more systematic analysis of the present inflationary potential within the U.S. economy does not justify either exaggerated inflationary expectations or a preemptive tightening by the Federal Reserve. Inflation is not found in the business community, and it is not revealed in speculative activity in the great majority of product markets.

Then he closed with this comment:

> The time will come when the business recovery will have matured. Excess capacity will have been worked off, labor markets will become tauter, the economic recovery abroad will have begun, commodity prices will have turned higher across the board, real estate prices will have firmed, and credit demands will have become conspicuously stronger. Then we will want the Federal Reserve to act with dispatch, and the determination to resist forcefully any buildup of inflationary pressures. But none of those circumstances prevail today.

I would submit that they do not prevail now, and that the Fed acted in a very premature fashion in the action which it took earlier today.

Let me simply close by again summarizing. I am deeply concerned that we sustain this economic growth. Raising interest rates runs directly counter to that. It will in fact impede and hinder economic growth. It will place a crimp in it.

The argument that the Fed might use to warrant doing that would be that an inflation problem had emerged. It is contradicted by the evidence. Unit labor costs are restrained—one of the best performances in 30 years. Inflation of the consumer price index is low and falling.

Where is this inflation problem against which the Fed is exercising a preemptive strike? It does not show up on any of this evidence. In effect, what the Fed said—it is interesting—the other day is that interest rates are abnormally low, and, therefore, we have to raise them.

It boggles the mind—this kind of thinking. If there was a problem on the inflation front that could reasonably be argued as a basis for raising the in-

terest rates, I would have to recognize it. I even then may not agree with the Fed at the time when it made its judgment.

Because I would be worried about what it did to growth. But here there is no problem. The Fed is putting out a solution to a problem that is not there and, by doing so, they are creating a further problem with respect to the growth of the economy and the restoration of jobs. They are going to put a crimp in the economic activity. There is no question about it, they are going to slow it down.

Mr. President, I close by coming back to where I began. And I want to underscore again, because this dramatizes in a very clear way exactly what the Fed is doing to the American economy and why I am critical of the action taken by the Fed Open Market Committee earlier today. To repeat, this cartoon shows a truck labeled "The Economy" moving down the road, moving with some momentum. We want some momentum in our economy because it means that we get growth, we restore jobs, businesses become more profitable, we are able to bring down the Federal budget deficit because we are getting growth taking place in the economy, and we address the social problems of our great urban areas because people start working again, start producing—all of the desirable things that take place.

Then they say, what about inflation? Well, I have just shown there is no inflation problem. So what happens is we get this truck moving, the economy, and this driver is slamming on the brakes, trying to come to a screeching halt because Greenspan is out in the middle of the road, in front of the truck, bending over, reaching toward these papers that say "Interest Rates." And Chairman Greenspan is saying: "Let's see, we will just pick these up"—pick up the interest rates.

Mr. President, I very deeply regret the action of the Fed Open Market Committee earlier today, and I appreciate this opportunity to bring it to the attention of my colleagues.

I yield the floor.

Mrs. FEINSTEIN. Mr. President, addressing the Senator from Maryland before he leaves the floor, I would just like to associate myself with those remarks.

The Senator might also be interested to know that over the break I met with a group of distinguished economists from Stanford University and others in California, and they spoke to this exact point.

Not only that, Senator, you might be interested to know the respect with which you are held in California. They also said to me that one of the most knowledgeable voices in the U.S. Senate about the economy is yours. So I thought that might be a nice thing to say on a Friday afternoon.

Mr. SARBANES. Mr. President, I thank my colleague for her very generous remarks. I appreciate it.

Mr. FEINSTREIN addressed The Chair.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. I thank the Chair.

(The remarks of Mrs. FEINSTEIN pertaining to the introduction of S. 1830 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. What is the will of the Senate?

The Chair, in his capacity as a Senator from Rhode Island, suggests the absence of a quorum, and 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.

GOALS 2000: EDUCATE AMERICA ACT

The Senate continued with the consideration of the bill.

AMENDMENT NO. 1420

Mr. JEFFORDS. What is the pending business?

The PRESIDING OFFICER. The pending business is amendment 1420 offered by the Senator from Vermont.

Mr. JEFFORDS. Thank you, Mr. President. I was hoping it was. I would like to speak on the amendment.

This amendment was offered by myself and Senators GREGG and DODD. The purpose of the amendment is to, first of all, raise the awareness of the Members of the very difficult situation arising within our States and local governments over the funding of special education. Nobody wants to in any way hinder the tremendous progress that has been made in the so-called IDEA bill and program. We are all very pleased with the great progress that has been made in handling those who have been less fortunate in being able to attain the learning abilities and get to the efficiencies in life that we would like to see.

However, there is no question but that it has strained the resources of the State and local governments and we have also seen, very, very unfortunately across the Nation, that what the States are spending in education has gone down.

So the combination of those two matters is making it difficult for our local and State governments to be able to look toward meeting the demands which will be placed on our society by the Goals 2000 which I am very much in favor of. Right now 40 percent of the cost of educating children with disabilities has fallen.

That was our promise back in 1975 and I—and I am sure I know the President also—was very much instrumental in the passage of so-called 94-142 along with Senator Stafford my predecessor. And I worked with John Brademas in bringing forth what is now the IDEA act. We recognized at that time that even though it was the States mandate by the courts, mandating the States that they had to provide an appropriate education to those who needed special help, that we intended to provide the sum of money that would be needed to fund 40 percent of that bill, recognizing that it would be casting a very substantial demands upon the State and the local governments to take care of those children who had really been forgotten up to that time.

Thus, as we look towards the future and ask ourselves how are the States and local governments going to be able to take the Goals 2000 which we are giving them and figure out how they can implement their programs to meet them, it seems only appropriate that the Federal Government and those of us here in the Congress should do what we can to bring the funding level of the 94-142 bill up to the 40 percent that we agreed to provide.

Right now, only 8 percent of the funding for the special education is provided by the Federal Government. That is 32-percent less than we said we would provide. In Vermont it is even worse than that. For instance, in my State of Vermont we spent $71.3 million last year out of our budget and yet we only received about $4 million from the Federal Government. This means that we had a very substantial—we are almost half of what the rest of the States have on the average. So our State along with others is being strained very heavily. But it also is very proud of the work it has done in the special education field.

So what our amendment does is say that as we go forward with the Goals 2000, we should do everything that is reasonably possible to ensure that we up the amount of money that is being paid towards special education to the 40 percent that we figured. This would cost the Federal Government about $10 billion more a year in order to fully fund.

That money, unless we somehow—which I would be very much against—fettered it in some way, would release that much money to the States to help them as they look toward trying to reach the demands being placed upon them by the increasing demands for education.

So I hope that our Members will support us. It is nothing which creates any budget problem. We are careful to point out that it should be done within the constraints of the monetary problems we are dealing with in the budget. But as Senator DODD and I would, with an amendment along with Senators SIMON and SPECTER and HARKIN this last year on the HHS appropriations

bill, raised the awareness which this body unanimously agreed with that we should reorder our priorities as we move toward the next century such that we each year dedicate 1 percent more of the total Federal budget towards education. That is about $15 billion a year.

So it would be my expectation if we can live with what was expressed by the Senate last year, that we would be able to fully do what this amendment provides, and that is to provide the necessary funds to raise the level of funding for the special education to that which we promised back in 1975.

I also would point out that I would hope that that additional amount of money could be used for programs which would really get us moving towards fully funding of some of our other so-called mandates or demands that we have placed upon the local governments, because I think it is incredibly important that we provide what we promised to provide. I would hope, for instance, that we would provide for our gifted talent program which we had on the books, but without any funding for sometime, in order to also help those that are most likely to provide that leadership in the years ahead to make us a competitive in the world area.

So, I urge my colleagues to support our amendment, which is one which I think they will find will be cheered by their State and local school districts. As well as by the disability community.

One reason for that is there is now, because of the shortage of funds, a growing problem of tension between those who want to see us live up to our promises in special education and those who want to try to improve the education generally for their students and to stop the steady decline in the resources available.

So, Mr. President, I will cease my discussion on that amendment.

Mr. SARBANES. 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. 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 ask that the pending amendment be set aside and that I bring up amendment No. 1394 for the purposes of offering a second-degree amendment.

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

AMENDMENT NO. 1422 TO AMENDMENT NO. 1394

Mr. JEFFORDS. Mr. President, I offer the following amendment as a second-degree amendment to amendment 1394. I ask that the amendment be read. It is relatively short. I want to make sure anybody left in this institution has an opportunity to understand what it is.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Vermont [Mr. JEFFORDS], for Mr. HELMS, proposes an amendment numbered 1422 to amendment No. 1394.

The amendment is as follows:

In lieu of the matter proposed to be inserted, insert the following:

No funds made available through the Department of Education under this Act, or any other Act, shall be available to any state or local educational agency which has a policy of denying, or which effectively prevents participation in, constitutionally-protected prayer in public schools by individuals on a voluntary basis. Neither the United States nor any state nor any local educational agency shall require any person to participate in prayer or influence the form or content of any constitutionally-protected prayer in such public schools.

Mr. JEFFORDS. Mr. President, I am offering this amendment on behalf of Senator HELMS, who could not be here to do that. He has asked me to offer this amendment, and I am doing so at this time.

Mr. President, I have no further business myself, so 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. SARBANES. 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. 1423 TO AMENDMENT 1394

Mr. SARBANES. I send to the desk a perfecting amendment by Senator LEVIN to the Levin amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Maryland [Mr. SARBANES], for Mr. LEVIN, proposes an amendment numbered 1423.

Mr. SARBANES. 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:

In the amendment strike all after the first word and insert the following:

"any other provision of this act, no funds made available through the Department of Education under this Act, or any other Act, shall be denied to any State or local educational agency because it has adopted a constitutional policy relative to prayer in public school.

This section shall take effect 30 days after the date of enactment of this Act."

Mr. JEFFORDS. Mr. President, I raise a point of order.

The PRESIDING OFFICER. The Senator from Vermont will state it.

Mr. JEFFORDS. I believe that this is an amendment—is this, as I understand it, an amendment to the amendment that I just offered?

Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The amendment sent to the desk by the Senator from Maryland is a second-degree perfecting amendment and it is in order.

Mr. JEFFORDS. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant 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, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JEFFORDS. May I withdraw my amendment to the Levin amendment?

The PRESIDING OFFICER. The Senator may withdraw his amendment.

Mr. JEFFORDS. Mr. President, I withdraw my amendment to the Levin amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

So the amendment (No. 1422) was withdrawn.

Mr. JEFFORDS. Thank you, Mr. President.

Mr. SARBANES. Mr. President, I withdraw amendment No. 1423, that was sent to the desk a little earlier on behalf of Senator LEVIN. It was sent to the desk on behalf of Senator LEVIN, and I withdraw it on behalf of Senator LEVIN.

The PRESIDING OFFICER. The amendment is withdrawn.

So the amendment (No. 1423) was withdrawn.

CONTINUING THE DIALOG ON GOALS 2000

Mrs. MURRAY. Mr. President, I was a pre-school teacher. I served on my local school board in Shoreline, WA. I have two teenagers who attend public school. I attend parent-teacher nights and am involved in my kids education. Like all parents, I am deeply committed to improving the quality of American education. That is why I rise today in support of Goals 2000.

As a mother and an educator, I am pleased to join Senator KENNEDY in this effort. I support Goals 2000 because it begins to bring education to the forefront of the national public policy debate. That is exactly where education should be.

Our children's education is an investment in our Nation's future.

This is repeated so often that sometimes we don't really pay much attention to it. But it's true. The quality of our children's education today is the basis for America's competition in the world economy tomorrow.

How can our children succeed in the global work force of the next century if

they can't identify Germany on a map? It is easy to talk about the problems of our education system. We can always pull out another study about how many high school students are functionally illiterate.

It is easy to stand here on the floor of the U.S. Senate, and say how committed we all are to improving education. The tough part is really doing something about it.

Mr. President, this bill isn't going to solve all the problems with our education system. The Federal Government does not have the resources to do that.

But this bill will take us an important first step down a long road toward improving our Nation's schools. It deals with some of the root causes of our education problems. Most importantly, this bill is a good starting point for a new dialog on education reform.

Part of this dialog must be equality of opportunity. The legislation stresses that all children, regardless of their family's wealth, race, religion or national origin, should have the opportunity to succeed. This is an education bill of inclusion.

Another part of the dialog must be the multiple demands placed on our teachers. I know from first-hand experience that teachers are called on to play counselors, doctors, policewomen, and drug enforcement agents.

Madam President, very few teachers are prepared to play all these roles. So, they improvise—teachers are good at improvising. It is a miracle they succeed, but they do. As a parent, I am indebted to their ingenuity and dedication.

The responsibilities of the classroom teacher have changed drastically. But preparation and training of educators has failed to keep pace. We must provide our teachers with the skills to face the challenges of the classroom.

Our job as legislators in this dialog is to listen to our educators. They need to become true partners in the decisions that affect the way they do their job.

Another part of the dialog is defining the goals of our Nation's education system. At one time, literacy was the goal of public education.

Today, our businesses tell us they want a highly skilled, better educated work force. They tell us schools must produce students with more than just a broad liberal arts background. That means we need to talk about school-to-work transitions and vocational training.

Educators and parents tell us the students' diplomas should mean more than their kids knowing a marketable trade. That means strengthening liberal arts programs. Educators, parents and the private sector need to come together to talk about realistic goals for our future work force.

Madam President, if we are sincere in our desire for top-quality education, another part of the dialog must be about the social problems in today's schools—violence, AIDS, and teen pregnancy. The list goes on.

We have to encourage our educators, social workers, and health care professionals to discuss these issues in their circles. Their ideas and solutions should be used to complement the education process. Only then can teachers teach and leave these other issues in the hands of those trained to deal with them.

In conclusion, this bill can serve as the foundation for a continuing dialog on education reform. It can help establish a closer relationship between the business and education communities. It can recognize the incredible burden of social problems plaguing our schools.

If the bill accomplishes these goals, than we will have legislated responsibly. We owe at least this much to our children, their teachers and our society.

Madam President, let me stress to my friend, Chairman KENNEDY, I am happy he has once again shouldered the burden of education reform. I want him to know that I stand ready to continue this dialog to ensure that students today emerge prepared for the challenges of tomorrow.

STUDENT INVOLVEMENT AMENDMENT

Mr. GORTON. Mr. President, I rise to offer an amendment to Goals 2000 to make students major players in education reform. This amendment is a direct result of what I heard at a recent education conference I held in Fife, WA. Students played a major part in our discussion that day, and they should continue to play a major part in education reform policies.

Anticipating our debate on Goals 2000, I asked the parents, teachers, businesspeople, community leaders, and students at the conference to tell me their top concerns regarding education. I promised to return to the District of Columbia with specific legislation based on what they told me. Interestingly, though not surprising by, the most insightful comments and toughest questions came from the students. There was overwhelming consensus by the end of the day that these students needed, not only to be part in education reform, but to be major players.

I want to read a few of those comments. Ryan Booth from LaConner High School said his family, and extended family, is the most instrumental force in his education. Ryan Choate, Evergreen High in Vancouver, emphasizes that computer literacy is a necessity. Sam Galano of North Kitsap High School in Poulsbo said his school thrives on ethnic, racial and structural diversity. Mashavu Gordon, Olympic High in Silverdale, believes too much time is spent concentrating on the problems with the school system. She feels a new positive focus is needed. Chalu Harris, Franklin Pierce High in Tacoma, says inordinate emphasis on the gifted excludes the underachiever. Brad Hiranaga, of Gig Harbor High School explained the importance of service to the community. Jenney Jarrett, with Hanford High School in Richland feels strongly that teachers must continue their education in order to keep up with the latest learning techniques. Korie Kuzina, Ferndale High School, sees a separation between those excelling and those falling behind. A system was set up at her school where students worked at their own pace. Yuri Nakamura of Juanita High School told me schools support students once they realize their potential. Aaron Nelson, of Mountain View High School in Vancouver, feels that gifted children are not being challenged in public schools. When the leave to go to private schools, however, it dilutes the public school curriculum. Nicole Nolte, Nooksack Vally High, said the advisers at her school are not just supervisors, they are friends. Zak Payton, Lincoln High in Tacoma told me the emphasis in school is not on learning, it is on surviving in an increasingly violent school setting. Rainier Reyes, Mount Rainier High in Des Moines says new ways of teaching need to be examined.

I hope every Senator will take a moment to go back and read these comments. These students are the people who our policies directly affect. Students are the only ones who can really tell us what it is like to be a student in today's society. This kind of information is invaluable as we devise education policy.

I have a granddaughter in kindergarten and I have five more on their way to school. My personal commitment to improving education could not be stronger. Mr. President, my amendment assures that students, the customers of our education system, are major players in the education decisions that affect their future. I urge my colleagues to support this crucial amendment.

STAR SCHOOLS AMENDMENT

Mr. GORTON. Mr. President, I rise to offer an amendment to Goals 2000 promoting one of the most cost-effective education programs in the country, STAR Schools, My amendment would ensure that members of this successful program are included in the development of the national long-range technology plan. The STAR Schools Program and other distance learning consortia provide education to rural areas via satellite. If we are to truly move forward in education reform, we must be led by those who are already succeeding.

In anticipation of Goals 2000, I held an education conference to find out exactly what people wanted from education reform. One of the most frequently cited issues, trailing only to reducing school violence, was promoting successful programs. One of the

most important ways of recognition is through providing these groups a direct voice in national decisions. My amendment gives STAR Schools a voice in educational technology reform.

Mr. President, on January 7, 1994, I participated in a STAR Schools Program. My voice and picture were uplinked from the Seattle School District studio, in conjunction with the Spokane-based Educational Service District 101, to a satellite. The transmission was then down-linked to 5 States and over 169 sites in Washington State alone. Students were able to call in and ask me tough questions about youth violence, education, and politics. I talked to students from all over the State, including Bellingham, Colville, and Vancouver.

The STAR Schools Program is one of the most cost-effective programs in the country. The number of students positively affected by this program cannot be understated. Children in rural areas can simply turn on the television and interact with decisonmakers around the country.

Mr. President, too often we have a tendency to focus on the negative aspects of education. My amendment recognizes the hard-working efforts of the STAR Schools Program and includes them in the national decisionmaking process. this is an important amendment and I urge my colleagues to support it.

Mr. BAUCUS. Mr. President, I rise to offer my support for the Goals 2000: Educate America Act. As it has previously been said by many of my colleagues, this legislation has strong bipartisan support. I'm pleased to be a part of this effort to encourage better education for all of our Nation's young people.

In my State of Montana, we take great pride in the quality of education that we provide our students, and I'm sure other States do as well. In fact, Montana ranks in the top 10 for States with the highest percentage of adults 25 and over who have completed high school. We know that education is the key to our future. However, we can and must do better.

There is nothing more important than assuring that America's children can grow and learn in an even greater and more prosperous place than we know today. We need to foster an environment in which our children, our most valuable resource, can flourish. We live in a competitive and complex global economy. Our most vigorous competitors already place high emphasis on education. Of all the industrialized nations, we are the only country not to have identified what we expect our students to know.

Many Americans, myself included, believe that we lack clear standards for what we expect our students to be able to do upon graduation. The focus of Goals 2000 is to set high academic standards in core subjects such as math, english and geography. The goals it sets out will challenge us to develop performance standards for all students. If America is to succeed in a global economy, we must expect the most from our students.

There is no greater need for quality education than there is right now. To excel in today's competitive world we must have high academic standards and raise the expectations of our students to meet these standards. They must be challenged and motivated to do their best. And they must have equal access to a quality education.

Goals 2000 will help us provide better education for all American students. It provides a framework for reform with national leadership and support for local action. But let me stress this point, while it is national in scope, the ultimate responsibility for reform and delivery is—and should remain—at the local level.

Goals 2000 encourages States to develop and implement educational reforms using the goals it sets out as a guideline. But no State or local school district is required to initiate reforms. It is their choice to participate.

This allows each State the flexibility required to meet their own individual needs and upholds our American tradition of having education decisions made at the local level. Nowhere in this legislation does it state that these goals and standards are mandatory. These are offered as guidelines for States and communities developing reforms within their educational programs. This legislation takes a carrot, not a stick approach toward improving education across the United States.

Further, this legislation explicitly states that it shall not be construed to supersede the provisions of section 103 of the Department of Education Organization Act. This is the law protecting State and local school districts from a national curriculum and from unlegislated Federal education rules and mandates.

Along this same line, I would like to list what this bill does and what it does not do. I have received a number of calls from Montanans who are sincerely concerned about the possibility of a national curriculum, giant unfunded Federal mandates, and loss of local control over education. At this point I ask that the following list of what this bill does do and what it does not do be entered into the RECORD.

WHAT GOALS 2000 DOES DO

Place 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;

Encourage the development and use of high academic standards for all students such as those which are used in other industrialized countries;

Create an incentive grant program for states to support comprehensive education reform;

Provide funds for use by states for ongoing teacher training and professional development;

Promote flexibility by providing authority for the Secretary of Education to waive certain federal regulations to assist states in implementing reform plans;

Permit states to use funds granted under the Act to promote public school choice, charter schools and magnet schools;

Create a National Education Standards and Improvement Council to oversee development of voluntary national standards;

Promote bottoms-up education reform in every school and community;

Provide planning grants to the states to increase the use of technology to increase student learning;

Create a mechanism to establish national workforce skill standards.

WHAT GOALS 2000 DOES NOT DO

Federalize education;

Establish a national curriculum or the equivalent of a national school board;

Equire that states adopt national standards or submit state standards for Federal Government approval;

Create unfunded mandates;

Make the receipt of any other federal funds contingent upon any provision of Goals 2000;

Dictate to states how much to spend, how to license teachers, or what textbooks to use;

Establish school-based health clinics;

Mandate or encourage value-based or outcome-based education.

I am also aware there have been arguments made against Goals 2000 based on a belief that it encourages schools to stress the teaching of values, not academics. Or that it promotes outcome-based education. This is simply not the case. There is no mention of outcome-based education in Goals 2000, nor is there any connection between the two.

Goals 2000 takes the first step towards promoting educational goals so that all students can, and will, reach their fullest potential. These national goals were first developed by our Nation's Governors in 1989, so it truly is a grassroots effort. Now is the time to continue building on the momentum started by our Governors.

The support for this legislation extends much beyond the U.S. Senate. It encompasses many individuals and groups of the American public. Although it's unusual, the AFL-CIO and the Chamber of Commerce have both given their names in support of this legislation. These two organizations, along with many other organizations representing a wide variety of Americans, all support Goals 2000. I ask that a full listing of the organizations supporting this legislation be placed in the RECORD following my remarks.

As a nation, it is our responsibility to ensure that each and every American child receives a top quality education. We must challenge them by setting high goals and we must expect them to meet the standards needed to achieve those goals. If we act now, we all can be guaranteed a brighter future.

ORGANIZATIONS SUPPORTING THE GOALS 2000: EDUCATE AMERICA ACT

American Association of Colleges for Teacher Education.

American Association of School Administrators.
American Council for the Arts.
American Federation of Labor and Congress of Industrial Organizations.
American Federation of Teachers.
Business Coalition for Education Reform.
The Business Roundtable.
Chamber of Commerce of the United States.
The College Board.
Committee for Economic Development.
Council of Chief State School Officers.
Council for Education Development and Research.
Council for Great City Schools.
Music Educators National Conference.
National Alliance of Business.
National Assembly of Local Arts Agencies.
National Assembly of State Arts Agencies.
National Association of Elementary School Principals.
National Association of Manufacturers.
National Association of Music Merchants.
National Association of Secondary School Principals.
National Association of State Boards of Education.
National Conference of State Legislatures.
National Education Association.
National Parent Teacher Association.
United Automobile, Aerospace and Agricultural Implement Workers of America, UAW.
National School Boards Association.
United States Hispanic Chamber of Commerce.

(At the request of Mr. DOLE, the following statement was ordered to be printed at this point in the RECORD:)

AMENDMENT NO. 1382

SUPPORTING VOLUNTARY SCHOOL PRAYER

Mr. MCCAIN. Mr. President, I offer my wholehearted support for Senator HELMS' amendment allowing voluntary prayer in school. I want to point out this amendment will not force students to partake in prayer, instead it would give students the freedom to take a moment for reflection or prayer in a public school.

We have been struggling with this issue as a nation since the early 1960's when the U.S. Supreme Court ruled on public school prayer. While the U.S. Supreme Court has held that the State may not prescribe religious activities, the Court has never held that individual expression in schools is unconstitutional.

I believe that religious ideas and religious speech, including prayer should be treated with the same degree of freedom in public places as are other forms of lawful speech. If freedom is to prevail then religious expression must be protected for public school students to the same extent as nonreligious expression. Public schools must make the adjustment to accommodate the religious needs of students. Most Americans agree that individuals should be free to express their personal beliefs, including religion in public as long as it does not impose upon another individual's rights. I certainly do not believe that taking a moment for voluntary prayer or reflection will infringe on the rights of others.

I think it is important that we remember that our country is based on the Judeo-Christian ethic. The first amendment of our Nation's Constitution was created to ensure that Congress could make no law prohibiting the free exercise thereof; or abridging the freedom of speech. Students in our public schools should not be deprived of that right when it comes to prayer.

Allowing voluntary prayer in public schools will not discriminate against certain sects of religion, nor will it discriminate against students who do not practice formalized religion. Rather, school prayer will supply all students the freedom to chose whether to exercise their right.

The classroom can be characterized as a marketplace of ideas. The time has passed when it can be validly argued that the young must be shielded from ideas or beliefs separate from their own. Allowing our children the freedom of religious expression in their educational experiences, including voluntary school prayer can serve the educational needs of our children while preserving the precious and ancient liberties of free speech and expression.

Mr. President, our Nation's Founding Fathers pledged that we are one Nation under God. Following their lead, I strongly urge this body to pass this important and valuable amendment.

Mr. DURENBERGER. Mr. President, I rise with my distinguished colleague from Connecticut to comment briefly on several important provisions in this bill that I believe will make Goals 2000 a more effective and more complete framework for state and community-based education reform.

I would also like to use this opportunity to discuss the growing movement toward using more choice and more choices as part of education reform initiatives around the country. These initiatives will benefit from both this legislation and from the administration's proposal reauthorizing the Elementary and Secondary Education Act.

One provision I am referring to, Mr. President, authorizes the use of State grants to support public school choice initiatives—including parent-student information and referral programs.

A second provision also allows States to use their grants to support the establishment of innovative new public schools, including magnet schools and charter schools.

Finally, under an amendment I suggested, local school districts are also explicitly allowed to use a portion of their grants to help start innovative new public schools.

Members of this body know of my strong interest in both public school choice and in charter schools. I want to commend President Clinton and Secretary Riley for making good on their commitment to these tools of education reform by supporting this authority in the Goals 2000 proposal.

If properly utilized, Mr. President, the Goals 2000 proposal could help promote the kind of consumer-driven dynamic that makes real change much more likely.

That's certainly been the case in Minnesota and in other States that have used public school choice and initiatives like magnet and charter schools to empower teachers, parents and communities, and to expand the number and diversity of school choices.

At last count, eight State legislatures have now authorized teachers, parents, and community groups to start innovative new charter schools. They are Minnesota, California, Georgia, New Mexico, Colorado, Massachusetts, Wisconsin, and Michigan.

Missouri has also authorized a more limited "New Schools Pilot" to test ways of decentralizing management and removing State rules for three existing school sites over a 5-year period.

Michigan is the most recent State to enact charter schools legislation as part of a comprehensive set of financing and organizational reforms proposed by Gov. John Engler and adopted by the Michigan State Legislature late last year.

The new Michigan charter school law is one of the most open-ended in the entire country. Unlike most States, it places no limit on the number of charters that may be granted.

And, the new Michigan law makes it possible for new public schools to be chartered not just by local and intermediate school districts, but also by community colleges and any branch of the Michigan State university system.

In addition to the nine States I just mentioned, a number of other States are seriously considering legislation to authorize charter schools.

One of those States is New Jersey, where Gov. Christine Todd Whitman has included support for both charter and magnet schools in a comprehensive education reform package she outlined in her inaugural address in mid-January.

Mr. President, I am proud that Minnesota was the first State to authorize parents and teachers to start new charter schools under legislation that was adopted in 1991.

Under this legislation Minnesota has now authorized nine charter schools.

The first of those schools—City Academy—is one I visited last winter in a community center on the east-side of St. Paul.

By design, all students at City Academy have previously dropped out—or been kicked out—of traditional schools. Yet 15 of City Academy's first 17 graduates are now going on to some form of postsecondary education.

Just 3 weeks ago, I visited a second Minnesota charter school, the Metro Deaf School, which is located in a renovated warehouse building on the east edge of downtown St. Paul.

The Metro Deaf School is also small and highly specialized. It was created around the premise that deaf and hearing impaired children will learn more—and retain more knowledge—if their subjects are all taught in American sign language.

Mr. President, Minnesota now has a total of five charter schools in operation, with several others set to open in the coming year and a number of charter proposals now pending before State and local boards of education.

In response to growing interest in this aspect of education reform, the 1993 Minnesota Legislature raised the maximum number of charters that may be granted from 8 to 20.

The 1993 legislature also made it possible for schools that can't get a charter from their local districts to appeal that decision to the State board of education.

One very exciting charter school scheduled to open this spring is the Skills for Tomorrow High School in Minneapolis.

During the recent recess, I was briefed by the sponsors of this school—a coalition of local organizations led by the Minnesota Teamsters Service Bureau.

The Skills for Tomorrow charter school will be housed in the Minneapolis Technical College's facilities in downtown Minneapolis. It will stress hands-on learning experiences for its students, especially through apprenticeships with local employers.

Mr. President, another very exciting charter school proposal—just approved by the State board of education in January—is for the Minnesota New Country School. This new school will be located in LeSeuer, a smaller, rural community in south-central Minnesota.

The New Country School will stress its small scale, extensive parent and community involvement, and new educational technologies.

Equally important is the premise behind the New Country School that the availability of more diverse educational choices should not be limited only to students living in major metropolitan areas.

Mr. President, as I have listened to the parents, teachers, and others who are designing and opening charter schools in Minnesota, I have heard one recurring theme.

If the opportunity to break the exclusive franchise local school districts now have on starting new public schools, at least minimal amounts of start-up funding are an absolute necessity.

Planning and designing a new curriculum—usually done by parents and teachers on their own—takes time and money.

Expertise also must be hired—to draft contracts, to work through the complexities of State education finance law, to design a positive learning environment for the students.

And, cash flow needs of a new enterprise must be met, computers textbooks, and desks must be purchased, and minor renovations are often needed to meet health and safety codes in what are usually rented facilities.

These realities have led one of the Nation's leading advocates of charter schools—Colorado Gov. Roy Romer—to propose making $325,000 in start-up funding available to charter schools in his State that focus on students who are at-risk of dropping out.

Mr. President, the Federal Government can and should be a partner in encouraging start-up funding for charter and other innovative public schools.

And, with the authority now included in the Goals 2000 legislation, States and local school districts will be able to offer startup funding for charter schools and other innovative public schools like City Academy and the Skills for Tomorrow High School.

Under this legislation, States will also be able to use a portion of their funds for State-level public school choice initiatives including the kind of computer-based information and referral program that the State of Minnesota is now developing.

Finally, Mr. President, I should point out that support for increasing the number and diversity of school choices would expand even further under the Clinton administration's proposal for reauthorizing the Elementary and Secondary Education Act.

Under the administration's ESEA proposal, a new Federal grant program would be established to help start new public charter schools.

I should note, Mr. President, that similar authority to use Federal funds to help start new charter schools was originally proposed in legislation I introduced last year, the Public School Redefinition Act.

Cosponsoring that proposal were Senators LIEBERMAN, KERREY, and GORTON. A bipartisan companion bill was introduced in the House by Representatives DAVE MCCURDY, TOM PETRI, TIM PENNY, and TOM RIDGE.

Mr. President, I look forward to working closely with these and other supporters of charter schools, with the administration, and with the Labor Committee to make sure Federal support for innovative new public schools remains in the ESEA reauthorization.

It is not surprising, Mr. President, that States are authorizing establishment of charter schools in a variety of ways. So, we must also make sure Federal programs to support them are flexible and deferential to how States choose to allow such schools to be established.

But, if we retain that kind of flexibility, the Federal Government could be an important partner in helping parents, teachers, and communities expand public school choices.

And, with the marketplace dynamics that come with choice and choices, all students in those States stand to gain.

Mr. President, there have been a number of developments on charter school legislation around the country in the past several months that were updated an excellent report released recently by the Morrison Institute for Public Policy at Arizona State University.

Because of the strong interest in charter school activity in a growing number of States, I would ask that an excerpt from that report be included at the conclusion of my remarks.

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

CHARTER SCHOOL UPDATE: EXPANSION OF A VIABLE REFORM INITIATIVE—EXECUTIVE SUMMARY

Charter schools offer policymakers a structure that integrates many ideas that heretofore have met with resistance. As part of an "ideal" charter school structure, educators within existing public or private schools, parents, or other members of the community develop a proposal describing how they would operate a school and what specific outcomes they would achieve. Local school boards or other county/state entities are authorized to grant a "charter" to this group and to hold them responsible for the provisions of their proposal. Once granted a charter, a school receives formula-driven funding as if it were a public school district. Two key differences, however, exist. First, these charter schools are freed of most state and local regulations, allowing them to implement innovative ideas. Second, if these schools fail to attain outcomes as specified in their charter contract, they are put out of business.

Charter schools, therefore, offer a significant departure from the standard management structure of public schooling. However, if implemented as an option and if done initially on a pilot basis, charter schools offer many potential reforms for education. District boundaries would no longer dictate where a child attends school since charter schools serve as an enrollment option for students, parents, and teachers. Decentralization would be achieved by granting full control over the entire school budget as well as management and personnel decisions to school-based councils. Removal of most state and local regulations (other than those necessary to ensure safety, nondiscrimination, and high educational outcomes) would provide opportunities to be innovative and eliminate the ability to lay blame for poor achievement elsewhere.

On the other hand, charter schools continue to subscribe to the American democratic ideas of the common school—that all children have the right to a free public education. To this end, charter schools are to be tuition-free, non-sectarian, and cannot discriminate on the basis of race, religion, or disability. Although private schools can be brought into a charter school program, they need to meet the same standards as other public schools seeking charter status and public funding.

To date, eight states have passed some type of charter school legislation (see chart below) although many other states have considered similar action. This report provides information on activities and legislation in these states regarding charter school formation, including roles played by individual

teachers and others as organizers, by local school boards as sponsors, and by county or state officials in providing an appeals process and technical assistance. Statutory requirements, legal responsibilities, funding mechanics, and employment issues including hiring and dismissal, collective bargaining, and job security are also detailed.

STATES WITH CHARTER SCHOOL LEGISLATION

Minnesota (1991).
California (1992).
Colorado (1993).
Georgia (1993).
Massachusetts (1993).
Missouri (1993).
New Mexico (1993).
Wisconsin (1993).

This report also offers recommendations to policymakers considering potential charter school legislation. The following provides a recap of the key issues:

Who should sponsor? Local school boards represent an appropriate entity to sponsor charter schools; however, it is important to establish a county or state appeals process for organizers who believe that a denial by a local board was inappropriate.

Which state laws/rules should remain? Policymakers should not review every education-related law and rule to identify which should apply to charter schools. Instead, a general set of minimums should be established that focus on student outcomes; nondiscriminatory procedures; and the health, safety, and welfare of students.

What about the mechanics of funding? Methods used across the eight states illustrate that direct funding to charter schools can be accomplished. Given, that some economies of scale will be lost when operating an individual school, charter school organizers should develop a "small business" financing plan.

Who should govern? Since the legal and fiscal authority will reside at the school-level, the state should establish minimums regarding a charter school's local governance/management structure. However, policymakers should resist the temptation to specify the exact composition in order not to "mandate decentralization."

How can resistance be overcome? Efforts should be made to obtain input and to communicate with individual members of the local school boards association and teachers unions regarding their potential new roles. Local school boards will actually gain power by being able to develop performance-based charters with some or all of their schools and in turn will be freed from most state regulations; teachers will gain a stronger voice in the focus and management of their school.

What about private school inclusion? States must give careful consideration to the question of including private schools in the chartering process. If included, they should be held to the same state requirements as other public schools seeking charter status.

Do charter schools conflict with consolidation efforts? Steps should be taken to ensure that appropriate educational programming can be provided without additional costs. It is important that charter schools do not become eligible for "small school" weights or other similar support.

What role should the state play? Providing technical assistance support for charter school organizers (including the development of a small business finance plan) and establishing a state or county appeals process are important. In addition, distribution of charter school information is also necessary.

Will charter schools cost more? Charter schools can be initiated with fairly nominal state start-up costs; however, total costs are dependent upon specific legislative provisions. If the program is optional and begins with a small group of willing participants, no additional funding for training would be necessary. If the state chose to implement a program that is mandatory and/or includes a large percentage of schools immediately, additional training would be necessary. Also, if private school students are eligible to participate, additional costs would also occur since states are currently not paying for their education. In addition, state-level technical assistance and an appeals process would also cost a small amount. Finally, a continued look at funding equalization and at-risk support is important to ensure that all interested schools can develop the infrastructure necessary to move toward a charter school setting.

This report illustrates that charter schools appear to be a viable reform initiative. This is especially true for states in which "gridlock" has occurred regarding the creation of a school choice system, the decentralization of power to the school-level, and/or encouraging more innovative and accountable systems. Charter schools have the appeal of allowing these activities to occur within schools and communities that believe such changes will improve educational outcomes. Although the implementation of such schools will not be easy, the potential benefits of establishing charter school legislation outweigh the impending policy battles.

WHAT'S HAPPENED SO FAR ACROSS THE COUNTRY?

Minnesota was the first state to grapple with the charter school idea and, in 1991, initiated "outcome-based schools" (i.e. charter schools) legislation. This law authorized the creation of up to eight legally and financially autonomous schools to be organized by certified teachers and sponsored by local school districts. During the 1992/93 school year, two of the eight permissible charter schools were operational. The first is located in a donated city recreation building in St. Paul and offers a year-round program for 35 at-risk adolescents and young adults from ages 13–21. The second is a private Montessori school, which converted to charter status in March 1993, educating children from kindergarten through grade six. Minnesota has the only legislation that does not prohibit private schools from applying for charter status.

Another four schools began operating under their charters during Fall 1993. The program offerings at these schools are diverse, including a school for deaf students, a vocational/technical school, and a pre-K through grade 12 school emphasizing the needs of at-risk students. The other schools also utilize various innovative practices such as multi-age classrooms, thematic learning, extensive parent involvement, year-round education, extended school day, and multicultural curricula.

During Spring 1993, the Minnesota legislature modified their charter school statutes allowing 12 additional (20 total) schools to be approved. They also prescribed an appeals process to their state board of education, heretofore excluded due to strong opposition from local school boards.

In September 1992, California adopted a charter schools law which allows the creation of up to 100 such schools in the state. Any individual can circulate a charter school petition which must receive sponsorship by the local school district. An appeal to the county board of education was included in the legislation. Whether a school receives legal autonomy is dependent upon the provisions of the charter agreement. Schools do receive their total funding independent of the school districts, although funding does flow through the districts before reaching the charter schools. To date, 40 schools have received approval, with a few operating under their charter beginning Fall 1993. Most, however, will begin operations as charter schools in 1994. This delay is due primarily to a variety of the charters being adopted as "developmental" (i.e., more details need to be developed prior to charter school conversion).

Like Minnesota, the California charter schools describe a wide variety of innovative strategies to be employed. However, unlike Minnesota, California has approved two charters using a home schooling approach in which the school operates as a resource center. In addition, one school will operate an English as a second language (ESL) curriculum; another school will utilize Edward Demming's Total Quality Management theory.

During Spring/Summer 1993, legislators in six additional states enacted some form of charter school law. The character of the new legislation in the six states is varied in its approaches to the charter school concept and warrant brief exploration here.

Colorado: Passed in June 1993, legislation permits no more than fifty charter schools to be created prior to July 1997; at that time, the ceiling is removed. Any individual or group can enter into a charter school agreement with the local school board if "adequate" support from parents, teachers, and pupils is obtained. A charter school remains under legal authority of its school board, but receives at least 80 percent of per pupil funding from the district. Two schools have already been approved; several more are pending.

Georgia: Passed in 1993, this legislation allows an unlimited number of charter schools to be converted from existing public schools. Public school personnel may apply to the state board for charter status if the local board gives approval, if two-thirds of the faculty and staff approve, and if parents present at a meeting to initiate a charter school petition give their support. Schools are not legally autonomous from their districts, and the amount of funding is to be negotiated in the terms of the charter agreements. Charter agreements are to emphasize school improvement and student outcomes. It is anticipated that school proposals will be considered during Fall 1993, once the specifics of implementation are addressed by the state board.

Massachusetts: Part of a comprehensive school reform package, this state's charter school component will not be implemented until September 1995. Twenty-five public charter schools are permitted, in which two or more certified teachers, ten or more parents, or any other individual or group, may enter into a charter agreement with the state secretary of education. Other than Minnesota, Massachusetts has the only legislation that automatically grants charter schools legal and financial autonomy.

Missouri: Missouri's "New Schools Pilot" is a more formative version of the charter school concept. It is designed to test a revised management system within three existing school sites that volunteer to participate for a five year period beginning July 1995. Local school boards will apply to the state board of education to participate. Each site will implement a five member management team with two members permitted to

be exempt from certification requirements. The functions of this management team are (at a minimum) to deal with all staffing and personnel decisions. The state board of education has autonomy to waive and implement rules for these schools.

New Mexico: Passed in 1993, New Mexico's legislation allows five existing public schools to be granted charter school status by the state board of education. Charter schools will continue to function under the legal authority of school districts, and administrative costs may be withheld by the districts. Regulations will be developed by the state board of education by Spring 1994, at which point applications for charter schools will be processed. In the meantime, the state board of education has provided ten schools with planning grants of $5,000 each.

Wisconsin: Legislation passed in August 1993, requires the state superintendent of education to approve the first ten charter school requests received. Charter schools can be created two ways. First, after receiving a petition from an individual (signed by at least ten percent of the teachers at the school district or 50 percent at one school and receiving approval from the state superintendent of public instruction), the school board must hold a hearing, and if adequate employee and parent support are determined, may grant the petition. Under this provision, a school board may also convert all of its schools to charter status (a maximum of two per district) if the petition is signed by at least 50 percent of teachers employed in the district, and it provides alternative public school arrangements for children not wishing to attend charter schools. Second, the school board can generate and seek approval from the state superintendent for its own proposals and contract with a group or individual to operate the school. Regardless of the method used to create charter schools, they remain under local school district control and the level of funding is determined within the terms of the charter agreement. The state superintendent has already approved the first ten district generated requests; two more districts are on a waiting list.

During the past three years, attempts to pass charter school legislation have also taken place in several other states including Arizona, Connecticut, Florida, Louisiana, Michigan, New Jersey, Pennsylvania, Tennessee, and Wyoming. In each case, the debates surrounding the issue have been extensive. For example, in Arizona the concept of charter schools was offered by Governor Symington's Task Force on Educational Reform in 1991 within their recommendation to develop "New Arizona Schools." Although introduced in 1992 as part of a comprehensive legislative package, this concept failed due to both its lack of specific details and the political turmoil surrounding the overall reform attempt. A further effort to incorporate charter schools occurred in the 1993 legislative session within a larger educational reform package which was tabled until a budget could be developed to include with the bill. The concept is predicted to return in 1994.

In addition to state level activity, charter schools were also proposed (but not enacted) at the national level in 1992 within both S.2, the Senate's Neighborhood Schools Improvement Act, and in H.R. 4323, the House Education Improvement bill. As of October 1993, start-up funding slated to go directly to charter schools was included within the proposed reauthorization of the Elementary and Secondary Education Act. It is anticipated that Congress will begin hearings for the reauthorization of the Act in the Spring of 1994.

Finally, many local school systems have adopted their own version of charter schools, giving schools more control over their budgets and curriculum. A term unheard of just a few years ago, has now become part of state and local educational reform debates across the nation.

CHARTER SCHOOLS PROVISIONS IN GOALS 2000: EDUCATE AMERICA ACT

Mr. LIEBERMAN. Mr. President, thank you very much for the opportunity to address this bill, Goals 2000: Educate America Act. I would like to highlight provisions in the bill that will allow States to use funds to launch chartered public schools. Last year, Senator DURENBERGER and I introduced legislation to provide Federal funds for planning and piloting charter schools, and I am pleased that Goals 2000 includes charter school provisions.

Goals 2000 provides a national framework for education reform, and seeks to promote systemic changes in our education system to improve education opportunities and outcomes for our children. Whether or not we achieve real improvement will ultimately depend on how reforms are implemented at the local level. The charter schools provisions in this bill are critical because they provide local jurisdictions with the resources, encouragement, and flexibility they need to implement real change.

Charter schools encourage innovation within the public schools by allowing school staff, parents, and others in a community to apply for a charter to run their own public school, free of many of the onerous regulations and bureaucracy of school administrations. But charter schools still must abide by the fundamental requirements of public schools. They are bound by Federal and State statutes that prohibit any discrimination on the basis of race, religion, disability, or any other factor. They also must be open to all students interested in attending, with a lottery if they are overenrolled. And they must be nonsectarian in their programs, employment practices, and all other operations and cannot be affiliated with a nonpublic sectarian school or religious institution.

In contrast to many existing public school programs, however, these schools will add a significant measure of choice, quality, and diversity to the options offered to students. As my colleague Senator DURENBERGER has discussed, charter schools are successfully serving children with special needs, including those who have previously dropped out of school and those with physical disabilities. They offer a way to broaden quality choice within public education and stimulate creativity.

More and more States are establishing charter schools programs. Eight States—California, Colorado, New Mexico, Minnesota, Georgia, Massachusetts, Michigan, and Wisconsin—have passed legislation. And over 10 other States, including Connecticut, are considering such legislation.

While State and local governments will be able to use a small portion of the funds authorized in this bill to start charter schools, charter schools will have to compete with a variety of other State and local education systemic improvement programs for funds. I hope Congress will be able to strengthen its support for charter schools later this year when we reauthorize the Elementary and Secondary Education Act [ESEA]. I understand that the administration has included a charter schools program in its proposed ESEA legislation, and I look forward to working with Senator DURENBERGER and our colleagues to make sure that ESEA provides States and local governments with the full support that they deserve as they pursue excellence, innovation, and diversity in education through charter schools.

CHARTER SCHOOLS LANGUAGE IN SECTIONS 308 AND 309 OF S. 1150

Mr. LIEBERMAN. Mr. President, I have just spoken at length on why I support charter schools. My understanding is that new chartered public schools such as those provided for by Minnesota law and the laws of seven other States, and under consideration in Connecticut and close to a dozen other States, could receive start-up assistance from funds set aside for State and local school improvement initiatives in sections 308(b)(2) and 309(a)(4) of this legislation. Chartered public school programs which would be eligible under this provision are those established by groups of teachers, parents, or community groups which enter into a performance-based contract with the State or locality empowered to enter into a charter agreement. Those schools must, of course, comply with the language in the bill stating that these new and innovative public schools must be non-sectarian in their programs, admission policies, employment practices, and all other operations and shall not be affiliated with a non-public sectarian school or religious institution. I would like to ask the manager of this bill, the distinguished Senator from Massachusetts, if I am correct in my understanding that these public chartered schools would be eligible for funding under sections 308 and 309.

Mr. KENNEDY. Mr. President, I want to thank the Senator from Connecticut for raising the issue of chartered public schools. I am familiar with charter schools as enacted in Minnesota, Massachusetts, California, Georgia, New Mexico, Colorado, Wisconsin, and Michigan, and under consideration in a number of other States, including Connecticut. I want to assure my colleague from Connecticut that the language of S. 1150 which would allow States and

local jurisdictions to set aside money to develop new and innovative public schools, includes non-sectarian chartered public schools as you have described.

Mr. LIEBERMAN. I thank the Senator for his interest in this issue and his knowledge of charter schools. I want to reiterate that these charter schools will be public schools, new and innovative public schools which could be created by a group of teachers, parents, or a local community. Under sections 308 and 309 of this bill, a State or a local district could use these set-aside funds to create new public schools which are not part of the current public education system. The schools must be governed by principles of public education including no discrimination on the basis of race, religion, disability, or other factors, no charging tuition, no selectivity in admissions, and must be non-sectarian in programs, employment practices, and all other operations. I thank the chairman of the Labor Committee for including this language in the bill and for his interest in this area.

Mr. KENNEDY. As the Senator from Connecticut is aware, S. 1150 is dedicated to improving quality of and promoting innovation in our public schools. Charter schools are one way to promote innovation and can make an important contribution to the improvement of our public schools.

Mr. LIEBERMAN. I thank the distinguished chairman. I am very pleased that S. 1150, Goals 2000: Educate America Act, will enable States and local jurisdictions to use set-aside funds to develop chartered public schools, and I congratulate the chairman on sponsoring this legislation, which will play a vital role in improving education in America.

REAUTHORIZATION OFFICE OF EDUCATIONAL RESEARCH AND IMPROVEMENT

Mr. PELL. Mr. President, the amendment I am offering to the Goals 2000 legislation is the Educational Research and Improvement Act. This amendment was reported from both the Subcommittee on Education, Arts and Humanities and the Committee on Labor and Human Resources unanimously as S. 286. It is a truly bipartisan bill and is supported by the Clinton administration. I am joined in offering it by Senators KENNEDY, KASSEBAUM, and JEFFORDS.

We spent considerable time fashioning the Educational Research and Improvement Act last Congress and improving it this Congress. I believe it most appropriate to move this educational research and improvement initiative as we consider the Goals 2000 legislation. To my mind, the most effective school reform is informed by quality research and development. As is the case with business, industry, and defense, the caliber of our educational system depends heavily upon the quality and scope of the investment we make in research and development.

During all of our work on this reauthorization of authority for the Office of Educational Research and Improvement [OERI], we have had several specific goals in mind which we believe the amendment builds upon.

First and foremost, we have sought to ensure that the Office be a beacon of educational excellence unsoiled by partisan politics. Towards that end, we have created five new directorates on critical education concerns. These directorates will serve as the strong, stable arm within OERI that advances research on new, innovative, and perhaps even controversial educational ideas, concepts and programs. In addition, we have established an Advisory Board of Education Research to review the research agenda and operation of the Office. We require that this Board be composed of nine men and women who have distinguished records in educational research, so that expert guidance is provided in matters governing the Office.

Second, it has been our firm intent that development, dissemination, and access be the one of the primary missions of every component of the Office. We seek to accomplish objective through a new Office of Dissemination and Reform Assistance. Senator KASSEBAUM has initiated what I believe is an excellent, streamlined teacher training program that will empower teachers to reach and tailor educational research to fit the needs in their classrooms. We have also redefined the mission of our educational labs to advance the National Education Goals and focus upon bringing proven educational practices into the frontlines of instruction in our schools.

Finally, we have also broken new ground by boldly reaching into new areas of critical interest. There is a new, badly needed international educational exchange program to assist central and eastern European countries in developing their economic and governance system. And there is also a minority focused civics education program aimed at educators who teach large proportions of minority children.

This legislation offers the Office of Educational Research and Improvement the chance to be the engine that drives the train of excellence and innovation. I am fully confident that OERI's new Assistant Secretary Sharon Robinson, through her fine leadership, will use this newly charged authority to promote a lasting imprint on educational achievement and improvement for years to come.

OFFICE OF EDUCATION RESEARCH AND IMPROVEMENT

Mr. HATFIELD. Mr. President, I am a visual learner. I need to see and personally connect with people to fully understand and appreciate new issues. Now, modern research tells me that I am not alone. The vast majority of people learn better the same way. The research has shown the validity of the statement:

"If I hear, I will forget,
If I see, I will remember,
If I do, I will understand."

This is particularly true for younger children. The new standards already developed for mathematics and being developed for science all emphasize the effectiveness of hands-on techniques. However, those hands-on techniques require hands-on materials. We must provide the means for elementary students to do so they will understand.

I am pleased that we are now considering an amendment which includes legislation that I first introduced in November of 1991, entitled the "Elementary Mathematics and Science Equipment Act." I reintroduced this bill in January of 1993 with the endorsement of the Council of state Science Supervisors, the National Council of Teachers of Mathematics, the National Science Teachers Association, the National Science Resources Center, the American Association for the Advancement of Science, the Triangle Coalition for Science and Technology Education, and the Association for Supervision and Curriculum Development.

During the 102d and the 103d Congresses, this legislation has been supported and approved by the Senate Labor and Human Resources Committee. The time has come to move it into public law. Frankly, we need it to attain the 4th National Education Goal which encourages the Nation to be first in math and science by the year 2000. We all know that this message must be heard in our elementary classrooms and must be backed-up with the tools necessary to get the job done.

I would like to thank Senator PELL and his excellent staff for their very strong support of this program.

This legislation allows a one time allocation of funds for each school in the Nation for the purchase of hands-on mathematics and science equipment at the elementary level, grades 1–6. Schools are to receive these funds based on need, and matching support is strongly encouraged. The $10 million that is in this bill is not enough to get the job done on its own, but it is a vital start when so many schools have so little to work with now.

Let me give you an example of how a little can do a lot. Technology has developed a small hand-held electronic microscope that magnifies 30 times. The cost is less than $6.00. If you add to this a technique that students can use to make their own inexpensive slides using paper cards, a hole punch and clear tape, a new world is opened for them.

I can assure you that children and adults will marvel at the appearance of even simple materials such as salt,

sugar and pepper right off the dinner table. Imagine the excitement among the students when you put four or five of these in an elementary classroom. When you do, you're going to hear the sounds of students being turned on to science—you're going to hear the sounds of our future—the sound of progress toward meeting the math-science goal.

HIPPY AMENDMENT

Mr. GLENN. Mr. President, the amendment I am offering today, along with Senator CHAFEE, addresses the first and most compelling national education goal—that by the year 2000, all children will start school ready to learn. The "Goals 2000: Educate America Act" codifies the six national education goals and builds a framework for reforming our public schools. Such reform is fundamental to the ability of our educational system to achieve those national goals. My amendment supports preschool programs that, for many children, will also be fundamental to their ability to meet national expectations. Without such programs, fully 35 percent of children in this country—according to a 1991 survey—will begin their first year of school unprepared to learn. Such children often continue to struggle to learn or give up on learning altogether in their later school years. If children enter school without basic school readiness skills and without a positive attitude toward learning and education, our schools will be hard put to achieve any of the education goals we have determined to be fundamental to our Nation's success.

Parents, of course, play the primary role in teaching those skills and in fostering that love for learning in their young children. But parents, too, often lack the tools they need—knowledge, resources, or the support of family and community—to prepare their children to enter school. The demands on their time and energy may even overwhelm them at times. Think of yourself as a parent with small children. Of course, you want to give your children a good start in life and a better chance to succeed than you may have had. You want to work with your children yourself to help them learn. But, what do you do—and how? Will what you do be effective? You are not trained as a teacher, have no materials and are not sure where to begin. If you yourself have not been able to finish or succeed in school, you may have even more questions. And you may not know where to turn for answers or be able to afford the advice of experts.

Thousands of families across the country face the same dilemma. If they are among the most economically or educationally disadvantaged, they may receive services from the Federal Government through Head Start or early childhood Chapter 1 programs. But even Head Start and Chapter 1 do not come close to serving all those families who qualify for services: Head Start serves only about 30 percent of eligible children, and the preschool programs funded under Chapter 1 are relatively small in number. I strongly support these programs and believe they should be expanded to serve all those eligible.

At the same time, even if Head Start and Chapter 1 were to be fully funded, many families would still not qualify for the preschool services they need and seek. Families whose incomes do not fall below the official Federal poverty guideline—$14,340 for a family of four—or who do not live in a community with a high enough concentration of families on public assistance are not likely to qualify for Head Start or Chapter 1. Such families—primarily the working poor and near poor—fall through the cracks in our current educational system, and their numbers are increasing every day in my State and around the country.

In March of last year, I visited a program in Warrensville Heights, OH, a suburb of Cleveland, that addresses the needs of such families by creating opportunities for success for parents and children. The program is called HIPPY—Home Instruction Program for Preschool Youngsters—and this is one program that really works. HIPPY was developed in Israel in the late 1960's and is now operating in 9 countries and 22 States in the United States. The philosophy behind HIPPY is both simple and profound: Participating parents learn how to work with their preschool children for 15 to 20 minutes per day, at home, using storybooks and other materials specially designed and structured to enhance school readiness. The activities focus on basic school readiness skills such as verbal expression; discrimination of shapes, sounds and colors; and eye-hand coordination. Support and training for the parents are given by paraprofessionals, themselves parents of young children from the community. All of this is done at very low cost, requiring only minimal overhead, and of course, saves the taxpayer money in the long run. The results are as profound as the philosophy: Children enter school ready and eager to learn, and parents strengthen their relationships with their children, their schools, and their communities.

My amendment would incorporate HIPPY—a proven parent and early childhood education model—into the Even Start family literacy program. Even Start is a program that integrates early childhood education, adult literacy and parenting education. Both Even Start and HIPPY focus on parents and children as a unit, and all Even Start projects provide some home-based instruction. My amendment would allow States to use up to 20 percent of funds already authorized under Even Start to help communities establish, operate, or expand HIPPY programs. Near-poor and working-poor families and parents who have had limited or unsuccessful formal schooling would be eligible to participate in these programs, as well as those below the poverty line who already qualify for Even Start.

Unfortunately, programs like HIPPY are struggling to survive in local communities around the country. Funding is scarce while the interest of parents in participating in the programs is high. Communities across the country deserve a better chance to help parents reach the goals they set for their children—success in school and a lifelong love for learning. In fact, our country's best chance of meeting its first national education goal rests with parents who want to and know how to help their children learn.

I urge my colleagues to support this amendment.

Mr. LAUTENBERG. Mr. President, I am pleased that the OERI reauthorization amendment that will soon be offered by the managers of this bill contains language requiring OERI to collect and disseminate information on alternative management of public schools. I requested this language and appreciate their accommodating my request.

Mr. President, it seems like every day we read about a new reform going on in one of our Nation's elementary and secondary schools. Some States are experimenting with longer school hours, some are adopting "Charter Schools" and some are instituting public school choice. Inside the classroom, many schools are using technology and other experimental teaching methods to increase student achievement in math, science, and the humanities. It is imperative that these innovative experiments continue. We must keep the entrepreneurial spirit going in our Nation's schools.

Recently, we have also read about several instances where private entities—companies and universities in particular—have taken over the operations of public schools. Such experiments are going on in Detroit, Baltimore, Miami, and Chelsea, MA, and others are planned for Washington, DC and Minneapolis.

Mr. President, I believe that is important for the Department of Education to serve as a clearinghouse for information on these types of experiments and the Office of Education Research and Improvement is the natural place to do it. If this information is made available, school districts that wish to undertake such an endeavor will benefit from having information on schools in the aforementioned cities.

Mr. President, I have always maintained that we need to spur educational innovation in our Nation's public school system. The Goals 2000 legislation will do this. In addition,

some of the private takeovers of public schools also show promise. That is why I requested this language so that we can have as much information on this issue as possible.

Mr. President, as my colleagues know, I have been a strong supporter of public education in the Senate. I have been a strong supporter for Federal funding for elementary and secondary education and have consistently opposed using federally funded vouchers to go directly to private schools.

However, many of our public schools are in a state of crisis. One major problem that many public schools have is that they spend too much on administration and not enough on classroom instruction. Several studies indicate a correlation between the percentage that a school spends on instruction and the level of student performance. Thus, it is important that we encourage schools to reduce their administrative costs. Many of these private companies have pledged to reduce such costs and improve educational programs.

It is critical that our public schools remain public schools—providing equal opportunity to all students in the community. However, it is also important to revolutionize education by encouraging schools to cut their bureaucracies and strengthen their educational programs.

Once again, I appreciate the managers for including my language in the amendment and I urge my colleagues to adopt the entire OERI reauthorization amendment.

MORNING BUSINESS

A COMMISSION—AND VINDICATION—FOR JOHNSON C. WHITTAKER

Mr. HOLLINGS. Mr. President, on January 27, I introduced a bill to posthumously commission Johnson Chesnut Whittaker as an officer in the U.S. Army. Born a slave in 1858 in Camden, SC, Whittaker was appointed to West Point in 1876 by Representative S.L. Hoge of South Carolina.

Whittaker was one of the first blacks to enter the U.S. Military Academy, and for most of his 4 years at the Academy he was the only black cadet. Because of his color, he was shunned by the entire corps of cadets, shut out of the school's social life, and spoken to only when official business required. His only refuge was his daily Bible readings.

On April 5, 1880, what had previously been a systematic, passive persecution of Cadet Whittaker took a monstrous turn for the worse. In the dead of night, Whittaker was attacked in his room by three masked men who beat him about the head and slashed his ears. The attackers left him unconscious, bleeding profusely and tied to his bed.

Adding gross insult to injury, West Point authorities defended the accused attackers and alleged that Whittaker had fabricated the attack in order to create sympathy for himself. In a subsequent court of inquiry and court-martial, Whittaker was found guilty and forced to leave the Academy. During the court-martial, the prosecutor brazenly appealed to racism and bigotry in winning a conviction.

Two years later, President Chester A. Arthur reversed the conviction on the grounds that the court-martial had been illegal. But, on the same day, the Secretary of War formally discharged Whittaker from the Academy on the grounds that 2 years earlier he had failed a philosophy exam.

Johnson Whittaker courageously refused to allow these extraordinary events and injustices to destroy his life. After his discharge from the Academy, he returned to South Carolina, practiced law in Sumter, and taught at what is now South Carolina State University in Orangeburg. In 1908, he moved to Oklahoma, where he was a teacher and principal. In 1925, he returned to the college in Orangeburg as a psychology professor. His son, Miller Whittaker, became president of the college in 1932.

Mr. President, the bill I introduced last week has a simple purpose: to right a wrong. The bill requests the President to posthumously appoint Johnson Chesnut Whittaker as a commissioned officer in the regular Army in the grade of second lieutenant. We cannot erase the pain and persecution endured by Johnson Whittaker in the course of those terrible events more than a century ago. What we can do is set the official record straight. We can vindicate Johnson Whittaker. And we can express to his descendants the regret and remorse of the U.S. Government. To that end, I urge my colleagues' support for this bill.

COMPUTER NETWORK CRIMES

Mr. ROTH. Mr. President, our society is rapidly becoming a world of instant communications, of masses of information available through countless databanks. Last fall, the New York Times and the Wall Street Journal reported a major incident—a broad scale electronic break-in of these databanks and the companies that rely on them. Soon after these reports, it became clear that the University of Delaware was affected. Today, the Washington Post reports that there is a rash of break-ins underway.

Over the past 5 years, telecommunications have expanded far beyond what Alexander Bell could have dreamed. Telecommunications now reach far beyond the telephone. Governments at all levels, corporate America, many American families, and academia rely on computer networks to conduct their business.

Every day, more entities are linked to one another. The very term network has become a household word. Foremost among the world's largest data networks is the Internet, which is funded by the Federal Government. The Internet has grown from 215 sites in 1981 to over 2 million sites today, reaching 15 to 20 million personal computer users.

The Internet has truly become the backbone of the business community, and access to it is considered vital. It increases productivity by allowing researchers, scientists, and engineers to collaborate. Projects can be completed faster and with fewer people simply because the same information can be shared electronically across States and continents. Vendors can provide their customers with a higher level of service and support because problems can now be solved electronically, over the Internet. Time and money can be saved by choosing from thousands of free software.

The proposals of President Clinton and Vice President GORE to create a telecommunications superhighway promises much more of the same at even greater speeds and volume.

Mr. President, as the Internet has grown, so too has the problem of computer security. Five and a half years ago, a computer virus crashed 6,000 computers on the Internet. A computer virus is usually what most people think of as the computer security problem. But another problem, the use of the Internet for corporate espionage, has long been rumored to be on the rise. Today's Washington Post report confirms the disturbing shift from mischievous to villainous computer crime.

Mr. President, the teenage hacker who tested the system for fun has grown up. Now, a hacker is called a cracker and FBI agents believe that a typical cracker is in it for monetary gain.

Since 1988, computer security breaches has grown dramatically, and 811 incidents have been reported so far this year. The Computer Emergency Response Team, an organization setup to police the Internet, estimates a 50-percent increase per year in security violations on the Internet. They believe that the reported violations are less than one-sixth of the actual number.

At the end of last October, the first open evidence of a massive security violation was reported. An organization, named Panix, that provides access to the Internet for many New York companies put out a message that, and I quote: "A security incident of very large proportion has occurred." Panix provided a list of over 100 companies and stated, again I quote: "If your site appears on this list, you should be particularly worried." One of the owners of Panix told the New York Times that the cracker has passwords to perhaps thousands of locations.

Mr. President, many computer experts believe this is the tip of the iceberg, and an article in this November 5th's Wilmington, Delaware News Journal confirms that view. Apparently, a major computer security breach occurred as a result of an attack on the University of Delaware's computer. As in the New York incident, access was gained through the Internet. As is the case with many of these incidents, the instigator may never be tracked down because he went through a circuitous route on the network, including Purdue University's computers who discovered the attack.

While it is not clear that any data was stolen, 2,300 students and professors at the University of Delaware were forced to go through the time-consuming process of changing their passwords.

Mr. President, these incidents must be controlled. Whether the break-ins are designed to gain restricted information, such as a company's new product ideas, or more mundane information, such as a person's bank and health insurance accounts, the activity is at the very least disruptive and maybe destructive. The accounting firm of Coopers & Lybrand estimates that such computer security violations cost American companies about $15 billion per year.

We need to recognize the potential danger and act accordingly. I must point out that this is a highly technical and rapidly changing area. Security procedures are changing from passwords to more active measures. Last May, I asked the Office of Technology Assessment to look at such problems and recommend updates to the Computer Security Act of 1987. This act is under the jurisdiction of the Governmental Affairs Committee, of which I am the ranking member. Senator GLENN, the chairman, joined me in that request.

I intend to pursue hearings on the report and amendments to the Computer Security Act this summer. In the meanwhile, my staff has been in contact with the Internet security team to make clear and highlight the importance of protecting the Internet.

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, anyone even remotely familiar with the U.S. Constitution knows that no President can spend even a dime of Federal tax money that has not first been authorized and appropriated by Congress—both the House of Representatives and the U.S. Senate.

So when you hear a politician or an editor or a commentator declare that Reagan ran up the Federal debt or that Bush ran it up, bear in mind that it was, and is, the constitutional duty of Congress to control Federal spending. Congress has failed miserably in that task for about 50 years.

The fiscal irresponsibility of Congress has created a Federal debt which stood at $4,515,062,063,163.40 as of the close of business yesterday, Thursday, February 3. Averaged out, every man, woman, and child in America owes a share of this massive debt, and that per capita share is $17,318.26.

TRIBUTE TO MR. ELLIS VIESER

Mr. LAUTENBERG. Mr. President, I rise today to call to the attention of the Senate the achievements of an outstanding New Jerseyan, Mr. Ellis Vieser of Middletown.

As president and founding member of the New Jersey Alliance for Action, Mr. Vieser has spent 18 years working to improve life for New Jerseyans. Mr. Vieser founded the alliance in an effort to bring together the private and public sectors to help New Jersey move forward. He is dedicated to strengthening the economy of New Jersey, as well as protecting the environment.

Mr. Vieser grew up the son of a working-class family in the Vailsburg section of Newark. He was raised in a house full of compassion and kindness, and has used these principles to guide him in his work for the people of New Jersey. Mr. Vieser and his wife moved to Middletown 36 years ago. He began his long career with United Materials, later moving to Duncan Thecker Associates. His next job came as executive vice president of Kerr Concrete Pipe in Hammonton. From there he moved on to become executive director of the Concrete Pipe Association. In his capacity as executive director, Mr. Vieser formed the New Jersey Alliance for Action. The alliance consists of a group of contractors and labor unions, whose main function is to support and promote activities and programs which will strengthen New Jersey economically. It began in 1975 with only 35 members and a $35,000 loan. Today it has more than 500 members and its annual budget is about $1 million. Mr. Vieser started out representing the Concrete Pipe Association, but was asked to serve part time in a leadership position. He soon realized that he needed to serve full time as a member of the alliance if he was going to make a significant contribution to the economy of New Jersey.

Mr. President, Ellis Vieser has worked tirelessly to assist the State of New Jersey by removing impediments to programs that will help get people back to work. Ellis Vieser is a rare, but vital asset to the people and the State of New Jersey. He has dedicated his life to improving the quality of life for others. I salute and applaud Ellis Vieser, whose commitment, vision, and energy have benefited so many.

TRIBUTE TO ANN JOHNSON

Mr. REID. Mr. President, it is not often that we get the opportunity to acknowledge individuals who have helped shape their communities. Ann Johnson, a resident of Las Vegas, NV, is just this kind of person.

When Ann moved to Nevada in 1950, Las Vegas was a small, but growing city beginning to earn an international reputation as a resort destination. After graduating from Las Vegas High School, Ann was hired as a PBX operator at the Stardust Hotel and was soon promoted to PBX manager. On July 12, 1965, she left the Strip to take a position with the Las Vegas Valley Water District as a switchboard operator.

As anyone in the Western United States knows, water is the most precious of natural resources, especially in arid environments. In Las Vegas, the most rapidly growing city in the country, the ability to deliver and allocate water was of especially important; Ann served on the frontlines in making sure that new residents obtained water service quickly and easily.

Ann's natural ability to work with customers was soon rewarded, and she was promoted to clerk, commercial clerk, customer credit representative, and customer services supervisor. In 1984, she was promoted to customer services manager, a position she has held for 10 years. Throughout her career, Ann has watched Las Vegas grow from a community of 200,000 to a city of over 800,000 residents. In her own way, she has touched the lives of each one of them.

On January 14 of this year, Ann Johnson's friends, family, and coworkers gathered at the Palace Station Hotel to pay tribute upon her retirement from the Water District, and to express appreciation for her loyalty, knowledge, ability, experience, and friendship. During the past 29 years, Ann has dedicated herself to the growth of the Las Vegas Valley Water District and the city of Las Vegas, and she has truly been a leader in service. I am proud to congratulate Ann Johnson on her retirement and commend her for a job well done. She is truly a role model for us all.

SEISMIC RETROFIT—S. 1789

Mr. BAUCUS. Mr. President, today the Environment and Public Works Committee reported S. 1789, a seismic retrofit bill introduced by Senator BOXER. I want to commend Senator BOXER for her determination in bringing this issue to the attention of the Senate. She has made tremendous efforts to relieve the suffering of the earthquake victims in California and this bill will help mitigate future losses to life and property.

The legislation permits States to use their Federal aid highway bridge replacement and rehabilitation program

funds for the seismic retrofit of bridges. Current transportation law, the Intermodal Surface Transportation Efficiency Act of 1991 [ISTEA], allows States to use their Federal aid highway funds for the seismic-retrofit of bridges. However, after the passage of ISTEA, the Federal Highway Administration determined that States cannot use bridge funds for seismic retrofit unless a bridge is structurally deficient or functionally obsolete.

As the recent earthquake in California has illustrated, there are many bridges in need of seismic retrofit that may not be otherwise deficient. S. 1789 will give States the ability to use their annual bridge apportionments for the seismic retrofit of any bridge—which clarifies the intent of ISTEA. The bill will not change the amount of money States receive in any of ISTEA's funding categories and I ask unanimous consent that a letter of support from the Department of Transportation be included in the RECORD following my remarks.

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

U.S. DEPARTMENT OF TRANSPORTATION, OFFICE OF THE SECRETARY OF TRANSPORTATION,
Washington, DC, January 26, 1994.

Hon. MAX BAUCUS,
Chairman, Committee on Environment and Public Works,
U.S. Senate,
Washington, DC.

DEAR MR. CHAIRMAN: The Department of Transportation would like to submit the following comments in support of S. 1789, a bill to permit the use of funds under the Highway Bridge Replacement and Rehabilitation Program (HBRRP) for seismic retrofit of bridges.

S. 1789 would enable California, as well as other States, to use HBRRP funds on non-deficient bridges to meet critical seismic retrofit needs. S. 1789 would not alter HBRRP apportionments.

The Department supports S. 1789. We will be happy to work with the Committee on this legislation. The Office of Management and Budget has advised that, from the standpoint of the Administration's program there is no objection to the submission to Congress of the Department's views on this legislation.

Thank you for the opportunity to comment on S. 1789.

Sincerely,

STEPHEN H. KAPLAN,
General Counsel.

TRIBUTE TO JOYCE SPICHER

Mr. BURNS. Mr. President, I rise today to pay tribute to Joyce Spicher. Joyce, who is from Hingham, MT, is the immediate past president of Women in Farm Economics, or WIFE.

WIFE is an outstanding organization, whose primary goal is to promote American agriculture. This is not always an easy task in today's climate. Agriculture faces many hardships and closed doors. However, Joyce is a leader who has made this task look easy. She has opened doors and fought her way around barriers which others might have considered dead ends. As president, through her dedication to the WIFE motto, "Bloom where you are planted," Joyce Spicher has made a difference to Montana and the entire Nation.

Today, only 2 percent of all Americans are involved in agriculture. Out of that 2 percent, an impressive 98 percent of the farms and ranches are still family operated. Family is the key to survival, and with family comes backbone. We are fortunate to have such a strong backbone supporting Montanan and American agriculture.

Joyce, along with all of the members of WIFE, realize this importance. In a recent WIFE line publication Joyce said, "Every issue we discuss is tied directly to our farms and our families." How true that is. It is time we all take a firm stand to insure the future of American agriculture. Of course there is going to be opposition, but I firmly believe that it is a battle of wills. And we the people of agriculture in Montana and throughout America have the advantage of having a strong backbone.

Joyce took her stand a long time ago, and for all her hard work and dedication I applaud her. She is not only a great Montanan—she is an outstanding American. Joyce, thank you for all you have done to help promote Montanan and American agriculture.

And with anticipation of more great things to come, I congratulate the new national WIFE president, Mary Ann Sheppard.

THE DECONTROL OF OUR EXPORT CONTROL STRATEGY AND THE ENDANGERING OF OUR FUTURE NATIONAL SECURITY

Mr. D'AMATO. Mr. President, I rise today to discuss the administration's policy in regard to the export of computer technology, and its moves in export control in general.

I would like to say from the outset, that I am very hopeful that the United States does not create a situation that sacrifices our domestic and national security. I fully realize the need to help our economy and expand our exports, but we cannot endanger our future security by allowing dangerous dual-use technology to make its way into the hands of the uncontrollable rogue states that threaten the security of the United States and our allies.

In their book, "Putting People First, How We Can All Change America," Bill Clinton and AL GORE wrote, "We can do more to stop weapons of mass destruction from spreading." They continued on by stating that they would get tough with countries and companies that sell these technologies and work with all countries for tough, enforceable, international nonproliferation agreements. (p. 136)

Nothing could be farther from the truth. If you look at recent administration decisions in the export control arena, you will find that there is a distinct effort at decontrolling vast areas of technologies that will in fact enhance and speed the ability of rogue regimes to acquire technologies to advance their production of weapons of mass destruction.

In a February 2, 1994 article in the Wall Street Journal, Asra Q. Nomani explained that Japan rebuffed U.S. attempts to redefine supercomputers as products operating at more than 2,000 [MTOPS] millions of theoretical operations per second. They only agreed to set the level at 1,500. With a higher level of MTOPS, more calculations can be made and more complicated technological operations can be conducted. This makes research into and production of weapons of mass destruction easier and faster. While some have said that this could represent an effort by the Japanese to keep a hold on a market that they are behind in, it nevertheless signals that this administration is leaning too far away from important national security considerations.

Sally Weymouth, in an article in the Washington Post on February 4, 1994, further detailed this tilt away from national security by stating that "National security concerns are being sacrificed to American business interests." Ms. Weymouth also examined another important area of concern in the export control debate, the expiration of [CoCom] the Coordinating Committee for Multilateral Export Controls.

With CoCom due to expire on March 31, 1994, the administration seems to be doing little to work toward any successor regime that would include anything close to the restrictions that CoCom enforced. Without a viable successor regime to CoCom, multilateral export control will be left to national discretion. Export control is important for all nations and it is a commodity that cannot be left up to the individual whims of each participating nation.

If national discretion will be the case, then the only option left to the United States will be unilateral controls. This alternative is wholly unacceptable to business and would be seen as counterproductive. Yet, we might be left with no other choice if the administration does not work to toughen the future regime.

In the end, we have to ask ourselves, do we wish to allow the Qadhafis, the Assads, or the Kim-Il-Sungs of the world to obtain technology that could one day be used against us or our allies? Do we wish to sacrifice short-term economic well being for future insecurity for our Nation and our national interests? I think not.

This administration has downsized our military, virtually ignored our for-

eign policy, and is now jeopardizing our future security by decontrolling on such a massive level. What is the administration thinking about? We are turning inward and burying our heads in the sand, while the world around us is fracturing and becoming ever more dangerous.

As Congress begins to hold hearings into the reauthorization of the Export Administration Act, we must remain cognizant of these facts and restructure the system so that the economy can grow through increased exports, yet the rogue regimes of the world will at the least be slowed down in their efforts to acquire such dangerous technology. If we do anything less, then we will be negligent in our duty. Our future depends upon it.

Mr. President, I ask unanimous consent that the above-mentioned articles be included in the RECORD, following my statement.

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

[From the Wall Street Journal, Feb. 2, 1994]

U.S. IS MADE TO ALTER PLAN FOR COMPUTERS—ITS TRADING PARTNERS FORCE SCALING BACK OF PROPOSAL TO EASE EXPORT CURBS

(By Asra Q. Nomani)

WASHINGTON.—The U.S. was forced by its major trading partners to scale back a plan to liberalize export controls on computers.

Clinton administration officials said members of the Coordinating Committee on Multilateral Export Controls rejected a U.S. proposal that would have eased export restrictions on computers operating up to 500 MTOPS, or million theoretical operations per second, an indicator that measures the speed of a computer.

The controls, which require government approval of certain exports, apply to computer sales to Cocom-proscribed countries, including the former Soviet Union, other former Communist countries and China.

The officials said Cocom countries—which include Japan, Australia and all members of the North Atlantic Treaty Organizations except Iceland—have accepted easing restrictions on computers only up to 260 MTOPS. Late last year, Cocom members agreed to raise the limit to 67 MTOPS from 12.5. The 260-MTOP level should include most workstations on the market today, but U.S. computer makers have expressed concern that it wouldn't cover products that will be manufactured over the next couple of years.

"We settled on that because that is as high as we could get as a consensus," a U.S. official said. "But we haven't given up on 500. It was viewed by us as an interim measure." Another U.S. official said the administration is planning to issue details of the new arrangement "soon," probably in the coming days.

The U.S. officials also said Japan has refused to accept a U.S. proposal defining supercomputers as products operating at more than 2,000 MTOPS. In recent negotiations, the Japanese drew the line at computers operating at more than 1,500 MTOPS. That would represent a huge boost from the current definition of any computer operating over 194 MTOPS, but it, too, falls short of U.S. corporate demands. Products defined as supercomputers are subject to tougher export controls.

The Clinton administration laid out the 500-MTOP level as one of its goals last October in a much-ballyhooed report of its interagency Trade Promotion Coordination Committee, headed by Commerce Secretary Ron Brown.

Paul Freedenberg, a lawyer for the Computer and Business Equipment Manufacturers Association and a Commerce undersecretary in the Reagan administration, said he understands Japan represented the main obstacle to raising the limit to 500 MTOPS. "They are essentially behind us in technology, and they are suspicious the U.S. is trying to get a competitive advantage," by easing export restrictions, he said.

Richard Barth, assistant director of international trade relations and government relations at Motorala Inc., a Schaumburg, Ill.-based electronics company, said "The computer industry is likely to be disappointed that the administration couldn't deliver on its proposal to decontrol to 500." Mr. Barth headed a project by the Council on Competitiveness, a Washington business-backed group, that lays out the cost of unilateral export restrictions. The report is expected to be released tomorrow.

Although Cocom is to be disbanded next month, the limits agreed upon now are considered important because they will basically define computer export controls until a new system is created to set restrictions. U.S. negotiators are still discussing various proposals with other Cocom members. The U.S. officials said they are hopeful they can reach the 500-MTOP level even in a post-Cocom system, which is expected to shift its focus to restrict exports to nations such as Iraq, Iran, Libya and North Korea, rather than the former Soviet and communist countries.

The administration was supposed to present proposed legislation covering export control reform today at a Capitol Hill hearing, but hearing was postponed until next week as the administration still tries to settle on its plan. The administration is under pressure to liberalize export controls by corporate interests, which argue the restrictions are costly to the U.S. economy.

(From the Washington Post, Feb. 4, 1994)

GOOD NEWS FOR ROGUE STATES

(By Sally Weymouth)

The Clinton administration claims it is dedicated to fighting nuclear proliferation. Indeed, on Dec. 7 (Pearl Harbor Day, as it happens), Secretary of Defense Les Aspin called nuclear weapons the danger "that most urgently and directly threatens America at home and American interests abroad." Aspin argued that the United States needed a counter-proliferation initiative.

As things stand, however, the administration is presiding over a massive decontrol (for export purposes) of sensitive dual-use technologies—including computers, machine tools and telecommunications equipment These are the very technologies that rogue states require for the indigenous development and production of weapons of mass destruction. The result? National security concerns are being sacrificed to American business interests.

Astonishing though it may seem, decontrol is already underway—prior to any assessment of the impact it will likely have on American security interests. "In Congress, the wind is blowing one way: It's business that is lobbying . . . to emasculate export controls," says one knowledgeable source.

One ardent backer of decontrolling exports long deemed sensitive is Clinton's new appointee for secretary of defense, William Perry. Indeed, during Perry's confirmation hearings for the post of deputy secretary of defense, he suggested that "we have to draw a clean distinction between defense-unique systems and . . . dual-use technology. The former, we can and should control the sale [of] whenever we think that's going to damage our proliferation goals. But in [the case of] . . . dual-use technology, I think that's a hopeless task. . . . It only interferes with a company's ability to succeed internationally if we try to impose all sorts of controls in that area."

Ken Timmerman, of former House Foreign Affairs Committee staffer, offers a valid analysis of the implications of this approach: "Perry's position and the position of this administration are an open invitation to proliferators everywhere."

In the past, proliferation foes have always been able to count on the Defense Department to maintain a hard-line position on export controls—to fight off attempts by the business community and, often, the Commerce Department to loosen sensitive export restrictions. Now—with Perry's confirmation probable—those concerned by the proliferation of weapons of mass destruction lack a high-level advocate within the administration to argue the issues from a national security and nonproliferation standpoint.

The first wave of the effort decontrol is in computers. To counter rapid nuclear proliferation, it's important to control the sale of highspeed computers. Countries developing nuclear weapons programs seek high-speed computers to accelerate the design and production of their programs. Moreover, advanced computers allows states to break codes as well as to develop them.

Nevertheless, with Perry's approval, the United States recently proposed decontrolling sophisticated computers up to 260 MTOPS—millions of theoretical operations per seconds. (A very high-speed desktop computer is 12.5 MTOPS.) Moreover, Washington liberalized controls on supercomputers—very high-speed computers—by reclassifying them from 195 MTOPS to 2,000 MTOPS. (The United States was only able to get Japan's agreement to go to 1,500 MTOPS.)

There's more to come in this realm. As of April 1, the Coordinating Committee for Multilateral Export Controls (CoCom)—which was invented to prevent the Soviet Union and other Communist countries from obtaining key strategic goods—will cease to exist. With no clear decision made as to a successor regime, one thing is clear: CoCom will be replaced by an entity that will no longer require members to "pre-notify" the United States regarding the shipment of sensitive exports. Absent this safeguard, it will be impossible to stop European countries from selling dual-use technology to any one of the 23 nations now pursuing programs of weapons of mass destruction.

The new U.S. policy on export controls is good news for Syria, Iran and North Korea—rogue states that have close working relations with one another. These outlaw states may now turn to sharing missile and nuclear technology. Syria, for example, has been removed from America's "nuclear watch list," a step that will give Damascus access via third parties to high-tech computers and other key machine tools. Such dual-use items are central to manufacturing technology for nuclear weapons.

This week, Congress has been holding hearings on Perry's nomination (recommending him for confirmation yesterday) and on a revised version of the Export Administration

Act. Congress plans to rewrite the statute that now gives the secretary of defense the power to review sensitive dual-use exports headed for the former Soviet Union, China, Poland and Czechoslovakia. Ironically, the battle to keep tough export controls is being led by the State Department, not by Defense. In revising this act, national security concerns should be addressed.

Perry has thus far presided over what one official described as a "virtual free fall" of export controls over sensitive technologies. He has made decisions that may affect America adversely in the future. In the next three to five years, while the United States is sizing down its armed forces, some defense experts worry that there may not be an adequate defense budget to counter technological gains made by other countries—gains facilitated by the new secretary of defense.

Selling American high technology to U.S. adversaries will require developing new and more expensive systems. Can America gamble that its ability to develop countermeasures will forever outpace any offensive threat?

"Decontrol is going to make future wars more costly and difficult to fight," warns one well-informed U.S. official. In this context, Secretary-designate Perry would do well to heed the 1976 words of President Gerald Ford: "All nations [need to] recognize that the U.S. believes that nonproliferation objectives must take precedence over economic and energy benefits if a choice must be made. . . The goal is to prevent proliferation, not simply to deplore it."

CENTURION ATTACK SUBMARINE

Mr. D'AMATO. Mr. President, recently the Defense Acquisition Board [DAB] met to consider whether the *Centurion* attack submarine was ready to move from concept definition to demonstration and validation. The DAB adjourned without decision. Instead, Under Secretary of Defense Deutch has issued a memorandum that is a concise, thorough summation of the cost and technical questions that still linger over the Navy's plans for the Centurion. Before Milestone I is approved, Mr. Deutch's thoughtful concerns must be addressed.

Let me say that I have been very impressed by the Under Secretary's handling of the DAB. If there is a downside to Mr. Perry's ascension to Secretary of Defense, it is that Mr. Deutch, who is likely to advance to the Deputy Secretary spot, will be removed from direct oversight of acquisition during critical DAB reviews.

I ask unanimous consent that Mr. Deutch's memorandum for the Secretary of the Navy be included in the RECORD.

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

THE UNDER SECRETARY OF DEFENSE,
Washington, DC, January 24, 1994.

Memorandum for the Secretary of the Navy.
Attention: Service Acquisition Executive.
Subject: Follow-up Actions From the January 12 Defense Acquisition Board (DAB) Review of the Proposed New Attack Submarine (NSSN).

Thank you for the effective presentation to the January 12 DAB on the proposed NSSN. A properly planned and executed nuclear attack submarine program is vital to our nation's security. However, in these tight budget times it is essential before granting Milestone I approval that we have the strongest possible rationale for proposed modernization programs if we are to be successful in explaining major new expenditures to the public and the Congress.

I request that you undertake the following three steps as expeditiously as is reasonable and inform me of their proposed completion dates:

(1) Under the direction of Bill Lynn of PA&E, please continue to analyze the costs and impact on all elements of the submarine industrial base of the alternative SSN building programs listed in the attachment, both for the upcoming FYDP period FY96–00 and beyond. The Joint Staff, Comptroller, and members of the USD(A&T) staff should be involved as appropriate and kept informed of the progress of this analysis.

(2) Please arrange for a briefing for me from the appropriate Navy experts on the process and technical trade-offs between speed, quieting, payload, combat system, and cost that were explored in arriving at the current NSSN baseline requirements and design. I am particularly interested in understanding the relationship between the power plant size and power density and the speed, displacement, and payload of the design.

(3) I request your assistance in assembling a group of outside technical experts to review the NSSN baseline design's ability to perform its military missions from the viewpoints of its major characteristics of speed, quieting, payload, combat system, and cost represented in the baseline design. As you know, we have assembled outside groups to support our deliberations in several recent DAB program reviews, and I have found such reviews very useful. This review should provide an independent check that we have asked all the right questions, and I anticipate it will help equip us for questions we will face later in the Spring during congressional budget hearings.

JOHN M. DEUTCH.

Attachment.

ATTACHMENT—ALTERNATIVE SSN BUILDING PROGRAMS FOR FURTHER ANALYSIS

Option 1: SSN–23 in FY96/NSSN Starting in FY98 (BASELINE).

Option 2: SSN–21s Only.

Option 3: NSSN in FY00/SSN–21s in the interim.

Option 4: NSSN in FY04/SSN–21s in the interim.

Option 5: NSSN Only.

Option 6: Notional "High Tech" SSN in FY03/SSN–21s in the interim.

OUR CURRENT WELFARE SYSTEM

Mr. KOHL. Mr. President, I rise today to address the problem of our current welfare system. It is an understatement to call the current programs a problem. Our welfare system is, as the distinguished Chairman of the Finance Committee has said, in crisis. The system is a mess—it wastes money, and it does not achieve its purpose.

After studying our current Federal welfare program and looking at several proposals to reform it, I have come to several conclusions that I would like to share.

First, Washington's welfare system doesn't work. Our current welfare system discourages work, discourages marriage, and discourages responsible choices about parenthood. We have set up a cash grant program that tells young women—don't work, don't marry, have children, and you will get support. Work, marry, plan your family for when you can afford to support them, and we will leave you out in the cold—in fact, we will take your tax money to support those who have decided not to work.

Second, work is what works, handouts don't work. Under the current welfare system, the Federal Government pays people to reject the values of work and family that have made this Nation strong. What we should be doing is making it easier to prepare for and enter the workplace. Welfare should be used to bring low-income mothers into the work force—it should not pay them to stay out.

Third, the real answer to welfare reform will not be found inside the Beltway, it is in our own backyards. Wisconsin has fought on several fronts to reform welfare in a way that best serves the needs of Wisconsinites. Our Governor has a time-limited welfare program that soon will be implemented in two counties, and Milwaukee is the site of a public-private demonstration program based on the earned income tax credit. Other Wisconsin cities and counties—like Kenosha County—have innovative programs to encourage work over welfare. These Wisconsin programs are suited to the economic climate and the needs of the people the programs serve. They should be given a chance to work.

We are a diverse country with diverse economic conditions and opportunities. Therefore, we cannot design a system that suits Madison as well as Miami.

These conclusions have led me to begin a welfare reform proposal that rejects the Washington-based current system; one that encourages work over welfare; and one that takes a lead from the innovative programs being developed in States and cities across our country.

I will propose that we eliminate the current welfare system by ending Aid to Families with Dependent Children and food stamps, and all the rules and regulations associated with those programs. In its place, I will be encouraging the creation of a Workfare Block Grant that would be modeled after the Community Development Block Grant [CDBG]. States would use block grant money to create and implement their own work programs—with appropriate but minimum Federal guidance and oversight. To get their grants, States would have to demonstrate that they have a program to move people off welfare and into work. They would have the flexibility to design a program that suited their communities.

Research has overwhelmingly demonstrated that the welfare programs that work best are those with the greatest local input from their communities. States know better than the Federal Government what works best in their political and economic environments.

The block grant approach would truly eliminate welfare as we know it. Welfare would no longer be an entitlement program. Rather than having a system that encourages dependency on Federal Government programs, the block grant would create State systems that encourage peopole to work and give them the skills and experience to do so.

I invite my colleagues to offer their input. I hope to introduce legislation soon that embodies these welfare reform principles.

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 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.)

MESSAGES FROM THE HOUSE

At 12:13 p.m., a message from the House of Representatives, delivered by Mr. Bogart, one of its enrolling clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3759. An act making emergency supplemental appropriations for the fiscal year ending September 30, 1994, and for other purposes.

MEASURES REFERRED

The following bills and joint resolutions were read the first and second times by unanimous consent, and referred as indicated:

H.R. 3759. An act making emergency supplemental appropriations for the fiscal year ending September 30, 1994, and for other purposes; to the Committee on Appropriations.

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-2038. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report on the results of the highway functional reclassification; to the Committee on Environment and Public Works.

EC-2039. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report of the assessment of border crossings and transportation for North American trade; to the Committee on Environment and Public Works.

EC-2040. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report relative to conducting environmental remedial action at federally owned or operated facilities; to the Committee on Environment and Public Works.

EC-2041. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, a report entitled "Results of the National School Radon Survey"; to the Committee on Environment and Public Works.

EC-2042. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, a report entitled "Alternative Fuel Vehicle Training Program at West Virginia University"; to the Committee on Environment and Public Works.

EC-2043. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, a report entitled "Emission Control Technology for Diesel Trucks"; to the Committee on Environment and Public Works.

EC-2044. A communication from the Administrator of the General Services Administration, transmitting, pursuant to law, the annual report of activities under the requirements of the Architectural Barriers Act; to the Committee on Environment and Public Works.

EC-2045. A communication from the Acting Inspector General, Department of the Interior, transmitting, pursuant to law, the audit report accounting for fiscal year 1991 and 1992 reimbursable expenditures of Environmental Protection Agency Superfund money, U.S. Fish and Wildlife Service; to the Committee on Environment and Public Works.

EC-2046. A communication from the Administrator of the Federal Highway Administration, Department of Transportation, transmitting, pursuant to law, notice of a rule relative to the Intermodal Surface Transportation Efficiency Act of 1991; to the Committee on Environment and Public Works.

EC-2047. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, a report on the storage of mixed wastes; to the Committee on Environment and Public Works.

EC-2048. A communication from the Administrator of the Federal Highway Administration, Department of Transportation, transmitting, pursuant to law, a report entitled "The National Highway System: The Backbone of America's Intermodal Transportation Network"; to the Committee on Environment and Public Works.

EC-2049. A communication from the Acting Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to construction of navigation improvements and associated port facilities at Los Angeles and Long Beach Harbors, California; to the Committee on Environment and Public Works.

EC-2050. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Measuring U.S.-Canada Trade: Shifting Trade Winds May Threaten Recent Progress"; to the Committee on Finance.

EC-2051. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report on changes in physician participation, assignment, and extra billing in the Medicare Program during calendar year 1992; to the Committee on Finance.

EC-2052. A communication from the President of the National Council of Farmer Cooperatives, transmitting, pursuant to law, the report on the agreement reached in the Uruguay Round of GATT negotiations; to the Committee on Finance.

EC-2053. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report on the implementation of the Support for East European Democracy Act for fiscal year 1993; to the Committee on Foreign Relations.

EC-2054. A communication from the Acting Director of the Defense Security Assistance Agency, transmitting, pursuant to law, the report on the Foreign Military Sales Program; to the Committee on Foreign Relations.

EC-2055. A communication from the Director of the Defense Security Assistance Agency, transmitting, pursuant to law, a report on the delivery of the defense articles, services, and training; to the Committee on Foreign Relations.

EC-2056. A communication from the Executive Director of the Japan-United States Friendship Commission, transmitting, pursuant to law, the report of grants awarded in fiscal year 1993; to the Committee on Foreign Relations.

EC-2057. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, notice of a Presidential determination relative to the Czech Republic; to the Committee on Foreign Relations.

EC-2058. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, notice of a Presidential determination relative to the Slovak Republic; to the Committee on Foreign Relations.

EC-2059. A communication from the Assistant Legal Adviser (Treaty Affairs), Department of State, transmitting, pursuant to law, a report of the texts of international agreements and background statements, other than treaties; to the Committee on Foreign Relations.

EC-2060. A communication from the Assistant Legal Adviser (Treaty Affairs), Department of State, transmitting, pursuant to law, a report of the texts of international agreements and background statements, other than treaties; to the Committee on Foreign Relations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. GLENN, from the Committee on Governmental Affairs, with amendments:

S. 1535. A bill to amend title 5, United States Code, to eliminate narrow restrictions on employee training, to provide a temporary voluntary separation incentive, and for other purposes (Rept. No. 103-223).

By Mr. BAUCUS, from the Committee on Environment and Public Works, without amendment:

S. 1789. A bill to amend title 23, United States Code, to permit the use of funds under

the highway bridge replacement and rehabilitation program for seismic retrofit of bridges, and for other purposes.

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. DORGAN (for himself, Mr. CONRAD, Mr. DASCHLE, Mr. PRESSLER, and Mr. BURNS):

S. 1827. A bill to terminate the North American Free Trade Agreement as it applies to Canada and the United States-Canada Free-Trade Agreement and to impose additional duties on grain imported from Canada, until the United States and Canada renegotiate the provisions of the Agreements regarding the importation of Canadian grain; to the Committee on Finance.

By Mr. AKAKA (for himself and Mr. INOUYE):

S. 1828. A bill to provide that producers are eligible to receive disaster payments for the 1993, 1994, and 1995 crops of papaya that would have been harvested if the plants had not been destroyed, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. HATCH:

S. 1829. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives to encourage small investors, and for other purposes; to the Committee on Finance.

By Mrs. FEINSTEIN (for herself, Mr. INOUYE, Mr. BUMPERS, Mrs. BOXER, Mr. MOYNIHAN, Mr. PELL, Mr. KERRY, and Mr. LEVIN):

S. 1830. A bill to authorize funding for the small business defense conversion program of the Small Business Administration, and for other purposes; to the Committee on Small Business.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DORGAN (for himself, Mr. CONRAD, Mr. DASCHLE, Mr. PRESSLER, and Mr. BURNS):

S. 1827. A bill to terminate the North American Free-Trade Agreement as it applies to Canada and the United States-Canada Free-Trade Agreement and to impose additional duties on grain imported from Canada, until the United States and Canada renegotiate the provisions of the agreements regarding the importation of Canadian grain; to the Committee on Finance.

UNITED STATES-CANADA GRAIN TRADE SETTLEMENT ACT OF 1994

Mr. DORGAN. Mr. President, I will speak today about an exasperating problem that is wreaking economic havoc on farmers in North Dakota and neighboring States, and only continues to worsen. The problem is unfair trade practices that have led to an unrelenting flood of grain imports from Canada.

That is why I am introducing today the United States-Canada Grain Trade Settlement Act of 1994. This bill will require action on behalf of many thousands of farmers who have lost hundreds of millions of dollars, and who have waited for more than 4 years for Government officials to correct the very harmful Canadian trade practices. My bill would also put United States officials in a much stronger position in current negotiations with Canada on this issue.

Mr. President, Canada exported virtually no Durum wheat, and very little other grains, to the United States before the United States-Canada Free-Trade Agreement [CFTA] was completed in 1988. Since that time, however, farmers in North Dakota and other grain-producing States have lost millions of dollars each month as a result of gaping loopholes in the CFTA. The loopholes have allowed and encouraged the Canadian Wheat Board and other Canadian shippers to export a flood of subsidized Canadian grain, which pours into our market and depresses prices.

In many towns near the Canadian border, United States farmers can't sell their grain at any price because Canadian grain has filled local elevators and plugged the market pipeline.

According to the latest information from the Canadian Grain Commission, Canada is setting records again this year in spring wheat, Durum, and barley exports to the United States. Canadian barley shipments, at 15.2 million bushels in the first 5 months of this marketing year, are almost five times the volume shipped a year ago. Shipments of Canadian Durum, at 8.9 million bushels, and spring wheat, at 26.6 million, both have increased sharply. With Government subsidies and unfair pricing, Canada has captured a fourth of our domestic Durum market.

The fact is, it's unfair trade and it must be stopped. I've run out of patience. It's time to act.

Mr. President, my bill would do three things.

First, if the President is unable to certify within 6 months that Canada has halted its unfair practices, the bill will direct the President to repeal the United States-Canada Free-Trade Agreement, in accordance with the provisions of the CFTA. The CFTA allows either party to terminate the agreement with 6 months' notice. That means the CFTA would end 1 year after enactment of my bill.

Second, my bill would immediately impose a 50-percent tariff on all imports of wheat, Durum, and barley. This is the same remedy available under the emergency procedures of section 22 of the Agricultural Adjustment Act of 1933. The United States has started an investigation of the Canadian trade practices, under the nonemergency procedures of section 22, but the evidence already is clear and calls for immediate action. My bill would legislate the 50-percent tariff.

Third, the bill would allow the President to rescind the sanctions and avoid repealing the CFTA if Canada ends the unfair trade practices. The President would have to certify that Canada has: First, ended Government subsidy of rail shipping for grain exported to the United States; second, fully reported the prices of grains Canada exports to the United States; and third, stopped sale of grain into the United States at prices less than the exporters' actual full cost of producing the grain.

This bill is action—not talk. After more than 4 years of consultations, arguments, and negotiations, I believe farmers deserve action now.

I have searched long and hard with our farmers for solutions to the flood of Canadian grain. Farmers in the North Central and Northwest States have lost hundreds of millions of dollars because of grain sales lost to subsidized Canadian grain. The surplus foreign grain has added about $600 million to the cost of our own Federal farm program, the U.S. Department of Agriculture estimates.

Mr. President, the flood of Canadian grain has created the following situation. The U.S. Treasury pays to place Export Enhancement Program bonuses on grain exports to counter European export subsidies. This is necessary to complete sales of U.S. grain and avoid accumulation of surplus supplies. Canada, meanwhile, is paying a huge subsidy for rail transportation to ship grain into the United States, where Canadian grain joins United States grain in our export market channels. The net result is that EEP bonuses are, in effect, going to subsidize the export of Canadian grain along with United States grain.

For 4 years, throughout the past administration, grain farmers from the northern States and some of us in Congress pressed our Government officials to deal with a worsening problem. Our free trade agreement with Canada, and related documents, prescribed a framework for working out problems of Canadian subsidies on exports to the United States and clear reporting of export prices to allow monitoring of the agreement. For most of the years since the CFTA was completed, however, our demands fell on deaf ears.

The Clinton administration, especially our United States Trade Representative and Secretary of Agriculture, are actively working to resolve this problem and bring some measure of fairness to our grain trade with Canada. They have initiated an investigation, which could lead to tariffs or tariff-rate quotas on Canadian grain until we can establish fair trade with the Canadians. However, we cannot expect any action to come from this investigation until this summer, and the administration has declined to take immediate, emergency action to restrict the unfair Canadian exports.

Mr. President, the time for action by our Government is past due. It is time for Congress, representing the produc-

ers and working people of this country, to take hold of this matter and force a conclusion.

I hope my colleagues, especially those from grain-producing States, will join me in cosponsoring this bill. Also, I 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. 1827

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 "United States-Canada Grain Trade Settlement Act of 1994".

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) As a result of unfair and incomplete provisions in the United States-Canada Free-Trade Agreement (hereafter referred to as the "CFTA") and the North American Free Trade Agreement (hereafter referred to as the "NAFTA") affecting exports of Canadian grain to the United States—

(A) Canadian exports of durum wheat, spring wheat, and barley have increased beyond the level that such exports can be absorbed into the United States market;

(B) these exports have depressed domestic grain prices, causing severe financial losses to American farmers and increasing the costs and difficulties of implementing domestic farmer support programs; and

(C) Canadian grain exports continue to increase without bounds, increasing the damage to United States farmers each year.

(2) The Congress approved the CFTA subject to—

(A) the statement in the Statement of Administrative Action that the United States would "pursue consultations with Canada regarding the price setting policy of the CWB (Canadian Wheat Board) as it affects goods exported to the United States. . . . directed toward establishing a method to determine the price at which the CWB is selling agricultural goods to the United States and the CWB's acquisition price for those goods"; and

(B) the provision of the implementing legislation requiring that "the President will enter into immediate consultation with the Government of Canada to obtain the exclusion from the transport rates established under Canada's Western Grain Transportation Act of agricultural goods that originate in Canada and are shipped via east coast ports for consumption in the United States,",

yet to date there has been no resolution of these consultations.

(3) United States trade negotiators agreed not to reexamine the CFTA while negotiating the NAFTA based on the assumption that the Uruguay Round talks of the General Agreement on Tariffs and Trade would address the subsidy and dispute resolution concerns and would be completed before the enactment of the NAFTA.

(4) The failure of the United States successfully to pursue the consultations described in paragraph (2) led to a flawed binational panel decision that renders meaningless the plain language of Article 701(3) of the CFTA (which was incorporated by reference in the NAFTA), which states that "Neither Party, including any public entity that it establishes or maintains, shall sell agricultural goods for export to the territory of the other Party at a price below the acquisition price of the goods plus any storage, handling or other cost incurred by it with respect to those goods.".

(5) Imports of wheat and barley have increased significantly as a result of substantial changes in Canada's support programs. Some of the changes were made with declared intent to increase imports to the United States. The increases in imports constitutes grounds under Article 705.5 of the CFTA for use of import restrictions by the United States.

SEC. 3. TERMINATION OF AGREEMENTS AND IMPOSITION OF ADDITIONAL DUTIES.

(a) IN GENERAL.—

(1) TERMINATION OF NAFTA AND CFTA.—Notwithstanding any other provision of law, the President shall provide written notification to the Government of Canada of the intent of the United States to terminate the CFTA and the NAFTA, as such agreement applies to Canada, unless the President provides the Congress with a certification described in subsection (c). Such notification shall be given not later than the date that is 6 months after the date of the enactment of this Act and shall provide that the agreements shall terminate not later than 1 year after the date the enactment of this Act in accordance with the terms and conditions of the respective agreements.

(2) IMPOSITION OF DUTY.—Notwithstanding any other provision of law, the President shall immediately impose a duty at the rate of 50 percent ad valorem or the specific rate equivalent to articles imported from Canada described in the following headings of the Harmonized Tariff Schedule of the United States:

(A) heading 1001.10.00 (relating to durum wheat),

(B) heading 1001.90.10 (relating to seed wheat),

(C) heading 1001.90.20 (relating to other wheat),

(D) heading 1003.00.20 (relating to malting barley), and

(E) heading 1003.00.40 (relating to other barley).

(b) NEGOTIATIONS.—The President shall immediately pursue negotiations with the Government of Canada to—

(1) establish a method for determining the sale price of Canadian grain exports to the United States and the Canadian Wheat Board's acquisition price for such grain;

(2) establish procedures for obtaining the data necessary to implement the method described in paragraph (1);

(3) eliminate all transportation subsidies on agricultural goods that originate in Canada and are shipped for consumption in the United States; and

(4) clarify the meaning of the term "acquisition price" in Article 701(3) of the CFTA (and any other provision accompanying such agreement or the NAFTA) so that such term includes—

(A) the value of any transportation subsidy applied to grain entering the United States;

(B) all direct payments to producers made by the Canadian Wheat Board or any government agency for grain entering the United States; and

(C) any other payments or subsidy incurred by the Canadian Wheat Board, any government agency, or any private interest in the acquisition, handling, storage, and transportation of the grain.

(c) CERTIFICATION BY THE PRESIDENT.—At such time as the President certifies to the Congress that the Government of Canada has entered into an agreement with the United States with respect to the requirements described in subsection (b), the President may terminate the duties imposed under subsection (a)(1) and take action to reinstate the CFTA and the NAFTA with respect to Canada. An agreement entered into under this Act shall supersede the corresponding provisions of the CFTA and the NAFTA and shall be incorporated in and become part of such agreements as reinstated.

Mr. BURNS. Mr. President, I rise today to cosponsor the bill being introduced by Senator DORGAN of North Dakota.

Let there be no question, I support free trade. Yet, Montanans want equity, and certain segments of Montana's economy are not being treated fairly under the Canadian Free-Trade Agreement. All of Montana's industries deserve the right to operate under free and fair trade. But, under this agreement, fair trade has not always been the case.

Montana does have a positive trade relationship with Canada. We export more goods than are imported. Yet certain segments of our economy are being hindered by unfair trade practices. Montana's grain producers want fair trade and open markets—but currently, we don't have fair trade.

The bill which my colleagues and I are introducing does three important things: First, it directs the President to repeal the United States-Canada Free-Trade Agreement if unfair trade practices are not halted. Second, it would impose a 50-percent tariff on imports of wheat, Durum, and barley. This would be the same as if a section 22 were imposed. And third, the bill would allow the President to end the sanctions and avoid repealing the Canadian Free-Trade Agreement if Canada ends unfair trade practices regarding rails subsidies, disclosure of export prices, and ends the sale of grain at prices below the actual cost of production.

The American Government must show the Canadian Government that we are going to protect our producers from unfair trade. Montanans want free and fair trade-but we don't have this now. Something must be done to level the playing field regarding Canadian wheat and barley dumping on Montana's market. This is a matter of fairness.

By Mr. HATCH:

S. 1829. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives to encourage small investors, and for other purposes; to the Committee on Finance.

SMALL INVESTORS TAX RELIEF ACT OF 1994

Mr. HATCH. Mr. President, I rise today to introduce the Small Investors Tax Relief Act of 1994. This bill is designed to accomplish two purposes. First, it will strengthen this Nation's precarious economic condition by stimulating economic growth and creating

new jobs. Second, it will bring a measure of common sense and fairness to the tax burdens of the 80 to 90 million American small investors who are the lifeblood of our economic system.

The Small Investors Tax Relief Act of 1994 is very simple. It has only three provisions. First, it would exempt from Federal taxation the first $2,000 of interest and dividend income earned annually by individuals. Second, it would exempt the first $50,000 of an individual's capital gains from Federal income tax annually. Finally, it would index capital assets held for at least 1 year so that investors no longer would be required to pay taxes on gains caused by inflation.

Mr. President, the economic health of our Nation is in serious trouble. Some of my colleagues may be surprised to hear me say this when all about us are signs of economic growth and revival. After all, interest rates are at their lowest levels in many years, inflation seems to be under control, and it seems that the stock market is setting new records each day. All around us, we hear the sounds of a great economy stirring from its slumber.

I will not deny that there is much good news on the economic front lately. I fear, though, that this news may lead us into the complacency of believing that all is well in our fiscal house. This is simply not true.

Much, if not most, of the economic growth our Nation has lately experienced is due to consumer spending. While consumer spending can do wonders for the short-term economic prognosis, it will most likely not be sustainable. The evidence is that consumers are borrowing from the future to spend more now.

The Wall Street Journal reported last December that not only are consumers charging more purchases to their credit cards, they have let their savings rate slide lower and lower. From a 5.2-percent rate in 1992, the savings rate for 1993 was just over 4 percent as of November. And, the savings rate is dropping further now because our spending is growing faster than our income. Moreover, the new withholding rates from last year's record tax hike for higher income, bigger spending Americans have now taken effect, which will surely put a crimp on how much wealthier consumers save.

The new tax law will also hurt the savings rate another way. One of the provisions of that bill limits the amount of income that can flow tax free into certain defined benefit plans. Savings programs such as 401(k) and Keogh plans are also limited by this change, further reducing savings rates.

The result, Mr. President, is that our savings rate is dropping into the danger zone. As my colleagues know, the U.S. savings rate has been far below that of our major competitors since the 1970's, when it was in the 9-to-10 percent range. In fact, our savings rate is currently the lowest of all of the G–7 countries. In 1991, Germany's savings rate was 4.3 times ours and Japan's was nearly 9 times as high.

Why is too low a savings rate bad for the economy? Basically, it is because it raises the cost of capital, forcing the Government and businesses to pay more for the use of money and putting the United States at a disadvantage internationally. The cost of capital has a direct bearing on the formation of businesses and on the creation of new jobs. If we want long-term prosperity, Mr. President, we need to address the savings rate.

My bill is designed to reverse this downward trend in the savings rate. It will encourage Americans to save more money. By allowing individual investors to exclude the first $2,000 of interest and dividend income, an investor or potential investor will find that currently lackluster CD rates will become attractive. Average Americans, leery of the stock market and until now unimpressed with the after-tax savings rates at financial institutions, will take another look at putting their money in banks. The result will be more capital available for business formation.

This dividend and interest income exclusion in the bill also promotes tax fairness, Mr. President. Under the current law, corporate dividends are taxed twice—once to the corporation that earns the income, and again to the individual investor when that income is distributed. This is not fair and tends to lead investors away from traditional, dividend paying stocks. The $2,000 exclusion would help give taxpayers some relief from the detrimental effects of double taxation.

The idea of excluding interest and dividend income for investors is not new. Until the 1986 Tax Reform Act repealed the provision, the Tax Code allowed individuals to exclude up to $200 of interest and dividend income annually.

This bill will go a long way toward encouraging young people to learn to work and save their money. Our current tax law does just the opposite. A young person who is claimed as a dependent on his or her parent's tax return must pay tax on the first dollar of interest or dividend income if he or she has as little as $600 in earned income. Thus, a teenage girl with a paper route who earns more than $600 is taxed from the first dollar on any interest that she receives from putting her earnings in the bank to save for college. What kind of incentive to work and save is this, Mr. President? We should be teaching our children from a young age the virtues of work and saving money for the future. But, instead, our tax code is teaching people to avoid taxes by spending.

The Small Investors Tax Relief Act of 1994 also features two other provisions to encourage individuals to invest in a growing America. The first of these is an annual exclusion from Federal income tax of the first $50,000 of an individual's capital gains income. The second is a provision to index capital assets to the rate of inflation.

Mr. President, the debate over the taxation of capital gains has been long and very partisan. Both sides of the issue have repeatedly stated their positions and cited statistics to back them up. This debate has mostly focused on three points of disagreement—fairness, economic benefit, and the revenue effect of a reduction of the tax on capital gains. I would like to address each of these points.

Opponents of a lower tax on capital gains have told the American people that such a change would be a huge tax break for the wealthy in our nation, at the expense of the lower and middle classes. They have pointed to studies that purportedly demonstrate that more than 60 percent of the benefits of a capital gain tax reduction will be claimed by taxpayers with income of more than $200,000 per year. Many of the statements I have heard that are based on such studies are downright misleading. The income figures used in these studies are comprised of the entire income of the taxpayer, including the capital gain.

Let me give you an example. An elderly couple living in Cache Valley, UT, has been farming on land they have owned for 40 years. The land was purchased for $50,000 in 1950. For health reasons, they have decided to sell the farm and retire to St. George, a city in the southern part of the State with a warmer climate. They sell the farm for $250,000. This couple has never reported more than $35,000 of gross income on their tax returns. But in the year of the sale, they report more than $200,000 of gross income. Are these people among the very wealthiest income earners in our nation? Of course not. But opponents of a capital gains tax cut would say that this family is extremely wealthy. In reality, this one-time capital gain represents the effects of inflation and the urbanization of our country. It is totally misleading to classify this couple as being in the upper income brackets simply because, for this one year only, they sold their major asset.

A far more accurate study of the distribution of capital gains benefits would include only recurring, or ordinary, income. One study using such methodology shows that 65 percent of taxpayers with capital gains have ordinary income under $50,000, and that over 25 percent of taxpayers with capital gains have ordinary income of under $20,000. Moreover, only about 5 percent of taxpayers with capital gains have incomes above $200,000. These

studies show that it is the average American who is, to a large degree, paying taxes on capital gains. I will repeat, Mr. President, studies that indicate that a reduction in the tax on capital gains will only benefit high income taxpayers are misleading.

Another important factor in this argument about the fairness of capital gain taxation is the so-called lock in effect. This effect is caused by investors holding on to their capital assets because they do not want to pay what they perceive as too high a capital gains tax upon the sale. by holding on to the asset and allowing it to appreciate in value, rather than selling it and paying the tax, many Americans can avoid paying the capital gains tax. This has made the capital gains tax largely a voluntary tax for many affluent Americans.

Studies by the Congressional Budget Office show that it is the wealthier taxpayers who are holding on to their capital assets to avoid paying the tax. One CBO study found that when the capital gains tax was over 40 percent in the mid-1970's, taxpayers in the top 1 percent of income accounted for just 33 percent of all taxable capital gains. But when the capital gains tax rate was cut to 20 percent in 1981, the top 1 percent accounted for 55 percent of all realized capital gains.

Low- and middle-income Americans more often do not have the luxury of waiting for a more favorable tax rate in order to sell their stock holdings, small business, farm, or home. These taxpayers often need the cash immediately and will sell and pay the higher tax while their rich counterparts wait until the tax rate drops.

The evidence gathered since the passage of the 1986 Tax Reform Act shows that capital gains paid by the wealthy have declined. In 1985, Americans with incomes over $500,000 per year paid $12 billion in capital gains taxes. This amount had dropped to $10 billion in 1991, adjusted for inflation, confirming that wealthier taxpayers are holding on to their assets.

Unfortunately, Mr. President, proponents of a reduction in the tax on capital gains have not prevailed. Those who inaccurately portray an incentive rate on capital gains as a tax break for the wealthy have been able to stop legislation lowering the tax from going forward in the Congress. Therefore, my proposal offers a new approach.

Instead of cutting the tax rate on capital gain income, my bill starts from the bottom up by helping the lower and middle income investors first. It encourages young people to start savings accounts. It encourages average citizens to start their own businesses and their relatives and friends to invest in those new businesses. It encourages everyone—young, old, and middle-aged, urban and rural, newly married or newly retired—to invest in the stock market, buy some real estate, or open up an account at the local bank.

What it does not do, Mr. President, is unduly reward those at the top of the income spectrum. The very wealthy will get the same exemption for capital gains income as everyone else—and no more.

Some critics of this proposal may point out that our Tax Code already offers incentives for low- and middle-income individuals to save and invest. These incentives take the form of individual retirement accounts [IRAs] and employer sponsored pension, profit sharing, and 401(k) plans. Most low- and middle-income taxpayers do not take full advantage of these plans. The major reason for this is these individuals are hard pressed to put away money in long-term savings accounts when they know there are significant penalties for withdrawing it before retirement.

My bill will help convince these individuals that they should begin or add to their savings programs now. People who automatically spend all of their discretionary income on consumption will be encouraged to sock some of it away to help secure their family's future without having to worry about putting their money out of reach for decades.

By excluding the first $2,000 of dividend and interest income and the first $50,000 of capital gains income, my bill offers a tremendous incentive to lower- and middle-income taxpayers. Current laws imposes a tax rate of 15 percent, 28 percent, or even higher on the first dollar of investment income. Lowering this rate will encourage more savings. Eliminating it for all but the wealthiest taxpayers, like my bill does, will do even more.

My bill would help restore tax fairness in two ways, Mr. President. First, by excluding the first $50,000 of an individual's capital gain income from taxation each year, wealthy taxpayers would be much less hesitant to hold on to their capital assets. This would unlock billions of dollars of assets currently frozen in place, including assets with gains of more than $50,000, which would be generally taxable at the 28-percent rate.

Thus, the wealthiest taxpayers would be the only ones paying the capital gains tax, and they would be much less hesitant to do so. Second, by indexing capital assets for inflation, my bill removes one of the unfairest features of our current tax system—the taxing of inflationary gains.

There is nothing fair about having to pay tax on inflationary gains. The tax on inflationary capital gains is not a tax on income or even on the increase in the real value of the asset. It is purely a tax on capital very much like the property tax, but only assessed when the property is sold.

Many leading economists have spoken out in favor of capital gains indexing as a way to spur economic growth and promote fairness in the Tax Code. In fact, Federal Reserve Chairman Alan Greenspan testified before the Joint Economic Committee this week that if taxes are to be imposed on capital gains at all, they should be levied only on profits accrued over and above the underlying inflation rate.

My bill would help achieve these goals and make more capital available by indexing prospectively the bases of capital assets held more than 1 year. Thus, assets sold after this year would not be taxed on that portion of the gain due solely to inflation occurring after this year.

Mr. President, I would like now to address the issue of the economic impact of the taxation of capital gains. One the most basic rules of economics is that you get less of whatever it is that you tax. Thus, a tax on capital is going to result in less capital available. The higher the tax, the less capital. If you lower the tax, you get more. Capital mobility is essential to growth and job creation in every sector of our economy; but, the current tax treatment of capital gains does absolutely nothing to promote this goal.

Studies show that, since the late 1960's, every time that the tax rate on capital gains his risen, the amount of capital gains realized by taxpayers has fallen. Conversely, every time that rates have fallen, realizations of capital gains have gone up. To illustrate this, consider that revenues from capital gains dropped from $41 billion in 1987 to $26 billion in 1991, despite the fact that the top tax rate on capital gains went from 20 percent to 28 percent.

There are two reasons for this realization effect. First, high rates of capital gains taxation creates the lock-in effect I discussed earlier. This tends to induce holders of unrealized capital gains, especially wealthier ones, to hang on to their assets until such time that a more favorable tax rate is available. Since the recent history of capital gains tax rates has been up and down and up again, many taxpayers feel that it is just a matter of time before they go down again.

Second, high capital gains tax rates depress economic activity. This is because a high capital gains tax rate acts as an artificial impediment to the natural flow of capital. An investor who might want to invest in a new venture may hesitate to do so because he or she does not want to pay the high tax on realizing the gain where his or her capital is now located.

In addition, that investor will have a higher hesitancy to invest in a risky venture knowing that his or her ultimate reward may be greatly diminished because of the high capital gains tax rate. These factors impede inves-

tors from moving their money into other ventures that may offer a higher rate of return and contribute more to the Nation's GDP. The higher the capital gains tax, the greater the disincentive. Or, to say it the other way, the greater the risk of the investment, the greater the profit potential has to be. The capital gains tax eats into the profit potential.

Opponents of a reduction in the taxation of capital gains do not believe that such a reduction will result in economic benefit to the Nation commensurate to the loss of revenue. Our recent history with changing the capital gains tax rates suggests otherwise.

Investing in capital assets is a form of saving. Capital gains are the rewards investors receive for the risks of their investment. Taxing those capital gains creates a bias against saving and toward consumption. This, of course, discourages saving and encourages consumption. This trend is the pathway to disaster. Things may look fine today; but, a decade from now, we will be paying the price for our failure to save.

At the risk of repeating myself, Mr. President, increasing the Nation's savings rate reduces the cost of capital. This leads to a greater amount of capital available for the formation of new ventures. New ventures lead to new jobs, and new jobs generate new revenues.

When the capital gains tax rate jumped from 20 percent to 28 percent in 1987, a terrible thing happened. Seed capital for new businesses began to dry up. Between 1986 and 1991, venture capital financing of small businesses fell from $4.2 billion to $1.4 billion. In 1986, 1,512 firms received venture capital financing. By 1991, that number was down to 792.

It is clear that the willingness of investors to take risks on new ventures is tied to the tax on capital gains. We must never forget, Mr. President, new businesses create new jobs. And capital creates new businesses.

It is no secret that our major trading partners tax capital gains more lightly than we do. Over 50 nations do not tax capital gains at all. These nations generally enjoy a significantly higher savings rate than does the United States. By reducing the disincentive to saving, these nations find that capital is more readily available. I ask my colleagues, are we not being shortsighted by encouraging consumption rather than saving?

Mr. President, I realize that the Joint Committee on Taxation [JCT] will likely score this bill as a major revenue loser. I have requested an estimate but, as of today, have not yet received it. However, I do not want to place undue emphasis on the importance of this estimate.

Unfortunately, this body has allowed the estimation of the revenue effect of a capital gains tax reduction to stand in the way of taking action that would have greatly benefited our economy. In 1989, the House of Representatives, passed a capital gains tax rate reduction. Action in the Senate, however, was blocked by a filibuster. Opponents of the measure cited CBO revenue estimates that predicted losses of about $11 billion over 5 years. This estimate was a major factor in the debate.

Actual tax collection data since 1989, however, shows us how inaccurate CBO and JCT predictions have proven to be. In January 1990, the CBO estimated capital gains realizations to be $269 billion for 1991. JCT had earlier predicted that 1991 capital gains realizations would be $285 billion. The actual amount of capital gains realized was only $108 billion. Both estimates were off by more than $150 billion.

How could these estimates be so out of whack, Mr. President? The answer is quite simple. The estimates did not take into account the full effect that the capital gains tax rate has on individuals and on the economy. When the capital gains tax rate was increased, the sensitivity of investors to the higher rate was clearly misjudged. They held on to their assets and economic growth was far less that it would have been had they sold them.

Likewise, the methodology employed in estimating the revenue effects of a lower tax on capital gains is inaccurate because it only considers the unlocking effect produced when investors are induced to sell their assets because of the lower tax.

There are at least two other factors that would increase revenue to the Government if the capital gains tax were lowered, yet are not considered in estimates of the revenue effect. One is referred to by economists as the valuation effect. Because all capital assets obtain their value from the income they generate, the valuation effect increases the value of all capital assets when the tax rate is reduced. This is only common sense, Mr. President. By decreasing the tax rate, the net gain to the investor is increased. Increasing the potential net gain from an asset is going to increase that asset's value, which, in turn, increases the sales price and the amount of capital gains that are realized.

The second effect that will increase revenue from a capital gains tax reduction is the "base broadening" that would occur as a result of the increase in economic activity that comes from more accessible and cheaper capital. This economic activity will lead to more jobs, and more jobs will lead to higher revenues.

Can I guarantee that these economic effects will bring in enough extra revenue to the Treasury to offset the revenue lost by my bill's provisions? Of course not, Mr. President. No one can be certain in predicting the revenue effect of tax bills—not even CBO or JCT.

The history of the economic effects of capital gains tax rate changes suggests that lowering the tax on capital gains increases revenue to the Treasury. The opposite certainly seems to be true—the evidence indicates that raising the tax rate results in lower revenue. In 1990, the Treasury took in 10 percent less revenue at the 28 percent capital gains rate than it did in 1985 at the 20 percent rate. In 1991, the Government collected 22 percent less from the capital gains tax than it did in 1985.

Mr. President, there is an estimated $8 trillion of unrealized capital gains in the United States. For the most part, taxpayers can choose when they want to unleash this tremendous amount of capital. Our tax policies are obviously holding them back, to the detriment of our economy. Let us find a way to harness these resources and reap the benefits.

I encourage my colleagues to take a close look at this bill. I believe it would go a long way toward setting this Nation on a path of solid economic growth. It would increase our savings rate, make capital much more readily available and cheaper, and lead to job creation. Moreover, it would promote fairness in our tax code and allow small investors keep more of what they have saved.

It is time, Mr. President, that we in Congress stopped treating these capital assets as a cash cow for the Government. The gains on the savings and investments of all Americans are theirs—derived from their own risks. It is time we stopped penalizing people for making prudent savings and investment decisions. It is time we stopped penalizing them for thinking ahead—for putting away money for retirement, college, buying a home, or unexpected family emergencies. It is time for the Government to recognize that saving and investment is critical for our economy. It is time for the Government to help resurrect that important virtue of saving and investing.

Mr. President, I ask unanimous consent that the text of the Small Investors Tax Relief Act of 1994 and a summary of the bill be printed in the RECORD.

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

S. 1829

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

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE.

(a) SHORT TITLE.—This Act may be cited as the "Small Investors Tax Relief Act of 1994".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. 2. EXEMPTION OF CERTAIN INTEREST AND DIVIDEND INCOME FROM TAX.

(a) IN GENERAL.—Part III of subchapter B of chapter 1 (relating to amounts specifically excluded from gross income) is amended by inserting after section 115 the following new section:

"SEC. 116. PARTIAL EXCLUSION OF DIVIDENDS AND INTEREST RECEIVED BY INDIVIDUALS.

"(a) EXCLUSION FROM GROSS INCOME.—Gross income does not include the sum of the amounts received during the taxable year by an individual as—

"(1) dividends from domestic corporations, or

"(2) interest.

"(b) LIMITATIONS.—

"(1) MAXIMUM AMOUNT.—The aggregate amount excluded under subsection (a) for any taxable year shall not exceed $2,000 ($4,000 in the case of a joint return).

"(2) CERTAIN DIVIDENDS EXCLUDED.—Subsection (a)(1) shall not apply to any dividend from a corporation which, for the taxable year of the corporation in which the distribution is made, or for the next preceding taxable year of the corporation, is a corporation exempt from tax under section 501 (relating to certain charitable, etc., organization) or section 521 (relating to farmers' cooperative associations).

"(3) INDEXING FOR INFLATION.—In the case of any taxable year beginning after 1995—

"(A) the $2,000 amount under paragraph (1) shall be increased by an amount equal to—

"(i) $2,000, multiplied by

"(ii) the cost-of-living adjustment under section 1(f)(3) for the calendar year in which the taxable year begins, except that subparagraph (B) thereof shall be applied by substituting '1994' for '1992', and

"(B) the $4,000 amount under paragraph (1) shall be increased to an amount equal to twice the amount determined under subparagraph (A) for the taxable year.

If the dollar amount determined after the increase under subparagraph (A) is not a multiple of $100, such dollar amount shall be rounded to the next lowest multiple of $100.

"(c) SPECIAL RULES.—For purposes of this section—

"(1) DISTRIBUTIONS FROM REGULATED INVESTMENT COMPANIES AND REAL ESTATE INVESTMENT TRUSTS.—Subsection (a) shall apply with respect to distributions by—

"(A) regulated investment companies to the extent provided in section 854(c), and

"(B) real estate investment trusts to the extent provided in section 857(c).

"(2) DISTRIBUTIONS BY A TRUST.—For purposes of subsection (a), the amount of dividends and interest properly allocable to a beneficiary under section 652 or 662 shall be deemed to have been received by the beneficiary ratably on the same date that the dividends and interest were received by the estate or trust.

"(3) CERTAIN NONRESIDENT ALIENS INELIGIBLE FOR EXCLUSION.—In the case of a nonresident alien individual, subsection (a) shall apply only—

"(A) in determining the tax imposed for the taxable year pursuant to section 871(b)(1) and only in respect of dividends and interest which are effectively connected with the conduct of a trade or business within the United States, or

"(B) in determining the tax imposed for the taxable year pursuant to section 877(b)."

(b) CLERICAL AND CONFORMING AMENDMENTS.—

(1) The table of sections for part III of subchapter B of chapter 1 is amended by inserting after the item relating to section 115 the following new item:

"Sec. 116. Partial exclusion of dividends and interest received by individuals."

(2) Paragraph (2) of section 265(a) is amended by inserting before the period at the end thereof the following: ", or to purchase or carry obligations or shares, or to make deposits, to the extent the interest thereon is excludable from gross income under section 116".

(3) Subsection (c) of section 584 is amended by adding at the end the following new sentence:

"The proportionate share of each participant in the amount of dividends or interest received by the common trust fund and to which section 116 applies shall be considered for purposes of such section as having been received by such participant."

(4) Subsection (a) of section 643 is amended by inserting after paragraph (6) the following new paragraph:

"(7) DIVIDENDS OR INTEREST.—There shall be included the amount of any dividends or interest excluded from gross income pursuant to section 116."

(5) Section 854 is amended by adding at the end the following new subsection:

"(c) TREATMENT UNDER SECTION 116.—

"(1) IN GENERAL.—For purposes of section 116, in the case of any dividend (other than a dividend described in subsection (a)) received from a regulated investment company which meets the requirements of section 852 for the taxable year in which it paid the dividend—

"(A) the entire amount of such dividend shall be treated as a dividend if the aggregate dividends and interest received by such company during the taxable year equal or exceed 75 percent of its gross income, or

"(B) if subparagraph (A) does not apply, a portion of such dividend shall be treated as a dividend (and a portion of such dividend shall be treated as interest) based on the portion of the company's gross income which consists of aggregate dividends or aggregate interest, as the case may be.

For purposes of the preceding sentence, gross income and aggregate interest received shall each be reduced by so much of the deduction allowable by section 163 for the taxable year as does not exceed aggregate interest received for the taxable year.

"(2) NOTICE TO SHAREHOLDERS.—The amount of any distribution by a regulated investment company which may be taken into account as a dividend for purposes of the exclusion under section 116 shall not exceed the amount so designated by the company in a written notice to its shareholders mailed not later than 45 days after the close of its taxable year.

"(3) DEFINITIONS.—For purposes of this subsection—

"(A) the term 'gross income' does not include gain from the sale or other disposition of stock or securities, and

"(B) the term 'aggregate dividends received' includes only dividends received from domestic corporations other than dividends described in section 116(b)(2).

In determining the amount of any dividend for purposes of subparagraph (B), the rules provided in section 116(c)(1) (relating to certain distributions) shall apply."

(6) Subsection (c) of section 857 of such Code is amended to read as follows:

"(c) LIMITATIONS APPLICABLE TO DIVIDENDS RECEIVED FROM REAL ESTATE INVESTMENT TRUSTS.—

"(1) IN GENERAL.—For purposes of section 116 (relating to an exclusion for dividends and interest received by individuals) and section 243 (relating to deductions for dividends received by corporations), a dividend received from a real estate investment trust which meets the requirements of this part shall not be considered as a dividend.

"(2) TREATMENT AS INTEREST.—In the case of a dividend (other than a capital gain dividend, as defined in subsection (b)(3)(C)) received from a real estate investment trust which meets the requirements of this part for the taxable year in which it paid the dividend—

"(A) such dividend shall be treated as interest if the aggregate interest received by the real estate investment trust for the taxable year equals or exceeds 75 percent of its gross income, or

"(B) if subparagraph (A) does not apply, the portion of such dividend which bears the same ratio to the amount of such dividend as the aggregate interest received bears to gross income shall be treated as interest.

"(3) ADJUSTMENTS TO GROSS INCOME AND AGGREGATE INTEREST RECEIVED.—For purposes of paragraph (2)—

"(A) gross income does not include the net capital gain,

"(B) gross income and aggregate interest received shall each be reduced by so much of the deduction allowable by section 163 for the taxable year (other than for interest on mortgages on real property owned by the real estate investment trust) as does not exceed aggregate interest received by the taxable year, and

"(C) gross income shall be reduced by the sum of the taxes imposed by paragraphs (4), (5), and (6) of section 857(b).

"(4) NOTICE TO SHAREHOLDERS.—The amount of any distribution by a real estate investment trust which may be taken into account as interest for purposes of the exclusion under section 116 shall not exceed the amount so designated by the trust in a written notice to its shareholders mailed not later than 45 days after the close of its taxable year."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to amounts received after December 31, 1994, in taxable years ending after such date.

SEC. 3. INDEXING OF CERTAIN ASSETS FOR PURPOSES OF DETERMINING GAIN OR LOSS.

(a) IN GENERAL.—Part II of subchapter O of chapter 1 (relating to basis rules of general application) is amended by inserting after section 1021 the following new section:

"SEC. 1022. INDEXING OF CERTAIN ASSETS FOR PURPOSES OF DETERMINING GAIN OR LOSS.

"(a) GENERAL RULE.—

"(1) INDEXED BASIS SUBSTITUTED FOR ADJUSTED BASIS.—Except as provided in paragraph (2), if an indexed asset which has been held for more than 1 year is sold or otherwise disposed of, then, for purposes of this title, the indexed basis of the asset shall be substituted for its adjusted basis.

"(2) EXCEPTION FOR DEPRECIATION, ETC.—The deduction for depreciation, depletion, and amortization shall be determined without regard to the application of paragraph (1) to the taxpayer or any other person.

"(b) INDEXED ASSET.—

"(1) IN GENERAL.—For purposes of this section, the term 'indexed asset' means—

"(A) stock in a corporation,

"(B) tangible property (or any interest therein), which is a capital asset or property used in the trade or business (as defined in section 1231(b)), and

"(C) the principal residence of the taxpayer (within the meaning of section 1034).

"(2) CERTAIN PROPERTY EXCLUDED.—For purposes of this section, the term 'indexed asset' does not include—

"(A) CREDITOR'S INTEREST.—Any interest in property which is in the nature of a creditor's interest.

"(B) OPTIONS.—Any option or other right to acquire an interest in property.

"(C) NET LEASE PROPERTY.—In the case of a lessor, net lease property (within the meaning of subsection (h)(1)).

"(D) CERTAIN PREFERRED STOCK.—Stock which is preferred as to dividends and does not participate in corporate growth to any significant extent.

"(E) STOCK IN CERTAIN CORPORATIONS.—Stock in—

"(i) an S corporation (within the meaning of section 1361),

"(ii) a personal holding company (as defined in section 542), and

"(iii) a foreign corporation.

"(3) EXCEPTION FOR STOCK IN FOREIGN CORPORATION WHICH IS REGULARLY TRADED ON NATIONAL OR REGIONAL EXCHANGE.—Clause (iii) of paragraph (2)(E) shall not apply to stock in a foreign corporation the stock of which is listed on the New York Stock Exchange, the American Stock Exchange, or any domestic regional exchange for which quotations are published on a regular basis other than—

"(A) stock of a foreign investment company (within the meaning of section 1246(b)), and

"(B) stock in a foreign corporation held by a United States person who meets the requirements of section 1248(a)(2).

"(c) INDEXED BASIS.—For purposes of this section—

"(1) INDEXED BASIS.—The indexed basis for any asset is—

"(A) the adjusted basis of the asset, multiplied by

"(B) the applicable inflation ratio.

"(2) APPLICABLE INFLATION RATIO.—The applicable inflation ratio for any asset is the percentage arrived at by dividing—

"(A) the CPI for the calendar year preceding the calendar year in which the disposition takes place, by

"(B) the CPI for the calendar year preceding the calendar year in which the asset was acquired by the taxpayer (or, in the case of an asset acquired before 1995, the CPI for 1993).

The applicable inflation ratio shall not be taken into account unless it is greater than 1. The applicable inflation ratio for any asset shall be rounded to the nearest one-tenth of 1 percent.

"(3) CPI.—The CPI for any calendar year shall be determined under section 1(f)(4).

"(4) SECRETARY TO PUBLISH TABLES.—The Secretary shall publish tables specifying the applicable inflation ratio for each calendar year.

"(d) SPECIAL RULES.—For purposes of this section—

"(1) TREATMENT AS SEPARATE ASSET.—In the case of any asset, the following shall be treated as a separate asset:

"(A) A substantial improvement to property.

"(B) In the case of stock of a corporation, a substantial contribution to capital.

"(C) Any other portion of an asset to the extent that separate treatment of such portion is appropriate to carry out the purposes of this section.

"(2) ASSETS WHICH ARE NOT INDEXED ASSETS THROUGHOUT HOLDING PERIOD.—

"(A) IN GENERAL.—The applicable inflation ratio shall be appropriately reduced for calendar months at any time during which the asset was not an indexed asset.

"(B) CERTAIN SHORT SALES.—For purposes of applying subparagraph (A), an asset shall be treated as not an indexed asset for any short sale period during which the taxpayer or the taxpayer's spouse sells short property substantially identical to the asset. For purposes of the preceding sentence, the short sale period begins on the day after the substantially identical property is sold and ends on the closing date for the sale.

"(3) TREATMENT OF CERTAIN DISTRIBUTIONS.—A distribution with respect to stock in a corporation which is not a dividend shall be treated as a disposition.

"(4) SECTION CANNOT INCREASE ORDINARY LOSS.—To the extent that (but for this paragraph) this section would create or increase a net ordinary loss to which section 1231(a)(2) applies or an ordinary loss to which any other provision of this title applies, such provision shall not apply. The taxpayer shall be treated as having a long-term capital loss in an amount equal to the amount of the ordinary loss to which the preceding sentence applies.

"(5) ACQUISITION DATE WHERE THERE HAS BEEN PRIOR APPLICATION OF SUBSECTION (a)(1) WITH RESPECT TO THE TAXPAYER.—If there has been a prior application of subsection (a)(1) to an asset while such asset was held by the taxpayer, the date of acquisition of such asset by the taxpayer shall be treated as not earlier than the date of the most recent such prior application.

"(6) COLLAPSIBLE CORPORATIONS.—The application of section 341(a) (relating to collapsible corporations) shall be determined without regard to this section.

"(e) CERTAIN CONDUIT ENTITIES.—

"(1) REGULATED INVESTMENT COMPANIES; REAL ESTATE INVESTMENT TRUSTS; COMMON TRUST FUNDS.—

"(A) IN GENERAL.—Stock in a qualified investment entity shall be an indexed asset for any calendar month in the same ratio as the fair market value of the assets held by such entity at the close of such month which are indexed assets bears to the fair market value of all assets of such entity at the close of such month.

"(B) RATIO OF 90 PERCENT OR MORE.—If the ratio for any calendar month determined under subparagraph (A) would (but for this subparagraph) be 90 percent or more, such ratio for such month shall be 100 percent.

"(C) RATIO OF 10 PERCENT OR LESS.—If the ratio for any calendar month determined under subparagraph (A) would (but for this subparagraph) be 10 percent or less, such ratio for such month shall be zero.

"(D) VALUATION OF ASSETS IN CASE OF REAL ESTATE INVESTMENT TRUSTS.—Nothing in this paragraph shall require a real estate investment trust to value its assets more frequently than once each 36 months (except where such trust ceases to exist). The ratio under subparagraph (A) for any calendar month for which there is no valuation shall be the trustee's good faith judgment as to such valuation.

"(E) QUALIFIED INVESTMENT ENTITY.—For purposes of this paragraph, the term 'qualified investment entity' means—

"(i) a regulated investment company (within the meaning of section 851),

"(ii) a real estate investment trust (within the meaning of section 856), and

"(iii) a common trust fund (within the meaning of section 584).

"(2) PARTNERSHIPS.—In the case of a partnership, the adjustment made under subsection (a) at the partnership level shall be passed through to the partners.

"(3) SUBCHAPTER S CORPORATIONS.—In the case of an electing small business corporation, the adjustment under subsection (a) at the corporate level shall be passed through to the shareholders.

"(f) DISPOSITIONS BETWEEN RELATED PERSONS.—

"(1) IN GENERAL.—This section shall not apply to any sale or other disposition of property between related persons except to the extent that the basis of such property in the hands of the transferee is a substituted basis.

"(2) RELATED PERSONS DEFINED.—For purposes of this section, the term 'related persons' means—

"(A) persons bearing a relationship set forth in section 267(b), and

"(B) persons treated as single employer under subsection (b) or (c) of section 414.

"(g) TRANSFERS TO INCREASE INDEXING ADJUSTMENT OR DEPRECIATION ALLOWANCE.—If any person transfers cash, debt, or any other property to another person and the principal purpose of such transfer is—

"(1) to secure or increase an adjustment under subsection (a), or

"(2) to increase (by reason of an adjustment under subsection (a)) a deduction for depreciation, depletion, or amortization,

the Secretary may disallow part or all of such adjustment or increase.

"(h) DEFINITIONS.—For purposes of this section—

"(1) NET LEASE PROPERTY DEFINED.—The term 'net lease property' means leased real property where—

"(A) the term of the lease (taking into account options to renew) was 50 percent or more of the useful life of the property, and

"(B) for the period of the lease, the sum of the deductions with respect to such property which are allowable to the lessor solely by reason of section 162 (other than rents and reimbursed amounts with respect to such property) is 15 percent or less of the rental income produced by such property.

"(2) STOCK INCLUDES INTEREST IN COMMON TRUST FUND.—The term 'stock in a corporation' includes any interest in a common trust fund (as defined in section 584(a)).

"(i) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section."

(b) ADJUSTMENT TO APPLY FOR PURPOSES OF DETERMINING EARNINGS AND PROFITS.—Subsection (f) of section 312 (relating to effect on earnings and profits of gain or loss and of receipt of tax-free distributions) is amended by adding at the end thereof the following new paragraph:

"(3) EFFECT ON EARNINGS AND PROFITS OF INDEXED BASIS.—

"For substitution of indexed basis for adjusted basis in the case of the disposition of certain assets after December 31, 1994, see section 1022(a)(1)."

(c) CLERICAL AMENDMENT.—The table of sections for part II of subchapter O of such chapter 1 is amended by inserting after the item relating to section 1021 the following new item:

"Sec. 1022. Indexing of certain assets for purposes of determining gain or loss."

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to dispositions after December 31, 1994.

SEC. 4. REDUCTION IN CAPITAL GAINS TAX FOR INDIVIDUALS.

(a) GENERAL RULE.—Part I of subchapter P of chapter 1 (relating to treatment of capital

gains) is amended by adding at the end thereof the following new section:

"SEC. 1203. CAPITAL GAINS DEDUCTION FOR INDIVIDUALS.

"(a) IN GENERAL.—In the case of an individual, there shall be allowed as a deduction for the taxable year an amount equal to the annual capital gains deduction (if any) determined under subsection (b).

"(b) ANNUAL CAPITAL GAINS DEDUCTION.—

"(1) IN GENERAL.—For purposes of subsection (a), the annual capital gains deduction determined under this subsection is the lesser of—

"(A) the net capital gain for the taxable year, or

"(B) $50,000 ($100,000 in the case of a joint return).

"(2) COORDINATION WITH EXCLUSION FOR GAIN FROM SMALL BUSINESS STOCK.—For purposes of paragraph (1)(A), net capital gain shall be determined without regard to any gain from the sale or exchange of qualified small business stock (as defined in section 1202(c)) held for more than 5 years.

"(3) CERTAIN INDIVIDUALS NOT ELIGIBLE.—This subsection shall not apply to any individual with respect to whom a deduction under section 151 is allowable to another taxpayer for a taxable year beginning in the calendar year in which such individual's taxable year begins.

"(4) ANNUAL DEDUCTION NOT AVAILABLE FOR SALES TO RELATED PERSONS.—The amount of the net capital gain taken into account under paragraph (1)(A) shall not exceed the amount of the net capital gain determined by not taking into account gains and losses from sales and exchanges to any related person (as defined in section 267(f)).

"(5) INDEXING FOR INFLATION.—In the case of any taxable year beginning after 1995—

"(A) the $50,000 amount under paragraph (1)(B) shall be increased by an amount equal to—

"(i) $50,000, multiplied by

"(ii) the cost-of-living adjustment under section 1(f)(3) for the calendar year in which the taxable year begins, except that subparagraph (B) thereof shall be applied by substituting '1994' for '1992', and

"(B) the $100,000 amount under paragraph (1)(B) shall be increased to an amount equal to twice the amount determined under subparagraph (A) for the taxable year.

If the dollar amount determined after the increase under this paragraph is not a multiple of $1,000, such dollar amount shall be rounded to the next lowest multiple of $1,000.

"(c) SECTION NOT TO APPLY TO ESTATES OR TRUSTS.—No deduction shall be allowed under this section to an estate or trust.

"(d) SPECIAL RULES.—

"(1) DEDUCTION AVAILABLE ONLY FOR SALES OR EXCHANGES AFTER DECEMBER 31, 1994.—The amount of the net capital gain taken into account under subsection (b)(1)(A) shall not exceed the amount of the net capital gain determined by only taking into account gains and losses from sales and exchanges after December 31, 1994.

"(2) SPECIAL RULE FOR PASS-THRU ENTITIES.—

"(A) IN GENERAL.—In applying this section with respect to any pass-thru entity, the determination of when the sale or exchange occurs shall be made at the entity level.

"(B) PASS-THRU ENTITY DEFINED.—For purposes of subparagraph (A), the term 'pass-thru entity' means—

"(i) a regulated investment company,

"(ii) a real estate investment trust,

"(iii) an S corporation,

"(iv) a partnership,

"(v) an estate or trust, and

"(vi) a common trust fund."

(b) CONFORMING AMENDMENTS.—

(1) Subsection (a) of section 62 is amended by inserting after paragraph (15) the following new paragraph:

"(16) CAPITAL GAINS DEDUCTION.—The deduction allowed by section 1203."

(2) Paragraph (2) of section 172(d) is amended by inserting "and the deduction provided by section 1203" after "1202".

(3)(A) Section 220 (relating to cross reference) is amended to read as follows:

"SEC. 220. CROSS REFERENCES.

"(1) For deduction for net capital gains in the case of a taxpayer other than a corporation, see section 1203.

"(2) For deductions in respect of a decedent, see section 691."

(B) The table of sections for part VII of subchapter B of chapter 1 is amended by striking "reference" in the item relating to section 220 and inserting "references".

(4) Paragraph (4) of section 691(c) is amended by inserting "1203," after "1202,".

(5) The second sentence of paragraph (2) of section 871(a) is amended by inserting "or 1203" after "1202".

(c) CLERICAL AMENDMENT.—The table of sections for part I of subchapter P of chapter 1 is amended by adding at the end thereof the following new item:

"Sec. 1203. Capital gains deduction for individuals."

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to sales or exchanges after December 31, 1994, in taxable years ending after such date.

SMALL INVESTORS TAX RELIEF ACT OF 1994—SUMMARY

WHAT IT DOES

The Small Investors Tax Relief Act of 1994 (SITRA) has three provisions:

(1) Exempts the first $2,000 of an individual's interest and dividend income, annually. This threshold would be indexed for inflation. Would be effective for income received after December 31, 1994.

(2) Exempts the first $50,000 of an individual's capital gains income, annually. This threshold would be indexed for inflation. Would apply to sales or exchanges after December 31, 1994.

(3) Indexes capital assets to avoid taxation on inflationary gains. This would remove the current law's unfair taxation of illusory gains for assets held for more than one year. Would apply on a prospective basis from 1993's index on to assets sold or exchanged after December 31, 1994. Thus, gains incurred before 1993 on assets owned before then would not be indexed.

WHAT ARE THE GOALS?

The bill will encourage Americans to invest more. Our national savings rate is dropping to dangerously low levels. The long-term prosperity of our economy depends on the availability of low cost capital for business formation and job creation.

The bill promotes tax fairness by partially alleviating the double taxation of dividends.

The bill teaches young people the value of work and savings by removing the current law's bias against young workers' savings.

The bill would stimulate the economy and spur job creation by encouraging investors to sell capital assets and invest in new business enterprises that create new jobs.

The bill would make the United States more competitive internationally by lowering our capital gains tax rate closer to the rates of our major trading partners.

ECONOMIC FACTORS

In the 1970s, our savings rate was in the 9 to 10 percent range. By 1992, it had dropped to 5.2 percent. As of November of last year, it was down to around 4 percent, a level many economists believe is in the danger zone. All of our major trading partners have savings rates significantly higher than ours.

According to the Treasury Department, 65 percent of taxpayers with capital gains have ordinary income under $50,000 and over 25 percent have ordinary income under $20,000. Only about 5 percent of taxpayers with capital gains have incomes above $200,000. The benefits of this bill are targeted to taxpayers in the lower and middle income classes.

The current high tax on capital gains encourages wealthy taxpayers to hold on to assets with unrealized gains. When the capital gains rate was over 40 percent in the mid-1970s, taxpayers in the top 1% of income accounted for just 33 percent of all taxable capital gains. When the capital gains tax rate was cut to 20% in 1981, the top 1% accounted for 55% of all realized capital gains.

In 1985, Americans with incomes over $500,000 per year paid $12 billion in capital gains taxes. This amount had dropped to $10 billion in 1991, adjusted for inflation.

When the capital gains tax rate jumped from 20 percent to 28 percent in 1987, seed capital for new businesses began to dry up. Between 1986 and 1991, venture capital financing of small businesses fell from $4.2 billion to $1.4 billion.

There is an estimated $8 trillion of unrealized capital in the United States. Taxpayers can generally choose when they want to unleash this tremendous amount of capital. Our tax policies are holding them back, to the detriment of economic growth and job creation.

WHAT ABOUT REVENUE?

We have requested, but not received, an estimate on the revenue effect of this bill from the Joint Committee on Taxation (JCT). It will likely be scored as a revenue loser. JCT estimates, however, do not take into account the entire macroeconomic effect of lowering the effective tax on capital gains. By unlocking billions of frozen assets, this proposal will lower the costs of capital and make it much more readily available. The increased economic activity resulting from this will certainly broaden the tax base and increase revenues. At a minimum, this "feedback effect" will partially, if not fully, offset revenue losses.

By Mrs. FEINSTEIN (for herself, Mr. INOUYE, Mr. BUMPERS, Mrs. BOXER, Mr. MOYNIHAN, Mr. PELL, Mr. KERRY, and Mr. LEVIN):

S. 1830. A bill to authorize funding for the small business defense conversion program of the Small Business Administration, and for other purposes; to the Committee on Small Business.

SMALL BUSINESS DEFENSE CONVERSION GUARANTEED LOAN ACT OF 1994

Mrs. FEINSTEIN. Mr. President, if I may, today I rise to introduce legislation along with Senators INOUYE, BUMPERS, BOXER, MOYNIHAN, PELL, KERRY, and LEVIN to expand the Small Business Administration's loan guarantee program and to target loans to businesses and individuals adversely impacted by base closure and defense downsizing. This bill would take $100

million from the President's proposed $20 billion defense conversion program to fund a targeted small business loan guarantee program. This would leverage nearly $4 billion in private sector loans, and it would create or maintain 400,000 jobs, according to estimates by the Small Business Administration.

In essence, this program would link the most dynamic job creation segment of the economy, small businesses, to one of the Nation's most important needs: defense conversion. But best of all, no new Federal bureaucracy is needed to administer this program.

In my view, the 7(a) program is one of the best Federal programs available, and yet it has run out of money in 3 of the last 5 years.

Reductions in defense spending in the last 2 years have cost my State, California, 250,000 jobs. By 1998, estimates indicate that 650,000 jobs will be lost in the State as a result of defense downsizing.

Mr. President, just this morning January's unemployment statistics were released, and they were amazing to me. California's unemployment rate soared to 10.1 percent, nearly 3½ percentage points higher than the national average of 6.7 percent. Because the unemployment survey has been revised, we expected a small jump in the unemployment rate, about a half of a percentage point. But for California, the unemployment rate jumped 1.4 percentage points, compared to just three-tenths of a percent for the Nation. So the rate jumped triple what was expected by the adjustment in the methods of the accounting survey.

The double-digit unemployment rate means that over 1.5 million Californians continue to seek, and are unable to find work. 200,000 more men and women are out of work this month than last month. So these figures indicate that California is clearly not producing enough jobs.

I believe that this small business loan program can make a significant difference. Since 1990, nearly 40 percent of all job loss in the Nation occurred in California. Forty percent in one State alone—California. And one in every five jobs lost in the entire United States were lost in six southern California counties.

Without question, this Nation must provide workers and students with better education and workers with job retraining to enable them to adjust to this new post-cold war economy. But all of the training in the world means nothing unless there is a job available after they complete the training. This is where I think all the talk of retraining falls on deaf ears, especially in the largest State in the Union.

The best way to minimize the economic disruption caused by defense downsizing is to target programs to the areas most in need. It is the areas of defense downsizing and base closures where access to capital for small businesses is particularly limited. Bankers are constrained by regulations and by economic uncertainty from making loans to the very communities that need the capital the most.

One executive from Orange County, CA, wrote to me saying this:

With the closure of our two Marine bases and the cutback in defense spending, our area has been negatively impacted. An increase in the SBA 7(a) Loan Program is greatly needed and can be a strong vehicle to allow small business in our area to retrofit their operations to nondefense related enterprises.

It is estimated that 85 percent of the new jobs created are generated through small businesses. Thus increased funding for the 7(a) Program would stimulate the economy and lead to the needed job growth in our State.

Another executive from California wrote:

Southern California has been hard hit by the recession and deeply depressed real estate market. Defense conversion and the announced base closures could not have come at a worse time, economically and psychologically. While other areas of the country have shown some improvement, our situation has worsened.

And these figures bear that out.

Expanded SBA funding will go a long way toward keeping small business alive now and for the next several, troubled years.

The bill I am introducing today effectively targets defense conversion funds to those communities that have been adversely impacted. It will not only stimulate small business expansion, but it will also result in good, long-term investments.

Of all the defense programs available, small business loans provide the best bang for the buck.

As a matter of fact, this program would create or maintain each job at an average of just $250. Tell me one program that matches that.

No program of which I am aware can claim these figures.

Mr. President, I ask unanimous consent that the text of this legislation be printed in the RECORD immediately following my remarks.

I urge my colleagues to support the legislation, and I yield the floor.

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

S. 1830

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 "Small Business Defense Conversion Guaranteed Loan Act of 1994".

SEC. 2. AUTHORIZATIONS.

Section 20 of the Small Business Act (15 U.S.C. 631 note) is amended)—

(1) in subsection (l), as added by section 405(3) of the Small Business Credit and Business Opportunity Enhancement Act of 1992—

(A) by striking "(l) There" and inserting "(3) There" and indenting appropriately; and

(B) by striking "subsection (k)", and inserting "paragraphs (1) and (2)";

(2) by redesignating subsection (k), as added by section 405(3) of the Small Business Credit and Business Opportunity Act of 1992, as subsection (l);

(3) in subsection (l), as so redesignated, by inserting new paragraph:

"(2) The Administration is authorized to make not more than $4,000,000,000 in loans on a guaranteed basis, in accordance with section 7(a)(21), such amount to remain available until expended.";

(4) in subsection (n)—

(A) by striking "(n) There" and inserting "(3) There" and indenting appropriately; and

(B) by striking "subsection (m)" and inserting "paragraphs (1) and (2)";

(5) in subsection (m), by inserting after paragraph (1), the following new paragraph:

"(2) The Administration is authorized to make not more than $4,000,000,000 in loans on a guaranteed basis, in accordance with section 7(a)(21), such amount to remain available until expended.";

(6) by redesignating subsection (o) as subsection (n); and

(7) in subsection (p)—

(A) by striking "(p) There" and inserting "(2) There", and indenting appropriately; and

(B) by striking "subsection (o)" and inserting "paragraph (1)".

SEC. 3. TECHNICAL CLARIFICATION.

Section 7(a)(21)(A) of the Small Business Act (15 U.S.C. 636(a)(21)(A)) is amended by striking "under the" and inserting "on a guaranteed basis under the".

SEC. 4. REACHING ADDITIONAL SMALL BUSINESS CONCERNS.

Section 7(a)(21)(A)(i) of the Small Business Act (15 U.S.C. 636(a)(21)(A)(i) is amended—

(1) in subclause (I), by striking "or" at the end; and

(2) by adding after subclause (II), the following new subclause:

"(III) a substantial reduction in the revenues of the small business concern due to an overall reduction in economic activity within the community from which such small business concern derives revenues, if such reduction in economic activity is a direct result of the factors described in subclause (I) or (II); or".

ADDITIONAL COSPONSORS

S. 1359

At the request of Mr. LEAHY, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 1359, a bill to amend the Food Stamp Act of 1977 to require the domestic production of food stamp coupons.

S. 1447

At the request of Mr. BRYAN, the names of the Senator from Wyoming [Mr. SIMPSON], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Connecticut [Mr. LIEBERMAN], and the Senator from South Dakota [Mr. PRESSLER] were added as cosponsors of S. 1447, a bill to modify the disclosures required in radio advertisements for consumer leases, loans, and savings accounts.

S. 1504

At the request of Mr. HATFIELD, the name of the Senator from Oregon [Mr. PACKWOOD] was added as a cosponsor of

S. 1504, a bill to amend the Job Training Partnership Act to establish an Environmental Employment Transition Assistance Program [EETAP], and for other purposes.

S. 1505

At the request of Mr. HATFIELD, the name of the Senator from Oregon [Mr. PACKWOOD] was added as a cosponsor of S. 1505, a bill to amend the Federal Land Policy and Management Act of 1976 to enhance the management of Federal lands, and for other purposes.

S. 1646

At the request of Mr. LEAHY, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of S. 1646, a bill to amend the Food Stamp Act of 1977 to reduce food stamp fraud and improve the food stamp program, and for other purposes.

S. 1681

At the request of Mr. LAUTENBERG, the name of the Senator from Oregon [Mr. HATFIELD] was added as a cosponsor of S. 1681, a bill to amend the Federal Water Pollution Control Act to allow certain privately owned public treatment works to be treated as publicly owned treatment works, and for other purposes.

S. 1703

At the request of Mr. SARBANES, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S. 1703, a bill to expand the boundaries of the Piscataway National Park, and for other purposes.

S. 1728

At the request of Mr. BRYAN, the names of the Senator from Tennessee [Mr. SASSER] and the Senator from Hawaii [Mr. INOUYE] were added as cosponsors of S. 1728, a bill to provide regulatory capital guidelines for treatment of real estate assets sold with limited recourse by depository institutions.

S. 1789

At the request of Mrs. BOXER, the names of the Senator from Washington [Mr. GORTON] and the Senator from Washington [Mrs. MURRAY] were added as cosponsors of S. 1789, a bill to amend title 23, United States Code, to permit the use of funds under the highway bridge replacement and rehabilitation program for seismic retrofit of bridges, and for other purposes.

S. 1816

At the request of Mr. LEAHY, the name of the Senator from Wisconsin [Mr. FEINGOLD] was added as a cosponsor of S. 1816, a bill to amend the Child Nutrition Act of 1966 to protect against trafficking in food instruments and other frauds in connection with the special supplemental food program for women, infants, and children [WIC], and for other purposes.

SENATE JOINT RESOLUTION 41

At the request of Mr. DOLE, his name was added as a cosponsor of Senate Joint Resolution 41, a joint resolution proposing an amendment to the Constitution of the United States to require a balanced budget.

AMENDMENT NO. 1369

At the request of Mr. DORGAN, the name of the Senator from California [Mrs. FEINSTEIN] was added as a cosponsor of amendment No. 1369 proposed to S. 1150, an original bill 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 to skill standards and certifications; and for other purposes.

At the request of Mr. ROBB, his name was added as a cosponsor of amendment No. 1369 proposed to S. 1150, supra.

AMENDENTS SUBMITTED

GOALS 2000: EDUCATE AMERICA ACT

GORTON (AND OTHERS) AMENDMENT NO. 1385

Mr. GORTON (for himself, Mr. WALLOP, Mr. GRAMM, Mr. COCHRAN, Mr. MURKOWSKI, and Mr. SIMPSON) 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:

At the end of the bill, insert the following:

TITLE —YOUTH VIOLENCE IN SCHOOLS AND COMMUNITIES

SEC. 01. PURPOSE.

It is the purpose of this title to help local communities achieve Goal Six of the National Education Goals, which provide that by the year 2000, every school in America will be free of drugs and violence and will offer a disciplined environment conducive to learning, by strengthening local disciplinary control.

SEC. 02. FINDINGS.

The Congress finds that—

(1) the violence within elementary and secondary schools across the Nation has increased dramatically during the past decade;

(2) almost 3,000,000 crimes occur on or near school campuses every year, with 16,000 crimes occurring per school day or one crime occurring every 6 seconds;

(3) 20 percent of teachers in schools have reported being threatened with violence by a student;

(4) schools are being asked to take on responsibilities that society as a whole has neglected, and teachers and principals are being forced to referee fights rather than teach;

(5) over two-thirds of public school teachers have been verbally abused, threatened with injury, or physically attacked;

(6) violent or criminal behavior by students interferes with a teacher's ability to teach in a safe environment the students not exhibiting such behavior;

(7) 40 percent of all students do not feel safe in school and 50 percent of all students know someone who switched schools to feel safer;

(8) nearly one-half of the teachers who leave the teaching profession cite discipline problems as one of the main reasons for leaving such profession; and

(9) a lack of parental involvement contributes strongly to school violence.

SEC. 03. PROVISIONS.

(a) LOCAL DISCIPLINE CONTROL.—No Federal law or regulation, except education and civil rights laws protecting individuals with disabilities, or State policy implementing such a Federal law or regulation, shall restrict any local educational agency, or elementary or secondary school, from developing and implementing disciplinary policies and action with respect to criminal or violent acts of students, occurring on school premises, in order to create an environment conducive to learning.

(b) SHARED INFORMATION.—No Federal law or regulation, or State policy implementing such a Federal law or regulation, shall restrict any local educational agency or elementary or secondary school from requesting and receiving information from a State agency, local educational agency, or an elementary or secondary school regarding a conviction or juvenile adjudication, within five years of the date of the request, or a pending prosecution for a violent or weapons offense, of a student who is attending an elementary or secondary school served by the local educational agency, or the elementary or secondary school, requesting such information.

(c) PARENTAL RESPONSIBILITY.—It is the policy of the Congress that States, in cooperation with local educational agencies, schools, and parent groups, should be encouraged to enforce disciplinary policies with respect to parents of children who display criminal or violent behavior toward teachers, students, other persons, or school property.

On page 90, line 10, strike "and".

On page 90, line 11, strike the period and insert "; and".

On page 90, between lines 11 and 12, insert the following:

(J) supporting the development, at the State or local level, of school-based programs that restore discipline and reduce violence in schools and communities, such as community mobilization programs.

COATS (AND OTHERS) AMENDMENTS 1386

Mr. COATS (for himself, Mr. LIEBERMAN, Mr. HATCH, and Mr. MACK) proposed an amendment to the bill S. 1150, supra; as follows:

At the end of the bill, insert the following:

TITLE ___—LOW-INCOME SCHOOL CHOICE DEMONSTRATION PROGRAM

SEC. ___01. SHORT TITLE.

This title may be cited as the "Low-Income School Choice Demonstration Act of 1993".

SEC. ___02. PURPOSE.

The purpose of this title is to determine the effects on students and schools of providing financial assistance to low-income parents to enable such parents to select the public or private schools in which their children will be enrolled.

SEC. ___03. DEFINITIONS.

As used in this title—

(1) the term "choice school" means any public or private school, including a private sectarian school, that is involved in a demonstration project assisted under this title;

(2) the term "eligible child" means a child in grades 1 through 12 who is eligible for free or reduced price meals under the National School Lunch Act;

(3) the term "eligible entity" means a public agency, institution, or organization, such as a State, a State or local educational agency, a consortium of public agencies, or a consortium of public and private nonprofit entities, that can demonstrate, to the satisfaction of the Secretary, its ability to—

(A) receive, disburse, and account for Federal funds; and

(B) carry out the activities described in its application under this title;

(4) the term "local educational agency" has the same meaning given such term in section 1471 of the Elementary and Secondary Education Act of 1965;

(5) the term "parent" includes a legal guardian or other individual acting in loco parentis;

(6) the term "school" means a school that provides elementary education or secondary education (through grade 12), as determined under State law; and

(7) the term "Secretary" means the Secretary of Education.

SEC. ___04. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $30,000,000 for fiscal year 1995, and such sums as may be necessary for each of the fiscal years 1996 and 1997, to carry out this title.

SEC. ___05. PROGRAM AUTHORIZED.

(a) RESERVATION.—From the amount appropriated pursuant to the authority of section ___04 in any fiscal year, the Secretary may reserve not more than 5 percent for evaluation of programs assisted under this title, in accordance with section ___11.

(b) GRANTS.—

(1) IN GENERAL.—From the amount appropriated pursuant to the authority of section ___04 and not reserved under subsection (a) in any fiscal year, the Secretary shall make grants, in amounts not to exceed $5,000,000 in the first year of the demonstration project, to eligible entities to carry out not more than 6 demonstration projects under which low-income parents receive certificates for the costs of enrolling their eligible children in a choice school.

(2) INAPPLICABILITY OF SECTION 401.—Section 401 shall not apply to this title.

(c) USE OF GRANTS.—Grants awarded under subsection (b) shall be used to pay the costs of—

(1) providing education certificates to low-income parents to enable such parents to pay the tuition, fees, the allowable costs of transportation, if any, and the costs of complying with section ___09(a)(1), if any, for their eligible children to attend a choice school; and

(2) administration of the demonstration project, which shall not exceed 15 percent of the amount received in the first fiscal year for which the grant recipient provides certificates or 10 percent in any subsequent year, including—

(A) seeking the involvement of choice schools in the demonstration project;

(B) providing information about the project, and the schools involved in the project, to parents of eligible children;

(C) determining the eligibility of children to participate in the demonstration project;

(D) selecting students to participate in the demonstration project;

(E) determining the value of, and issuing, certificates;

(F) compiling and maintaining such financial and programmatic records as the Secretary may prescribe; and

(G) collecting and making available to the Secretary such information about the effects of the demonstration as the Secretary may need to conduct the evaluation described in section ___11.

(d) SPECIAL RULE.—Any school participating in the demonstration provided for under this title shall comply with title VI of the Civil Rights Act of 1964 and not discriminate on the basis of race, color, or national origin.

SEC. ___06. AUTHORIZED PROJECTS; PRIORITY.

(a) AUTHORIZED PROJECTS.—The Secretary may provide assistance under this title only to a demonstration project that—

(1) involves at least one local educational agency that—

(A) receives funds under section 1006 of the Elementary and Secondary Education Act of 1965; and

(B) is among the 20 percent of local educational agencies receiving funds under section 1006 of such Act in the State and having the highest number of children described in section 1005(c) of such Act; and

(2) includes the involvement of a sufficient number of public and private choice schools, in the judgment of the Secretary, to allow for a valid demonstration project.

(b) PRIORITY.—In selecting grant recipients under this title, the Secretary shall give priority to projects—

(1) in which choice schools offer an enrollment opportunity to the broadest range of eligible children;

(2) that involve diverse types of choice schools; and

(3) that will contribute to geographic diversity, including States that are primarily rural and States that are primarily urban.

SEC. ___07. APPLICATIONS.

(a) IN GENERAL.—Any eligible entity that wishes to receive a grant under this title shall submit an application to the Secretary at such time and in such manner as the Secretary may prescribe.

(b) CONTENTS.—Each application described in subsection (a) shall contain—

(1) information demonstrating the eligibility of the applicant and its demonstration project;

(2) with respect to choice schools—

(A) a description of the standards used by the applicant to determine which public and private schools are within a reasonable commuting distance of eligible children and present a reasonable commuting cost for such children;

(B) a description of the types of potential choice schools that will be involved in the project;

(C)(i) a description of the procedures used to encourage public and private schools to be involved in the demonstration project; and

(ii) a description of how the applicant will annually determine the number of spaces available for eligible children in each choice school;

(D) an assurance that each choice school will not impose higher standards for admission or participation in its programs and activities for eligible children with certificates provided under this title than the school does for other children;

(E) an assurance that each choice school will have been operating an educational program of the same type as the program for which it will accept certificates, for at least 1 year before accepting such certificate;

(F) an assurance that the applicant will terminate the involvement of any choice school that fails to comply with the conditions of its involvement in the demonstration project; and

(G) a description of the extent to which choice schools will accept certificates as full payment for tuition and fees;

(3) with respect to the participation of eligible children—

(A) a description of the procedures to be used to determine the eligibility of children under this title, which shall include—

(i) the procedures used to determine eligibility for free and reduced price meals under the National School Lunch Act; or

(ii) any other procedure, subject to the Secretary's approval, that accurately establishes a child's eligibility within the meaning of section ___03(2);

(B) a description of the procedures to be used to ensure that, in selecting eligible children to participate in the demonstration project, the applicant will—

(i) apply the same criteria to both public and private school children; and

(ii) give priority to children from the lowest income families;

(C) a description of the procedures to be used to ensure maximum choice of schools for participating children, including procedures to be used when—

(i) the number of parents with certificates who desire to enroll their children in a particular school exceeds the number of such children that the school has agreed to accept; and

(ii) grant funds are insufficient to support the total cost of choices made by parents with certificates; and

(D) a description of the procedures to be used to ensure compliance with section ___09(a)(1), which may include—

(i) the direct provision of services by a local educational agency;

(ii) arrangements made by a local educational agency with other service providers; and

(iii) an increase in the value of the education certificate in accordance with section ___08(a)(2)(A);

(4) with respect to the operation of the demonstration—

(A) a description of the geographic area to be served;

(B) a timetable for carrying out the demonstration;

(C) a description of the procedures to be used for the issuance and redemption of certificates;

(D) a description of the procedures by which a choice school will make a pro rata refund of the certificate for any participating child who withdraws from the school for any reason, before completing 75 percent of the school attendance period for which the certificate was used;

(E) a description of the procedures to be used to provide the parental notification described in section ___10;

(F) an assurance that the applicant will place all funds received under this title into

a separate account, and that no other funds will be placed in such account;

(G) an assurance that the applicant will provide the Secretary periodic reports on the status of such funds;

(H) an assurance that the applicant will cooperate with the Secretary in carrying out the evaluation described in section ___11; and

(I) an assurance that the applicant will maintain such records as the Secretary may require, and comply with reasonable requests from the Secretary for information; and

(5) such other assurances and information as the Secretary may require.

SEC. ___08. EDUCATION CERTIFICATES.

(a) EDUCATION CERTIFICATES.—

(1) BASIC VALUE.—The basic value of an eligible child's education certificate under this title shall be the cost of tuition and fees normally charged by the public or private school chosen by the child's parents.

(2) INCREASES AND ISSUANCES.—Subject to such regulations as the Secretary shall prescribe—

(A) the value of the certificate may be increased to cover the additional reasonable costs of transportation directly attributable to the child's participation in the demonstration project or the cost of complying with section ___09(a)(1); and

(B) education certificates may be issued to parents of children who choose to attend schools that do not charge tuition or fees, to cover the additional reasonable costs of transportation directly attributable to the child's participation in the demonstration or the cost of complying with section ___09(a)(1).

(b) ADJUSTMENT.—The value of the education certificate may be adjusted in the second and third years of an eligible child's participation to reflect any increases or decreases in the tuition, fees, or transportation costs directly attributable to that child's continued attendance at a choice school, but shall not be increased for this purpose by more than 10 percent over the value for the preceding year. The value of the education certificate may also be adjusted in any fiscal year to comply with section ___09(a)(1).

(c) SPECIAL RULE.—If a participating eligible child was attending a public or private school that charged tuition in the year before the first year of a grant recipient's participation under this title, the basic value of the certificate for such child shall be the tuition charged by such school for such child in such preceding year, adjusted in accordance with subsection (b).

(d) MAXIMUM AMOUNT.—Notwithstanding any other provision of this section, the basic value of an eligible child's certificate shall not exceed the per pupil expenditure for elementary and secondary education, as appropriate, for the preceding year by the local educational agency in which the public school to which the child would normally be assigned is located.

(e) INCOME.—Certificates, and funds provided under certificates, shall not be deemed income of the parents for Federal income tax purposes or for determining eligibility for any other Federal program.

SEC. ___09. EFFECT ON OTHER PROGRAMS; USE OF SCHOOL LUNCH DATA.

(a) EFFECT ON OTHER PROGRAMS.—

(1) IN GENERAL.—Eligible children participating in a demonstration under this title, who, in the absence of such a demonstration, would have received services under part A of chapter 1 of title I of the Elementary and Secondary Education Act of 1965 shall be provided such services.

(2) PART B OF THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.—Nothing in this Act shall be construed to affect the requirements of part B of the Individuals with Disabilities Education Act.

(b) COUNTING OF CHILDREN.—Notwithstanding any other provision of law, any local educational agency participating in a demonstration under this title may count eligible children who, in the absence of such a demonstration, would attend the schools of such agency, for purposes of receiving funds under any program administered by the Secretary.

(c) SPECIAL RULE.—Notwithstanding section 9 of the National School Lunch Act, a grant recipient under this title may use information collected for the purpose of determining eligibility for free or reduced price meals to determine a child's eligibility to participate in a demonstration under this title and, if needed, to rank families by income, in accordance with section ___07(b)(3)(B)(ii). All such information shall otherwise remain confidential, and information pertaining to income may be disclosed only to persons who need that information for the purposes of a demonstration project under this title.

(d) CONSTRUCTION.—

(1) SECTARIAN INSTITUTIONS.—Nothing in this title shall be construed to supersede or modify any provision of a State constitution or State law that prohibits the expenditure of public funds in or by sectarian institutions, except that no provision of a State constitution or State law shall be construed to prohibit the expenditure in or by sectarian institutions of any Federal funds provided under this title.

(2) DESEGREGATION PLANS.—Nothing in this title shall be construed to interfere with any desegregation plans that involve school attendance areas affected by this title.

SEC. ___10. PARENTAL NOTIFICATION.

Each grant recipient under this title shall provide timely notice of the demonstration project to parents of eligible children residing in the area to be served. At a minimum, such notice shall—

(1) describe the demonstration;

(2) describe the eligibility requirements for participation;

(3) describe the information needed to establish a child's eligibility;

(4) describe the selection procedures to be used if the number of eligible children seeking to participate exceeds the number that can be accommodated;

(5) provide information about each choice school, including information about any admission requirements or criteria; and

(6) include the schedule for parents to apply for their children to participate.

SEC. ___11. EVALUATION.

The Secretary shall conduct a rigorous evaluation of the demonstration program authorized by this title. Such evaluation shall—

(1) describe the implementation of each demonstration project and its effects on all participants, schools, and communities in the project area; and

(2) compare the educational achievement of all students in the project area, including—

(A) students receiving certificates; and

(B) students not receiving certificates.

SEC. ___12. REPORTS.

(a) REPORT BY GRANT RECIPIENT.—Each grant recipient under this title shall submit an annual report to the Secretary, at such time, in such manner, and containing such information as the Secretary may require.

(b) REPORT BY SECRETARY.—

(1) IN GENERAL.—The Secretary shall report annually to the President and the President shall report annually to the Congress on the progress of the local demonstrations, including information submitted by each grant recipient and from other sources.

(2) SUBMISSION.—The Secretary shall submit a report to the President and the President shall submit a report to the Congress on the national evaluation described in section ___11 within 9 months after the conclusion of the demonstration projects assisted under this title.

In section 3, in the matter preceding paragraph (1), strike "title V" and insert "titles V and ___".

PRYOR (AND OTHERS) AMENDMENT NO. 1387

Mr. PRYOR (for himself, Mr. PELL, Mr. FEINGOLD, Mr. LEVIN, Mr. CHAFEE, and Mr. REID) proposed an amendment to the bill S. 1150, supra; as follows:

On page 6, between lines 23 and 24, insert the following:

(6) the term "intergenerational mentoring program" means a program that—

(A) matches adult mentors, with a particular emphasis on older mentors, with elementary and secondary school age children for the purposes of sharing experience and skills;

(B) is operated by a nonprofit organization or governmental agency;

(C) provides opportunities for older individuals to be involved in the design and operation of the program; and

(D) has established, written mechanisms for screening mentors, orienting mentors and proteges, matching mentors and proteges, and monitoring mentoring relationships;

On page 7, line 4, strike "(7)" and insert "(8)".

On page 7, line 9, strike "(8)" and insert "(9)".

On page 7, line 15, strike "(9)" and insert "(10)".

On page 7, line 20, strike "(10)" and insert "(11)".

On page 7, line 23, strike "(11)" and insert "(12)".

On page 8, line 3, strike "(12)" and insert "(13)".

On page 8, line 5, strike "(13)" and insert "(14)".

On page 8, line 8, strike "(14)" and insert "(15)".

On page 80, line 2, insert "intergenerational mentoring programs," after "agencies,".

On page 90, line 10, strike "and".

On page 90, between lines 10 and 11, insert the following:

(I) supporting intergenerational mentoring programs; and

On page 90, line 11, strike "(I)" and insert "(J)".

GRASSLEY (AND OTHERS) AMENDMENT NO. 1388

Mr. GRASSLEY (for himself, Mr. THURMOND, Mr. BURNS, Mr. WALLOP, Mr. MACK, Mr. NICKLES, Mr. FAIRCLOTH, and Mr. HELMS) proposed an amendment to the bill S. 1150, supra; as follows:

At the end of title IV, insert the following:

SEC. . PROHIBITION.

(a) IN GENERAL.—No funds shall be made available under this Act to any State edu-

cational agency, local educational agency, or school—

(1) that directly or indirectly engages in surveying, analyzing, evaluating, or any other activity relating to, the personal values, attitudes, beliefs, or sexual behavior of a student without the written consent of—

(A) in the case of a student who is an adult or an emancipated minor, such student (hereafter in this section referred to as an "adult student"); or

(B) in the case of a student who is an unemancipated minor, such student's parent or guardian (hereafter in this section referred to as a "parent" or "guardian"),

after such adult student, parent, or guardian has been informed of the purpose of such survey, analysis, evaluation or activity;

(2) unless the parent or guardian is given access to any curriculum, materials, or information regarding activities relevant to the development or assessment of personal values, attitudes, beliefs, or sexual behavior or a student prior to the implementation of such curriculum, use of such materials, or occurrence of such activities;

(3) that fails to ensure that an adult student, parent or guardian—

(A) is given written notice of their rights under this section; and

(B) is provided with an opportunity for a hearing, in accordance with regulations promulgated by the Secretary, to enforce paragraph (1) or (2).

(b) ENFORCEMENT.—The Secretary shall take such action as the Secretary determines appropriate to enforce this section, except that action to terminate assistance provided under this Act shall be taken only if the Secretary determines that—

(1) there has been a failure to comply with such section; and

(2) compliance with such section cannot be secured by voluntary means.

(c) OFFICE AND REVIEW BOARD.—The Secretary shall establish or designate an office and review board within the Department of Education to investigate, process, review, and adjudicate violations of the rights established under this section.

MACK AMENDMENT NO. 1389

Mr. MACK proposed an amendment to the bill S. 1150, supra; as follows:

On page 5, strike all beginning with line 24 through page 8, line 11, and insert the following:

(1) the term "Governor" means the chief executive of the State;

(2) the term "local educational agency" has the meaning given such term in section 1471 of the Elementary and Secondary Education Act of 1965;

(3) the term "Secretary" means the Secretary of Education; and

(4) the term "State" means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

On page 64, line 13 through 22, and insert the following:

(3) the most effective way to achieve meaningful school reform and innovation is to empower parents, students, teachers, principals and local educational agencies;

On page 64, line 23, strike "(5)" and insert "(4)".

On page 64, line 24, strike "and States".

On page 65, line 1 and 2, strike "through comprehensive, coherent, and coordinated improvement".

On page 65, line 3, strike "(6)" and insert "(5)".

On page 65, strike lines 8 through 11.

On page 65, line 12, strike "(8)" and insert "(6)".

On page 65, line 14, strike "other" and insert "their".

On page 65, beginning with line 16, strike all through page 66, line 3.

On page 66, line 4, strike "(11)" and insert "(7)".

On page 66, line 8, strike "(12)" and insert "(8)".

On page 6, line 20, strike "(13)" and insert "(9)".

On page 6, line 24, strike "(14)" and insert "(10)".

On page 66, line 25, strike "State and local initiatives, and to leverage State" and insert "local initiatives, and to leverage".

On page 66, line 7, strike "and local" and insert "local".

On page 67, strike lines 7 through 9, and insert the following:

to improve the system of education at the local level throughout our Nation;

On page 68, strike all beginning with line 1 through page 115, line 6, and insert the following:

SEC. 304. DISTRIBUTION OF FUNDS.

(a) GRANTS TO LOCAL EDUCATIONAL AGENCIES.—From amounts appropriated pursuant to the authority of section 303 in each fiscal year, the Secretary shall award grants to each local educational agency designated, in accordance with subsection (b), to receive a grant under this section for such year.

(b) GOVERNOR'S DESIGNATION.—

(1) IN GENERAL.—The Governor of each State desiring local educational agencies within the State to receive a grant under this section for a fiscal year shall submit to the Secretary a list of such agencies that the Governor designates to receive a grant under this section for such year. The Governor shall submit such list at such time, in such manner and containing such information as the Secretary may reasonably require.

(2) NUMBER.—The Governor of each State shall designate not more than 20 percent of the local educational agencies within the State to receive a grant under this section for any fiscal year, except that for fiscal year 1998 the Governor may designate more than 20 percent of such agencies in order to ensure that each such agency receives a grant under this section by the end of fiscal year 1998.

(c) AWARD RULE.—No local educational agency shall receive a grant under this section for more than 1 fiscal year.

(d) GRANT AMOUNT.—The Secretary shall award a grant to each local educational agency designated for receipt of a grant under this section in a fiscal year in an amount that bears the same relationship to the amount appropriated pursuant to the authority of section 303 for such year as the number of local educational agencies designated to receive a grant under this section for such year bears to the total number of all such agencies so designated for such year.

HELMS AMENDMENT NO. 1390

Mr. HELMS proposed an amendment to the bill S. 1150, supra; as follows:

At the appropriate place, add the following:

"SEC. . PROHIBITION.

(a) IN GENERAL.—None of the funds made available under this Act, or any other Federal law, shall be used by the Department of Education or the Department of Health and Human Services to support or promote, directly or indirectly, the distribution or provision of condoms or other contraceptive devices or drugs, or to provide prescriptions for such contraceptive devices or drugs, to an unemancipated minor without the prior written consent of such minor's parent or guardian.

(b) DEFINITION.—For the purpose of this section the term 'unemancipated minor' means an unmarried individual who is 17 years of age or younger and is a dependent as defined in section 152 of the Internal Revenue Code of 1986.".

BYRD (AND EXON) AMENDMENTS NOS. 1391–1392

Mr. BYRD (for himself and Mr. EXON) proposed two amendments to the bill S. 1150, supra; as follows:

AMENDMENT NO. 1391

On page 76, strike line 24, and insert the following: "described in title I by improving teaching and learning and students' mastery of basic and advanced skills to achieve a higher level of learning and academic accomplishment in English, math, science, history, geography, foreign languages and the arts, civics, government, economics, physics, and other core curricula.".

AMENDMENT NO. 1392

On page 14, line 11, strike all through line 16, and insert the following:

(6) SAFE, DISCIPLINED, AND ALCOHOL- AND DRUG-FREE SCHOOLS.—

(A) GOAL.—By the year 2000, every school in the United States will be free of drugs, alcohol, and violence and will offer a disciplined environment conducive to learning.

KENNEDY (AND JEFFORDS) AMENDMENT NO. 1393

Mr. KENNEDY (for himself and Mr. JEFFORDS) proposed an amendment to the bill S. 1150, supra; as follows:

At an appropriate place in the bill, insert the following:

The Department of Health and Human Services and the Department of Education shall ensure that all federally funded programs which provide for the distribution of contraceptive devices to unemancipated minors develop procedures to encourage, to the extent practical, family participation in such programs.

LEVIN (AND BOXER) AMENDMENT NO. 1394

Mr. LEVIN (for himself and Mrs. BOXER) proposed an amendment to the bill S. 1150, supra; as follows:

Insert in the appropriate place in the bill the following:

"Notwithstanding any other provision of this act, no funds made available through the Department of Education under this Act, or any other Act, shall be denied to any State or local educational agency because it has adopted a constitutional policy relative to prayer in public school."

KENNEDY (AND OTHERS) AMENDMENT NO. 1395

Mr. KENNEDY (for himself, Mr. PELL, Mrs. KASSEBAUM, and Mr. JEFFORDS) proposed an amendment to the bill S. 1150, supra; as follows:

On page 24, strike lines 18 through 23, and insert the following:

(d) GIFTS; USE OF FACILITIES.—The Goals Panel may—

(1) accept, administer, and utilize gifts or donations of services, money, or property, whether real or personal, tangible or intangible; and

(2) 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.

On page 27, line 18, strike all beginning with "that" through page 27, line 20, and insert a period.

On page 27, line 24, insert ", including the needs of children with disabilities" after "needs".

On page 28, line 2, insert "including norm-referenced assessments and assessment formats that are appropriate for use in culturally and linguistically diverse communities," after "assessments,".

On page 29, line 5, strike "and" and insert "standards and challenging State".

On page 36, line 17, strike "and" and insert "standards and challenging State".

On page 46, strike lines 14 through 19, and insert the following:

(d) GIFTS; USE OF FACILITIES.—The Council may—

(1) accept, administer, and utilize gifts or donations of services, money, or property, whether real or personal, tangible or intangible; and

(2) 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.

On page 54, line 9, insert "representatives of a distance learning consortia," after "technology,".

On page 54, line 23, strike "and" and insert "standards and challenging State".

On page 56, line 21, strike "and".

On page 56, between lines 21 and 22, insert the following:

(F) how the Secretary will utilize the outcome of the evaluation undertaken pursuant to section 908 of the Star Schools Program Assistance Act to promote the purposes of this part; and

On page 56, line 22, strike "(F)" and insert "(G)".

On page 58, line 11, strike "and" and insert "standards and challenging State".

On page 60, line 13, strike "and challenging State content and" and insert ", challenging State content standards and challenging State".

On page 63, line 20, strike "218" and insert "219".

On page 66, line 21, insert ", including distance learning," before "can".

On page 72, lines 23-24, strike the words "fundamental restructuring and".

On page 77, line 4, strike "and" and insert "standards and challenging State".

On page 77, line 11, strike "and" and insert "standards and challenging State".

On page 77, line 16, strike "and" and insert "standards and challenging State".

On page 80, line 9, strike "and" and insert "standards and challenging State".

On page 83, line 14, strike "and" and insert "standards and challenging State".

On page 88, line 7, strike "and" and insert "standards, challenging State".

On page 90, line 2, strike "and" and insert "standards and challenging State".

On page 100, line 11, strike "State content or" and insert "challenging State content standards or challenging State".

On page 101, lines 9 and 10, strike "upon application of a State educational agency requesting such a waiver".

On page 102, strike lines 8 through 11, and insert the following:

(2) APPLICATION.—(A)(i) To request a waiver, a local educational agency or school that receives funds under this Act, or a local educational agency or school that does not receive funds under this Act but is undertaking school reform efforts and has an education reform plan approved by the State, shall transmit an application for a waiver under this section to the State educational agency. The State educational agency then shall submit approved applications for a waiver under this section to the Secretary.

(ii) A State educational agency requesting a waiver under this section shall submit an application for such waiver to the Secretary.

(B) Each application submitted to the Secretary under subparagraph (A) shall—

(i) describe the purposes and overall expected outcomes of the request for a waiver and how progress for achieving such outcomes will be measured;

(ii) identify each Federal program to be involved in the request for a waiver and each Federal statutory or regulatory requirement to be waived;

(iii) describe each State and local requirement that will be waived; and

(iv) demonstrate that the State has made a commitment to waive related requirements pertaining to the State educational agency, local educational agency or school.

(3) TIMELINESS.—The Secretary shall act promptly on a waiver request and shall provide a written statement of the reasons for granting or denying such request.

(4) DURATION.—

On page 104, between lines 12 and 13, insert the following:

(e) RESULTS-ORIENTED ACCOUNTABILITY.—In deciding whether to extend a request for a waiver under this section the Secretary shall review the progress of the State educational agency, local educational agency or school receiving a waiver to determine if such agency or school has made progress toward achieving the outcomes described in the application submitted pursuant to subsection (a)(2)(B)(i).

On page 105, line 3, strike "describing" and insert "describing—".

On page 105, strike line 4.

On page 105, line 5, insert "the activities assisted under, and outcomes of," before "grants".

On page 105, strike lines 14 through 17, and insert the following:

disabilities;

(2) the activities assisted under, and outcomes of, allotments under this title; and

(3) the effect of waivers granted under section 311, including—

(A) a listing of all State educational agencies, local educational agencies and schools seeking and receiving waivers;

(B) a summary of the State and Federal statutory or regulatory requirements that have been waived, including the number of waivers sought and granted under each such statutory or regulatory requirement;

(C) a summary of waivers that have been terminated, including a rational for the terminations; and

(D) recommendations to the Congress regarding changes in statutory or regulatory requirements, particularly those actions that should be taken to overcome Federal statutory or regulatory impediments to education reform.

On page 115, between lines 20 and 21, insert the following:

SEC. . NATIONAL BOARD FOR PROFESSIONAL TEACHING STANDARDS.

Section 551 of the Higher Education Act of 1965 (20 U.S.C. 1107 is amended—

(1) in paragraph (1) of subsection (b), by striking "the Federal share of";

(2) in subparagraph (B) of subsection (e)(1), by striking "share of the cost of the activities of the Board is" and inserting "contributions described in subsection (f) are"; and

(3) by amending subsection (f) to read as follows:

"(f) MATCHING FUNDS REQUIREMENT.—

"(1) IN GENERAL.—The Secretary shall not provide financial assistance under this subpart to the Board unless the Board agrees to expand non-Federal contributions equal to $1 for every $1 of the Federal funds provided pursuant to such financial assistance.

"(2) NON-FEDERAL CONTRIBUTIONS.—The non-Federal contributions described in paragraph (1)—

"(A) may include all non—Federal funds raised by the Board on or after January 1, 1987; and

"(B) may be used for outreach, implementation, administration, operation, and other costs associated with the development and implementation of national teacher assessment and certification procedures under this subpart.".

SEC. . FORGIVENESS OF CERTAIN OVERPAYMENTS

(a) IN GENERAL.—Nothwithstanding section 1401 of the Elementary and Secondary Education Act of 1965 or any other provision of law—

(1) the allocation of funds appropriated for fiscal year 1993 under the Department of Education Appropriations act, 1993, to Colfax County, New Mexico under section 1005 of the Elementary and Secondary education Act of 1965, and any other allocations or grants for such fiscal year resulting from such allocation to such county under program administered by the Secretary of Education shall be deemed to the authorized by law; and

(2) in any program for which allocations are based on fiscal year 1993 allocations under section 1005 of such Act, the fiscal year 1993 allocations under such section deemed to be authorized by law in accordance with paragraph (1) shall be used.;

(b) Notwithstanding subsection (a)(1) of this section, in carrying out section 1403(a) of the Elementary and Secondary Education Act of 1965 for fiscal year 1994, the amount allocated to Colfax County, New Mexico under section 1005 of such Act for fiscal year 1993 shall be deemed to be the amount that the Secretary determines would have been allocated under such section 1005 had the correct data been used for fiscal year 1993.

DOLE (AND HARKIN) AMENDMENT NO. 1396

Mr. KENNEDY (for Mr. DOLE for himself and Mr. HARKIN) proposed an amendment to the bill S. 1150, supra; as follows:

At the appropriate place, insert the following new section:

SEC. . STUDY OF GOALS 2000 AND STUDENTS WITH DISABILITIES.

(a) STUDY REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the

Secretary of Education shall make appropriate arrangements with the National Academy of Sciences to conduct a comprehensive study of the inclusion of children with disabilities in GOALS 2000 school reform activities.

"(2) DEFINITION.—For purposes of this section, the term "children with disabilities" has the same meaning given such in the Individuals with Disabilities Education Act.

(b) STUDY COMPONENTS.—The study conducted under subsection (a) shall include—

(1) an evaluation of the National Education Goals and objectives, curriculum reforms, standards, and other programs and activities intended to achieve those goals;

(2) a review of the adequacy of assessments and measures used to gauge progress towards meeting National Education Goals and any national and State standards, and an examination of other methods or accommodations necessary or desirable to collect data on the educational progress of children with disabilities, and the costs of such methods and accommodations;

(3) an examination of what incentives or assistance might be provided to States to develop improvement plans that adequately address the needs of children with disabilities;

(4) the relation of GOALS 2000 to other Federal laws governing or affecting the education of children with disabilities; and

(5) such other issues as the National Academy of Sciences considers appropriate.

(c) STUDY PANEL MEMBERSHIP.—Any panel constituted in furtherance of the study to be conducted under subsection (a) shall include consumer representatives.

(d) FINDINGS AND RECOMMENDATIONS.—The Secretary of Education shall request the National Academy of Sciences to submit an interim report of its findings and recommendations to the President and Congress not later than 12 months, and a final report not later than 24 months, from the date of the completion of procurement relating to the study.

(e) FUNDING.—From such accounts so the Secretary deems appropriate, the Secretary shall make available $600,000 for fiscal year 1994, and such sums as may be necessary for fiscal year 1995, to carry out this section. Amounts made available under this subsection shall remain available until expended.

DANFORTH AMENDMENT NO. 1397

Mr. KENNEDY (for Mr. DANFORTH) proposed an amendment to the bill, S. 1150, supra; as follows:

On page 73, line 21, insert "private, nonprofit elementary and secondary schools," before "local".

On page 74, line 2, insert "and the representative of a private, nonprofit elementary and secondary school described in paragraph (1)(D)" after "panel".

CHAFEE AMENDMENT NO 1398

Mr. KENNEDY (for Mr. CHAFEE) proposed an amendment to the bill, S. 1150, supra; as follows:

On page 14, line 14, insert ", firearms," after "drugs" and before "and".

LEVIN AMENDMENT NO. 1399

Mr. KENNEDY (for Mr. LEVIN) proposed an amendment to the bill, S. 1150, supra; as follows:

On page 89, between lines 10 and 11, insert the following:

(E) supporting innovative and proven methods of enhancing a teacher's ability to identify student learning needs, and motivating students to develop higher order thinking skills, discipline, and creative resolution methods, including significantly reducing class size and promoting instruction in chess;

On page 89, line 11, strike "(E)" and insert "(F)".

On page 89, line 14, strike "(F)" and insert "(G)".

On page 89, line 19, strike "(G)" and insert "(H)".

On page 90, line 4, strike "(H)" and insert "(I)".

On page 90, line 11, strike "(I)" and insert "(J)".

DOMENICI AMENDMENT NO. 1400

Mr. KENNEDY (for Mr. DOMENICI) proposed an amendment to the bill, S. 1150, supra; as follows:

On page 37, line 8, insert "In carrying out the preceding sentence the Council and the working group are authorized to consider proposals for voluntary national opportunity-to-learn standards from groups other than those that receive grants under section 218." 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".

DOMENICI AMENDMENT NO. 1401

Mr. KENNEDY (for Mr. DOMENICI) proposed an amendment to the bill, S. 1150; supra as follows:

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 and 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 members of the Goals Panel who are present and voting.

MOSELEY-BRAUN AMENDMENT NO. 1402

Mr. KENNEDY (for Ms. MOSELEY-BRAUN) proposed an amendment 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)".

KENNEDY (AND OTHERS) AMENDMENT NO. 1403

Mr. KENNEDY (for himself, Mr. PELL, and Mr. HATFIELD) proposed an amendment to the bill S. 1150, supra; as follows:

On page 16, between lines 15 and 16, insert the following:

(8) TEACHER EDUCATION AND PROFESSIONAL DEVELOPMENT.—

(A) GOAL.—By the year 2000, the Nation's teaching force will have access to programs for the continued improvement of their professional skills and the opportunity to acquire the knowledge and skills needed to instruct and prepare all American students for the next century.

(B) OBJECTIVES.—The objectives for the goal established under subparagraph (A) are that—

(i) all teachers will have access to preservice teacher education and continuing professional development activities that will provide such teachers with the knowledge and skills needed to teach to an increasingly diverse student population with a variety of educational, social, and health needs;

(ii) all teachers will have continuing opportunities to acquire additional knowledge and skills needed to teach challenging subject matter and to use emerging new methods, forms of assessment, and technologies;

(iii) States and school districts will create integrated strategies to attract, recruit, prepare, retrain, and support the continued professional development of teachers, administrators, and other educators, so that there is a highly talented work force of professional educators to teach challenging subject matter; and

(iv) partnerships will be established, whenever possible, among local educational agencies, institutions of higher education, parents, and local labor, business, and professional associations to provide and support programs for the professional development of educators.

BURNS AMENDMENT NO. 1404

Mr. KENNEDY (for Mr. BURNS) proposed an amendment to the bill S. 1150, supra; as follows:

On page 115, line 17, strike "and".

On page 115, line 20, strike the period and insert "; and".

(3) to mandate any curriculum framework, instructional material, examination, assessment or system of assessments for home schools.

LAUTENBERG AMENDMENT NO. 1405

Mr. KENNEDY (for Mr. LAUTENBERG) proposed an amendment to the bill S. 1150, supra; as follows:

At the end of the bill, add the following new title:

TITLE VI—ENVIRONMENTAL TOBACCO SMOKE

SEC. 601. SHORT TITLE.

This title may be cited as the "Preventing Our Kids From Inhaling Deadly Smoke (PRO-KIDS) Act of 1993".

SEC. 602. FINDINGS.

Congress finds that—

(1) environmental tobacco smoke comes from secondhand smoke exhaled by smokers

and sidestream smoke emitted from the burning of cigarettes, cigars, and pipes;

(2) since citizens of the United States spend up to 90 percent of each day indoors, there is a significant potential for exposure to environmental tobacco smoke from indoor air;

(3) exposure to environmental tobacco smoke occurs in schools, public buildings, and other indoor facilities;

(4) recent scientific studies have concluded that exposure to environmental tobacco smoke is a cause of lung cancer in healthy nonsmokers and is responsible for acute and chronic respiratory problems and other health impacts in sensitive populations (including children);

(5) the health risks posed by environmental tobacco smoke exceed the risks posed by many environmental pollutants regulated by the Environmental Protection Agency; and

(6) according to information released by the Environmental Protection Agency, environmental tobacco smoke results in a loss to the economy of over $3,000,000,000 per year.

SEC. 603. DEFINITIONS.

As used in this title:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) CHILDREN.—The term "children" means individuals who have not attained the age of 18.

(3) CHILDREN'S SERVICES.—The term "children's services" means services that are—

(A)(i) direct health services routinely provided to children; or

(ii) any other direct services routinely provided primarily to children, including educational services; and

(B) funded, directly or indirectly, in whole or in part, by Federal funds (including in-kind assistance).

(4) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

SEC. 604. NONSMOKING POLICY FOR CHILDREN'S SERVICES.

(a) ISSUANCE OF GUIDELINES.—Not later than 180 days after the date of enactment of this Act, the Administrator shall issue guidelines for instituting and enforcing a nonsmoking policy at each indoor facility where children's services are provided.

(b) CONTENTS OF GUIDELINES.—A nonsmoking policy that meets the requirements of the guidelines shall, at a minimum, prohibit smoking in each portion of an indoor facility where children's services are provided that is not ventilated separately (as defined by the Administrator) from other portions of the facility.

SEC. 605. TECHNICAL ASSISTANCE.

(a) IN GENERAL.—The Administrator and the Secretary shall provide technical assistance to persons who provide children's services and other persons who request technical assistance.

(b) ASSISTANCE BY THE ADMINISTRATOR.—The technical assistance provided by the Administrator under this section shall include information to assist persons in compliance with the requirements of this title.

(c) ASSISTANCE BY THE SECRETARY.—The technical assistance provided by the Secretary under this section shall include information for employees on smoking cessation programs and on smoking and health issues.

SEC. 606. FEDERALLY FUNDED PROGRAMS.

(a) IN GENERAL.—Notwithstanding any other provision of law, each person who provides children's services shall establish and make a good-faith effort to enforce a nonsmoking policy that meets or exceeds the requirements of subsection (b).

(b) NONSMOKING POLICY.—

(1) GENERAL REQUIREMENTS.—A nonsmoking policy meets the requirements of this subsection if the policy—

(A) is consistent with the guidelines issued under section 604(a);

(B) prohibits smoking in each portion of an indoor facility used in connection with the provision of services directly to children; and

(C) where appropriate, requires that signs stating that smoking is not permitted be posted in each indoor facility to communicate the policy.

(2) PERMISSIBLE FEATURES.—A nonsmoking policy that meets the requirements of this subsection may allow smoking in those portions of the facility—

(A) in which services are not normally provided directly to children; and

(B) that are ventilated separately from those portions of the facility in which services are normally provided directly to children.

(c) WAIVER.—

(1) IN GENERAL.—A person described in subsection (a) may publicly petition the head of the Federal agency from which the person receives Federal funds (including financial assistance) for a waiver from any or all of the requirements of subsection (b).

(2) CONDITIONS FOR GRANTING A WAIVER.—Except as provided in paragraph (3), the head of the Federal agency may grant a waiver only—

(A) after consulting with the Administrator, and receiving the concurrence of the Administrator;

(B) after giving an opportunity for public hearing (at the main office of the Federal agency or at any regional office of the agency) and comment; and

(C) if the person requesting the waiver provides assurances that are satisfactory to the head of the Federal agency (with the concurrence of the Administrator) that—

(i) unusual extenuating circumstances prevent the person from establishing or enforcing the nonsmoking policy (or a requirement under the policy) referred to in subsection (b) (including a case in which the person shares space in an indoor facility with another entity and cannot obtain an agreement with the other entity to abide by the nonsmoking policy requirement) and the person will establish and make a good-faith effort to enforce an alternative nonsmoking policy (or alternative requirement under the policy) that will protect children from exposure to environmental tobacco smoke to the maximum extent possible; or

(ii) the person requesting the waiver will establish and make a good-faith effort to enforce an alternative nonsmoking policy (or alternative requirement under the policy) that will protect children from exposure to environmental tobacco smoke to the same degree as the policy (or requirement) under subsection (b).

(3) SPECIAL WAIVER.—

(A) IN GENERAL.—On receipt of an application, the head of the Federal agency may grant a special waiver to a person described in subsection (a) who employs individuals who are members of a labor organization and provide children's services pursuant to a collective bargaining agreement that—

(i) took effect before the date of enactment of this Act; and

(ii) includes provisions relating to smoking privileges that are in violation of the requirements of this section.

(B) TERMINATION OF WAIVER.—A special waiver granted under this paragraph shall terminate on the earlier of—

(i) the first expiration date (after the date of enactment of this Act) of the collective bargaining agreement containing the provisions relating to smoking privileges; or

(ii) the date that is 1 year after the date specified in subsection (f).

(d) CIVIL PENALTIES.—

(1) IN GENERAL.—Any person subject to the requirements of this section who fails to comply with the requirements shall be liable to the United States for a civil penalty in an amount not to exceed $1,000 for each violation, but in no case shall the amount be in excess of the amount of Federal funds received by the person for the fiscal year in which the violation occurred for the provision of children's services. Each day a violation continues shall constitute a separate violation.

(2) ASSESSMENT.—A civil penalty for a violation of this section shall be assessed by the head of the Federal agency that provided Federal funds (including financial assistance) to the person (or if the head of the Federal agency does not have the authority to issue an order, the appropriate official) by an order made on the record after opportunity for a hearing in accordance with section 554 of title 5, United States Code. Before issuing the order, the head of the Federal agency (or the appropriate official) shall—

(A) give written notice to the person to be assessed a civil penalty under the order of the proposal to issue the order; and

(B) provide the person an opportunity to request, not later than 15 days after the date of receipt of the notice, a hearing on the order.

(3) AMOUNT OF CIVIL PENALTY.—In determining the amount of a civil penalty under this subsection, the head of the Federal agency (or the appropriate official) shall take into account—

(A) the nature, circumstances, extent, and gravity of the violation;

(B) with respect to the violator, the ability to pay, the effect of the penalty on the ability to continue operation, any prior history of the same kind of violation, the degree of culpability, and a demonstration of willingness to comply with the requirements of this title; and

(C) such other matters as justice may require.

(4) MODIFICATION.—The head of the Federal agency (or the appropriate official) may compromise, modify, or remit, with or without conditions, any civil penalty that may be imposed under this subsection. The amount of the penalty as finally determined or agreed upon in compromise may be deducted from any sums that the United States owes to the person against whom the penalty is assessed.

(5) PETITION FOR REVIEW.—A person who has requested a hearing concerning the assessment of a penalty pursuant to paragraph (2) and is aggrieved by an order assessing a civil penalty may file a petition for judicial review of the order with the United States Court of Appeals for the District of Columbia Circuit or for any other circuit in which the person resides or transacts business. The petition may only be filed during the 30-day period beginning on the date of issuance of the order making the assessment.

(6) FAILURE TO PAY.—If a person fails to pay an assessment of a civil penalty—

(A) after the order making the assessment has become a final order and without filing a petition for judicial review in accordance with paragraph (5); or

(B) after a court has entered a final judgment in favor of the head of the Federal agency (or appropriate official),

the Attorney General shall recover the amount assessed (plus interest at then currently prevailing rates from the last day of the 30-day period referred to in paragraph (5) or the date of the final judgment, as the case may be) in an action brought in an appropriate district court of the United States. In the action, the validity, amount, and appropriateness of the penalty shall not be subject to review.

(e) EXEMPTION.—This section shall not apply to a person who provides children's services who—

(1) has attained the age of 18;

(2) provides children's services—

(A) in a private residence; and

(B) only to children who are, by affinity or consanguinity, or by court decree, a grandchild, niece, or nephew of the provider; and

(3) is registered and complies with any State requirements that govern the children's services provided.

(f) EFFECTIVE DATE.—This section shall take effect on the first day of the first fiscal year beginning after the date of enactment of this Act.

SEC. 607. REPORT BY THE ADMINISTRATOR.

Not later than 2 years after the date of enactment of this Act, the Administrator shall submit a report to Congress that includes—

(1) information concerning the degree of compliance with this title; and

(2) an assessment of the legal status of smoking in public places.

SEC. 608. PREEMPTION.

Nothing in this title is intended to preempt any provision of law of a State or political subdivision of a State that is more restrictive than a provision of this title.

BINGAMAN (AND OTHERS) AMENDMENT NO. 1406

Mr. KENNEDY (for Mr. BINGAMAN for himself, Mr. KENNEDY, and Mr. COCHRAN) proposed an amendment to the bill, S. 1150, supra; as follows:

On page 5, line 17, strike "and".

On page 5, line 21, strike the period and insert "; and".

On page 5, between lines 21 and 22, insert the following:

(F) promoting the use of technology to enable all students to achieve the National Education Goals.

On page 6, between lines 23 and 24, insert the following:

(6) the terms "interoperable" and "interoperability" refers to the ability to easily exchange data with, and connect to, other hardware and software in order to provide the greatest accessibility for all students".

On page 6, line 24, strike "(6)" and insert "(7)".

On page 7, line 4, strike "(7)" and insert "(8)".

On page 7, line 9, strike "(8)" and insert "(9)".

On page 7, line 15, strike "(9)" and insert "(10)".

On page 7, between lines 19 and 20, insert the following:

(11) the term "public telecommunication entity" has the same meaning given to such term in section 397(12) of the Communications Act of 1934;

On page 7, line 20, strike "(10)" and insert "(12)".

On page 7, line 23, strike "(11)" and insert "(13)".

On page 8, line 3, strike "(12)" and insert "(14)".

On page 8, line 5, strike "(13)" and insert "(15)".

On page 8, line 7, strike "and".

On page 8, line 8, strike "(14)" and insert "(16)".

On page 8, line 11, strike the period and insert "; and".

On page 8, between lines 11 and 12, insert the following:

(17) the term "technology" means the latest state-of-the-art technology products and services, such as closed circuit television systems, educational television or radio programs, cable television, satellite, copper and fiber optic transmission, computer, video and audio laser and CD-ROM disks, and video and audio tapes, or other technologies.

On page 53, line 2, stride "and".

On page 53, between lines 2 and 3, insert the following:

(7) to promote the effective uses of technology in existing Federal education programs, such as chapter 1 of title I of the Elementary and Secondary Education Act of 1965 and vocational education programs; and

On page 53, line 3, strike "(7) to monitor" and insert "(8) to monitor, and disseminate information regarding,".

On page 53, line 12, insert "the Office of Science and Technology Policy," after "with".

On page 53, line 13, insert "the Department of Energy, the National Aeronautics and Space Administration," after "Commerce,".

On page 54, line 1, strike "to".

On page 54, line 2, strike "carry" and insert "that supports the overall national technology policy and carries".

On page 55, line 1, insert "in support of the overall national technology policy" after "activities".

On page 55, line 2, insert "the Office of Science and Technology Policy," after "as".

On page 57, line 14, insert "The Director of Educational Technology shall report directly to the Secretary and shall perform such additional functions as the Secretary may prescribe." after "Technology.".

On page 58, strike lines 3 through 17, and insert the following:

"(1) in support of the overall national technology policy and 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 challenging State student performance standards;

"(2) review all programs and training functions administered by the Department and recommend policies in order to promote increased use of technology and technology planning throughout all such programs and functions;

"(3) review all relevant programs supported by the Department to ensure that such programs are coordinated with and support the national longrange technology plan developed pursuant to this Act; and

"(4) perform such additional functions as the Secretary may require.

On page 58, line 25, strike the end quotation marks and the second period.

On page 58, after line 25, insert the following:

"(d) EXPERTS AND CONSULTANTS.—The Secretary may obtain the services of experts and consultants in accordance with section 3109 of title 5, United States Code.".

On page 59, line 1 renumber (2) to (c).

On page 60, line 24, insert "giving priority to research on, and evaluation of, such effectiveness and benefits in elementary and secondary schools" after "education".

On page 60, after line 24, insert the following:

(10) a biannual assessment of, and report to the public regarding, the uses of technology in elementary and secondary education throughout the United States upon which private businesses and Federal, State and local governments may rely for decision-making about the need for, and provision of, appropriate technologies in schools, which assessment and report shall use, to the extent possible, existing information and resources;

On page 61, line 1, strike "(10)" and insert "(11)".

On page 61, line 4, strike "(11)" and insert "(12)".

On page 61, line 5, strike "and".

On page 61, between lines 5 and 6, insert the following:

(13) encouraging collaboration between the Department of Education and other Federal agencies in the development, implementation, evaluation and funding of applications of technology for education, as appropriate; and

On page 61, line 6, strike "(12)" and insert "(14)".

On page 110, strike lines 4 through 7, and insert the following:

(a) PURPOSE.—It is the purpose of this section to assist each State to plan effectively for improved student learning in all schools through the use of technology as an integral part of the State improvement plan described in section 306.

On page 110, line 13, insert "(or continue the development of)" after "develop".

On page 111, strike lines 20 through 23, and insert the following:

cost-effective, high-speed, statewide, interoperable, wide-area-communication educational technology support system for elementary and secondary schools within the State, particularly for such schools in rural areas; and

On page 112, line 19, insert "public and school libraries," after "parents".

On page 112, lines 23 and 24, strike "necessary".

On page 112, line 25, insert "and school library" after "classroom".

On page 113, between lines 11 and 12, insert the following:

(6) describe the resources necessary, and procedures, for providing ongoing technical assistance to carry out such plan;

On page 113, line 12, strike "(6)" and insert "(7)".

On page 113, line 15, strike "(7)" and insert "(8)".

On page 113, line 19, strike "(8)" and insert "(9)".

On page 113, line 23, strike "(9)" and insert "(10)".

On page 114, line 3, strike "(10)" and insert "(11)".

On page 114, line 8, strike "(11)" and insert "(12)".

On page 114, line 10, strike "and".

On page 114, between lines 10 and 11, insert the following:

(13) describe how the State educational agency will apply the uses of technology to meet the needs of children from low-income families; and

On page 114, line 11, strike "(12)" and insert "(13)".

BINGAMAN AMENDMENT NO. 1407

Mr. KENNEDY (for Mr. BINGAMAN) proposed an amendment to the bill S. 1150, supra; as follows:

It is the sense of the Senate that: Because high academic standards are the key to excellence for all students and a focus on results is an important direction for education reform, it is the sense of the Senate that states should develop their own content and performance standards in academic subject areas as an essential part of their state reform plan.

STEVENS AMENDMENT NO. 1408

Mr. KENNEDY (for Mr. STEVENS) proposed an amendment to the bill S. 1150, supra; as follows:

On page 68, line 12, amend Section 304(a)(1) by adding a new subparagraph "(C)" as follows:

"(C) to the Alaska Federation of Natives in cooperation with the Alaska Native Education Council to benefit Alaska Native students; and"

Page 68, line 8, strike "and".

PELL AMENDMENT NO. 1409

Mr. KENNEDY (for Mr. PELL) proposed an amendment to the bill, S. 1150, supra; as follows:

In lieu of the matter proposed to be inserted, insert the following:

TITLE ___—EDUCATIONAL RESEARCH AND IMPROVEMENT

SEC. ___01. SHORT TITLE.

This title may be cited as the "Educational Research and Improvement Act of 1993".

PART A—OFFICE OF EDUCATIONAL RESEARCH AND IMPROVEMENT

SEC. ___11. REPEAL.

(a) REPEAL.—Section 405 of the General Education Provisions Act (20 U.S.C. 1221e) is repealed.

(b) CONFORMING AMENDMENT.—The second sentence of section 209 of the Department of Education Organization Act (20 U.S.C. 3419) is amended by inserting "and such functions as set forth in section 102 of the Educational Research and Improvement Act of 1993" after "delegate".

SEC. ___12. OFFICE OF EDUCATIONAL RESEARCH AND IMPROVEMENT.

(a) PURPOSES; COMPOSITION; DEFINITIONS.—

(1) PURPOSES.—The purposes of the Office of Educational Research and Improvement are to—

(A) assess, promote, and improve the quality and equity of education in the United States, so that all Americans have an equal opportunity to receive an education of the highest quality;

(B) provide new directions for federally supported research and development activities with a view toward reform in the Nation's school systems, achieving the National Education Goals and affecting national policy for education;

(C) provide leadership in the scientific inquiry into the educational process;

(D) provide leadership in advancing the practice of education as an art, science, and profession;

(E) collect, analyze, and disseminate statistics and other data related to education in the United States and other nations; and

(F) make available to the Congress and the people of the United States the results of research and development activities in the field of education in order to bring research directly to the classroom to improve educational practice.

(2) COMPOSITION.—

(A) IN GENERAL.—The Office shall be administered by the Assistant Secretary and shall include—

(i) the Advisory Board of Educational Research described in subparagraph (B);

(ii) the directorates for educational research described in subsections (c) through (h);

(iii) the regional educational laboratories described in subsection (k);

(iv) the Office of Dissemination and Reform Assistance described in subsection (m);

(v) the National Education Library described in subsection (o);

(vi) the Education Resources Information Clearinghouses described in subsection (p);

(vii) the National Center for Education Statistics, including the National Assessment of Educational Progress; and

(viii) such other entities as the Assistant Secretary deems appropriate to carry out the purposes of the Office.

(B) ADVISORY BOARD OF EDUCATIONAL RESEARCH.—

(i) ADVISORY BOARD OF EDUCATIONAL RESEARCH.—The Advisory Board of Educational Research shall consist of 9 members to be appointed by the Secretary. The Assistant Secretary shall serve as an ex officio member.

(ii) QUALIFICATIONS.—

(I) IN GENERAL.—The persons appointed as members of the Advisory Board shall be appointed solely on the basis of—

(aa) eminence in the fields of basic or applied research, or dissemination of such research; or

(bb) established records of distinguished service in educational research and the education professions, including practitioners.

(II) CONSIDERATION.—In making appointments under this clause, the Secretary shall give due consideration to the equitable representation of educational researchers who—

(aa) are women;

(bb) represent minority groups; or

(cc) are classroom teachers with research experience.

(III) RECOMMENDATIONS.—In making appointments under this clause, the Secretary shall give due consideration to any recommendations for an appointment which may be submitted to the Secretary by a variety of groups with prominence in educational research and development, including the National Academy of Education and the National Academy of Sciences.

(IV) A member of the Advisory Board may not serve on any other Department of Education advisory board, or as a paid consultant of such Department.

(iii) TERM.—(I) The term of office of each member of the Advisory Board shall be 6 years, except that initial appointments shall be made to ensure staggered terms, with one-third of such members' terms expiring every 2 years. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall be appointed for the remainder of such term. Any person, other than the Assistant Secretary, who has been a member of the Advisory Board for 12 consecutive years shall thereafter be ineligible for appointment during the 6-year period following such twelfth year.

(II) PROHIBITION REGARDING REMOVAL.—The Secretary shall neither remove nor encourage the departure of a member of the Advisory Board appointed in accordance with this subparagraph before the expiration of such member's term.

(III) CHAIRPERSON.—The members of the Advisory Board shall select a Chairperson from among such members.

(IV) QUORUM.—A majority of the appointed members of the Advisory Board shall constitute a quorum.

(V) STAFF.—From amounts appropriated pursuant to the authority of subsection (q)(1)(A), the Advisory Board, in consultation with the Assistant Secretary, shall recommend for appointment such staff as may be necessary. Such staff shall be appointed by the Assistant Secretary and assigned at the direction of the Advisory Board.

(iv) RESPONSIBILITIES.—The Advisory Board shall provide oversight of the Office, and shall—

(I) advise the Nation on the Federal research and development effort;

(II) recommend ways for strengthening active partnerships among researchers, educational practitioners, librarians, and policymakers;

(III) recommend ways to strengthen interaction and collaboration between the various program offices and components;

(IV) solicit advice and information from the educational field, to define research needs and suggestions for research topics, and shall involve educational practitioners, particularly teachers, in this process;

(V) solicit advice from practitioners, policymakers, and researchers, and recommend missions for the national research centers assisted under this section by identifying topics which require long-term, sustained, systematic, programmatic, and integrated research and dissemination efforts;

(VI) provide recommendations for translating research findings into workable, adaptable models for use in policy and in practice across different settings, and recommendations for other forms of dissemination;

(VII) provide recommendations for creating incentives to draw talented young people into the field of educational research, including scholars from disadvantaged and minority groups;

(VIII) provide recommendations for new studies to close gaps in the research base;

(IX) evaluate and provide recommendations to the President and the Congress regarding the quality of research conducted through each directorate and regional educational laboratory, the relevance of the research topics, and the effectiveness of the dissemination of each directorate's and laboratory's activities;

(X) advise the Assistant Secretary on standards and guidelines for research programs and activities to ensure that research is of high quality and free from partisan political influence; and

(XI) provide recommendations to promote coordination and synthesis of research among directorates.

(v) COMMITTEES AND REPORTS.—

(I) IN GENERAL.—The Advisory Board is authorized to appoint from among its members such committees as the Advisory Board deems necessary, and to assign to committees so appointed such survey and advisory functions as the Advisory Board deems appropriate to assist the Advisory Board in exercising its powers and functions under this section.

(II) From amounts appropriated pursuant to subsection (q)(1), the Advisory Board shall transmit to the President, for submission to the Congress not later than January 15 of each even-numbered year, a report on the activities of the Office, and on education, educational research, national indicators, and data-gathering in general.

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

(A) the term "Advisory Board" means the Advisory Board of Educational Research established under paragraph (2)(B);

(B) the term "Assistant Secretary" means the Assistant Secretary for Educational Research and Improvement established by section 202 of the Department of Education Organization Act;

(C) the term "development" means transformation or adaptation of research results into usable forms, in order to contribute to the improvement of educational practice;

(D) the term "dissemination" means the communication and transfer of the results of research and proven practice in forms that are understandable, easily accessible and usable or adaptable for use in the improvement of educational practice by teachers, administrators, librarians, other practitioners, researchers, policymakers, and the public;

(E) the term "education research" includes basic and applied research, inquiry with the purpose of applying tested knowledge gained to specific educational settings and problems, development, planning, surveys, assessments, evaluations, investigations, experiments, and demonstrations in the field of education and other fields relating to education;

(F) the term "field-initiated research" means education research in which topics and methods of study are generated by investigators, including teachers and other practitioners, not by the source of funding;

(G) the term "Indian reservation" means a reservation, as such term is defined in—

(i) section 3(d) of the Indian Financing Act of 1974 (25 U.S.C. 1452(d)); or

(ii) section 4(10) of the Indian Child Welfare Act of 1978 (25 U.S.C. 1903(10));

(H) the term "Office", unless otherwise specified, means the Office of Educational Research and Improvement established by section 209 of the Department of Education Organization Act; and

(I) the term "technical assistance" means assistance in identifying, selecting, or designing solutions based on research to address educational problems, planning and design that leads to adapting research knowledge to school practice, training to implement such solutions, and other assistance necessary to encourage adoption or application of research.

(b) AUTHORIZED ACTIVITIES.—

(1) OFFICE.—In fulfilling its purposes under this section, the Office is authorized to—

(A) conduct and support education-related research activities, including basic and applied research, development, planning, surveys, assessments, evaluations, investigations, experiments, and demonstrations of national significance;

(B) disseminate the findings of education research, and provide technical assistance to apply such information to specific school problems at the school site;

(C) collect, analyze, and disseminate data related to education, and to library and information services;

(D) promote the use of knowledge gained from research and statistical findings in schools, other educational institutions, and communities;

(E) provide training in education research; and

(F) promote the coordination of education research and research support within the Federal Government, and otherwise assist and foster such research.

(2) OPEN COMPETITION.—All grants, contracts, and cooperative agreements awarded or entered into pursuant to this section shall be awarded or entered into through a process of open competition and peer review that shall be announced in the Federal Register or other publication that the Secretary determines appropriate.

(3) ASSISTANT SECRETARY.—

(A) IN GENERAL.—In carrying out the activities and programs of the Office, the Assistant Secretary shall—

(i) ensure that there is broad and regular public and professional involvement from the educational field in the planning and carrying out of the Office's activities, including establishing teacher advisory boards for any program office, program or project of the Office as the Assistant Secretary deems necessary, and involving Indian and Alaska Native researchers and educators in activities that relate to the education of Indian and Alaska Native people;

(ii) ensure that the selection of research topics and the administration of the program are free from partisan political influence;

(iii) develop directly, or through grant or contract, standards and guidelines for research, programs and activities carried out through the Office;

(iv) establish a long- and short-term research agenda in consultation with the Advisory Board; and

(v) review research priorities established within each directorate and promote research syntheses across the directorates.

(B) INFORMATION AND TECHNICAL ASSISTANCE.—The Assistant Secretary is authorized to offer information and technical assistance to State and local educational agencies, school boards, and schools, including schools funded by the Bureau of Indian Affairs, to ensure that no student is—

(i) denied access to the same rigorous, challenging curriculum that such student's peers are offered; or

(ii) grouped or otherwise labeled in such a way that may impede such student's achievement.

(C) LONG-TERM AGENDA.—One year after the date of enactment of this Act, the Assistant Secretary shall submit a report to the President and to the Congress on a 6-year long-term plan for the educational research agenda for the Office. Upon submission of such report and every 2 years thereafter, the Assistant Secretary shall submit to the President and to the Congress a progress report on the 6-year plan, including an assessment of the success or failure of meeting the components of the 6-year plan, proposed modifications or changes to the 6-year plan, and additions to the 6-year plan.

(4) SECRETARY.—The Secretary shall enter into contracts for the conduct of independent evaluations of the programs and activities carried out through the Office in accordance with this section, and transmit such evaluations to the Congress, the President and the Assistant Secretary, in order to—

(A) evaluate—

(i) the effectiveness of the programs and activities of the Office; and

(ii) the implementation of projects and programs funded through the Office over time;

(iii) the impact of educational research on instruction at the school level; and

(iv) the ability of the Office to keep research funding free from partisan political interference;

(B) measure the success of educational information dissemination;

(C) assess the usefulness of research and activities carried out by the Office, including products disseminated by the Office; and

(D) provide recommendations for improvement of the programs of the Office.

(5) INTRADEPARTMENTAL COORDINATION.—(A) The Secretary shall establish and maintain a program designed to facilitate planning and cooperative research and development throughout the Department of Education.

(B) The program described in subparagraph (A) shall include—

(i) establishing and maintaining a database on all Department of Education funded research and improvement efforts;

(ii) coordinating the work of the various program offices within the Department of Education to avoid duplication;

(iii) working cooperatively with the employees of various program offices with the Department of Education on projects of common interest to avoid duplication; and

(iv) generally increasing communication throughout the Department of Education regarding education research.

(c) DIRECTORATES OF EDUCATIONAL RESEARCH.—

(1) REQUIREMENTS.—

(A) IN GENERAL.—In carrying out the functions of the Office, the Assistant Secretary shall establish 5 directorates of educational research in accordance with this section.

(B) DIRECTOR.—The Assistant Secretary shall appoint a Director for each directorate. Each such Director shall be a leading professional in the field relevant to the mission of the directorate.

(C) RESEARCH SYNTHESES.—The Assistant Secretary shall provide for and promote research syntheses across the directorates in early childhood, elementary, secondary, vocational, and higher education, and shall coordinate research plans, projects, and findings across the directorates, placing a priority on synthesis and coordination between the directorates described in subsections (d) and (e). Each Director shall report directly to the Assistant Secretary, regarding the activities of the directorate, and shall work together to promote research syntheses across the directorates.

(2) DUTIES.—Each such directorate shall—

(A) carry out its activities directly or through grants, contracts, and cooperative agreements with institutions of higher education, public and private organizations, institutions, agencies or individuals, or a consortia thereof;

(B) conduct and support the highest quality basic and applied research in early childhood, elementary and secondary, vocational and higher education, including teacher education, which is relevant to the directorate;

(C) have improved student learning and achievement as its primary focus;

(D) promote research that is based in core content areas;

(E) conduct sustained research and development on improving the educational achievement of poor and minority individuals as an integral part of the directorates' work;

(F) serve as a national database on model and demonstration programs which have particular application to the activities of the directorate, particularly with respect to model programs conducted by businesses, private, and nonprofit organizations and foundations;

(G) support, plan, implement, and operate dissemination activities designed to bring the most effective research directly into classroom practice, school organization and management, teacher preparation and training, and libraries, and to the extent possible, carry out dissemination activities through the use of technology;

(H) support and provide research information that leads to policy formation for State legislatures, State and local boards of edu-

cation, schools funded by the Bureau of Indian Affairs, and other policy and governing bodies, to assist such entities in identifying and developing effective policies to promote student achievement and school improvement;

(I) coordinate the directorate's activities with the activities of the regional educational laboratories established pursuant to subsection (k) and with other educational service organizations in designing the directorate's research agenda and projects in order to increase the responsiveness of such directorate to the needs of teachers and the educational field and to bring research findings directly into schools to ensure the greatest access at the local level to the latest research developments; and

(J) provide assistance to the Assistant Secretary in planning and coordinating syntheses that provide research knowledge related to each level of the education system (from preschool to higher education) to increase understanding of student performance across different educational levels.

(3) RESERVATIONS.—

(A) FIELD-INITIATED RESEARCH.—Each directorate shall reserve in each fiscal year not less than one-third of the amount available to such directorate to conduct field-initiated research.

(B) NATIONAL RESEARCH CENTERS.—Each directorate shall reserve in each fiscal year not less than one-third of the amount available to such directorate to award grants or enter into contracts with institutions of higher education, public agencies, or private nonprofit organizations, for the support of long-term national research centers of sufficient size, scope, and quality for educational research and development in accordance with paragraph (4), except that no such center shall receive such a grant or contract for less than $1,100,000 for such fiscal year. Each such center shall engage in research, development and dissemination involving topics relevant to the mission of the directorate supporting such center.

(C) SPECIAL RULE.—No research and development center supported by the Office and operating on the day preceding the date of enactment of this Act shall by reason of receipt of such support be ineligible to receive any other assistance from the Office authorized by law.

(4) NATIONAL RESEARCH CENTERS.—

(A) DURATION.—The grants or contracts awarded or entered into to support national research centers described in paragraph (3)(B) shall be awarded or entered into for a period of at least 5 years, and may be renewed for additional periods of 5 years after periodic review by the Assistant Secretary.

(B) REVIEW.—All applications to establish a national research center shall be reviewed by independent experts in accordance with standards and guidelines developed by the Office pursuant to subsections (a)(2)(B)(iv)(X) and (b)(3)(A)(iii). Such standards and guidelines shall include—

(i) whether applicants have assembled a group of high quality researchers sufficient to achieve the mission of the center;

(ii) whether the proposed organizational structure and arrangements will facilitate achievement of the mission of the center;

(iii) whether there is a substantial staff commitment to the work of the center;

(iv) whether the directors and support staff are full-time employees, to the extent practicable;

(v) review of the contributions of the applicant's primary researchers for the purpose of evaluating the appropriateness of such primary researchers' experiences and expertise in the context of the proposed center activities, and the adequacy of such primary researchers' time commitments to achievement of the mission of the center; and

(vi) the manner in which the results of education research will be disseminated for further use.

(5) PUBLICATION.—The Assistant Secretary shall publish proposed research priorities developed by each directorate in the Federal Register every 2 years, not later than October 1 of each year, and shall allow a period of 60 days for public comments and suggestions.

(d) NATIONAL DIRECTORATE ON CURRICULUM, INSTRUCTION, AND ASSESSMENT.—The Assistant Secretary shall establish and operate the National Directorate on Curriculum, Instruction, and Assessment. The directorate established under this subsection is authorized to conduct research on—

(1) methods to improve student achievement at all educational levels in core content areas;

(2) methods to improve the process of reading, the craft of writing, the growth of reasoning skills, and the development of information-finding skills;

(3) enabling students to develop higher order thinking skills;

(4) methods to teach effectively all students in mixed-ability classrooms;

(5) developing, identifying, or evaluating new educational assessments, including performance-based and portfolio assessments which demonstrate skill and a command of knowledge;

(6) standards for what students should know and be able to do, particularly standards of desired performance set at internationally competitive levels;

(7) the use of testing in the classroom and its impact on improving student achievement, including an analysis of how testing affects what is taught;

(8) test bias as such bias affects historically underserved girls, women, and minority populations;

(9) test security, accountability, validity, reliability and objectivity;

(10) relevant teacher training and instruction in giving a test, scoring a test and in the use of test results to improve student achievement;

(11) curriculum development designed to meet challenging standards, including State efforts to develop such curriculum;

(12) the need for, and methods of delivering, teacher education, development, and in-service training;

(13) curriculum, instruction, and assessment in vocational education and school-to-work transition;

(14) educational methods and activities to reduce and prevent violence in schools;

(15) the use of technology in learning, teaching, and testing;

(16) methods of involving parents in their children's education and ways to involve business, industry, and other community partners in promoting excellence in schools; and

(17) other topics relevant to the mission of the directorate.

(e) NATIONAL DIRECTORATE ON THE EDUCATIONAL ACHIEVEMENT OF HISTORICALLY UNDERSERVED POPULATIONS.—The Assistant Secretary shall establish and operate a National Directorate on the Educational Achievement of Historically Underserved Populations, the activities of which shall be closely coordinated with those of the directorate described in subsection (d). The directorate established under this subsection is authorized to conduct research on—

(1) the quality of educational opportunities afforded historically underserved populations, including minority students, students with disabilities, economically disadvantaged students, girls, women, limited-English proficient students, and Indian and Alaska Native students, particularly the quality of educational opportunities afforded such populations in highly concentrated urban areas and sparsely populated rural areas;

(2) effective institutional practices for expanding opportunities for such groups;

(3) methods for overcoming the barriers to learning that may impede student achievement;

(4) innovative teacher training and professional development methods to help the historically underserved meet challenging standards;

(5) the use of technology to improve the educational opportunities and achievement of the historically underserved;

(6) the means by which parents, community resources and institutions (including cultural institutions) can be utilized to support and improve the achievement of at-risk students;

(7) methods to improve the quality of the education of American Indian and Alaska Native students not only in schools funded by the Bureau of Indian Affairs, but also in public elementary and secondary schools located on or near Indian reservations, including—

(A) research on mechanisms to facilitate the establishment of tribal departments of education that assume responsibility for all education programs of State educational agencies operating on an Indian reservation and all education programs funded by the Bureau of Indian Affairs on an Indian reservation;

(B) research on the development of culturally appropriate curriculum for American Indian and Alaska Native students, including American Indian and Alaska Native culture, language, geography, history and social studies, and graduation requirements related to such curriculum;

(C) research on methods for recruiting, training and retraining qualified teachers from American Indian and Alaska Native communities, including research to promote flexibility in the criteria for certification of such teachers;

(D) research on techniques for improving the educational achievement of American Indian and Alaska Native students, including methodologies to reduce dropout rates and increase graduation by such students; and

(E) research concerning the performance by American Indian and Alaska Native students of limited-English proficiency on standardized achievement tests, and related factors; and

(8) other topics relevant to the mission of the directorate.

(f) NATIONAL DIRECTORATE ON EARLY CHILDHOOD DEVELOPMENT AND EDUCATION.—The Assistant Secretary shall establish and operate the National Directorate on Early Childhood Development and Education, which shall have a special emphasis on families and communities as families and communities relate to early childhood education. The directorate established under this subsection is authorized to conduct research on—

(1) effective teaching and learning methods, and curriculum;

(2) instruction that considers the cultural experiences of children;

(3) access to current materials in libraries;

(4) family literacy and parental involvement in student learning;

(5) the impact that outside influences have on learning, including television, and drug and alcohol abuse;

(6) methods for integrating learning in settings other than the classroom, particularly within families and communities;

(7) teacher training;

(8) readiness to learn, including topics such as prenatal care, nutrition, and health services;

(9) the use of technology, including methods to help parents instruct their children; and

(10) other topics relevant to the mission of the directorate.

(g) NATIONAL DIRECTORATE ON ELEMENTARY AND SECONDARY EDUCATIONAL GOVERNANCE, FINANCE, POLICYMAKING, AND MANAGEMENT.—The Assistant Secretary shall establish and operate a National Directorate on Elementary and Secondary Educational Governance, Finance, Policymaking, and Management. The directorate established under this subsection is authorized to conduct research on—

(1) the relationship among finance, organization, and management, and educational productivity, particularly with respect to student achievement across educational levels and core content areas;

(2) school-based management, shared decisionmaking and other innovative school structures, and State and local reforms and educational policies, which show promise for improving student achievement;

(3) innovative school design, including lengthening the school day and the school year, reducing class size and building professional development into the weekly school schedule and, as appropriate, conducting such further research as may be recommended or suggested by the report issued by the National Education Commission on Time and Learning pursuant to section 443 of the General Education Provisions Act;

(4) the social organization of schooling and the inner-workings of schooling;

(5) policy decisions at all levels and the impact of such decisions on school achievement and other student outcomes;

(6) effective approaches to organizing learning;

(7) effective ways of grouping students for learning so that a student is not labeled or stigmatized in ways that may impede such student's achievement;

(8) the amount of dollars allocated for education that are actually spent on classroom instruction;

(9) the organization, structure, and finance of vocational education;

(10) disparity in school financing among States, school districts, and schools funded by the Bureau of Indian Affairs;

(11) the use of technology in areas such as assisting in school-based management or ameliorating the effects of disparity in school financing among States, school districts, and schools funded by the Bureau of Indian Affairs;

(12) approaches to systemic reforms involving the coordination of multiple policies at the local, State, and Federal levels of government to promote higher levels of student achievement;

(13) the special adult education needs of historically underserved and minority populations;

(14) the involvement of parents and families in the management and governance of schools and the education of their children; and

(15) other topics relevant to the mission of the directorate.

(h) NATIONAL DIRECTORATE ON ADULT EDUCATION, LITERACY AND LIFELONG LEARNING.—The Assistant Secretary shall establish and operate a National Directorate on Adult Education, Literacy and Lifelong Learning. The directorate established under this subsection is authorized to conduct research on—

(1) learning and performance of adults, and policies and methods for improving learning in contexts that include school-to-work, worker retraining, and second-language acquisition;

(2) the most effective training methods for adults to upgrade education and vocational skills;

(3) opportunities for adults to continue their education beyond higher education and graduate school, in the context of lifelong learning and information-finding skills;

(4) adult literacy and effective methods, including technology, to eliminate illiteracy;

(5) preparing students for a lifetime of work, the ability to adapt through retraining to the changing needs of the work force and the ability to learn new tasks;

(6) the use of technology to develop and deliver effective training methods for adults to upgrade their education and their vocational skills; and

(7) other topics relevant to the mission of the directorate.

(i) PERSONNEL.—

(1) IN GENERAL.—The Assistant Secretary may appoint, for terms not to exceed 3 years (without regard to the provisions of title 5, United States Code governing appointment in the competitive service) and may compensate (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) such scientific or professional employees of the Office as the Assistant Secretary considers necessary to accomplish the functions of the Office. Such employees shall not exceed one-fifth of the number of full-time, regular scientific or professional employees of the Office. The rate of basic pay for such employees may not exceed the maximum annual rate of pay for grade GS–15 under section 5332 of title 5, United States Code.

(2) REAPPOINTMENT.—The Assistant Secretary may reappoint employees described in paragraph (1) upon presentation of a clear and convincing justification of need, for 1 additional term not to exceed 3 years. All such employees shall work on activities of the Office and shall not be reassigned to other duties outside the Office during their term.

(j) SELECTION PROCEDURES AND FELLOWSHIPS.—

(1) SELECTION PROCEDURES.—When making competitive awards under this section, the Assistant Secretary shall—

(A) solicit recommendations and advice regarding research priorities, opportunities, and strategies from qualified experts, such as education professionals and policymakers, librarians, personnel of the regional educational laboratories described in subsection (k) and of the research and development centers assisted under this section, and the Advisory Board, as well as parents and other members of the general public;

(B) employ suitable selection procedures using the procedures and principles of peer review providing an appropriate balance between expertise in research and practice for all proposals so that technical research merit is judged by research experts and programmatic relevance is judged by program experts, except where such peer review procedures are clearly inappropriate given such factors as the relatively small amount of a grant or contract or the exigencies of the situation; and

(C) determine that the activities assisted will be conducted efficiently, will be of high quality, and will meet priority research and development needs under this section.

(2) FELLOWSHIPS.—

(A) PUBLICATION.—The Assistant Secretary shall publish proposed research priorities for the awarding of research fellowships under this paragraph in the Federal Register every 2 years, not later than October 1 of each year, and shall allow a period of 60 days for public comments and suggestions.

(B) COMPETITION.—Prior to awarding a fellowship under this paragraph, the Assistant Secretary shall invite applicants to compete for such fellowships through notice published in the Federal Register.

(C) AUTHORITY.—From amounts appropriated pursuant to the authority of subsection (q)(1), the Assistant Secretary may establish and maintain research fellowships in the Office, for scholars, researchers, policymakers, education practitioners, librarians, and statisticians engaged in the use, collection, and dissemination of information about education and educational research. Subject to regulations published by the Assistant Secretary, fellowships may include such stipends and allowances, including travel and subsistence expenses provided under title 5, United States Code, as the Assistant Secretary considers appropriate.

(k) REGIONAL EDUCATIONAL LABORATORIES FOR RESEARCH, DISSEMINATION, AND TECHNICAL ASSISTANCE.—

(1) AUTHORITY.—

(A) IN GENERAL.—Subject to subparagraph (B), the Assistant Secretary shall support at least 10 but not more than 20 regional educational laboratories established by public agencies or private nonprofit organizations.

(B) SPECIAL RULE.—In any fiscal year in which the amount appropriated pursuant to the authority of subsection (q)(2) exceeds $38,000,000, the Assistant Secretary may use the amount in excess of $38,000,000 to support a regional educational laboratory serving a region not in existence on the day preceding the date of enactment of this Act, if such amount is equal to or exceeds $2,000,000.

(C) PRIORITY.—The Assistant Secretary shall give priority to supporting a regional educational laboratory that involves the combination or subdivision of a region or regions, such that States within a region in existence on the day preceding the date of enactment of this Act may be combined with States in another such region to form a new region so long as such combination does not result in any region in existence on such date permanently becoming part of a larger region, nor of any such region permanently subsuming another region.

(2) DEFINITION.—For purposes of this subsection, the term "regional educational laboratory" means a public agency or institution or a private nonprofit organization that—

(A) serves the education improvement needs in a geographic region of the United States; and

(B) advances the National Education Goals.

(3) DUTIES.—Each regional educational laboratory shall—

(A) have as its central mission and primary function—

(i) to develop and disseminate educational research products and processes to schools, teachers, local educational agencies, State educational agencies, librarians, and schools funded by the Bureau of Indian Affairs; and

(ii) through such development and dissemination and the provision of technical assistance, to help all students learn to challenging standards;

(B) provide technical assistance to State and local educational agencies, school boards, schools funded by the Bureau of Indian Affairs, State boards of education, schools, and librarians in accordance with the prioritization described in paragraph (4)(B)(vi) and needs related to standard-driven education reform;

(C) facilitate school restructuring at the individual school level, including technical assistance for adapting model demonstration grant programs to each school;

(D) serve the educational development needs of the region by providing education research in usable forms in order to promote school improvement and academic achievement and to correct educational deficiencies;

(E) develop a plan for identifying and serving the needs of the region by conducting a continuing survey of the educational needs, strengths, and weaknesses within the region, including a process of open hearings to solicit the views of schools, teachers, administrators, parents, local educational agencies, librarians, and State educational agencies within the region;

(F) use applied educational research to assist in solving site-specific problems and to assist in development activities;

(G) conduct applied research projects designed to serve the particular needs of the region only in the event that such quality applied research does not exist as determined by the regional education laboratory or the Department of Education;

(H) facilitate communication between educational experts, school officials, and teachers, parents, and librarians, to enable such individuals to assist schools to develop a plan to meet the National Education Goals;

(I) bring teams of experts together to develop and implement school improvement plans and strategies;

(J) provide training in—

(i) the field of education research and related areas;

(ii) the use of new educational methods; and

(iii) the use of information-finding methods, practices, techniques, and products developed in connection with such training for which the regional educational laboratory may support internships and fellowships and provide stipends;

(K) coordinate such laboratory's activities with the directorates assisted under this section in designing such laboratory's services and projects, in order to—

(i) maximize the use of research conducted through the directorates in the work of such laboratory;

(ii) keep the directorates apprised of the work of the regional educational laboratories in the field; and

(iii) inform the directorates about additional research needs identified in the field;

(L) develop with the State educational agencies and library agencies in the region and the Bureau of Indian Affairs a plan for serving the region;

(M) collaborate and coordinate services with other technical assistance funded by the Department of Education; and

(N) cooperate with other regional laboratories to develop and maintain a national network that addresses national education problems.

(4) GOVERNING BOARD.—

(A) IN GENERAL.—In carrying out the activities described in paragraph (3), each regional educational laboratory shall operate under the direction of a governing board, the members of which—

(i) are representative of that region; and

(ii) include teachers and education researchers.

(B) DUTIES.—Each such governing board shall—

(i) determine, subject to the requirements of this section and in consultation with the Assistant Secretary, the mission of the regional educational laboratory;

(ii) ensure that the regional educational laboratory attains and maintains a high level of quality in its work and products;

(iii) establish standards to ensure that the regional educational laboratory has strong and effective governance, organization, management, and administration, and employs qualified staff;

(iv) direct the regional educational laboratory to carry out the regional educational laboratory's duties in a manner as will make progress toward achieving the National Education Goals and reforming schools and educational systems;

(v) conduct a continuing survey of the educational needs, strengths, and weaknesses within the region, including a process of open hearings to solicit the views of schools and teachers; and

(vi) prioritize the needs of economically disadvantaged urban and rural areas within the region and ensure that such needs are served by the regional educational laboratory.

(5) APPLICATION.—Each entity desiring support for a regional educational laboratory shall submit to the Assistant Secretary an application that contains such information as the Assistant Secretary may reasonably require, including assurances that a regional educational laboratory will address the activities described in paragraph (3).

(6) ADDITIONAL PROJECTS.—In addition to activities described in paragraph (3), the Assistant Secretary, from amounts appropriated pursuant to subsection (q)(4), is authorized to enter into agreements with a regional educational laboratory for the purpose of carrying out additional projects to enable such regional educational laboratory to assist in efforts to achieve the National Education Goals and for other purposes.

(7) SPECIAL RULE.—No regional educational laboratory shall, by reason of receipt of assistance under this section, be ineligible to receive any other assistance from the Office authorized by law or be prohibited from engaging in activities involving international projects or endeavors.

(8) PLAN.—Not later than July 1 of each year, each regional educational laboratory shall submit to the Assistant Secretary a plan covering the succeeding fiscal year, in which such laboratory's mission, activities and scope of work are described, including a general description of—

(A) the plans such laboratory expects to submit in the 4 succeeding years; and

(B) an assessment of how well such laboratory is meeting the needs of the region.

(9) CONTRACT DURATION.—The Assistant Secretary shall enter into a contract for the purpose of supporting a regional educational laboratory under this subsection for a minimum of 5 years. The Secretary shall ensure that the recompetition cycles for new contracts for regional educational laboratories are carried out in such a manner that the expiration of the laboratory contracts is consistent with the reauthorization cycle.

(10) REVIEW.—The Assistant Secretary shall review the work of each regional educational laboratory in the third year that such laboratory receives assistance under this subsection, and shall evaluate the performance of such laboratory's activities to determine if such activities are consistent with the duties described in paragraph (3).

(11) CONSTRUCTION.—Nothing in this subsection shall be construed to require any modifications in the regional educational laboratory contracts in effect on the day preceding the date of enactment of this Act.

(12) ADVANCE PAYMENT SYSTEM.—Each regional educational laboratory shall participate in the advance payment system of the Department of Education.

(13) COORDINATION.—The regional education laboratories shall work collaboratively, and coordinate the services such laboratories provide, with the technical assistance centers authorized under the Elementary and Secondary Education Act of 1965.

(l) TEACHER RESEARCH DISSEMINATION DEMONSTRATION PROGRAM.—

(1) FINDINGS.—The Congress finds that—

(A) education research, including research funded by the Office, is not having the impact on the Nation's schools that such research should;

(B) relevant education research and resulting solutions are not being adequately disseminated to and used by the teachers that need such research and solutions;

(C) there are insufficient linkages between the research and development centers assisted under this section, the regional educational laboratories described in subsection (k), the National Diffusion Network State facilitators, the Education Resources Information Clearinghouses, the comprehensive technical assistance centers assisted under the Elementary and Secondary Education Act of 1965, and the public schools to ensure that research on effective practice is disseminated and technical assistance provided to all teachers;

(D) the average teacher has little time to plan or engage in a professional dialogue with peers about strategies for improved learning;

(E) teachers do not have direct access to information systems or networks;

(F) teachers have little control over what inservice education teachers will be offered; and

(G) individual teachers are not encouraged to move beyond the walls of their school buildings to identify and use outside resources.

(2) ESTABLISHMENT.—

(A) IN GENERAL.—The Secretary is authorized to make grants to, and enter into contracts or cooperative agreements with, public and private agencies and organizations, including institutions of higher education, the regional education laboratories, and the research and development centers, or consortia thereof—

(i) to develop and carry out projects that demonstrate effective strategies for helping elementary and secondary education teachers, in both urban and rural areas, become knowledgeable about, assist in the design and use of, and use, education research, including education research carried out under this section; and

(ii) to develop, implement, and evaluate models for creation of teacher research dissemination networks.

(B) PRIORITY.—In awarding grants and entering into contracts and cooperative agreements under subparagraph (A) the Secretary shall give priority to entities that have received Federal funds for research and dissemination.

(3) APPLICATIONS.—

(A) IN GENERAL.—An entity desiring to receive assistance under this subsection shall submit an application to the Secretary in such form, at such time, and containing such information and assurances as the Secretary may require.

(B) CONTENTS.—Each such application shall describe how the project described in the application—

(i) was developed with the active participation of elementary and secondary school teachers;

(ii) will include the continuing participation of elementary and secondary school teachers in the management of the project;

(iii) is organized around one or more significant research topics;

(iv) will involve collaboration with entities that have received Federal funds for research and dissemination; and

(v) will sustain over time teacher research dissemination networks after Federal funding for such networks terminates.

(4) USE OF FUNDS.—Funds provided under this subsection may be used—

(A) to train elementary and secondary education teachers (particularly new teachers) about the sources of education research findings, including research findings available through activities supported by the Office, and how to access and use such findings to improve the quality of instruction;

(B) to develop simple formats, both administrative and technological, that allow elementary and secondary education teachers easy access to and use of education research findings;

(C) to share strategies and materials;

(D) to support professional networks;

(E) to survey teacher needs in the areas of research and development; and

(F) for other activities designed to support elementary and secondary education teachers in becoming knowledgeable about, assisting in the design of, and using, educational research.

(5) STIPENDS.—The Secretary may provide for the payment of such stipends (including allowances for subsistence and other expenses for elementary and secondary teachers), as the Secretary determines to be appropriate, to teachers participating in the projects authorized under this subsection.

(6) COORDINATION.—Recipients of funds under this subsection shall, to the greatest extent possible, coordinate their activities with related activities under the Elementary and Secondary Education Act of 1965.

(7) REPORT.—The Secretary shall, within 5 years of the date of enactment of this Act, submit to the Congress a report on the effectiveness of activities assisted under this subsection.

(m) OFFICE OF DISSEMINATION AND REFORM ASSISTANCE.—

(1) IN GENERAL.—The Assistant Secretary shall establish an Office of Dissemination and Reform Assistance, which may include the Education Resources Information Clearinghouses, the regional educational laboratories, the National Clearinghouse for Science and Mathematics Resources, the National Diffusion Network, the National Education Library, and such other programs and activities as the Assistant Secretary deems appropriate. The Office of Dissemination and Reform Assistance shall be headed by a Director who shall be appointed by the Assistant Secretary and have a demonstrated expertise and experience in dissemination.

(2) DUTIES.—In carrying out its dissemination activities, the Office of Dissemination and Reform Assistance shall—

(A) operate a depository for all Department of Education publications and products and make available for reproduction such publications and products;

(B) coordinate the dissemination efforts of all Office of Educational Research and Improvement program offices, the regional educational laboratories, the directorates assisted under this section, the National Diffusion Network, and the Education Resources Information Clearinghouses;

(C) disseminate relevant and useful research, information, products, and publications developed through or supported by the Department of Education to schools throughout the Nation;

(D) develop the capacity to connect schools and teachers seeking information with the relevant regional educational laboratories assisted under subsection (k), the National Diffusion Network, the directorates assisted under this section, and the Education Resources Information Clearinghouses; and

(E) provide an annual report to the Secretary regarding the types of information, products, and services that teachers, schools, and school districts have requested and have determined to be most useful, and describe future plans to adapt Department of Education products and services to address the needs of the users of such information, products, and services.

(3) ADDITIONAL ACTIVITIES.—In addition, the Office of Dissemination and Reform Assistance may—

(A) use media and other educational technology to carry out dissemination activities, including program development;

(B) establish and maintain a database on all research and improvement efforts funded through the Department of Education;

(C) actively encourage cooperative publishing of significant publications;

(D) disseminate information on successful models and educational methods which have been recommended to the Office of Dissemination and Reform Assistance by educators, educational organizations, nonprofit organizations, businesses, and foundations, and disseminate such models by including, with any such information, an identification of the entity or entities that have recommended the program; and

(E) engage in such other dissemination activities as the Assistant Secretary determines necessary.

(n) NATIONAL DIFFUSION NETWORK STATE FACILITATORS.—The National Diffusion Network described in section 1562 of the Elementary and Secondary Education Act of 1965 is authorized to provide information through National Diffusion Network State facilitators on model or demonstration projects funded by the Department of Education. For purposes of carrying out this subsection, information on such model projects does not have to be approved through the program effectiveness panel, but may be provided directly through the State facilitators. In addition, the National Diffusion Network may disseminate other information available through the Office of Education Dissemination and Reform Assistance established under subsection (m) through the National Diffusion Network.

(o) NATIONAL EDUCATION LIBRARY.—

(1) ESTABLISHMENT.—There shall be established a National Library of Education at the Department of Education (hereafter in this subsection referred to as the "Library") which shall—

(A) be a national resource center for teachers, scholars, librarians, State, local, and Indian tribal education officials, parents, and other interested individuals; and

(B) provide resources to assist in the—

(i) advancement of research on education;

(ii) dissemination and exchange of scientific and other information important to the improvement of education at all levels; and

(iii) improvement of educational achievement.

(2) MISSION.—The mission of the Library shall be to—

(A) become a principal center for the collection, preservation, and effective utilization of the research and other information related to education and to the improvement of educational achievement;

(B) strive to ensure widespread access to the Library's facilities and materials, coverage of all education issues and subjects, and quality control;

(C) have an expert library staff; and

(D) use modern information technology that holds the potential to link major libraries, schools, and educational centers across the United States into a network of national education resources.

(3) FUNCTIONS.—The Library shall—

(A) establish a policy to acquire and preserve books, periodicals, data, prints, films, recordings, and other library materials related to education;

(B) establish a policy to disseminate information about the materials available in the Library;

(C) make available through loans, photographic or other copying procedures, or otherwise, such materials in the Library as the Secretary deems appropriate; and

(D) provide reference and research assistance.

(4) LIBRARIAN.—

(A) IN GENERAL.—The Secretary shall appoint a librarian to head the Library.

(B) EXPERIENCE.—The individual appointed pursuant to subparagraph (A) shall have extensive experience as a librarian.

(C) SOLICITATION OF NOMINATIONS.—The Secretary shall solicit nominations from individuals and organizations before making the appointment described in subparagraph (A).

(D) SALARY.—The librarian shall be paid at not less than the minimum rate of pay payable for level GS-15 of the General Schedule.

(p) EDUCATION RESOURCES INFORMATION CLEARINGHOUSES.—The Assistant Secretary shall establish and support Education Resources Information Clearinghouses (including directly supporting dissemination services) having such functions as the clearinghouses had on the day preceding the date of enactment of this Act, except that—

(1) the Assistant Secretary shall establish for the clearinghouses a coherent policy for the abstraction from, and inclusion in, the educational resources information clearinghouse system books, periodicals, reports, and other materials related to education; and

(2) the clearinghouses shall collect and disseminate information on alternative management demonstration projects operating in public schools throughout the Nation.

(q) AUTHORIZATION OF APPROPRIATIONS.—

(1) DIRECTORATES OF EDUCATIONAL RESEARCH.—

(A) IN GENERAL.—There are authorized to be appropriated $100,000,000 for fiscal year 1995, and such sums as may be necessary for each of the fiscal years 1996 through 1999, to carry out subsections (c) through (h), relating to the Directorates of Educational Research.

(B) APPROPRIATIONS OF $70,000,000 OR LESS.—From the amount made available under clause (i) in any fiscal year in which the

amount appropriated to carry out such clause is $70,000,000 or less—

(i) at least 25 percent of such amount shall be available to carry out subsection (d), relating to the National Directorate on Curriculum, Instruction, and Assessment;

(ii) at least 10 percent of such amount shall be available to carry out subsection (e), relating to the National Directorate on the Educational Achievement of Historically Underserved Populations;

(iii) at least 10 percent of such amount shall be available to carry out subsection (f), relating to the National Directorate on Early Childhood Development and Education;

(iv) at least 5 percent of such amount shall be available to carry out subsection (g), relating to the National Directorate on Elementary and Secondary Educational Governance, Finance, Policymaking, and Management;

(v) at least 5 percent of such amount shall be available to carry out subsection (h), relating to the National Directorate on Adult Education, Literacy and Lifelong Learning; and

(vi) not more than 10 percent of such amount shall be available to carry out synthesis and coordination activities described in subsection (c)(1)(C).

(C) APPROPRIATIONS GREATER THAN $70,000,000.—From the amount made available under clause (i) in any fiscal year in which the amount appropriated to carry out such clause is greater than $70,000,000—

(i) at least 30 percent of such amount shall be available to carry out subsection (d), relating to the National Directorate on Curriculum, Instruction, and Assessment;

(ii) at least 10 percent of such amount shall be available to carry out subsection (e), relating to the National Directorate on the Educational Achievement of Historically Underserved Populations;

(iii) at least 10 percent of such amount shall be available to carry out subsection (f), relating to the National Directorate on Early Childhood Development and Education;

(iv) at least 10 percent of such amount shall be available to carry out subsection (g), relating to the National Directorate on Elementary and Secondary Educational Governance, Finance, Policymaking, and Management;

(v) at least 10 percent of such amount shall be available to carry out subsection (h), relating to the National Directorate on Adult Education, Literacy and Lifelong Learning; and

(vi) not more than 10 percent of such amount shall be available to carry out synthesis and coordination activities described in subsection (c)(1)(C).

(D) SPECIAL RULE.—Not less than 95 percent of funds appropriated pursuant to the authority of clause (i) in any fiscal year shall be expended to carry out this section through grants, cooperative agreements, or contracts.

(2) REGIONAL EDUCATIONAL LABORATORIES.—There are authorized to be appropriated $41,000,000 for fiscal year 1995, and such sums as may be necessary for each of the fiscal years 1996 through 1999, to carry out subsection (k), relating to the regional educational laboratories.

(3) TEACHER RESEARCH DISSEMINATION DEMONSTRATION PROGRAM.—

(A) IN GENERAL.—There are authorized to be appropriated $10,000,000 for fiscal year 1995, and such sums as may be necessary for each of the fiscal years 1996 through 1999, to carry out the provisions of subsection (l), relating to the teacher research dissemination demonstration program.

(B) PEER REVIEW.—The Secretary may use not more than 0.2 percent of the amount appropriated pursuant to the authority of subparagraph (A) for each fiscal year for peer review of applications under this section.

(4) OFFICE OF DISSEMINATION AND REFORM ASSISTANCE.—There are authorized to be appropriated $5,000,000 for fiscal year 1995, and such sums as may be necessary for each of the fiscal years 1996 through 1999, to carry out subsections (m) and (k)(6), relating to the Office of Education Dissemination and Reform Assistance and additional projects for regional educational laboratories, respectively.

(5) NATIONAL DIFFUSION NETWORK STATE FACILITATORS.—There are authorized to be appropriated $10,000,000 for the fiscal year 1995, and such sums as may be necessary for each of fiscal years 1996 through 1999, to carry out subsection (n), relating to the National Diffusion Network State Facilitators.

(6) NATIONAL EDUCATION LIBRARY.—There are authorized to be appropriated $10,000,000 for fiscal year 1995, and such sums as may be necessary for each of the fiscal years 1996 through 1999, to carry out subsection (o), relating to the National Education Library.

(7) EDUCATION RESOURCES INFORMATION CLEARINGHOUSES.—There are authorized to be appropriated $10,000,000 for fiscal year 1995, and such sums as may be necessary for each of the fiscal years 1996 through 1999, to carry out subsection (p), relating to the Education Resources Information Clearinghouses.

(8) ADMINISTRATION OF FUNDS.—When more than one Federal agency uses funds to support a single project under this section, the Office may act for all such agencies in administering such funds.

(r) EXISTING CONTRACTS AND GRANTS.—

(1) SPECIAL RULE.—Notwithstanding any other provision of law, grants or contracts for the regional educational laboratories and the centers assisted under section 405 of the General Education Provisions Act on the day preceding the date of enactment of this Act shall remain in effect until the termination date of such grants or contracts, except that the grants or contracts for such centers which terminate before the competition for the new centers described in subsection (c)(3)(B) is completed may be extended until the time that the awards for such new centers are made.

(2) FUNDING.—The Secretary shall use amounts appropriated pursuant to the authority of subsection (q)(1)(A) to support the grants or contracts described in paragraph (1).

SEC. ___13. SAVINGS PROVISIONS.

(a) CONTINUING EFFECT OF LEGAL DOCUMENTS.—All orders, determinations, rules, regulations, permits, agreements, grants, contracts, certificates, licenses, registrations, privileges, and other administrative actions—

(1) 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 of the Office of Educational Research and Improvement (as such functions existed on the day before the date of enactment of this Act); and

(2) 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 Secretary or other authorized official, a court of competent jurisdiction, or by operation of law.

(b) PROCEEDINGS NOT AFFECTED.—The provisions of this title shall not affect any proceedings, including notices of proposed rulemaking, or any application for any license, permit, certificate, or financial assistance pending before the Office of Educational Research and Improvement at the time this title takes effect, with respect to functions of such Office but such proceedings and applications shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this 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.

(c) 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.

(d) NONABATEMENT OF ACTIONS.—No suit, action, or other proceeding commenced by or against the Office of Educational Research and Improvement, or by or against any individual in the official capacity of such individual as an officer of the Office of Educational Research and Improvement, shall abate by reason of the enactment of this title.

(e) ADMINISTRATIVE ACTIONS RELATING TO PROMULGATION OF REGULATIONS.—Any administrative action relating to the preparation or promulgation of a regulation by the Office of Educational Research and Improvement relating to a function of such Office under this title may be continued by the Office of Educational Research and Improvement with the same effect as if this title had not been enacted.

SEC. ___14. FIELD READERS.

Section 402 of the Department of Education Organization Act (20 U.S.C. 3462) is amended—

(1) by inserting "(a) IN GENERAL.—" before "The Secretary"; and

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

"(b) SPECIAL RULE.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary may use not more than 1 percent of the funds appropriated for any education program that awards such funds on a competitive basis to pay the expenses and fees of non-Federal experts necessary to review applications and proposals for such funds.

"(2) APPLICABILITY.—The provisions of paragraph (1) shall not apply to any education program under which funds are authorized to be appropriated to pay the fees and expenses of non-Federal experts to review applications and proposals for such funds.".

PART B—EDUCATIONAL IMPROVEMENT PROGRAMS

Subpart 1—International Education Program

SEC. ___21. INTERNATIONAL EDUCATION PROGRAM.

(a) PROGRAM ESTABLISHED.—The Secretary shall carry out an International Education Program in accordance with this section that shall provide for—

(1) the study of international education programs and delivery systems; and

(2) an international education exchange program.

(b) ASSESSMENT AND INFORMATION.—The Secretary shall award grants for the study, evaluation and analysis of education systems in other nations, particularly Great Britain, France, Germany and Japan. Such studies shall focus upon a comparative analysis of curriculum, methodology and organizational structure, including the length of the school year and school day. In addition, the studies shall provide an analysis of successful strategies employed by other nations to improve student achievement, with a specific focus upon application to schooling and the National Education Goals.

(c) INTERNATIONAL EDUCATION EXCHANGE.—

(1) REQUIREMENT.—

(A) IN GENERAL.—The Secretary shall carry out a program to be known as the International Education Exchange Program. Under such program the Secretary shall award grants to or enter into contracts with organizations with demonstrated effectiveness or expertise in international achievement comparisons, in order to—

(i) make available to educators from eligible countries exemplary curriculum and teacher training programs in civics and government education and economic education developed in the United States;

(ii) assist eligible countries in the adaptation and implementation of such programs or joint research concerning such programs;

(iii) create and implement educational programs for United States students which draw upon the experiences of emerging constitutional democracies;

(iv) provide a means for the exchange of ideas and experiences in civics and government education and economic education among political, educational and private sector leaders of participating eligible countries; and

(v) provide support for—

(I) research and evaluation to determine the effects of educational programs on students' development of the knowledge, skills and traits of character essential for the preservation and improvement of constitutional democracy; and

(II) effective participation in and the preservation and improvement of an efficient market economy.

(B) RESERVATIONS.—In carrying out the program described in subparagraph (A), the Secretary shall reserve in each fiscal year—

(i) 50 percent of the amount available to carry out this subsection for civics and government education activities; and

(ii) 50 percent of such amount for economic education activities.

(2) CONTRACT AUTHORIZED.—

(A) IN GENERAL.—The Secretary is authorized to contract with independent nonprofit educational organizations to carry out the provisions of this subsection.

(B) NUMBER.—The Secretary shall award at least 1 but not more than 3 contracts described in subparagraph (A) in each of the areas described in clauses (i) and (ii) of paragraph (1)(B).

(C) AVOIDANCE OF DUPLICATION.—The Secretary shall award contracts described in subparagraph (A) so as to avoid duplication of activities in such contracts.

(D) REQUIREMENTS.—Each organization with which the Secretary enters into a contract pursuant to subparagraph (A) shall—

(i) be experienced in—

(I) the development and national implementation of curricular programs in civics and government education and economic education for students from grades kindergarten through 12 in local, intermediate, and State educational agencies, in schools funded by the Bureau of Indian Affairs, and in private schools throughout the Nation with the cooperation and assistance of national professional educational organizations, colleges and universities, and private sector organizations;

(II) the development and implementation of cooperative university and school based inservice training programs for teachers of grades kindergarten through grade 12 using scholars from such relevant disciplines as political science, political philosophy, history, law and economics;

(III) the development of model curricular frameworks in civics and government education and economic education;

(IV) the administration of international seminars on the goals and objectives of civics and government education or economic education in constitutional democracies (including the sharing of curricular materials) for educational leaders, teacher trainers, scholars in related disciplines, and educational policymakers; and

(V) the evaluation of civics and government education or economic education programs; and

(ii) have the authority to subcontract with other organizations to carry out the provisions of this subsection.

(3) ACTIVITIES.—The international education program described in this subsection shall—

(A) provide eligible countries with—

(i) seminars on the basic principles of United States constitutional democracy and economics, including seminars on the major governmental and economic institutions and systems in the United States, and visits to such institutions;

(ii) visits to school systems, institutions of higher learning, and nonprofit organizations conducting exemplary programs in civics and government education and economic education in the United States;

(iii) home stays in United States communities;

(iv) translations and adaptations regarding United States civics and government education and economic education curricular programs for students and teachers, and in the case of training programs for teachers translations and adaptations into forms useful in schools in eligible countries, and joint research projects in such areas;

(v) translation of basic documents of United States constitutional government for use in eligible countries, such as *The Federalist Papers*, selected writings of Presidents Adams and Jefferson and the Anti-Federalists, and more recent works on political theory, constitutional law and economics; and

(vi) research and evaluation assistance to determine—

(I) the effects of educational programs on students' development of the knowledge, skills and traits of character essential for the preservation and improvement of constitutional democracy; and

(II) effective participation in and the preservation and improvement of an efficient market economy;

(B) provide United States participants with—

(i) seminars on the histories, economics and governments of eligible countries;

(ii) visits to school systems, institutions of higher learning, and organizations conducting exemplary programs in civics and government education and economic education located in eligible countries;

(iii) home stays in eligible countries;

(iv) assistance from educators and scholars in eligible countries in the development of curricular materials on the history, government and economics of such countries that are useful in United States classrooms;

(v) opportunities to provide on-site demonstrations of United States curricula and pedagogy for educational leaders in eligible countries; and

(vi) research and evaluation assistance to determine—

(I) the effects of educational programs on students' development of the knowledge, skills and traits of character essential for the preservation and improvement of constitutional democracy; and

(II) effective participation in and improvement of an efficient market economy; and

(C) assist participants from eligible countries and the United States in participating in international conferences on civics and government education and economic education for educational leaders, teacher trainers, scholars in related disciplines, and educational policymakers.

(4) PRINTED MATERIALS AND PROGRAMS.—All printed materials and programs provided to foreign nations under this subsection shall bear the logo and text used by the Marshall Plan after World War II, that is, clasped hands with the inscription "A gift from the American people to the people of (insert name of country)".

(5) PARTICIPANTS.—The primary participants in the international education program assisted under this subsection shall be leading educators in the areas of civics and government education and economic education, including curriculum and teacher training specialists, scholars in relevant disciplines, and educational policymakers, from the United States and eligible countries.

(6) PERSONNEL AND TECHNICAL EXPERTS.—The Secretary is authorized to provide Department of Education personnel and technical experts to assist eligible countries establish and implement a database or other effective methods to improve educational delivery systems, structure and organization.

(7) DEFINITIONS.—For the purpose of this subsection the term "eligible country" means a Central European country, an Eastern European country, Lithuania, Latvia, Estonia, Georgia, the Commonwealth of Independent States, and any country that formerly was a republic of the Soviet Union whose political independence is recognized in the United States.

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) ASSESSMENT AND INFORMATION.—There are authorized to be appropriated $1,000,000 for fiscal year 1995, and such sums as may be necessary for each of the fiscal years 1996 through 1999, to carry out subsection (b).

(2) INTERNATIONAL EDUCATION EXCHANGE.—There are authorized to be appropriated $10,000,000 for fiscal year 1995, and such sums as may be necessary for each of the fiscal years 1996 through 1999, to carry out subsection (c).

Subpart 2—Amendments to the Carl D. Perkins Vocational and Applied Technology Education Act

SEC. ___31. NATIONAL OCCUPATIONAL INFORMATION COORDINATING COMMITTEE.

Section 422 of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2422) is amended—

(1) in paragraph (2) of subsection (a), by inserting "(including postsecondary employment and training programs)" after "training programs"; and

(2) in subsection (b)—

(A) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively;

(B) in the matter preceding paragraph (1) (as redesignated in subparagraph (A)), by inserting "the State board or agency governing higher education," after "coordinating council,"; and

(C) in paragraph (1) (as redesignated in subparagraph (A))—

(i) by striking "Act and of" and inserting "Act, of"; and

(ii) by inserting "and of the State board or agency governing higher education" after "Job Training Partnership Act";

(3) by redesignating subsection (d) as subsection (e); and

(4) by inserting after subsection (c) the following new subsection:

"(d) DATA COLLECTION SYSTEM.—In the development and design of a system to provide data on graduation or completion rates, job placement rates from occupationally specific programs, licensing rates, and awards of high school graduate equivalency diplomas (GED), each State board for higher education shall develop a data collection system the results of which can be integrated into the occupational information system developed under this section.".

Subpart 3—Elementary Mathematics and Science Equipment Program

SEC. ___41. SHORT TITLE.

This subpart may be cited as the "Elementary Mathematics and Science Equipment Act".

SEC. ___42. STATEMENT OF PURPOSE.

It is the purpose of this subpart to raise the quality of instruction in mathematics and science in the Nation's elementary schools by providing equipment and materials necessary for hands-on instruction through assistance to State and local educational agencies.

SEC. ___43. PROGRAM AUTHORIZED.

The Secretary is authorized to make allotments to State educational agencies under section ___44 to enable such agencies to award grants to local educational agencies for the purpose of providing equipment and materials to elementary schools to improve mathematics and science education in such schools.

SEC. ___44. ALLOTMENTS OF FUNDS.

(a) IN GENERAL.—From the amount appropriated under section ___50 for any fiscal year, the Secretary shall reserve—

(1) not more than one-half of 1 percent for allotment among Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau according to their respective needs for assistance under this subpart; and

(2) one-half of 1 percent for programs for Indian students served by schools funded by the Secretary of the Interior which are consistent with the purposes of this subpart.

(b) ALLOTMENT.—The remainder of the amount so appropriated (after meeting requirements in subsection (a)) shall be allotted among State educational agencies so that—

(1) one-half of such remainder shall be distributed by allotting to each State educational agency an amount which bears the same ratio to such one-half of such remainder as the number of children aged 5 to 17, inclusive, in the State bears to the number of such children in all States; and

(2) one-half of such remainder shall be distributed according to each State's share of allocations under chapter 1 of title I of the Elementary and Secondary Education Act of 1965,

except that no State educational agency shall receive less than one-half of 1 percent of the amount available under this subsection in any fiscal year or less than the amount allotted to such State for fiscal year 1988 under title II of the Education for Economic Security Act.

(c) REALLOTMENT OF UNUSED FUNDS.—The amount of any State educational agency's allotment under subsection (b) for any fiscal year to carry out this subpart which the Secretary determines will not be required for that fiscal year to carry out this subpart shall be available for reallotment from time to time, on such dates during that year as the Secretary may determine, to other State educational agencies in proportion to the original allotments to those State educational agencies under subsection (b) for that year but with such proportionate amount for any of those other State educational agencies being reduced to the extent it exceeds the sum the Secretary estimates that the State educational agency needs and will be able to use for that year, and the total of those reductions shall be similarly reallotted among the State educational agencies whose proportionate amounts were not so reduced. Any amounts reallotted to a State educational agency under this subsection during a year shall be deemed a subpart of the State educational agency's allotment under subsection (b) for that year.

(d) DEFINITION.—For the purposes of this subpart the term "State" means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

(e) DATA.—The number of children aged 5 to 11, inclusive, in the State and in all States shall be determined by the Secretary on the basis of the most recent satisfactory data available to the Secretary.

SEC. ___45. STATE APPLICATION.

(a) APPLICATION.—Each State educational agency desiring to receive an allotment under this subpart shall file an application with the Secretary which covers a period of 5 fiscal years. Such application shall be filed at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require.

(b) CONTENTS OF APPLICATION.—Each application described in subsection (a) shall—

(1) provide assurances that—

(A) the State educational agency shall use the allotment provided under this subpart to award grants to local educational agencies within the State to enable such local educational agencies to provide assistance to schools served by such agency to carry out the purpose of this subpart;

(B) the State educational agency will provide such fiscal control and funds accounting as the Secretary may require;

(C) every public elementary school in the State is eligible to receive assistance under this subpart once over the 5-year duration of the program assisted under this subpart;

(D) funds provided under this subpart will supplement, not supplant, State and local funds made available for activities authorized under this subpart;

(E) during the 5-year period described in the application, the State educational agency will evaluate its standards and programs for teacher preparation and inservice professional development for elementary mathematics and science;

(F) the State educational agency will take into account the needs for greater access to and participation in mathematics and science by students and teachers from historically underrepresented groups, including females, minorities, individuals with limited-English proficiency, the economically disadvantaged, and individuals with disabilities; and

(G) that the needs of teachers and students in areas with high concentrations of low-income students and sparsely populated areas will be given priority in awarding assistance under this subpart;

(2) provide, if appropriate, a description of how funds paid under this subpart will be coordinated with State and local funds and other Federal resources, particularly with respect to programs for the professional development and inservice training of elementary school teachers in science and mathematics; and

(3) describe procedures—

(A) for submitting applications for programs described in sections 236 and 237 for distribution of assistance under this subpart within the State; and

(B) for approval of applications by the State educational agency, including appropriate procedures to assure that such agency will not disapprove an application without notice and opportunity for a hearing.

(c) STATE ADMINISTRATION.—Not more than 5 percent of the funds allotted to each State educational agency under this subpart shall be used for the administrative costs of such agency associated with carrying out the program assisted under this subpart.

SEC. ___46. LOCAL APPLICATION.

(a) APPLICATION.—A local educational agency that desires to receive a grant under this subpart shall submit an application to the State educational agency. Each such application shall contain assurances that each school served by the local educational agency shall be eligible for assistance under this subpart only once.

(b) CONTENTS OF APPLICATION.—Each application described in subsection (a) shall—

(1) describe how the local educational agency plans to set priorities on the use and distribution among schools of grant funds received under this subpart to meet the purpose of this subpart;

(2) include assurances that the local educational agency has made every effort to match on a dollar-for-dollar basis from private or public sources the funds received under this subpart, except that no such application shall be penalized or denied assistance under this subpart based on failure to provide such matching funds;

(3) describe, if applicable, how funds under this subpart will be coordinated with State, local, and other Federal resources, especially with respect to programs for the professional development and inservice training of elementary school teachers in science and mathematics; and

(4) describe the process which will be used to determine different levels of assistance to be awarded to schools with different needs.

(c) PRIORITY.—In awarding grants under this subpart, the State educational agency shall give priority to applications that—

(1) assign highest priority to providing assistance to schools which—

(A) are most seriously underequipped; or

(B) serve large numbers or percentages of economically disadvantaged students;

(2) are attentive to the needs of underrepresented groups in science and mathematics;

(3) demonstrate how science and mathematics equipment will be part of a comprehensive plan of curriculum planning or implementation and teacher training supporting hands-on laboratory activities; and

(4) assign priority to providing equipment and materials for students in grades 1 through 6.

SEC. ___47. PARTICIPATION OF PRIVATE SCHOOLS.

(a) PARTICIPATION OF PRIVATE SCHOOLS.—To the extent consistent with the number of children in the State or in the school district of each local educational agency who are enrolled in private nonprofit elementary schools, such State educational agency shall, after consultation with appropriate private school representatives, make provision for including services and arrangements for the benefit of such children as will assure the equitable participation of such children in the purposes and benefits of this subpart.

(b) WAIVER.—If by reason of any provision of State law a local educational agency is prohibited from providing for the participation of children or teachers from private nonprofit schools as required by subsection (a), or if the Secretary determines that a State or local educational agency has substantially failed or is unwilling to provide for such participation on an equitable basis, the Secretary shall waive such requirements and shall arrange for the provision of services to such children or teachers subject to the requirement of this section. Such waivers shall be subject to consultation, withholding, notice, and judicial review requirements described in section 1017 of the Elementary and Secondary Education Act of 1965.

SEC. ___48. PROGRAM REQUIREMENTS.

(a) COORDINATION.—Each State educational agency receiving an allotment under this subpart shall—

(1) disseminate information to school districts and schools, including private nonprofit elementary schools, regarding the program assisted under this subpart;

(2) evaluate applications of local educational agencies;

(3) award grants to local educational agencies based on the priorities described in section ___46(c); and

(4) evaluate local educational agencies' end-of-year summaries and submit such evaluation to the Secretary.

(b) LIMITATIONS ON USE OF FUNDS.—

(1) IN GENERAL.—Except as provided in paragraph (2), grant funds and matching funds under this subpart only shall be used to purchase science equipment, science materials, or mathematical manipulative materials and shall not be used for computers, computer peripherals, software, textbooks, or staff development costs.

(2) CAPITAL IMPROVEMENTS.—Grant funds under this subpart may not be used for capital improvements. Not more than 50 percent of any matching funds provided by the local educational agency may be used for capital improvements of classroom science facilities to support the hands-on instruction that this subpart is intended to support, such as the installation of electrical outlets, plumbing, lab tables or counters, or ventilation mechanisms.

SEC. ___49. FEDERAL ADMINISTRATION.

(a) TECHNICAL ASSISTANCE AND EVALUATION PROCEDURES.—The Secretary shall provide technical assistance and, in consultation with State and local representatives of the program assisted under this subpart, shall develop procedures for State and local evaluations of the programs assisted under this subpart.

(b) REPORT.—The Secretary shall report to the Congress each year on the program assisted under this subpart.

SEC. ___50. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $10,000,000 for fiscal year 1995, and such sums as may be necessary for each of the fiscal years 1996 through 1999, to carry out this subpart.

Subpart 4—Media Instruction

SEC. ___51. MEDIA INSTRUCTION.

(a) GRANTS AUTHORIZED.—The Secretary shall enter into a contract with an independent nonprofit organization described in subsection (b) for the establishment of a national multimedia television-based project directed to homes, schools and after-school programs that is designed to motivate and improve the reading comprehension and writing coherence of elementary school-age children.

(b) DEMONSTRATED EFFECTIVENESS.—The Secretary shall award the contract described in subsection (a) to an independent nonprofit organization that has demonstrated effectiveness in educational programming and development on a nationwide basis.

(c) AUTHORIZATION AND APPROPRIATIONS.—There are authorized to be appropriated $5,000,000 for fiscal year 1995, and such sums as may be necessary for fiscal year 1996 and fiscal year 1997, to carry out this section.

Subpart 5—Star Schools

SEC. ___61. STAR SCHOOLS.

Subsection (a) of section 908 of the Star Schools Assistance Act (20 U.S.C. 4085b(a)) is amended by striking "greater" and inserting "lesser".

Subpart 6—Office of Comprehensive School Health Education

SEC. ___71. OFFICE OF COMPREHENSIVE SCHOOL HEALTH EDUCATION.

(a) IN GENERAL.—Subsection (c) of section 4605 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 3155(c)) is amended—

(1) in the matter preceding paragraph (1), by striking "Office of the Secretary" and inserting "Office of Elementary and Secondary Education"; and

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

"(4) To act as a liaison office for the coordination of the activities undertaken by the Office under this section with related activities of the Department of Health and Human Services and to expand school health education research grant programs under this section.".

(b) TRANSITION.—The Secretary shall take all appropriate actions to facilitate the transfer of the Office of Comprehensive School Health Education pursuant to the amendment made by subsection (a).

Subpart 7—Minority-Focused Civics Education

SEC. ___81. SHORT TITLE.

This subpart may be cited as the "Minority-Focused Civics Education Act of 1993".

SEC. ___82. PURPOSES.

It is the purpose of this subpart—

(1) to encourage improved instruction for minorities and Native Americans in American government and civics through a national program of accredited summer teacher training and staff development seminars or institutes followed by academic year in-service training programs conducted on college and university campuses or other appropriate sites, for—

(A) social studies and other teachers responsible for American history, government, and civics classes; and

(B) other educators who work with minority and Native American youth; and

(2) through such improved instruction to improve minority and Native American student knowledge and understanding of the American system of government.

SEC. ___83. GRANTS AUTHORIZED; AUTHORIZATION OF APPROPRIATIONS.

(a) GRANTS AUTHORIZED.—

(1) IN GENERAL.—The Secretary is authorized to make grants to eligible entities for the development and implementation of seminars in American government and civics for elementary and secondary school teachers and other educators who work with minority and Native American students.

(2) AWARD RULE.—In awarding grants under this subpart, the Secretary shall ensure that there is wide geographic distribution of such grants.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $5,000,000 for fiscal 1995, and such sums as may be necessary for each of the fiscal years 1996, 1997, and 1998, to carry out this subpart.

SEC. ___84. DEFINITIONS.

For purposes of this subpart—

(1) the term "eligible entity" means a State educational agency, an institution of higher education or a State higher education agency, or a public or private nonprofit organization, with experience in coordinating or conducting teacher training seminars in American government and civics education, or a consortium thereof; and

(2) the term "State higher education agency" means the officer or agency primarily responsible for the State supervision of higher education.

SEC. ___85. APPLICATIONS.

(a) APPLICATION REQUIRED.—Each eligible entity desiring a grant under this subpart shall submit an application to the Secretary, at such time, in such manner and containing or accompanied by such information as the Secretary may reasonably require.

(b) CONTENTS OF APPLICATION.—Each application submitted pursuant to subsection (a) shall—

(1) define the learning objectives and course content of each seminar to be held and describe the manner in which seminar participants shall receive substantive academic instruction in the principles, institutions and processes of American government;

(2) provide assurances that educators successfully participating in each seminar will qualify for either graduate credit or professional development or advancement credit according to the criteria established by a State or local educational agency;

(3) describe the manner in which seminar participants shall receive exposure to a broad array of individuals who are actively involved in the political process, including political party representatives drawn equally from the major political parties, as well as representatives of other organizations involved in the political process;

(4) provide assurances that the seminars will be conducted on a nonpartisan basis;

(5) describe the manner in which the seminars will address the role of minorities or Native Americans in the American political process, including such topics as—

(A) the history and current political state of minorities or Native Americans;

(B) recent research on minority or Native American political socialization patterns and cognitive learning styles; and

(C) studies of political participation patterns of minorities or Native Americans;

(6) describe the pedagogical elements for teachers that will enable teachers to develop effective strategies and lesson plans for teaching minorities or Native American students at the elementary and secondary school levels;

(7) identify the eligible entities which will conduct the seminars for which assistance is sought;

(8) in the case that the eligible entity is an institution of higher education, describe the plans for collaborating with national organizations in American government and civics education;

(9) provide assurances that during the academic year educators participating in the summer seminars will provide inservice training programs based upon what such educators have learned and the curricular materials such educators have developed or acquired for their peers in their school systems with the approval and support of their school administrators; and

(10) describe the activities or services for which assistance is sought, including activities and services such as—

(A) development of seminar curricula;

(B) development and distribution of instructional materials;

(C) scholarships for participating teachers; and

(D) program assessment and evaluation.

(c) PRIORITY.—The Secretary, in approving applications for assistance under this subpart, shall give priority to applications which demonstrate that—

(1) the applicant will serve teachers who teach in schools with a large number or concentration of economically disadvantaged students;

(2) the applicant has demonstrated national experience in conducting or coordinating accredited summer seminars in American government or civics education for elementary and secondary school teachers;

(3) the applicant will coordinate or conduct seminars on a national or multistate basis through a collaboration with an institution of higher education, State higher education agency or a public or private nonprofit organization, with experience in coordinating or conducting teacher training programs in American government and civics education;

(4) the applicant will coordinate or conduct seminars designed for more than one minority student population and for Native Americans; and

(5) the applicant will coordinate or conduct seminars that offer a combination of academic instruction in American government, exposure to the practical workings of the political system, and training in appropriate pedagogical techniques for working with minority and Native American students.

PART C—DEFINITIONS

SEC. ___91. DEFINITIONS.

For the purpose of this title—

(1) the term "elementary school" has the same meaning given to such term by section 1471(8) of the Elementary and Secondary Education Act of 1965;

(2) 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;

(3) the term "local educational agency" has the same meaning given to such term by section 1471(12) of the Elementary and Secondary Education Act of 1965;

(4) the term "secondary school" has the same meaning given to such term by section 1471(21) of the Elementary and Secondary Education Act of 1965;

(5) the term "Secretary" means the Secretary of Education; and

(6) the term "State educational agency" has the same meaning given such term by section 1471(23) of the Elementary and Secondary Education Act of 1965.

In section 3, in the matter preceding paragraph (1), strike "title V" and insert "titles V and ___".

At the appropriate place in the table of contents, insert the following:

TITLE ___—EDUCATIONAL RESEARCH AND IMPROVEMENT

Sec. ___01. Short title.

PART A—OFFICE OF EDUCATIONAL RESEARCH AND IMPROVEMENT

Sec. ___11. Repeal.
Sec. ___12. Office of Educational Research and Improvement.
Sec. ___13. Savings provisions.
Sec. ___14. Field readers.

PART B—EDUCATIONAL IMPROVEMENT PROGRAMS

SUBPART 1—INTERNATIONAL EDUCATION PROGRAM

Sec. ___21. International Education Program.

SUBPART 2—AMENDMENTS TO THE CARL D. PERKINS VOCATIONAL AND APPLIED TECHNOLOGY EDUCATION ACT

Sec. ___31. National Occupational Information Coordinating Committee.

SUBPART 3—ELEMENTARY MATHEMATICS AND SCIENCE EQUIPMENT PROGRAM

Sec. ___41. Short title.
Sec. ___42. Statement of purpose.
Sec. ___43. Program authorized.
Sec. ___44. Allotments of funds.
Sec. ___45. State application.
Sec. ___46. Local application.
Sec. ___47. Participation of private schools.
Sec. ___48. Program requirements.
Sec. ___49. Federal administration.
Sec. ___50. Authorization of appropriations.

SUBPART 4—MEDIA INSTRUCTION

Sec. ___51. Media instruction.

SUBPART 5—STAR SCHOOLS

Sec. ___61. Star schools.

SUBPART 6—OFFICE OF COMPREHENSIVE SCHOOL HEALTH EDUCATION

Sec. ___71. Office of Comprehensive School Health Education.

SUBPART 7—MINORITY-FOCUSED CIVICS EDUCATION

Sec. ___81. Short title.
Sec. ___82. Purposes.
Sec. ___83. Grants authorized; authorization of appropriations.
Sec. ___84. Definitions.
Sec. ___85. Applications.

PART C—DEFINITIONS

Sec. ___91. Definitions.

GLENN AMENDMENT NO. 1410

Mr. KENNEDY (for Mr. GLENN) proposed an amendment to amendment No. 1409 proposed by Mr. PELL to the bill, S. 1150, supra; as follows:

At the end of the amendment, insert the following:

SEC. . HOME INSTRUCTION PROGRAM FOR PRESCHOOL YOUNGSTERS.

Subsection (b) of section 1052 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2742(b)) is amended by adding at the end the following new paragraph:

"(4)(A)(i) In any fiscal year in which this subsection applies, each State that receives a grant under this part may use not more than 20 percent of such grant funds in accordance with this part (other than sections 1054(a), 1054(b), and 1055) to pay the Federal share of the cost of establishing, operating, or expanding a Home Instruction Program for Preschool Youngsters that is not eligible to receive assistance under this part due to the application of such sections.

"(ii) Each State establishing, operating or expanding a Home Instruction Program for Preschool Youngsters pursuant to clause (i) shall give priority to establishing, operating or expanding, respectively, such a program that targets—

"(I) working poor families or near poor families that do not qualify for assistance under the early childhood programs under the Head Start Act or this chapter; and

"(II) parents who have limited or unsuccessful formal schooling.

"(B) For the purpose of carrying out subparagraph (A), a Home Instruction Program for Preschool Youngsters that is not eligible to receive assistance under this part due to the application of sections 1054(a), 1054(b), and 1055 shall be deemed to be an eligible entity.

"(C) For the purpose of this paragraph—

"(i) the term 'Home Instruction Program for Preschool Youngsters' means a voluntary early-learning program, for parents with one or more children between age 3 through 5, inclusive, that—

"(I) provides support, training, and appropriate educational materials, necessary for parents to implement a school-readiness, home instruction program for the child; and

"(II) includes—

"(aa) group meetings with other parents participating in the program;

"(bb) individual and group learning experiences with the parent and child;

"(cc) provision of resource materials on child development and parent-child learning activities; and

"(dd) other activities that enable the parent to improve learning in the home;

"(ii) the term 'limited or unsuccessful formal schooling' means the—

"(I) completion of secondary school with low achievement during enrollment;

"(II) noncompletion of secondary school with low achievement during enrollment; or

"(III) lack of a certificate of graduation from a school providing secondary education or the recognized equivalent of such certificate;

"(iii) the term 'near poor families' means families that have an income that is approximately 130 percent of the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act; and

"(iv) the term 'working poor families' means families that—

"(I) have family members—

"(aa) who are working; or

"(bb) who were looking for work during the 6 months prior to the date on which the determination is made; and

"(II) earn an income not in excess of 150 percent of the poverty line as described in clause (iii).".

BOND (AND OTHERS) AMENDMENT NO. 1411

Mr. KENNEDY (for Mr. BOND, for himself and Mr. DODD, Mr. ROCKE-

FELLER, Mr. HEFLIN, Mr. SHELBY, Mr. CHAFEE, Mr. GLENN, Mr. PRYOR, Mr. DANFORTH, Mr. HATFIELD, Mr. STEVENS, Mr. KOHL, Mr. INOUYE, Mr. DOMENICI, Mr. BINGAMAN, Mr. HOLLINGS, Mr. DECONCINI, and Mr. COCHRAN) proposed an amendment to the bill, S. 1150, supra; as follows:

At the end of the amendment, insert the following:

TITLE —PARENTS AS TEACHERS

SEC. 01. FINDINGS.

That Congress finds that—

(1) increased parental involvement in the education of their children appears to be the key to long-term gains for youngsters;

(2) providing seed money is an appropriate role for the Federal Government to play in education;

(3) children participating in the parents as teachers program in Missouri are found to have increased cognitive or intellectual skills, language ability, social skills and other predictors of school success;

(4) most early childhood programs begin at age 3 or 4 when remediation may already be necessary; and

(5) many children receive no health screening between birth and the time they enter school, thus such children miss the opportunity of having developmental delays detected early.

SEC. 02. STATEMENT OF PURPOSE.

It is the purpose of this title to encourage States and eligible entities to develop and expand parent and early childhood education programs in an effort to—

(1) increase parents' knowledge of and confidence in child-rearing activities, such as teaching and nurturing their young children;

(2) strengthen partnerships between parents and schools; and

(3) enhance the developmental progress of participating children.

SEC. 03. DEFINITIONS.

For the purpose of this title—

(1) the term "developmental screening" means the process of measuring the progress of children to determine if there are problems or potential problems or advanced abilities in the areas of understanding and use of language, perception through sight, perception through hearing, motor development and hand-eye coordination, health, and physical development;

(2) the term "eligible entity" means an entity in a State operating a parents as teachers program;

(3) the term "eligible family" means any parent with one or more children between birth and 3 years of age;

(4) the term "lead agency" means—

(A) except as provided in subparagraph (B), the office, agency, or other entity in a State designated by the Governor to administer the parents as teachers program authorized by this title; or

(B) in the case of a grant awarded under this title to an eligible entity, such eligible entity;

(5) the term "parent education" includes parent support activities, the provision of resource materials on child development and parent-child learning activities, private and group educational guidance, individual and group learning experiences for the parent and child, and other activities that enable the parent to improve learning in the home; and

(6) the term "parent educator" means a person hired by the lead agency of a State or designated by local entities who administers group meetings, home visits and developmental screening for eligible families.

SEC. 04. PROGRAM ESTABLISHED.

(a) AUTHORITY.—

(1) IN GENERAL.—The Secretary is authorized to make grants in order to pay the Federal share of the cost of establishing, expanding, or operating parents as teachers programs in a State.

(2) ELIGIBLE RECIPIENTS.—The Secretary may make a grant under paragraph (1) to a State, except that, in the case of a State having an eligible entity, the Secretary shall make the grant directly to the eligible entity.

(b) FUNDING RULE.—Grant funds awarded under this section shall be used so as to supplement, and to the extent practicable, increase the level of funds that would, in the absence of such funds, be made available from non-Federal sources, and in no case may such funds be used as to supplant funds from non-Federal sources.

SEC. 05. PROGRAM REQUIREMENTS.

(a) REQUIREMENTS.—Each State or eligible entity receiving a grant pursuant to section 04 shall conduct a parents as teachers program which—

(1) establishes and operates parent education programs, including programs of development screening of children; and

(2) designates a lead State agency which—

(A) shall hire parent educators who have had supervised experience in the care and education of children;

(B) shall establish the number of group meetings and home visits required to be provided each year for each participating family, with a minimum of 2 group meetings and 10 home visits for each participating family;

(C) shall be responsible for administering the periodic screening of participating children's educational, hearing and visual development, using the Denver Development Test, Zimmerman Preschool Language Scale, or other approved screening instruments; and

(D) shall develop recruitment and retention programs for hard-to-reach populations.

(b) LIMITATION.—Grant funds awarded under this title shall only be used for parents as teachers programs which serve families during the period beginning with the birth of a child and ending when the child attains the age of 3.

SEC. 06. SPECIAL RULES.

Notwithstanding any other provision of this section—

(1) no person, including home school parents, public school parents, or private school parents, shall be required to participate in any program of parent education or developmental screening pursuant to the provisions of this title;

(2) no parents as teachers program assisted under this title shall take any action that infringes in any manner on the right of parents to direct the education of their children; and

(3) the provisions of section 438(c) of the General Education Provisions Act shall apply to States and eligible entities awarded grants under this title.

SEC. 07. PARENTS AS TEACHERS NATIONAL CENTER.

The Secretary shall establish one or more Parents As Teachers Centers to disseminate information to, and provide technical and training assistance to, States and eligible entities establishing and operating parents as teachers programs.

SEC. 08. EVALUATIONS.

The Secretary shall complete an evaluation of the parents as teachers programs assisted under this title within 4 years from the date of enactment of this Act, including an assessment of such programs' impact on at risk children.

SEC. 09. APPLICATION.

Each State or eligible entity desiring a grant under this title shall submit an application to the Secretary at such time, in such manner and accompanied by such information as the Secretary may reasonably require. Each such application shall describe the activities and services for which assistance is sought.

SEC. 10. PAYMENTS AND FEDERAL SHARE.

(a) PAYMENTS.—The Secretary shall pay to each State or eligible entity having an application approved under section 09 the Federal share of the cost of the activities described in the application.

(b) FEDERAL SHARE.—

(1) IN GENERAL.—The Federal share—

(A) for the first year for which a State or eligible entity receives assistance under this title shall be 100 percent;

(B) for the second such year shall be 100 percent;

(C) for the third such year shall be 75 percent;

(D) for the fourth such year shall be 50 percent; and

(E) for the fifth such year shall be 25 percent.

(2) NON-FEDERAL SHARE.—The non-Federal share of payments under this title may be in cash or in kind, fairly evaluated, including planned equipment or services.

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $20,000,000 for fiscal year 1993, and such sums as may be necessary for each of the fiscal years 1994 through 1997, to carry out this title.

BOXER AMENDMENT NO. 1412

Mr. KENNEDY (for Mrs. BOXER) proposed an amendment to the bill, S. 1150, supra; as follows:

At the end of the bill insert the following new section:

SEC.—

(a) CONGRESSIONAL FINDINGS.—

The Congress finds that—

(1) Mentoring, peer counseling and peer tutoring programs provide role models for children and build self-esteem;

(2) Mentoring, peer counseling and peer tutoring programs promote learning and help students attain the necessary skills they need to excel academically;

(3) Mentoring, peer counseling, and peer tutoring programs provide healthy and safe alternatives to involvement in drugs, gangs or other violent activities; and

(4) Mentoring, peer counseling, and peer tutoring programs promote school, community and parental involvement in the livelihood and well-being of our children.

(b) SENSE OF THE CONGRESS.—

Therefore, it is the Sense of the Congress that federal education programs that provide assistance to elementary and secondary education students should include authorizations for establishing mentoring, peer counseling and peer tutoring programs.

HATCH AMENDMENT NO. 1413

Mr. KENNEDY (for Mr. HATCH) proposed an amendment to the bill, S. 1150, supra; as follows:

On page 79, line 18, strike "Governance" and insert in lieu thereof "Accountability".

On page 79, line 19, strike "governance" and insert in lieu thereof "accountability".

HATCH AMENDMENT NO. 1414

Mr. KENNEDY (for Mr. HATCH) proposed an amendment to the bill S. 1150, supra; as follows:

On page 83 line 16, strike the word "may" and insert in lieu thereof "shall".

On page 84 line 16, strike the word "may" and insert in lieu thereof "shall".

On page 84 line 7, strike the word "may" and insert in lieu thereof "shall".

ROTH AMENDMENT NO. 1415

Mr. KENNEDY (for Mr. ROTH) proposed an amendment to the bill, S. 1150, supra; as follows:

At the appropriate place in the committee substitute add the following:

Findings: Congress is interested in promoting State and local government reform efforts in education;

In P.L. 96-88 the Congress found that education is fundamental to the development of individual citizens and the progress of the Nation;

In P.L. 96-88 the Congress found that in our federal system the responsibility for education is reserved respectively to the states and the local school systems and other instrumentalities of the States;

In P.L. 96-88 the Congress declared the purpose of the Department of Education was to supplement and complement the efforts of States, the local school systems, and other instrumentalities of the States, the private sector, public and private educational institutions, public and private nonprofit educational research institutions, community based organizations, parents and schools to improve the quality of education;

The establishment of the Department of Education, Congress intended to protect the rights of State and local governments and public and private educational institutions in the areas of educational policies and administration of programs and to strengthen and improve the control of such governments and institutions over their own educational programs and policies;

P.L. 96-88 specified that the establishment of the Department of Education shall not increase the authority of the Federal government over education or diminish the responsibility for education which is reserved to the States and local school systems and other instrumentalities of the States;

P.L. 96-88 specified that no provision of a program administered by the Secretary or by any other officer of the Department shall be construed to authorize the Secretary or any such officer to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any educational institution, school, or school system, over any accrediting agency or association or over the selection or content of library resources, textbooks, or other instructional materials by any educational institution or school system. Now therefore

The Congress agrees and reaffirms that the responsibility for control of education is reserved to the States and local school systems and other instrumentalities of the States and that no action shall be taken under the provisions of this Act by the Federal government which would, directly or indirectly, impose standards or requirements of any kind through the promulgation of rules, regulations, provision of financial assistance and otherwise, which would reduce, modify, or undercut State and local responsibility for control of education.

KENNEDY AMENDMENT NO. 1416

Mr. KENNEDY proposed an amendment to the bill S. 1150, supra; as follows:

On page 138, after line 22, insert the following:

SEC. . AMENDMENTS TO SUMMER YOUTH EMPLOYMENT AND TRAINING PROGRAM.

(a) PROGRAM DESIGN.—

(1) ACADEMIC ENRICHMENT AUTHORIZED.—Paragraph (1) of section 253(a) of the Job Training Partnership Act is amended by inserting "academic enrichment" after "remedial education,".

(2) REQUIRED SERVICES AND DESIGN.—

(A) Subsection (c) of such section 253 is amended by adding at the end the following new paragraphs:

"(3) BASIC EDUCATION AND PREEMPLOYMENT TRAINING.—The programs under this part shall provide, either directly or through arrangements with other programs, each of the following services to a participant where the assessment and the service strategy indicate such services are appropriate:

"(A) Basic and Remedial Education.

"(B) Preemployment and Work Maturity Skills Training.

"(4) INTEGRATION OF WORK AND LEARNING.—

"(A) WORK EXPERIENCE.—Work experience provided under this part, to the extent feasible, shall include contextual learning opportunities which integrate the development of general competencies with the development of academic skills.

"(B) CLASSROOM TRAINING.—Classroom training provided under this part shall, to the extent feasible, include opportunities to apply knowledge and skills relating to academic subjects to the world of work.".

(B) Section 253 of the Job Training Partnership Act is further amended by adding at the end the following new subsection:

"(e) EDUCATIONAL LINKAGES.—In conducting the program assisted under this part, service delivery areas shall establish linkages with the appropriate educational agencies responsible for service to participants. Such linkages shall include arrangements to ensure that there is a regular exchange of information relating to the progress, problems and needs of participants, including the results of assessments of the skill levels of participants.".

(C) Section 254 of the Job Training Partnership Act is amended by adding at the end the following new subsection:

"(c) PROHIBITION ON PRIVATE ACTIONS.—Nothing in this part shall be construed to establish a right for a participant to bring an action to obtain services described in the assessment or service strategy developed under section 253(c).".

(b) TRANSFER OF FUNDS TO YEAR ROUND PROGRAM.—Section 256 of the Job Training Partnership Act is amended by striking "10 percent" and inserting "20 percent".

MCCONNELL AMENDMENT NO. 1417

Mr. KENNEDY (for Mr. MCCONNELL) proposed an amendment to the bill S. 1150, supra; as follows:

At the end of title IV, insert the following new section:

SEC. . STATE-SPONSORED HIGHER EDUCATION TRUST FUND SAVINGS PLAN.

It is the sense of the Senate that—

(1) individuals should be encouraged to save to meet the higher education costs of their children;

(2) an effective way to encourage those savings is through State-sponsored higher education trust fund savings plans; and

(3) an effective way for the Federal Government to assist such plans is to amend the Federal tax laws to provide that—

(A) no tax is imposed on the earnings on contributions to the plans if the earnings are used for higher education costs,

(B) State organizations sponsoring the plans are exempt from Federal taxation, and

(C) any charitable gift to the plans are tax-deductible and are distributed to recipients on a pro rata basis.

GORTON AMENDMENTS NOS. 1418–1419

Mr. KENNEDY (for Mr. GORTON) proposed two amendments to the bill S. 1150, supra; as follows:

AMENDMENT NO. 1418

On page 54, line 9, insert "representatives of distance learning consortia, representatives of telecommunications partnerships receiving assistance under the Star Schools Program Assistance Act," after "technology,".

On page 56, line 21, strike "and".

On page 56, between lines 21 and 22, insert the following:

(F) how the Secretary will utilize the outcomes of the evaluation undertaken pursuant to section 908 of the Star Schools Program Assistance Act to promote the purposes of this part; and

On page 56, line 22, strike "(F)" and insert "(G)".

AMENDMENT NO. 1419

On page 74, line 20, insert "secondary school students," after "advocates,".

JEFFORDS (AND OTHERS) AMENDMENT NO. 1420

Mr. JEFFORDS (for himself, Mr. GREGG, and Mr. DODD) proposed an amendment to the bill S. 1150, supra; as follows:

The Senate finds that—

(1) The Individuals with Disabilities Education Act was established with the commitment of forty percent Federal funding but currently receives only eight percent Federal funding;

(2) This funding shortfall is particularly burdensome to school districts and schools in low-income areas which serve higher than average proportions of students with disabilities and have fewer local resources to contribute; and

(3) It would cost the Federal government approximately $10 billion each year to fully fund the Individuals with Disabilities Education Act.

It is the Sense of the Senate that the Federal government should provide states and communities with adequate resources under the Individuals with Disabilities Education Act as soon as reasonably possible, through the reallocation of funds within the current budget monetary constraints.

KENNEDY AMENDMENT NO. 1421

Mr. KENNEDY proposed an amendment to amendment No. 1388 proposed by Mr. GRASSLEY to the bill S. 1150, supra; as follows:

79-059 O—97 Vol. 140 (Pt. 1) 43

In the pending (GRASSLEY) amendment, strike all after "SEC" and insert the following:

Protection of pupils:

Section 439 of the General Education Provisions Act is amended to read as follows:

SEC. 439. (a) All instructional material, including teacher's manuals, films, tapes, or other supplementary instructional material which will be used in connection with any survey, analysis, or evaluation described in subsection (6) shall be available for inspection by the parents or guardians of the children engaged in such program or project.

(b) No student shall be required, as part of any applicable program, to submit to a survey, analysis, or evaluation that is not directly related to academic instruction and in which the primary purpose is to reveal information concerning:

(1) political affiliations;

(2) mental and psychological problems potentially embarrassing to the student or his family;

(3) sex behavior and attitudes;

(4) illegal, anti-social, self-incriminating and demeaning behavior;

(5) critical appraisals of other individuals with whom respondents have close family relationships;

(6) legally recognized privileged and analogous relationships, such as those of lawyers, physicians, and ministers; or

(7) income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program), without the prior consent of the student (if the student is an adult or emancipated minor), or in the case of unemancipated minor, without the prior written consent of the parent.

(c) Educational agencies and institutions shall give parents and students notice of their rights under this section.

(d) ENFORCEMENT.—The Secretary shall take such action as the Secretary determines appropriate to enforce this section, except that action to terminate assistance provided under an applicable program shall be taken only if the Secretary determines that—

(1) there has been a failure to comply with such section;

(2) compliance with such section cannot be secured by voluntary means.

(e) OFFICE AND REVIEW BOARD.—The Secretary shall establish or designate an office and review board within the Department of Education to investigate, process, review, and adjudicate violations of the rights established under this section.

HELMS AMENDMENT NO. 1422

Mr. JEFFORDS (for Mr. HELMS) proposed an amendment to amendment No. 1394 proposed by Mr. LEVIN to the bill S. 1150, supra; as follows:

In lieu of the matter proposed to be inserted, insert the following:

"No funds made available through the Department of Education under this Act, or any other Act, shall be available to any state or local educational agency which has a policy of denying, or which effectively prevents participation in, constitutionally-protected prayer in public schools by individuals on a voluntary basis. Neither the United States nor any state nor any local educational agency shall require any person to participate in prayer or influence the form or content of any constitutionally-protected prayer in such public schools.".

LEVIN AMENDMENT NO. 1423

Mr. SARBANES (for Mr. LEVIN) proposed an amendment to amendment No. 1394 proposed by Mr. LEVIN to the bill S. 1150, supra; as follows:

Insert in the appropriate place in the bill the following: "Notwithstanding any other provision of this act, no funds made available through the Department of Education under this Act, or any other Act, shall be denied to any State or local educational agency because it has adopted a constitutional policy relative to prayer in public school.

This section shall take effect 30 days after the date of enactment of this Act."

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for the public that a hearing has been scheduled before the full Committee on Energy and Natural Resources.

The hearing will take place Tuesday, February 22, 1994, at 9:30 a.m. in room 366 of the Senate Dirksen Office Building in Washington, DC.

The purpose of the hearing is to receive testimony from Gordon Eaton, nominee to be Director, U.S. Geological Survey for the Department of the Interior.

For further information, please contact Rebecca Murphy at (202) 224-7562.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. JOHNSTON. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry will hold a nominations hearing on Frederick Slabach, of Mississippi, to be an Assistant Secretary of Agriculture. The hearing will be held on Tuesday, February 8, 1994, at 8:30 a.m. in SR-332.

For further information, please contact Valerie Callands at 224-2035.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. SARBANES. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be authorized to meet during the session of the Senate on Friday, February 4, at 10 a.m. to consider the nominations of: Brig. Gen. Eugene S. Witherspoon, nominated by the President to be a member and President of the Mississippi River Commission; Richard Thomas Moore, nominated by the President to be Associate Director of the Federal Emergency Management Agency; Jesse L. White, Jr., nominated by the President to be Federal Cochairman of the Appalachian Regional Commission, and William W. Ginsberg, nominated by the President to be Assistant Secretary of Commerce.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. SARBANES. Mr. President, I ask unanimous consent that the Committee on Foreign Relations, be authorized to meet during the session of the Senate on Friday, February 4, 1994, at 10 a.m. for a nomination hearing.

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

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. SARBANES. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a hearing on guaranteed benefits under the health care reform, during the session of the Senate on February 4, 1994, at 9:30 a.m.

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

SUBCOMMITTEE ON NEAR EASTERN AND SOUTH ASIAN AFFAIRS

Mr. SARBANES. Mr. President, I ask unanimous consent that the subcommittee on Near Eastern and South Asian Affairs of the Committee on Foreign Relations, be authorized to meet during the session of the Senate on Friday, February 4, 1994, following the culmination of the 10 a.m. nomination hearing, possibly around 11 a.m. to receive testimony on current development in south Asia.

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

ORDER OF PROCEDURE

Mr. SARBANES. Mr. President, I ask unanimous consent that the Senate vote on, or in relation to Senator COATS' amendment No. 1386 at 10 a.m. on Tuesday, February 8; that immediately upon the disposition of that amendment the Senate vote on, or in relation to, Senator KENNEDY's second-degree amendment No. 1421 to Senator GRASSLEY's amendment No. 1388; that immediately upon the disposition of that amendment the Senate vote on, or in relation to Senator GRASSLEY's amendment, as amended, if amended; that immediately upon the disposition of that amendment the Senate vote on, or in relation to, Senator MACK's amendment No. 1389; that immediately upon the disposition of that amendment the Senate vote on Senator HELMS' amendment No. 1390; that upon the disposition of that amendment the Senate vote on Senator KENNEDY's amendment No. 1393; that upon the disposition of that amendment the Senate vote on, or in relation to, Senator JEFFORDS' amendment No. 1420.

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

Mr. SARBANES. Mr. President, I ask unanimous consent that it be in order to request en bloc the yeas and nays on amendment No. 1393 and final passage of H.R. 1804.

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

Mr. SARBANES. Mr. President, I ask for the yeas and nays en bloc.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

PROGRAM

Mr. SARBANES. 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., Monday, February 7, that following the prayer, the Journal of proceedings be approved to date and the time for the 2 Leaders reserved for their use later in the day, and that the Senate then proceed to the consideration of S. 1361, as provided for under a previous unanimous consent agreement.

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

RECESS UNTIL 10 A.M., MONDAY, FEBRUARY 7, 1994

Mr. SARBANES. Mr. President, if there is no further business to come before the Senate today, I now ask unanimous consent that the Senate stand in recess as previously ordered.

There being no objection, the Senate, at 6:49 p.m., recessed until Monday, February 7, 1994, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate February 4, 1994:

DEPARTMENT OF JUSTICE

FRANK JAMES ANDERSON, OF INDIANA, TO BE UNITED STATES MARSHAL FOR THE SOUTHERN DISTRICT OF INDIANA FOR THE TERM OF 4 YEARS, VICE RALPH D. MORGAN.

JACK O. DEAN, OF TEXAS, TO BE UNITED STATES MARSHAL FOR THE WESTERN DISTRICT OF TEXAS FOR THE TERM OF 4 YEARS, VICE WILLIAM J. JONAS, JR.

LAURENT F. GILBERT, OF MAINE, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF MAINE FOR THE TERM OF 4 YEARS, VICE EMERY R. JORDAN.

NANNETTE HOLLY HEGERTY, OF WISCONSIN, TO BE UNITED STATES MARSHAL FOR THE EASTERN DISTRICT OF WISCONSIN FOR THE TERM OF 4 YEARS, VICE ROBERT J. KEATING.

JAMES W. LOCKLEY, OF FLORIDA, TO BE UNITED STATES MARSHAL FOR THE NORTHERN DISTRICT OF FLORIDA FOR THE TERM OF 4 YEARS, VICE WALLACE L. MCLENDON.

FEDERAL EMERGENCY MANAGEMENT AGENCY

KAY COLLETT GOSS, OF ARKANSAS, TO BE AN ASSOCIATE DIRECTOR OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY, VICE GRANT C. PETERSON, RESIGNED.

IN THE COAST GUARD

PURSUANT TO THE PROVISIONS OF 14 U.S.C. 729, THE FOLLOWING NAMED LIEUTENANT COMMANDERS OF THE COAST GUARD RESERVE TO BE PERMANENT COMMISSIONED OFFICERS IN THE COAST GUARD RESERVE IN THE GRADE OF COMMANDER.

MARSHALL S. REICHENBAUGH
TIMOTHY M. BOEDDEKER
DAVID G. MCDOUGALL
THOMAS M. STUDWELL, JR.
ALBERT J. CAISSIE, JR.
PAUL V. KARNA
ROBERT SHARKEY
JOHN T. ROOSEN
LARRY E. DODSON
MICHAEL L. VANHOUTEN
RANDOLPH L. KLOCK
ALAN L. BROWN
GUY R. GERARD
JEFFREY V. POSTON
ALAN R. FREEDMAN
GEORGE T. ELLIOTT
DAVID W. BEARD
TIMOTHY W. ROLSTON
JOHN C. KIMBLE
RICHARD A. WALLESHAUSER, JR.
EDWARD H. HOTARD
ANTHONY BUANCORE
BRUCE G. CLARK
BRUCE R. MCQUEEN
DANIEL R. CROCE
ROBERT A. DELETTO
CAROL A. RIVERS
MICHAEL R. SEWARD
EDWARD O. KOCH
MICHAEL J. HANRATTY
SUSAN L. ROGERS
JOSEPH T. LUCAS III
JOANNE F. SPANGENBERG
ANTHONY FUENTES
JAMES R. MARION
DAVID M. BUTLER
SALLY A. MASON
JACK H. SCHEYER

IN THE ARMY

THE FOLLOWING UNITED STATES ARMY RESERVE OFFICER FOR PROMOTION TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 593(A), 3371, AND 3384:

To be major general

BRIG. GEN. GEORGE G. KUNDAHL, xxx-xx-x...

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICERS FOR PERMANENT PROMOTION IN THE UNITED STATES AIR FORCE, UNDER THE PROVISIONS OF SECTION 628, TITLE 10, UNITED STATES CODE, AS AMENDED, WITH DATES OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE.

LINE OF THE AIR FORCE

To be lieutenant colonel

FRANCIS J. LEURQUIN, xxx-xx-x...
RICHARD C. HOWELL, xxx-xx-x...
WILLIE J. MILLER, xxx-xx-xx...
MONROE J. RATCHFORD, xxx-xx-x...
JOSEPH V. ROGAN, xxx-xx-x...

JUDGE ADVOCATE

To be lieutenant colonel

DAVID G. ANDERSON, xxx-xx-x...
TERRY M. PETRIE, xxx-xx-xx...

THE FOLLOWING-NAMED OFFICERS FOR PERMANENT PROMOTION IN THE UNITED STATES AIR FORCE, UNDER THE PROVISIONS OF SECTION 628, TITLE 10, UNITED STATES CODE, AS AMENDED, WITH DATES OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE, WITH A VIEW TO DESIGNATION UNDER THE PROVISIONS OF SECTION 8067, TITLE 10, UNITED STATES CODE, TO PERFORM THE DUTIES INDICATED PROVIDED THAT IN NO CASE SHALL THE OFFICERS BE APPOINTED IN A GRADE HIGHER THAN INDICATED.

NURSE CORPS

To be lieutenant colonel

LINDA L. BOYLE, xxx-xx-x...
VIVIANNE M. CLARK, xxx-xx-x...
LINDA N. FOOTE, xxx-xx-x...
HELEN M. GENSHEIMER-COTTON, xxx-xx-x...
DAWN M. OERICHBAUER, xxx-xx-x...

To be major

LINDA L. BOYLE, xxx-xx-x...
GLEN F. KINNEY, xxx-xx-x...
PHYLLIS E. TINSLEY, xxx-xx-xx...
JEANETTE A. BLACKBURN, xxx-xx-x...

MEDICAL SERVICE CORPS

To be colonel

THOMAS A. RUPP, xxx-xx-x...

To be major

STEPHEN R. CHANNEL, xxx-xx-x...

THE FOLLOWING STUDENTS OF THE UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES CLASS OF 1994, FOR APPOINTMENT IN THE REGULAR AIR FORCE IN THE GRADE OF CAPTAIN, EFFECTIVE UPON THEIR GRADUATION UNDER THE PROVISIONS OF SECTION 2114, TITLE 10, UNITED STATES CODE, IF OTHERWISE FOUND QUALIFIED, WITH DATE OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE.

CHRISTOPHER S. ALLEN, xxx-xx-x...
STEVEN L. BAYER, xxx-xx-x...
ANTHONY J. BROTHERS, xxx-xx-x...
DANIEL B. BRUZZINI, xxx-xx-x...
HEATHER L. CALLUM, xxx-xx-x...
SCOTT E. CAULKINS, xxx-xx-x...
WILBERT E. CHARLES, xxx-xx-x...
MARK C. DELEON, xxx-xx-x...
DANIEL R. DIRNBERGER, xxx-xx-x...
KELCEY D. ELSASS, xxx-xx-x...
WILLIAM P. ELSASS, xxx-xx-x...
JAMES A FEIG, xxx-xx-x...
DAVID T. HAFNER, xxx-xx-x...
BRADFORD N. HATCH, xxx-xx-x...
CRAIG M. HAUSER, xxx-xx-x...
CAROLINE E. HOLLAND, xxx-xx-x...
THOMAS HUANG, xxx-xx-x...
LESLIE A. KNIGHT, xxx-xx-x...
THOMAS J. KNOLMAYER, xxx-xx-x...
ERIK K. KODA, xxx-xx-x...
CLARICE H. KONSHOK, xxx-xx-x...
HENRY T. LEIS, xxx-xx-x...
MICAELA J. MANLEY, xxx-xx-x...
MITCHELL V. MATHIS, JR, xxx-xx-x...
TIMOTHY A. MCGRAW, xxx-xx-x...
NICOLE N. MOORE, xxx-xx-x...
JON PERLSTEIN, xxx-xx-x...
PEERACH P. PHERMSANGNGAM, xxx-xx-x...
BRIAN S. PINKSTON, xxx-xx-x...
MARK A. POSTLER, xxx-xx-x...
SCOTT C. PRICE, xxx-xx-x...
DAVID P. RAIKEN, xxx-xx-x...
SANDRA S. REUTER, xxx-xx-x...
KIP D. ROBINSON, xxx-xx-x...
STEVEN M. ROSS, xxx-xx-x...
RACHEL L. SCHWAB, xxx-xx-x...
PAUL M. SHERMAN, xxx-xx-x...
STEVEN B. SLOAN, xxx-xx-x...
SCOTT M. STALLINGS, xxx-xx-x...
ANTHONY C. STONE, xxx-xx-x...
DONOVAN N. TAPPER, xxx-xx-x...
CHRISTOPHER M. UNTCH, xxx-xx-x...
CHRISTINA WALSH, xxx-xx-x...
GERALD S. WELKER, xxx-xx-x...

IN THE ARMY

THE FOLLOWING-NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE UNITED STATES ARMY IN ACCORDANCE WITH SECTIONS 624 AND 628, TITLE 10, UNITED STATES CODE. THE OFFICERS IDENTIFIED WITH AN ASTERISK ARE ALSO BEING NOMINATED FOR APPOINTMENT IN THE REGULAR ARMY IN ACCORDANCE WITH SECTION 531, TITLE 10, UNITED STATES CODE.

ARMY NURSE CORPS

To be lieutenant colonel

*CYNTHIA A. BERNARD, xx...
*MARY J. STEINMAN, xx...

MEDICAL CORPS

To be major

JOHN S. CARDONE, x...
LARRY D. CHRISTOPHER, xx...
PATRICIA A. CURTIN, xx...
JEWEL S. DICK, xx...
NANCY M. MAJOR, xx...
LORNA M. MILLS, xx...
MARK A. NEKOLA, x...

ARMY NURSE CORPS

To be major

SUSAN M. RAYMOND, xx...

IN THE ARMY

THE FOLLOWING-NAMED CADETS, GRADUATING CLASS OF 1994, UNITED STATES MILITARY ACADEMY, FOR APPOINTMENT IN THE REGULAR ARMY OF THE UNITED STATES, IN THE GRADE OF SECOND LIEUTENANT, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 531, 532, 533, AND 4353:

DEREK G. ABRAMS, xxx-xx-x...
CRAIG A. ACHTZEHN, xxx-xx-x...
MARCUS P. ACOSTA, xxx-xx-x...
HARRY B. ADAMS IV, xxx-xx-x...
SHAWN A. ADAMS, xxx-xx-x...
STEVEN J. ADAMS, xxx-xx-x...
ENRIQUE AGUILAR, xxx-xx-x...
DANIEL A. ALEXANDER, xxx-xx-x...
EVAGELIA N. ALEXOPOULOS, xxx-xx-x...
COREN J. ALLEN, xxx-xx-x...
JAMES C. ALLEN, xxx-xx-x...
JASON E. ALLEN, xxx-xx-x...
JASON S. ALLEN, xxx-xx-x...
MARK C. ALLEN, xxx-xx-x...
DANA C. ALLMOND, xxx-xx-x...
SAMUEL H. AMBER, xxx-xx-x...
MATTHEW J. ANDERSEN, xxx-xx-x...
ERIK G. ANDERSON, xxx-xx-x...
DELYN H. ANDONIAN, xxx-xx-x...
DOUGLAS W. ANDRESEN, xxx-xx-x...
PAUL B. ANDRZEJEWSKI, xxx-xx-x...
KERRIE E. ARATA, xxx-xx-x...
LORENZO I. ARCINIAGA JR., xxx-xx-x...
DAVID O. ARDAYFIO, xxx-xx-x...
LOREN G. ARMSTRONG, xxx-xx-x...
CHAD G. ARNOLD, xxx-xx-x...
EDWARD P. ASH, xxx-xx-x...
JOHN T. AUXTER, xxx-xx-x...
GEORGINA A. AZCUAGA, xxx-xx-x...
MEGAN A. BAERMAN, xxx-xx-x...
WILLIAM R. BAILEY, III, xxx-xx-x...
CHRISTOPHER M. BAKER, xxx-xx-x...
DAVID G. BALCH, xxx-xx-x...
DIRK P. BARBER, xxx-xx-x...
ERIC BARBOSA, xxx-xx-x...
BRADLEY D. BARKER, xxx-xx-x...
ISAAC A. BARNES, xxx-xx-x...
JASON W. BARRIE, xxx-xx-x...
JONATHAN M. BARROW, xxx-xx-x...
CRAIG H. BARSTOW, xxx-xx-x...
PHILLIP A. BARTLETT, xxx-xx-xx...
MARK R. BATTISTONI, xxx-xx-x...
JEFFREY J. BEAMON, xxx-xx-xx...
CHRISTOP A. BEAN, xxx-xx-x...
BETH A. BEHN, xxx-xx-x...
JASON M. BELL, xxx-xx-x...
MARK W. BELLOMY, xxx-xx-x...
BRIAN M. BENKO, xxx-xx-x...
STEVE S. BENKO, xxx-xx-x...
MICHAEL J. BENSON, xxx-xx-x...
ERIK M. BERDY, xxx-xx-x...
CARL L. BERTA, xxx-xx-x...
JENNIFER T. BHALLA, xxx-xx-xx...
MARK R. BIEHL, xxx-xx-x...

JASON M. BINGO [redacted]
REX A. BINNS [redacted]
CHRISTOP J. BIRCHARD [redacted]
MICHAEL J. BIRMINGHAM [redacted]
FREDERIC H. BLACK, JR. [redacted]
SCOTT D. BLACKWELL [redacted]
NOELLE M. BLANC [redacted]
JOHN F. BLANKENHORN [redacted]
DARIN J. BLATT [redacted]
WAYNE A. BLEVINS, JR. [redacted]
BRADLEY W. BLOODWORTH, JR. [redacted]
BRIAN D. BOBO [redacted]
ANDREA E. BOCK [redacted]
CHRISTOP A. BOGUE [redacted]
LESLIE K. BOND [redacted]
TODD M. BOOKLESS [redacted]
BRET R. BOWSER [redacted]
ADAM J. BOYD [redacted]
GREGORY L. BOYLAN [redacted]
ALISON J. BRADLEY [redacted]
ELISABET C. BRADY [redacted]
ROBERT C. BRAGGS, JR. [redacted]
HANNIBAL R. BRAY [redacted]
LESLIE C. BRESKO [redacted]
DAVID M. BRESSER [redacted]
BLAKE F. BREWER [redacted]
NATHANIE N. BREWSTER [redacted]
ERIC T. BRIGGLE [redacted]
BRIAN J. BRIGGMAN [redacted]
JASON M. BRIZEK [redacted]
GEOFFREY C. BROWN [redacted]
BRANDI C. BRYAN [redacted]
DOUGLAS P. BRYANT [redacted]
HEATHER M. BRYANT [redacted]
JOHN K. BUEHLER [redacted]
JOEL M. BUENAFLOR [redacted]
JONATHAN D. BULSECO [redacted]
JAMES L. BUNCH [redacted]
MICHAEL K. BURBA [redacted]
GARY M. BURDEN [redacted]
JEFFREY C. BURG [redacted]
STUART G. BURKE [redacted]
BARRETT A. BURNS [redacted]
CHRISTOP A. BURNS [redacted]
JAMES S. BURROW [redacted]
CURTIS A. BUSH [redacted]
GERALD R. CABACUNGAN [redacted]
JAMES K. CAIRNS III [redacted]
RITA A. CALLAHAN [redacted]
VANDERIC J. CAMACHO [redacted]
DECKER A. CAMMACK [redacted]
CHARLES W. CANFIELD [redacted]
ARGOT CARBERRY [redacted]
BRIAN S. CAREY [redacted]
DOMINIQU N. CARMICHAEL [redacted]
SHANNON C. CARNEY [redacted]
CHARLES B. CARPENTER [redacted]
SHAWN E. CARPENTER [redacted]
DANIEL E. CARR [redacted]
CHAD G. CARROLL [redacted]
MICHAEL C. CARTER [redacted]
ANNAH M. CASTELLINI [redacted]
RODERICK M. CASTILLO [redacted]
JEFFREY M. CASUCCI [redacted]
CHARLES B. CHALFONT [redacted]
ELIZABET J. CHAO [redacted]
DAVID S. CHOE [redacted]
MIN W. CHONG [redacted]
STEVE C. CHONG [redacted]
CYNTHIA Y. CHUNG [redacted]
MARK D. CIEPLINSKI [redacted]
ANTHONY L. CIMA [redacted]
JONATHAN P. CLANCY [redacted]
THOMAS D. CLARK [redacted]
DAVID M. CLOLINGER [redacted]
ANDREW C. CLOUGH [redacted]
MARK S. CLOUGH [redacted]
ROSS M. COFFEY, 212-84-9703
JOHN P. COGBILL [redacted]
FAREN R. COLE [redacted]
KENNETH C. COLE [redacted]
SAMUEL R. COLEMAN [redacted]
LISA A. COLLER [redacted]
TODD E. COMBS [redacted]
JOHN A. COMPTON [redacted]
ROBERT P. CONLIN [redacted]
JAMES R. CONNALLY [redacted]
DAWN E. CONNIFF [redacted]
KRISTINA A. CONNORS [redacted]
MATTHEW T. CONWAY [redacted]
JASON G. COON [redacted]
RENEE L. COOPER [redacted]
ARTHUR T. CORNELSON [redacted]
JEFFREY J. CORTON [redacted]
CHRISTOP L. COSIE [redacted]
ALBERT M. COSTELLO [redacted]
KEVIN L. COTMAN [redacted]
BETH L. COUGHLIN [redacted]
HUNTER J. CRANDALL [redacted]
CHRISTOP E. CRANE [redacted]
JOSEPH C. CRAWFORD [redacted]
JOAQUIN M. CROSLIN [redacted]
NANCY K. CSOKA [redacted]
SAMUEL, CUBBERLEY [redacted]
PETER J. CUENCA [redacted]
JOHN A. CULLEY [redacted]
ERIN M. CUNNINGHAM [redacted]
PAUL E. CUNNINGHAM II [redacted]
TYRONE D. CURTIN [redacted]
DAVID B. CUSHEN [redacted]
RANDY J. CESTONE [redacted]
DAVID R. CWIK [redacted]

MICHAEL P. CYR [redacted]
KEVIN L. CZARNECKI [redacted]
LAWRENCE J. DALEY [redacted]
HARRY S. DALTON [redacted]
MONTE A. DAVENPORT [redacted]
JAMES A. DAVIDSON II [redacted]
CHADWICK G. DAVIS [redacted]
MICHAEL J. DAVIS [redacted]
NEIL A. DAVIS [redacted]
WAYNE A. DAVIS, JR. [redacted]
DANIEL A. DEBROUX [redacted]
ANTHONY T. DEGUIA [redacted]
DEREK, DELACRUZ [redacted]
CARLOS J. DELAGARZA [redacted]
DAVID G. DELANEY [redacted]
VAUGHN D. DELONG [redacted]
JOHN D. DELSIGNORE [redacted]
THOMAS P. DEMITROVIC [redacted]
DAVID J. DENNISON [redacted]
TOSHIKAZ DEZAKI [redacted]
JAMES A. DICKERSON II [redacted]
MARY C. DILLON [redacted]
JAMES E. DIMON [redacted]
JEFFREY J. DIRKSE [redacted]
MINHLUAN N. DOAN [redacted]
WILLIAM J. DOBOSH, JR. [redacted]
REGINALD M. DOBSON [redacted]
SPENCER D. DODGE [redacted]
NATHAN P. DONAHOE [redacted]
ALFRED W. DONALDSON, JR. [redacted]
MATTHEW A. DOOLEY [redacted]
WILLIAM D. DOUGLASS [redacted]
WILLIAM S. DOWNING [redacted]
SEAMUS K. DOYLE [redacted]
JOHN R. DUBE [redacted]
ROGER H. DUDA [redacted]
RONALD L. DUFRESNE [redacted]
CHAD M. DUHE [redacted]
GLENN D. DUHON III [redacted]
DAVID G. DUMAS [redacted]
RICHARD E. DUNAWAY, JR. [redacted]
DANIEL J. DURBIN [redacted]
JASON M. DUTERROIL [redacted]
MICHAEL R. DYER [redacted]
JACK C. EAMES [redacted]
RAYMOND L. EASON, JR. [redacted]
JESSE L. EASTER [redacted]
CHRISTOP J. EDDY [redacted]
SEBASTIA A. EDWARDS [redacted]
SEAN D. EGAN [redacted]
STEVEN F. EGAN [redacted]
ANTHONY R. ELIAS [redacted]
JAMES C. ELLIS [redacted]
PATRICK J. ELLIS [redacted]
ANTHONY J. ENCARNACAO [redacted]
MARK A. ESCOBEDO [redacted]
TODD A. ESH [redacted]
DONALD R. ESSER [redacted]
JAMES A. ETCHECHURY [redacted]
MICHAEL E. ETLEY [redacted]
RYAN R. FAIRMAN [redacted]
KRISTOFF B. FALE [redacted]
LUKE D. FALK [redacted]
BRYAN R. FANGMAN [redacted]
TIMOTHY L. FARMER [redacted]
SEAN E. FARRAR [redacted]
DARREN J. FEHER [redacted]
JON G. FERKO [redacted]
DANIEL A. FICKEL [redacted]
JEREMY V. FINE [redacted]
JOHN D. FIORITO [redacted]
ELLIOTT G. FISHBURNE [redacted]
JOHN C. FLANAGAN [redacted]
JEFFREY W. FLEECE [redacted]
ANTHONY J. FLORES [redacted]
SEAN T. FLYNN [redacted]
DAVID C. FOLEY [redacted]
LUKAS P. FORBES [redacted]
ETHAN W. FORD [redacted]
BRIAN D. FORREST [redacted]
CORBETT A. FOSTER [redacted]
TODD M. FOX [redacted]
MELISSA J. FOZMAN [redacted]
JEFFREY J. FRIESEN [redacted]
EDIE J. FUCHS [redacted]
BRETT T. FUNCK [redacted]
PATTON J. GADE [redacted]
RYAN J. GAGLIANO [redacted]
JOHN P. GALLAGHER [redacted]
JEFFREY R. GALLOWAY [redacted]
VINAYA A. GARDE [redacted]
DAVID W. GARDNER [redacted]
JAMES R. GARRETT [redacted]
STEPHEN M. GARRETT [redacted]
ROBERT D. GATLIFF JR. [redacted]
PATRICK L. GAYDON [redacted]
TYRONE G. GAYESKI JR. [redacted]
DEAN T. GELS [redacted]
JASON E. GEORGE [redacted]
MATTHEW J. GERACI [redacted]
BYRON K. GERMAN [redacted]
JASON T. GHETIAN [redacted]
KIRK E. GIBBS [redacted]
MICHAEL R. GIBSON [redacted]
CLAIR A. GILL [redacted]
LESLIE L. GILLESPIE [redacted]
KENNON S. GILLIAM [redacted]
CARL N. GIORDANO [redacted]
NICHOLAS H. GIST [redacted]
JOEL D. GLOCKLER [redacted]
JEREMY S. GOCKE [redacted]
DARLENE M. GODFREY [redacted]

KENT M. GONSER [redacted]
ERIC M. GOOLEY [redacted]
WILLIAM C. GOTTMEIER [redacted]
MATTHEW E. GRADY [redacted]
THOMAS W. GRAEPEL [redacted]
FRANK E. GRAHAM III [redacted]
PHILIP E. GRAHAM [redacted]
SEAN M. GRAHAM [redacted]
DAVID A. GRANT [redacted]
GARY R. GRAVES [redacted]
PHILLIP J. GRAVES [redacted]
CHRISTOP L. GRAY [redacted]
BRIAN R. GREATA [redacted]
JENNIFER H. GREENBERG [redacted]
CHANNING M. GREENE [redacted]
TIMOTHY D. GREIN [redacted]
GREGORY C. GRIFFIN [redacted]
GREGORY G. GRIFFIN [redacted]
MARVIN L. GRIFFIN [redacted]
SCOTT R. GRIFFITH [redacted]
RANDALL D. GRIGG, JR. [redacted]
DAVID B. GRIZZLE [redacted]
CHRISTOP J. GROSE [redacted]
ADAM P. GRYGLAS [redacted]
RICHARD B. GUSSENHOVEN [redacted]
DANNY T. GUSUKUMA [redacted]
MARK W. GUY [redacted]
JOSEPH E. GUZMAN [redacted]
KARIN A. GVENTER [redacted]
KARSTEN J. HAAKE [redacted]
KYLE H. HADLOCK [redacted]
SAMUEL J. HAGADORN [redacted]
DAVID D. HAIGHT [redacted]
DECKER B. HAINS [redacted]
DARRELL E. HALE [redacted]
DEREK E. HALL [redacted]
JAMES A. HALL [redacted]
JOHN W. HALL [redacted]
ERIK S. HALLAS [redacted]
DAVID T. HAMANN [redacted]
RALPH C. HAMM, III [redacted]
JIMMY W. HAMNER [redacted]
GLEN R. HAMPTON, III [redacted]
DARREN D. HANNA [redacted]
ANDREW S. HANSON [redacted]
MOHAMAD I. HAQUE [redacted]
SEAN G. HARDIN [redacted]
NATHAN S., HARRIGAN [redacted]
ROBERT M. HARRIS [redacted]
BRADLEY C. HARRISON [redacted]
JEFFREY T. HARRY [redacted]
DEVIN W. HARTFIELD [redacted]
BRIAN J. HARTHORN [redacted]
JASON W. HARTMAN [redacted]
CHRISTOP M. HASTY [redacted]
KENNETH C. HATCHER [redacted]
ERIC R. HATCHETT [redacted]
SUZANNE M. HAU [redacted]
KEITH W. HAUFLER [redacted]
MARK R. HAUSER [redacted]
TODD C. HAWKINS [redacted]
TRACEL L. HAWKINS [redacted]
ANDREW C. HAYES [redacted]
EDWARD B. HAYES, JR. [redacted]
PAUL R. HAYES [redacted]
MARVIN G. HAYNES, IV [redacted]
KERRI K. HEAD [redacted]
JAMES E. HEALY [redacted]
TROY L. HEDGPETH [redacted]
JOHN M. HEFNER [redacted]
RICHARD L. HEINE [redacted]
ALICE S. HELDT [redacted]
MATTHEW P. HELM [redacted]
BRYAN S. HELSEL [redacted]
BRADLEY D. HELTON [redacted]
JENNIFER A. HENDERSON [redacted]
STEVEN J. HENDERSON [redacted]
KENDALL HENRY [redacted]
PETER D. HESFORD [redacted]
CHARLES G. HEUPEL, JR. [redacted]
KENNETH C. HEYMAN [redacted]
JENNIFER R. HICKENBOTTOM [redacted]
ANTONIO P. HICKS [redacted]
KEVIN S. HICKS [redacted]
CHRISTOP J. HIGGINS [redacted]
MICHAEL H. HILL [redacted]
ANDREW C. HILMES [redacted]
ANDREW J. HITTNER [redacted]
BRIAN E. HITTNER [redacted]
JOHN D. HIXSON [redacted]
BENJAMIN HOCKENBERRY [redacted]
TANESHA L. HODGE [redacted]
VANESSA A. HODGE [redacted]
JENNIFER S. HODGES [redacted]
JOHN G. HODGSON [redacted]
LAURA M. HODSON [redacted]
HOWARD H. HOEGE, III [redacted]
CHRISTOP J. HOLM [redacted]
KENNETH E. HOLT [redacted]
AARON F. HOOD [redacted]
JASON C. HOOK [redacted]
MICHAEL L. HOOVER [redacted]
WALTER J. HORIN, JR. [redacted]
JOHN P. HORNING [redacted]
BRIAN J. HORNUNG [redacted]
CHARLES O. HOWALD [redacted]
DAVID W. HOWARD [redacted]
PRESTON T. HOWARD, JR. [redacted]
HEIDI J. HOYLE [redacted]
JOSEPH R. HSU [redacted]
RYAN A. HUDAK [redacted]
CHRISTIA H. HUETTEMEYER [redacted]

DEREK A. HUFFER, xxx-xx-x...
RICHARD S. HUH, xxx-xx-x...
JACK C. HUNNICUTT, xxx-xx-x...
JAMES U. HWANG, xxx-xx-x...
EUGENE S. HWANGBO, xxx-xx-x...
ARRON P. INGEBRITSON, xxx-xx-x...
TODD E. JACKINS, xxx-xx-x...
CHAD T. JAGMIN, xxx-xx-x...
PHILIP W. JALUFKA, xxx-xx-xx...
KHADSIJA T. JAMES, xxx-xx-xx...
ANTHONY J. JAMORA, xxx-xx-x...
JAMAL K. JENKINS, xxx-xx-x...
LOREN B. JERLOW, xxx-xx-x...
KYLE F. JETTE, xxx-xx-xx...
ANTHONY E. JOHNSON, xxx-xx-x...
CHERI L. JOHNSON, xxx-xx-x...
HARRY M. JOHNSON II, xxx-xx-x...
JEREMIAH J. JOHNSON, xxx-xx-xx...
MICHAEL H. JOHNSON, xxx-xx-x...
RANDY T. JOHNSON, xxx-xx-x...
THOMAS M. JOHNSON, xxx-xx-x...
TORY J. JOHNSON, xxx-xx-x...
CLAYTON M. JONES, xxx-xx-x...
MARGARET F. JONES, xxx-xx-x...
STEVEN K. JONES, xxx-xx-x...
THOMAS B. JONES, xxx-xx-x...
TODD B. JONES, xxx-xx-x...
RUSSELL L. JORDAN, JR., xxx-xx-xx...
SAMUEL E. JOYNER, JR., xxx-xx-xx...
CHAD V. JUBELA, xxx-xx-x...
ANTHONY A. KAJENCKI III, xxx-xx-x...
JASON R. KALAINOFF, xxx-xx-x...
THERESA A. KAMPFER, xxx-xx-xx...
SAMUEL W. KAN, xxx-xx-x...
JOHN F. KANE, xxx-xx-x...
KURT A. KANE, xxx-xx-x...
KING Y. KAO, xxx-xx-x...
MICHAEL J. KAYS, xxx-xx-x...
GREGORY B. KEHLER, xxx-xx-x...
ANDREW D. KELLY, JR., xxx-xx-x...
JASON E. KELLY, xxx-xx-x...
MICHAEL T. KELLY, xxx-xx-x...
KURT P. KEMPKES, xxx-xx-x...
TIMOTHY P. KENEALLY, xxx-xx-x...
JOSHUA S. KENNEDY, xxx-xx-x...
MICHAEL L. KENNEDY, xxx-xx-x...
KAYLAN E. KENNEL, xxx-xx-x...
KEVEN J. KERCHER, xxx-xx-x...
DENNIS W. KERWOOD, xxx-xx-x...
NEIL K. KHATOD, xxx-xx-x...
SIOBHAIN I. KILGALLEN, xxx-xx-x...
ROBERT L. KILROY, xxx-xx-x...
EDISON H. KIM, xxx-xx-x...
HA J. KIM, xxx-xx-x...
JANEL KIM, xxx-xx-x...
JENNY A. KIM, xxx-xx-x...
MICHAEL M. KIM, xxx-xx-x...
SOPHIA KIM, xxx-xx-x...
PATRICIA L. KINERSON, xxx-xx-x...
CHARLES B. KING III, xxx-xx-x...
NICKOLAS T. KIOUTAS, xxx-xx-x...
ROBERT C. KISSANE, xxx-xx-x...
BRYAN P. KLATT, xxx-xx-x...
BRIAN F. KNAPP, xxx-xx-x...
LAURA L. KNAPP, xxx-xx-x...
LARA S. KNIGHT, xxx-xx-x...
PETER G. KNIGHT, xxx-xx-x...
KENT A. KORUNKA, xxx-xx-x...
ANDREW S. KOS, xxx-xx-x...
ROBERT A. KOVACH, xxx-xx-x...
BRIAN G. KOYN, xxx-xx-x...
ALAN H. KRAL, xxx-xx-x...
BRENDAN G. KRASINSKI, xxx-xx-x...
MICHAEL I. KRAUSE, xxx-xx-x...
CHRISTOP M. KREBS, xxx-xx-x...
ROBERT A. KRIEG, xxx-xx-x...
CHANCE KRIESEL, xxx-xx-x...
RONALD W. KRISAK, JR., xxx-xx-x...
JAY W. KRUEGER, xxx-xx-x...
JOSEPH R. KRUPA, xxx-xx-x...
DANIEL J. KUDRNA, xxx-xx-x...
KEVIN R. KUGEL, xxx-xx-x...
GEOFFREY D. KUHLMANN, xxx-xx-x...
CLIFFORD E. KUMP, xxx-xx-x...
MANU J. KUSANO, xxx-xx-x...
MARK G. KUSTELSKI, xxx-xx-x...
MARC D. KUTTER, xxx-xx-x...
WILLIAM C. KUTTLER, JR., xxx-xx-xx...
ROGER D. KUYKENDALL, xxx-xx-x...
DIRK M. KVALE, xxx-xx-x...
SPENCER T. KYMPTON, xxx-xx-x...
DUC D. LAI, xxx-xx-x...
MICHAEL E. LAMKE, xxx-xx-x...
KEVIN M. LAMPHERE, xxx-xx-x...
MICHAEL H. LANDERS, xxx-xx-x...
THEODORE J. LANDGRAF, xxx-xx-x...
JOHN D. LANE, xxx-xx-x...
STEPHEN J. LAPEKAS III, xxx-xx-x...
DUNCAN J. LARKIN, xxx-xx-x...
TOD J. LARSON, xxx-xx-x...
KAR P. LAU, xxx-xx-x...
DUANE S. LAUCHENGCO, xxx-xx-x...
ZACHARY C. LAUER, xxx-xx-x...
SARAH L. LAUGHLIN, xxx-xx-x...
LAURA A. LAW, xxx-xx-x...
MARK A. LEBLANC, xxx-xx-x...
ADAM D. LEDBETTER, xxx-xx-x...
GEORGE W. LEE, xxx-xx-x...
TYSON J. LEE, xxx-xx-x...
YOUNG C. LEE, xxx-xx-x...
TACILDAY LEGRAND, xxx-xx-x...
JEFFREY S. LEISCHNER, xxx-xx-xx...
PATRICK C. LEMOINE, xxx-xx-x...
PHILIP J. LENZ, xxx-xx-xx...
KAREN K. LEONARDI, xxx-xx-x...
KENT M. LERSCH, xxx-xx-x...
JASON L. LEWALLEN, xxx-xx-x...
ERIC J. LEWIS, xxx-xx-x...
GREEN P. LEWIS III, xxx-xx-xx...
JAMES M. LEWIS III, xxx-xx-xx...
PAUL LIBRETTA, xxx-xx-x...
AARON B. LILLEY, xxx-xx-x...
ERIK M. LITTLEJOHN, xxx-xx-xx...
ERNEST LITYNSKI, xxx-xx-x...
RAFAEL R. LIZARDI, xxx-xx-xx...
DAVID J. LONG, xxx-xx-x...
JASON D. LONG, xxx-xx-x...
LOREN M. LONG, xxx-xx-x...
MICHAEL A. LONG, JR., xxx-xx-x...
THOMAS C. LONGFELLOW, xxx-xx-x...
THOMAS C. LOPRESTI, xxx-xx-x...
AROL J. LORA, xxx-xx-x...
AARON J. LOUDON, xxx-xx-x...
NICHOLAS L. LOUIS, xxx-xx-x...
DAVID C. LOVE, xxx-xx-x...
ZACHARY T. LOWE, JR., xxx-xx-x...
LANGDON J. LUCAS, xxx-xx-x...
DAVID S. LYLE, xxx-xx-x...
JOHN B. MACDOUGALL, xxx-xx-x...
DONALD J. MACIAG, xxx-xx-x...
CY M. MACKO, xxx-xx-x...
JENNIFER L. MACLEAN, xxx-xx-xx...
CECIL R. MACPHERSON, xxx-xx-x...
GABRIELL M. MADDALONI, xxx-xx-x...
BRIAN D. MADDOX, xxx-xx-x...
MICHAEL B. MADKINS, xxx-xx-x...
PETER G. MADRINAN, xxx-xx-x...
MICHAEL F. MAGAJNE, xxx-xx-x...
ROBERT E. MAGEE, xxx-xx-x...
ERIC D. MAGNELL, xxx-xx-x...
CAROL M. MAHER, xxx-xx-x...
WILLIAM J. MAJOR III, xxx-xx-xx...
JEFFREY F. MALISKA, xxx-xx-xx...
MICHAEL W. MANGINO III, xxx-xx-x...
SCOTT R. MARCOUX, xxx-xx-x...
SCOTT S. MARHOLD, xxx-xx-x...
JOHN M. MARKATOS, xxx-xx-x...
AMY L. MARKUTSA, xxx-xx-x...
ADRIAN A. MARSH, xxx-xx-x...
HEATHER C. MARSH, xxx-xx-x...
TODD H. MARSHBURN, xxx-xx-x...
DOUGLAS W. MARTIN, xxx-xx-x...
HOLLIE J. MARTIN, xxx-xx-x...
JAY C. MARTIN, xxx-xx-x...
MARIA MARTIN, xxx-xx-x...
PATRICK C. MARTIN, xxx-xx-x...
PHILLIP G. MARTIN, xxx-xx-xx...
MICHAEL J. MASTERS, xxx-xx-xx...
MELINDA S. MASTERSON, xxx-xx-x...
GREGORY S. MATHEWS, xxx-xx-x...
MICHAEL J. MATISON, xxx-xx-x...
JOHN C. MATTHEWS, xxx-xx-x...
JEFFREY A. MATTSON, xxx-xx-xx...
ODESSA Y. MAXWELL, xxx-xx-x...
SEAN P. MCALLISTER, xxx-xx-x...
KEVIN A. MCANINCH, xxx-xx-x...
PATRICK W. MCCABE, xxx-xx-x...
ROBERT M. MCCARTHY, xxx-xx-x...
ROBERT E. MCCLINTOCK, JR., xxx-xx-x...
SHON A. MCCORMICK, xxx-xx-x...
CHRISTOP D. MCCUNE, xxx-xx-x...
CRAIG C. MCFARLAND, xxx-xx-x...
DEXTER L. MCFARLIN, xxx-xx-x...
JOSEPH J. MCGRAW, xxx-xx-x...
DAVID G. MCGURK, xxx-xx-x...
STEPHEN R. MCHALE, xxx-xx-x...
MATTHEW J. MCHIEL, xxx-xx-x...
STEPHEN H. MCINTYRE, xxx-xx-x...
SEAN K. MCKEAGUE, xxx-xx-x...
THAILAND A. MCMILLAN, xxx-xx-x...
JENNIFER J. MCNEAR, xxx-xx-xx...
JAMES W. MCPHERSON IV, xxx-xx-x...
MICHAEL T. MCTIGUE, xxx-xx-x...
RODNEY S. MCWHORTER, xxx-xx-x...
WILLIAM M. MEDOF, xxx-xx-x...
AMY M. MEEKS, xxx-xx-x...
STEPHEN T. MEFFORD, xxx-xx-xx...
ANTHONY M. MELLO III, xxx-xx-x...
JIM MELTON, xxx-xx-x...
WILLIAM H. MENGEL, JR., xxx-xx-xx...
THOMAS R. MERVINE, xxx-xx-x...
THOMAS B. MESSERVEY, xxx-xx-x...
CHRISTOP L. METZGER, xxx-xx-x...
RUSSELL A. METZLER, xxx-xx-xx...
PAUL M. MEYER, xxx-xx-x...
ERIC A. MEYERSON, xxx-xx-x...
JON A. MICHAEL, xxx-xx-x...
MARTIN M. MICHNA, xxx-xx-x...
KURT A. MIESNER, xxx-xx-x...
ALLISON E. MILLER, xxx-xx-x...
HEATHER A. MILLER, xxx-xx-x...
IAN M. MILLER, xxx-xx-x...
JASON L. MILLER, xxx-xx-xx...
JEFFREY D. MILLER, xxx-xx-xx...
JOEL M. MILLER, xxx-xx-x...
RYAN S. MILLER, xxx-xx-x...
KYUNG I. MIN, xxx-xx-x...
CHRISTIA J. MINER, xxx-xx-x...
AARON W. MITCHELL, xxx-xx-x...
CHAD T. MITCHELL, xxx-xx-x...
SAMUEL T. MITCHELL II, xxx-xx-x...
PAUL F. MLAKAR, JR., xxx-xx-xx...
TODD A. MOE, xxx-xx-x...
MICHAEL R. MOLINO, xxx-xx-x...
RACHEL E. MOLNAR, xxx-xx-x...
TARA L. MONDT, xxx-xx-x...
JOSHUA L. MOON, xxx-xx-x...
CRYSTAL L. MOORE, xxx-xx-x...
DAVID A. MOORE, xxx-xx-x...
LOUIS W. MORALES, xxx-xx-x...
GARY J. MOREA, xxx-xx-x...
THOMAS J. MORELLI, xxx-xx-x...
TODD R. MORGENFELD, xxx-xx-x...
MICHAEL R. MORRELL, xxx-xx-x...
ROBERT B. MORRIS III, xxx-xx-x...
JOSEPH M. MORRISON, xxx-xx-x...
RONALD P. MORRISON, xxx-xx-x...
BRENT D. MORROW, xxx-xx-x...
JASON M. MORWICK, xxx-xx-x...
DOUGLAS J. MOSCHKAU, xxx-xx-x...
ROY A. MOSS, xxx-xx-x...
NATHANIE E. MOSTAJO, xxx-xx-x...
SCOTT W. MUELLER, xxx-xx-x...
DAVID E. MUGG, xxx-xx-x...
KEVIN P. MUIR, xxx-xx-x...
CHRISTOP W. MULLER, xxx-xx-x...
MICHAEL J. MULLER, xxx-xx-x...
MELANIE MUNK, xxx-xx-x...
JEFFREY B. MURPHY, xxx-xx-xx...
RICHARD M. MURPHY, xxx-xx-x...
TORREY M. MURPHY, xxx-xx-...
KENDALL D. MUSGROVE, xxx-xx-x...
ERNEST D. NAPIER III, xxx-xx-xx...
ANTHONY J. NAPOLITANO II, xxx-xx-x...
TRAVIS J. NARUM, xxx-xx-x...
STEPHANI M. NATALE, xxx-xx-x...
CHRISTOP B. NEAD, xxx-xx-x...
EMILY C. NESSETH, xxx-xx-x...
MARK E. NEUBAUER, xxx-xx-x...
CHADD T. NEWMAN, xxx-xx-x...
HOANG N. NGUYEN, xxx-xx-x...
NHIEM T. NGUYEN, xxx-xx-x...
SCOTT M. NIEMAN, xxx-xx-x...
TOOMAS A. NIEMANN, xxx-xx-x...
JOHN A. NOESSER, xxx-xx-x...
MARK E. NOGLASKI, xxx-xx-x...
BRODRICK L. NORMAN, xxx-xx-x...
GEOFFREY A. NORMAN, xxx-xx-x...
JOSEPH A. NOTCH, xxx-xx-x...
SETH D. O'BRIEN, xxx-xx-x...
THOMAS W. O'CONNOR, JR., xxx-xx-x...
EVAN H. OFFSTEIN, xxx-xx-x...
COLLEEN T. O'HARA, xxx-xx-x...
WALTER R. OHL, JR., xxx-xx-xx...
CURTIS W. OHLAND, xxx-xx-x...
JOHN N. OLDHAM, xxx-xx-x...
SHAWN N. OLDS, xxx-xx-x...
MARK P. OLIN, xxx-xx-x...
MICHAEL R. OLIVE, xxx-xx-x...
JOHN A. OLIVER, JR., xxx-xx-xx...
JAY R. OLSEN, xxx-xx-x...
DENNIS P. O'NEIL, xxx-xx-x...
HUMBERTO A. ORANTES, xxx-xx-x...
FRANCISC ORELLANA, xxx-xx-x...
JOHN A. ORLANDO II, xxx-xx-x...
STEPHEN J. ORLOSKI, xxx-xx-xx...
KEVIN E. OROURKE, xxx-xx-x...
CARLOS E. ORTIZ, JR., xxx-xx-xx...
DAVID D. ORTON, xxx-xx-x...
BRIAN K. ORWIG, xxx-xx-x...
GARY A. OSTBY, xxx-xx-x...
LARRY J. OSTENDORF, xxx-xx-xx...
COLIN J. O'SULLIVAN, xxx-xx-x...
CHRISTOP L. OTT, xxx-xx-x...
JEFFREY D. OWEN, xxx-xx-x...
RAY I. OWEN, xxx-xx-x...
BARTT D. OWENS, xxx-xx-x...
BRETT D. OWENS, xxx-xx-x...
JINCY R. PACE, xxx-xx-x...
JASON C. PADILLA, xxx-xx-x...
JIN H. PAK, xxx-xx-x...
RAUL G. PALACIOS III, xxx-xx-x...
JEFFREY D. PALMER, xxx-xx-xx...
DOUGLAS J. PALUTI, xxx-xx-xx...
BILL A. PAPANASTASIOU, xxx-xx-xx...
DONNA L. PARENT, xxx-xx-x...
GRACE PARK, xxx-xx-x...
JOHN H. PARK, xxx-xx-x...
STEVE J. PARK, xxx-xx-xx...
GRAEME R. PARNELL, xxx-xx-xx...
ROBBIE J. PASSINAULT, xxx-xx-x...
JASON C. PATRICK, xxx-xx-x...
KEITH K. PATTERSON, xxx-xx-xx...
CURTIS W. PATTESON, xxx-xx-x...
EDWARD L. PEARCE, xxx-xx-x...
JOHN A. PEARSON, xxx-xx-x...
RICHARD G. PEARSON, xxx-xx-x...
ROBERT E. PEARSON III, xxx-xx-xx...
SAMUEL C. PEARSON, xxx-xx-x...
JOSEPH G. PENKALA, xxx-xx-xx...
ADRIAN E. PERCIA, xxx-xx-x...
EDWARD J. PERKINS, JR., xxx-xx-xx...
KEYE E. PERRY, JR., xxx-xx-xx...
JUSTIN C. PERUSEK, xxx-xx-xx...
MICHAEL A. PETERS, xxx-xx-x...
JONATHAN J. PETRUCELLI, xxx-xx-xx...
KEVIN R. PETTET, xxx-xx-xx...
JOHN R. PETTY, JR., xxx-xx-xx...
CHRISTOP J. PFLANZ, xxx-xx-xx...
CHARLES R. PHARISS, xxx-xx-xx...
LAYNE PHILLIPS, xxx-xx-xx...
KEVIN B. PHIPPS, xxx-xx-xx...
JOSEPH I. PIERCE, xxx-xx-xx...
DAVID E. PILARSKI, xxx-xx-xx...
HUGH S. PITTMAN, xxx-xx-x...
THERESA F. PLACETTE, xxx-xx-x...

MICHAEL A. PLAIA, xxx-xx-x...
GRETCHEN B. PLATT, xxx-xx-x...
JAMES M. PLUMLEE II, xxx-xx-xx...
JOSE L. POLANCO, xxx-xx-x...
SCOTT M. POLK, xxx-xx-x...
JAMES E. POOL, xxx-xx-x...
ROBERT E. POOLE, xxx-xx-x...
MATTHEW A. POSNER, xxx-xx-x...
WILLIAM T. POTTER, xxx-xx-x...
ELITA S. POWELL, xxx-xx-xx...
MARCUS T. POWELL, xxx-xx-x...
STEVEN M. POWELL, xxx-xx-x...
TROY N. PREHAR, xxx-xx-x...
EDWARD A. PRESLEY, xxx-xx-x...
BRIAN D. PRETTYMAN, xxx-xx-x...
SEAN M. PRITCHARD, xxx-xx-x...
JAMES R. PUGH, xxx-xx-x...
ERIC PULWICZ, xxx-xx-x...
MARK T. PURDY, xxx-xx-x...
JUSTIN T. PUTNAM, xxx-xx-xx...
STEPHANI M. QUIRK, xxx-xx-x...
ROSS W. RABURN, xxx-xx-x...
BILL R. RAINUSSO, xxx-xx-x...
ROBERTO J. RAMIREZ, xxx-xx-x...
THOMAS J. RATCLIFF, xxx-xx-xx...
LEON H. RAWLINGS, xxx-xx-x...
MATTHEW J. REDMOND, xxx-xx-x...
HEATHER L. REED, xxx-xx-x...
KRISTIN A. REED, xxx-xx-x...
RYLAND M. REED, xxx-xx-x...
TRISTAN C. REEVE, xxx-xx-x...
CHRISTOP N. REICHART, xxx-xx-x...
AARON W. REISINGER, xxx-xx-x...
KYLE N. REMICK, xxx-xx-x...
LAURENT L. RENARD, xxx-xx-x...
MATTHEW E. RESNICK, xxx-xx-x...
ERIC S. RHIND, xxx-xx-x...
KEVIN P. RHOADS, xxx-xx-x...
BRETT L. RICE, xxx-xx-x...
CHRISTOP F. RIEMER, xxx-xx-xx...
JAWARA RILEY, xxx-xx-x...
WENDY D. RILING, xxx-xx-x...
JOHN D. RING, xxx-xx-x...
GEORGE S. RINGLER, xxx-xx-x...
JASON R. RIOS, xxx-xx-x...
ROBERT M. RIPPERGER, xxx-xx-xx...
JOHN L. RITTER, xxx-xx-xx...
TIMOTHY J. ROACH, xxx-xx-x...
KENDRIC H. ROBBINS, xxx-xx-x...
RYAN N. ROBERSON, xxx-xx-x...
DANIEL F. ROBINSON, xxx-xx-x...
KIRSTEN E. RODENBECK, xxx-xx-x...
DARRYL W. RODGERS, xxx-xx-x...
JACE L. RODGERS, xxx-xx-x...
ADRIAN L. RODRIGUEZ, xxx-xx-x...
BRYANT V. ROGERS, xxx-xx-x...
MICHAEL L. ROLLI, xxx-xx-x...
FRANCISC A. ROMERO III, xxx-xx-x...
WILLIAM E. ROOKER, xxx-xx-x...
ERIC J. ROSENFELDER, xxx-xx-xx...
ASHLEY H. ROSENTHAL, xxx-xx-x...
DONALD J. ROY, xxx-xx-x...
PAUL U. ROYLE, xxx-xx-x...
DANIEL L. RUCKER, xxx-xx-x...
DANIEL M. RUIZ, xxx-xx-x...
CHAD A. RUPE, xxx-xx-x...
WILLIAM A. RYAN III, xxx-xx-x...
TROY F. RYDER, xxx-xx-x...
JEFFREY S. SALERNO, xxx-xx-xx...
PAUL J. SALMON, xxx-xx-x...
JAMES R. SALOME, xxx-xx-x...
AARON D. SANE, xxx-xx-x...
MARK R. SANFORD, xxx-xx-x...
CURT G. SANSOUCIE, xxx-xx-x...
ROBERT C. SANTAMARIA, xxx-xx-x...
ERIC E. SASSI, xxx-xx-x...
MICHAEL E. SAXON, xxx-xx-x...
TRACY J. SAXON, xxx-xx-x...
JASON C. SCHAAF, xxx-xx-x...
DOMINIC J. SHAFFER, xxx-xx-xx...
MATTHEW C. SCHELL, xxx-xx-x...
LISA A. SCHERTEL, xxx-xx-x...
THOMAS E. SCHIFFER, xxx-xx-x...
BRYAN S. SCHILLER, xxx-xx-x...
JOSEPH T. SCHMIDT, xxx-xx-xx...
PHILLIP R. SCHMITT, xxx-xx-xx...
CHRISTOP D. SCHNEIDER, xxx-xx-x...
RYAN D. SCHNEIDER, xxx-xx-x...
GEORGE W. SCHRADER III, xxx-xx-x...
JASON E. SCHROEDER, xxx-xx-x...
JEREMY J. SCHROEDER, xxx-xx-xx...
SCOTT J. SCHROEDER, xxx-xx-x...
JAMES SCHUG, xxx-xx-x...
SHERI L. SCHWEIKER, xxx-xx-x...
MICHAEL J. SCIMECA, xxx-xx-x...
BRETT A. SCIOTTO, xxx-xx-x...
DOMINIC M. SCOLA, xxx-xx-x...
BEVERLY S. SCOTT, xxx-xx-x...
ERIK B. SCOTT, xxx-xx-x...
ALEXANDE J. SEIFERT, xxx-xx-xx...
GERALD D. SENTELL JR, xxx-xx-xx...
LAWRENCE M. SEWARD, xxx-xx-x...
JOHN R. SHAGENA, xxx-xx-x...
STUART F. SHAPIRO, xxx-xx-xx...
STEPHEN R. SHARPE, xxx-xx-xx...
ROBERT D. SHEAR, xxx-xx-x...
MICHAEL E. SHEEHY, xxx-xx-x...
MICHELLE L. SHERWOOD, xxx-xx-x...
BRIAN C. SHIELDS, xxx-xx-x...
JOHN K. SHIELDS, xxx-xx-x...
JAY J. SHININGER, xxx-xx-xx...
ROY J. SHIPLEY, xxx-xx-xx...
MARK J. SHOGREN, xxx-xx-x...
STEPHEN T. SHORE, xxx-xx-x...
TRENTON L. SHUPING, xxx-xx-x...
JEFFREY A. SHUSTA, xxx-xx-xx...
ZACHARY A. SIKES, xxx-xx-x...
DAVID M. SIMMONS, xxx-xx-x...
MAJOR J. SIMMONS II, xxx-xx-x...
DAVID R. SIRY, xxx-xx-x...
GEOFFREY S. SKIPWORTH, xxx-xx-x...
MARIA M. SLAUGHTER, xxx-xx-x...
CHRISTOP C. SLEIGHT, xxx-xx-x...
DEBORAH S. SLINSKY, xxx-xx-x...
JULIE, SLOKAR, xxx-xx-x...
JAMES E. SLOMKA, xxx-xx-x...
BRADLEY C. SMITH, xxx-xx-x...
BRETT G. SMITH, xxx-xx-x...
BRIAN L. SMITH, xxx-xx-x...
CAMILLE D. SMITH, xxx-xx-x...
CHAD M. SMITH, xxx-xx-x...
ERIC B. SMITH, xxx-xx-x...
HENRY L. SMITH JR, xxx-xx-xx...
LINWOOD E. SMITH III, xxx-xx-x...
MATTHEW P. SMITH, xxx-xx-x...
MICHAEL W. SMITH, xxx-xx-x...
MILTON S. SMITH, xxx-xx-x...
NATHANIE S. SMITH, xxx-xx-x...
TERESA A. SMITH, xxx-xx-x...
TRAVIS A. SMITH, xxx-xx-x...
WILLIAM C. SNIDER, xxx-xx-x...
MIKE SOLIS, xxx-xx-x...
TOM M. SON, xxx-xx-x...
DAVID R. SONNE, xxx-xx-x...
GROVER R. SOUTHERLAND, xxx-xx-x...
MARISSA V. SOUZA, xxx-xx-x...
STEPHEN S. SOWELL, xxx-xx-x...
CHRISTOP A. SPENCE, xxx-xx-x...
DONALD M. SPIRE, xxx-xx-x...
E. ST. AMAND, xxx-xx-x...
JASON C. STACY, xxx-xx-x...
MATTHEW N. STADER, xxx-xx-x...
RICHARD E. STANFIELD, xxx-xx-x...
JENNIFER L. STANLEY, xxx-xx-xx...
DWAYNE T. STANTON, xxx-xx-x...
ELISABET A. STARK, xxx-xx-x...
SCOTT R. STEELE, xxx-xx-x...
ADAM C. STEELHAMMER, xxx-xx-x...
PETER E. STELLING, xxx-xx-xx...
JAMES M. STEPIEN, xxx-xx-xx...
JASON P. STEWART, xxx-xx-x...
SHANE P. STOGNER, xxx-xx-x...
SCOTT T. STRATTON, xxx-xx-x...
ADAM C. STRAUB, xxx-xx-x...
MATTHEW A. STRICKLER, xxx-xx-x...
MARK D. STRONG, xxx-xx-x...
WILLIAM A. STROUT, xxx-xx-x...
SLADE A. SUCHECKI, xxx-xx-x...
MICKEY SUH, xxx-xx-x...
JOHN F. SULLIVAN III, xxx-xx-xx...
MICHAEL D. SULLIVAN, xxx-xx-x...
SHANE M. SULLIVAN, xxx-xx-x...
CHRISTIE M. SUMMERS, xxx-xx-x...
JENNIFER M. SUMMERS, xxx-xx-x...
ROBERT M. SUMMERS, xxx-xx-x...
BRAD D. SUTEK, xxx-xx-x...
JASON W. SUTTON, xxx-xx-x...
ADAM C. SWIECKI, xxx-xx-x...
RICHARD J. SWIFT, xxx-xx-x...
BRETT G. SYLVIA, xxx-xx-x...
JAMES W. SYTSMA, xxx-xx-x...
JOHN C. SZCZEPANSKI, xxx-xx-x...
GREGORY L. SZCZESNY, xxx-xx-x...
LANCE A. TACQUARD, xxx-xx-x...
KEITH A. TAHTINEN, xxx-xx-x...
TING J. TAI, xxx-xx-x...
CURTIS D. TAIT, xxx-xx-x...
STEPHEN P. TALBOTT, xxx-xx-xx...
MICHAEL S. TARQUINTO, xxx-xx-x...
CURTIS D. TAYLOR, xxx-xx-x...
DANIEL E. TAYLOR, xxx-xx-x...
DANIEL L. TEETER, xxx-xx-xx...
RIGDON T. TERRELL, xxx-xx-x...
ANTHONY J. TESTA, JR, xxx-xx-xx...
ALLAN R. THOMAS, JR, xxx-xx-x...
DAVID A. THOMAS, xxx-xx-x...
DEVON T. THOMAS, xxx-xx-x...
MARK D. THOMAS, xxx-xx-x...
CHRISTOP A. THOMPSON, xxx-xx-x...
JOHN B. THOMPSON, xxx-xx-x...
KURT T. THOMPSON, xxx-xx-x...
MICHAEL G. THORNBERRY, xxx-xx-x...
BRIAN J. THORNE, xxx-xx-x...
ERIC J. THORNE, xxx-xx-x...
ROBERT J. THORNFELT, xxx-xx-xx...
STEVEN M. THORNTON, xxx-xx-x...
KERMIT G. THREATTE, xxx-xx-x...
GEORGE M. TIAFFAY, xxx-xx-x...
SCOTT A. TIKALSKY, xxx-xx-x...
MATTHEW J. TIMBARIO, xxx-xx-x...
JUAN B. TIRONA, xxx-xx-x...
ERIC S. TOLLEFSON, xxx-xx-x...
STEPHEN R. TRIMBORN, xxx-xx-x...
STEVEN W. TRISLER, xxx-xx-xx...
GRANT A. TROXELL, xxx-xx-x...
CARLOS A. TRUJILLO, xxx-xx-x...
VU TRUONG, xxx-xx-x...
CREIGHTO C. TUBB, xxx-xx-x...
GEOFFREY R. TUMLIN, xxx-xx-x...
DAVID L. TUMMONDS, xxx-xx-x...
BRIAN M. TUNG, xxx-xx-x...
LORI L. TURBAK, xxx-xx-x...
CHRISTOP E. TURCO, xxx-xx-x...
SCOTT G. TURKINGTON, xxx-xx-x...
BESS K. TURNER, xxx-xx-x...
FRANK L. TURNER II, xxx-xx-xx...
JOEL T. TURNER, xxx-xx-xx...
SEAN J. TURNER, xxx-xx-xx...
WILLIAM J. TURTURRO, xxx-xx-x...
DOUGLAS C. UKEN, xxx-xx-x...
CHRISTOP M. UPTON, xxx-xx-x...
LYDIA Y. URIBARRI, xxx-xx-x...
RICARDO B. VALDEZ, xxx-xx-x...
JEREMY B. VANCE, xxx-xx-x...
TODD B. VANDAWATER, xxx-xx-x...
JONATHAN J. VANNATTA, xxx-xx-x...
MICHAEL R. VASTAG, xxx-xx-x...
JOHN C. VEASEY, xxx-xx-x...
DANIEL L. VELAZQUEZ, xxx-xx-x...
JOHN A. VEST, xxx-xx-x...
BRIAN D. VILE, xxx-xx-x...
THOMAS P. VOGEL, xxx-xx-x...
TIMOTHY J. VOLKMANN, xxx-xx-x...
MICHAEL M. VOLPE, xxx-xx-x...
PETER J. VONALT, xxx-xx-xx...
JASON R. VRANES, xxx-xx-x...
ARRON A. WAGNER, xxx-xx-x...
WENDI M. WAITS, xxx-xx-x...
GARY A. WALENDA, xxx-xx-x...
ROSS S. WALKER, xxx-xx-x...
JOHN M. WALLACE, xxx-xx-x...
KIMBERLY A. WALTER, xxx-xx-x...
DANYELLE J. WAMBACH, xxx-xx-x...
DUSTIN J. WAMBEKE, xxx-xx-x...
JASON C. WARD, xxx-xx-x...
RICHARD I. WARD, xxx-xx-x...
WENDY C. WARD, xxx-xx-x...
KEVIN J. WARNER, xxx-xx-x...
KAYE M. WARZYNSKI, xxx-xx-x...
MONICA P. WASHINGTON, xxx-xx-x...
JAMEY D. WEBB, xxx-xx-x...
STEVEN M. WEBER, xxx-xx-x...
JOHN L. WEDGES III, xxx-xx-x...
JAMES S. WELLS, xxx-xx-xx...
CHRISTOP W. WENDLAND, xxx-xx-x...
MICHAEL W. WERNER, xxx-xx-x...
JASON A. WESBROCK, xxx-xx-x...
MARTIN J. WHALEN, xxx-xx-x...
MICHAEL J. WHALEN, xxx-xx-x...
ALEXANDE P. WHITAKER, xxx-xx-x...
CHRISTOP M. WHITE, xxx-xx-x...
MATTHEW B. WHITE, xxx-xx-x...
LISA D. WHITTAKER, xxx-xx-xxxx
MICHAEL S. WHITTEN, xxx-xx-xxxx
JOHN P. WHYTE III, xxx-xx-xx...
JAMES G. WIDEMAN, xxx-xx-x...
JOHN S. WIEMAN, xxx-xx-x...
LAWRENCE A. WILKINSON, xxx-xx-x...
DORSEY F. WILLIAMS, xxx-xx-x...
JULIE J. WILLIAMS, xxx-xx-xx...
KIRK L. WILLIAMS, xxx-xx-x...
SHON P. WILLIAMS, xxx-xx-x...
STEVEN J. WILLIAMS, xxx-xx-xx...
TARA A. WILLIAMS, xxx-xx-x...
THEODORE D. WILLIAMS, xxx-xx-x...
TRACEY J. WILLIAMS, xxx-xx-xx...
DONALD A. WILLIAMSON, xxx-xx-x...
SAMUEL J. WILLMON, xxx-xx-x...
RAMEY L. WILSON, xxx-xx-x...
BYRON C. WIMMER, JR, xxx-xx-x...
DAVID G. WINGET, xxx-xx-x...
NATHAN N. WINN, xxx-xx-x...
DAVID WISE, xxx-xx-x...
THOMAS L. WITT, xxx-xx-x...
DAVID E. WOJCZYNSKI, xxx-xx-x...
JONATHAN E. WOLFE, xxx-xx-x...
JASON A. WOLTER, xxx-xx-x...
ERNEST Y. WONG, xxx-xx-x...
JOHN D. WOOD, xxx-xx-x...
MARC D. WOOD, xxx-xx-x...
JOHN D. WOODALL, xxx-xx-x...
ALAN C. WOODMANSEY, xxx-xx-x...
CATHERIN A. WORFF, xxx-xx-x...
TIMOTHY G. WORKMAN, xxx-xx-x...
ANTHONY M. WRIGHT, xxx-xx-x...
JASON M. WRIGHT, xxx-xx-x...
MICHAEL F. YANKOVICH, xxx-xx-x...
TODD C. YANT, xxx-xx-x...
JASON A. YEE, xxx-xx-x...
ROBERT W. YORK, xxx-xx-x...
TERRENCE YOUMANS, xxx-xx-x...
DANIEL S. YOUNG, xxx-xx-x...
JAMES W. YOUNG, xxx-xx-x...
ROBERT E. YOUNG, xxx-xx-x...
VICTOR Y. YU, xxx-xx-x...
RICHARD H. ZAMPELLI, xxx-xx-x...
MICHAEL J. ZATLUKAL, xxx-xx-x...
JOHN J. ZAVAGE, xxx-xx-x...
PATRICK S. ZELLE, xxx-xx-xx...
LARS N. ZETTERSTROM, xxx-xx-xx...
GREGORY T. ZIEGLER, xxx-xx-x...
YIMA ZIKRIA, xxx-xx-x...
TRAVIS C. ZIMMER, xxx-xx-x...
JEFFERY W., ZIMMERMAN, xxx-xx-xx...
CHRISTOP M. ZINITI, xxx-xx-xx...
ANTHONY D. ZURESS, xxx-xx-x...

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT IN THE REGULAR ARMY OF THE UNITED STATES, IN THE GRADE OF CAPTAIN, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 531, 532, 533, AND 2114;

DAVID W. BARBER, xxx-xx-x...
JOHN G. BEAUMAN, JR, xxx-xx-x...
LINDA J. BELLAMA, xxx-xx-x...
JOSEPH G. BROOKS, xxx-xx-x...
DAVID A. BROWN, xxx-xx-x...

DAVIS L. BROWN xxx-xx-x...
JILL A. CATALANO xxx-xx-x...
STEPHEN J. CONNER xxx-xx-x...
ERIC A. CRAWLEY xxx-xx-x...
JOHN G. DEVINE xxx-xx-x...
MICHAEL D. DULLEA xxx-xx-x...
HERBERT P. FECHTER xxx-xx-xx...
LINDA L. FRACK xxx-xx-x...
WILLIAM C. FREY xxx-xx-x...
GREGORY M. FRYER xxx-xx-x...
TAD L. GERLINGER xxx-xx-x...
DOMINADOR G. GOBALEZA xxx-xx-x...
KENNETH A. GRIGGS xxx-xx-x...
RICHARD A. GULLICK, JR. xxx-xx-x...
THOMAS J. HEROLD xxx-xx-x...
GINA, KIMAHN xxx-xx-x...
MICHAEL T. LATZKA xxx-xx-x...
JEFFREY A. LEE xxx-xx-xx...
SEAN K. LEE xxx-xx-x...
JEFFREY C. LEGGIT xxx-xx-xx...
KENNETH K. LINDELL xxx-xx-x...
LISA M. LOVELLETTE xxx-xx-x...
BRUCE L. LOVINS xxx-xx-x...
STEPHEN R. LOWE xxx-xx-x...
PAUL T. MAYER xxx-xx-x...
ROBERT T. MCCLELLAND xxx-xx-x...
LEE A. MCFADDEN xxx-xx-x...
JOEL E. MEYER xxx-xx-x...
KHIEM D. NGUYEN xxx-xx-x...
ERIC M. OSGARD xxx-xx-x...
BARRY R. POCKRANDT xxx-xx-x...
CHRISTIAN POPA xxx-xx-x...
MAXIMILIAN PSOLKA xxx-xx-x...
ERIC G. PUTTLER xxx-xx-x...
THOMAS A. RENNIE, JR. xxx-xx-x...
JEFFREY A. RONDEAU xxx-xx-x...
DANIEL S. ROY xxx-xx-x...
BRADLEY W. SAKAGUCHI xxx-xx-x...
TERRY A. SIMMONS xxx-xx-x...
ARRON L. STACK xxx-xx-x...
MICHAEL J. SUNDBORG xxx-xx-x...
ALBERT W. TAYLOR II xxx-xx-x...
ANDREW W. THAYNE xxx-xx-x...
BRIAN T. THEUNE xxx-xx-x...
JEANNE K. TOFFERI xxx-xx-x...
TRENT J. TWITERO xxx-xx-x...
SCOTT D. UITHOL xxx-xx-x...
TODD J. VENTO xxx-xx-x...
DAVID P. VETTER xxx-xx-x...
DANIEL W. WHITE xxx-xx-x...
PATRICK WILLIAMS xxx-xx-x...
SCOTT C. WRIGHT xxx-xx-x...
MICHAEL P. WYNN xxx-xx-x...
DAVID C. ZENGER xxx-xx-x...